

THIS REALM OF ENGLAND 1399-1688

Second Edition

LACEY BALDWIN SMITH

Northwestern University

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Maps by Norman Clark Adams

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THIS REALM OF ENGLAND

1399-1688

A HISTORY OF ENGLAND
GENERAL EDITOR: *Lacey Baldwin Smith*

THE MAKING OF ENGLAND 55 B.C.—1399

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University of California, Santa Barbara

THIS REALM OF ENGLAND 1399—1688

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THE AGE OF ARISTOCRACY 1688—1830

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Yale University

BRITAIN YESTERDAY AND TODAY:
1830 TO THE PRESENT

WALTER L. ARNSTEIN
University of Illinois, Urbana

FOREWORD

Carl Becker once complained that everybody knows the job of the historian is “to discover and set forth the ‘facts’ of history.” The facts, it is often said, speak for themselves. The businessman talks about hard facts, the statistician refers to cold facts, the lawyer is eloquent about the facts of the case, and the historian, who deals with the incontrovertible facts of life and death, is called a very lucky fellow. Those who speak so confidently about the historian’s craft are generally not historians themselves; they are readers of textbooks which more often than not are mere recordings of vital information and listings of dull generalizations. It is not surprising that the historian’s reputation has suffered; he has become a peddler of facts and a chronicler who says “this is what happened.” The shorter the historical survey, the more likely it is for the textbook writer to assume godlike detachment, spurning the minor tragedies and daily comedies of men, and immortalizing the rise and fall of civilizations, the clash of economic and social forces, and the deeds of titans. Nimble he moves from the indisputable fact that Henry VIII divorced Catherine of Aragon and married Anne Boleyn to the confident assertion that this helped to produce the Reformation in England. The result is sublime but emasculated history. Men wept when Good Queen Bess died, but historians merely comment that she had lived her allotted three score years and ten. Anglo-Saxon warriors were sick with fear when Viking “swift sea-kings” swept down on England to plunder, rape and kill, but historians dispassionately note that the Norse invasions were a good thing; they allowed the kingdom of Wessex to unite and “liberate” the island in the name of Saxon and Christian defense against heathen marauders. British soldiers rotted by the thousands in the trenches of the First World War, but the terror and agony of that holocaust are lost in the dehumanized statistic that 750,000 British troops died in the four years of war.

In a brief history of even one “tight little island,” the chronology of events must of necessity predominate, but if these four volumes are in any way fresh and new, it is because their authors have tried by artistry to step beyond the usual confines of a textbook and to conjure up something of the drama of politics, of the wealth of personalities, and even of the pettiness, as well as the greatness, of human motivation. The price paid will be obvious to anyone seeking total coverage. There is little in these pages on literature, the fine arts

or philosophy, except as they throw light upon the uniqueness of English history. On the other hand, the complexities, the uncertainties, the endless variations, and above all the accidents that bedevil the design of human events — these are the very stuff of which history is made, and these are the “truths” which this series seeks to elucidate and preserve. Moreover, the flavor of each volume varies according to the tastes of its author. Sometimes the emphasis is political, sometimes economic or social; but always the presentation is impressionistic — shading, underscoring or highlighting to achieve an image which will be more than a bare outline and will recapture something of the smell and temper of the past.

Each book was conceived and executed as an entity capable of standing by itself, but at the same time the four volumes were designed as a unit. They tell the story of how a small and insignificant outpost of the Roman Empire hesitantly and not always very heroically evolved into the nation which has probably produced and disseminated more ideas and institutions, both good and bad, than any state since Athens. The hope is that these volumes will appeal both to those interested in a balanced portrait of the more discernible segments of English history — *The Making of England* (55 B.C.–1399), *This Realm of England* (1399–1688), *The Age of Aristocracy* (1688–1830) and *Britain Yesterday and Today* (1830 to the present) — and to those who seek the majestic sweep of history in the story of a people whose activities have been wonderfully rich, exciting and varied. Erasmus once wrote, “The important thing for you is not how much you know, but the quality of what you know.” In this spirit these volumes were originally written and have now been revised, not only to keep pace with new scholarship but equally important to keep them fresh and thought-provoking in a modern world which is becoming both more nostalgic and impatient of the past.

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1970

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1 The Curse of Disputed Succession

The Fall of Richard II (1377–1399)

There is nothing quite so satisfying as a good, clean, substantial fact. It can be cherished and recorded, memorized and scrutinized, dropped casually in the middle of a conversation, or used with impressive effect to begin or destroy an argument. It is indeed a fact that Richard Plantagenet, King of England, died during the first weeks of the year 1400. On closer inspection, however, it is by no means certain that this event is one of those tidy and unadulterated facts, devoid of controversy and free from confusion and mystification. The manner of the royal passing remains in doubt; whether Richard II was strangled, starved, or “perished heart-broken” of sheer melancholy is very much in dispute. Moreover, the fact of the King’s death, though a matter to be recorded, attains historical significance only in terms of what went before and after. In death Richard was infinitely more important than in life because of another not so simple fact: he was the last of the legitimate Plantagenet kings of England.

Richard’s failure, abdication, and death have been confounded by another image. The fertile genius of William Shakespeare has conjured up the spectre of an introspective sovereign whose boastful words and eloquent appeals to God’s law and the divinity of kings concealed both political timidity and moral obtuseness. Only in recent years has Richard Plantagenet been dissociated from Richard the fumbling, incompetent neurotic, whose inept urge to tyranny was translated into grand tragedy by the magic of the poet’s verse. Richard, the historical reality, was the victim of the

There is no adequate political survey of the fifteenth century. The weightiest but least readable is E. F. Jacob, *The Fifteenth Century* (1961); the most readable but least reliable account of court gossip and royal antics is T. Costain, *The Last Plantagenets* (1962); a better book is A. R. Myers, *England in the Later Middle Ages* (Pelican Books, 1952). By far the best work on constitutional history is S. B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (1936). A more complete bibliography can be found in the back of this volume.

political mores of his time and of the fair words and broken promises of the man who replaced him on the throne and who engineered his "abdication."¹

Richard's failure reflects the basic confusion and instability inherent in medieval political theory and governmental organization. The legal position of the feudal monarch was summarized in the oft quoted words of Henry de Bracton: "the king himself ought not to be subject to any man, but he ought to be subject to God and the law." The unsolved riddle of politics was how the sovereign could be both limited and unrestrained, above man but under law. The dilemma was further complicated by the presence of a body of powerful barons who regarded themselves as the rightful watchdogs of government but whose definition of good government was sometimes synonymous with no government, and who were at pains to emphasize the dependence of the sovereign upon law as interpreted by themselves. Conversely, the aim of every great feudal monarch had been to be master in his own house, and to free himself from the factional and irresponsible interference of men, especially noblemen. As the fountain of justice, the medieval king sought to administer law and justice impartially and to root out the private law of strong and violent subjects who championed a mixture of the divine right of aristocracy and the doctrine that might makes right. That Richard had a surfeit of uncles in the shape of the dukes of Gloucester, Lancaster, and York was embarrassing but not necessarily fatal. More fundamental was the question of the king's council — was it to be an instrument of baronial rule through which the magnates could control both king and realm, or was it to be a weapon of royal authority, filled with men of the monarch's choosing, and exercising and enforcing the king's law throughout the realm?

The memory of Edward II, who had been forced to abdicate in 1327 and then had been murdered in the name of good government, together with the prolonged conflict with France in which Edward III had to rely upon his barons to fight even a losing war and a decade of minority rule under Richard II, who had come to the throne in 1377 as a boy of ten, all had swung the governmental balance heavily in favor of baronial control. In 1397, however, Richard II struck out both against his uncles and against the weight of aristocratic influence in his council and government. In a rapid coup d'état he destroyed the authority of his baronial masters, the so-called Lords Appellant of the King's Council. His uncle, the Duke of Gloucester, was imprisoned and quietly smothered, the Earl of Arundel was publicly tried and executed for high treason, and the Earl of Warwick was exiled to the Isle of Wight. Then in order to build an aristocratic faction loyal to himself, Richard created five new dukedoms

¹ Most of this story and the interpretation of Richard II have been taken from H. F. Hutchinson, *The Hollow Crown, a Life of Richard II* (1961). For two other quite different views see A. Steel, *Richard II* (1941) and Shakespeare's *Richard II*.

from the lands and estates of Gloucester and Warwick. Whether this was tyranny or merely the efforts of a monarch determined to be master in his own council is not a question of fact but of opinion. Richard failed and the dynasty which followed him on the throne branded his actions as tyrannical and despotic. Yet it may be well to recall the words of the proverb: "Treason never prospers, what's the reason? Why if it prospers, none dare call it treason."

Rightfully or wrongfully, Richard placed a dangerous interpretation upon the formula that the sovereign should be subject to no man. His enemies claimed that he voiced the extreme doctrine that "laws were in his own mouth and frequently in his own breast and that only he himself could change and make the laws of his realm." More dangerous yet, in February of 1399, he translated theory into practice when, on the death of his uncle, John of Gaunt, Duke of Lancaster, he confiscated the estates and dignities of the Duchy of Lancaster. From one perspective Richard's actions fitted the pattern of strong medieval kingship — the extension of royal authority and the destruction of provincialism, privilege, and private law. The Duchy of Lancaster was in effect a state within a state where the old Duke had maintained his own council and exercised his own justice, and where royal writs held no authority. Stated differently, Richard committed an act of unmitigated tyranny. He ignored the ancient constitution which said that "to the king belongs authority over all men, but to subjects belong property." He denied to his cousin, Henry Bolingbroke, Earl of Derby and son of Gaunt, his rightful inheritance.

When Richard seized power in 1397 from the Lords Appellant, he did not touch, but he had not forgiven, two other important noblemen: his cousin, the Earl of Derby, and the Duke of Norfolk, both of whom had been associated with the Lords Appellant in their rule of England. In 1399 Norfolk and Derby fell out, and the Earl accused Norfolk of complicity in the murder of the King's uncle, the Duke of Gloucester. The truth of the accusation has never been settled, nor was the voice of the deity allowed to decide the issue, for, though a trial by combat was ordered, Richard called off the ordeal and exiled both noblemen — Norfolk for life and Derby for ten years. The King, however, promised the exiles that their right of inheritance would be recognized. When Richard sequestered the lands of old Gaunt, he broke his bounden word, and in denying the right of Derby to inherit from his father, Richard touched the most sensitive chord in all men of property. Shakespeare may have misrepresented the mainspring of Richard's character, but he does not overstate the case when he has John of Gaunt turn to his royal nephew and exclaim: "Landlord of England art thou now, not king!" The duty that a subject owed his sovereign was placed in doubt when the monarch himself violated the rights of his peoples. So when Henry Bolingbroke, Earl of Derby, returned to England in defiance of the King's will in order to claim his inheritance to the dukedom of Lancaster, he landed not as a traitor but as a liberator who could call upon

the support of all men who sought to safeguard their rights from the encroachment of arbitrary government.

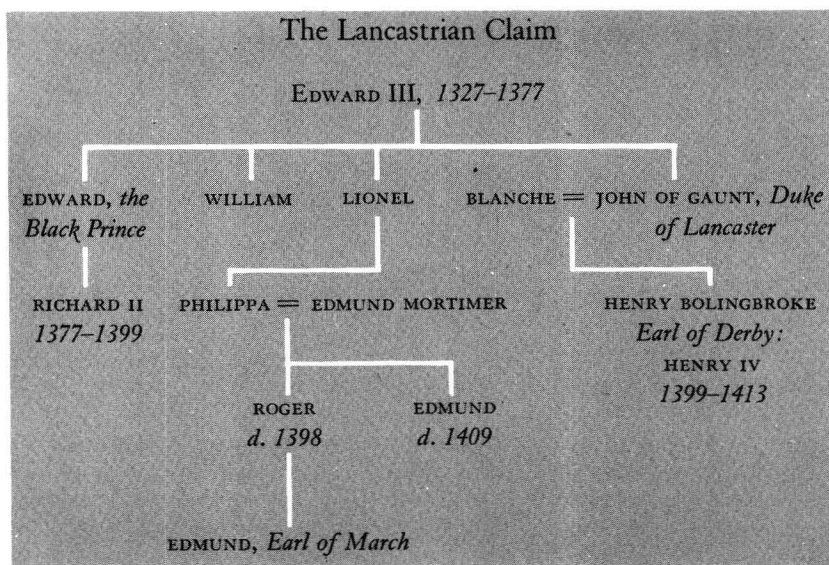
Returning from exile, Henry landed at Ravenspur on the 4th of July, 1399, and immediately proclaimed to the four corners of the realm his rightful claim to the Duchy of Lancaster. The response was overwhelming; dangerously so, since many of the great baronial clans — the Percys of Northumberland and the Nevilles of the northern shires — lent their support, not so much to win Bolingbroke his ducal title as to seize for themselves the control and direction of government and to secure their independence from royal interference in the conduct of their own affairs.

Suddenly Richard found himself alone at Conway castle in northern Wales, facing an army thirty thousand strong. Shakespearean legend has it that Richard meekly bowed to the inevitable and allowed himself to be led captive into the presence of his cousin of Derby. In reality, Richard's surrender involved Bolingbroke's deceit, not the King's spinelessness. Conway castle was a military stronghold with escape by sea to Ireland and France, and it was by no means easy to induce the King to leave the safety of his fortified port. As yet Bolingbroke had made no claim to the throne, and he sent Henry Percy, Earl of Northumberland, to offer terms and lure Richard from his sanctuary. Derby, who now styled himself Duke of Lancaster, demanded recognition of his rightful inheritance and the surrender of five of the King's council to be tried before a full parliament. Growling darkly that he would "flay some people alive," Richard agreed to his rival's terms and accepted Northumberland's promise of safe conduct to London. Once enticed from Conway, the King was ambushed and taken to the Tower, where he was "guarded as strictly as a thief or a murderer."

The seizure of a king is one thing; legally to remove his crown is another. By what authority could the anointed king be dethroned and divested of the spiritual powers conferred upon him by God? The question facing Henry was how to legalize a revolution. With Richard securely in the Tower of London, his first step was to reorganize the royal court and council, removing his enemies and rewarding his friends. Actually there was surprisingly little change in administrative personnel, which casts doubt upon the Lancastrian claim that the crown was usurped in the name of justice and honest government for the realm. More significant was the appointment of those two colleagues in arms, Henry Percy, Earl of Northumberland, and Ralph Neville, Earl of Westmorland, to high office — the one as Lord Constable, the other as Lord Marshal.

Control of the machinery of government still did not give title to the throne. Henry now had to come out into the open and publicly claim the crown. Three roads were open to him — he could claim title by family descent, by parliamentary decree, or by right of conquest. The Duke's hereditary claims were chimerical from the start, for if there was a legal heir to the throne it was not Henry of Lancaster but the eight-year-old Edmund Mortimer, eighth Earl of March, who was Edward III's great-great-grandson

by his third son Lionel, Duke of Clarence. Henry was closer to Edward III in generations but more distant in legal descent since his father was John of Gaunt, Edward's fourth son. The best that the new government could do was to accuse Richard of "perjuries, sacrileges, unnatural crimes, exactions from his subjects, reduction of his people to slavery, cowardice, and weakness of rule," and to demand that he be deposed by "the authority of the clergy and people." Dimly, hesitantly, a new and pregnant concept was being voiced — that a king could be tried and deposed by a parliament which presumably embodied the "authority of the clergy and people." There were, however, serious drawbacks to claiming the throne on the basis of a parliamentary mandate. Historically, parliament could be activated solely by authority of the crown; it could only be summoned by the king; and it could act only if it had been convened by legal writs of summons. In deposing the monarch, parliament was in effect destroying itself, and once the sovereign had been set aside it was highly questionable whether parliament retained sufficient legal authority to bestow the crown on anyone, let alone Henry Bolingbroke.



If the constitutional issue was obscure, the danger to Henry in claiming his throne by grace of parliament was manifest. The Duke was already sufficiently beholden to the great lords for their military assistance against Richard, and he was at pains to suppress any notion that he had received his crown as a gift, given him on the basis of baronial authority in parliament. Henry insisted he was king by right of inheritance and conquest,

although the former was the sheerest fabrication and the latter was darkly suspect in the eyes of constitutionalists who wondered how Bolingbroke could justify his actions against Richard on the grounds of law and yet deny to his royal cousin his legal right to be king.

England in the summer of 1399 had to have a king who could rule. Right, in the person of the reigning monarch, was powerless; but might, in the guise of the Duke of Lancaster, lacked the mantle of legality. Under the circumstances the best compromise was to engineer an abdication in which Richard II would step down of his own free will; Richard's own parliament, legally summoned, would declare his throne vacant; and Henry would claim the crown by right of lawful descent. On these foundations the Lancastrian legend was concocted. Richard cheerfully (*hilari vultu*) abdicated his sovereignty and surrendered his signet seal to Henry. In fact, there is no evidence of cheerfulness, only of an angry and embittered man who had been denied fair trial and had been ordered to sign on the dotted line. Next, on the thirtieth of September, parliament was assembled to acknowledge the abdication and declare Richard as being "utterly unworthy and useless to rule and govern the realm." In fact, the parliament convened was no legal body since it lacked a legal king and its members were heavily outnumbered by a disorderly host of London citizens, most of whom were favorably disposed to the Lancastrian cause. At best the assemblage which met at Westminster might be called a convention or *ad hoc* parliament; at worst it was a gathering collected to lend the appearance of legality to outright revolution. Finally, Henry rose and "challenged the throne," stating that "God of His grace" had sent him with the aid of his friends and kin "to recover" the crown of England and to claim it as his due right. On October 13 Bolingbroke was crowned king and anointed with the "true" and sacred oil used at the coronation of Edward the Confessor. The fact that the oil had been conveniently rediscovered just in time for the ceremony casts doubt, if not upon the efficacy, at least upon the authenticity of the fluid. Henry was now king by God's grace, and Richard became "Sir Richard of Bordeaux, a simple knight." The only remaining impediment was the physical existence of Sir Richard, who was helped to a "natural" death within five months of his cousin's coronation.

Henry IV (1399–1413)

The right by which Henry IV ruled was uncertain. The new monarch insisted it was God's will as revealed by blood and war, and he was careful never to suggest that he owed his throne to the will of "the clergy and people." Yet it is significant that the new dynasty was solicitous of the opinion of both church and parliament. Force of arms had placed Henry upon the throne, and he would have to fight again and again to keep the crown upon his head. The new monarch claimed all the

rights and prerogatives of his predecessor, but a precedent, nevertheless, had been established: a legitimate king had been forced to abdicate and had been replaced not by a legal heir but by an overmighty subject. Once the house of Lancaster faltered in its power, the curse of disputed succession would haunt the English throne. Henry's victory was not so much the triumph of law and justice over tyranny as it was a giant stride in the direction of royal and governmental subservience to aristocratic domination. A Neville and a Percy had been instrumental in elevating a baronial colleague to the throne; within three years Percy would endeavor to help him down again, and within two generations another Neville would bear the name of kingmaker.

The man who assumed the burdens of monarchy in October of 1399 was a veteran of forty-two, skilled in war and government. The first step in Henry's newfound royalty was to free himself from the many "friends" who expected rich rewards for their services. The King's original council was aristocratic in composition, reflecting the influence of those "natural councillors" of the crown who claimed a seat on the royal council on the grounds of birth, breeding, and services rendered. During the first year of the reign an average of fifteen barons were invited to attend, but the number rapidly fell to seven while the proportion of professionally trained administrators steadily rose. The new monarch drew heavily from those who had run the Duchy of Lancaster, and the three most important governmental posts — the Chancellor, the Treasurer, and the Keeper of the Seal — were all filled with humble but loyal servants of the King. Yet no matter how hard he tried, Henry IV was never able to free himself entirely from baronial influence and interference.

The same was true of church and parliament. Immediately after his coronation, Henry called a new parliament in his own right and a new convocation of the clergy. In the latter, he tried to win ecclesiastical support for his dynasty by promising to exterminate the heresy of Lollardy; in the former he was more demanding, and insisted upon a tax on the export of wool for a period of three years. The King's relations with his parliaments throughout the reign were rarely harmonious. Even with the addition of the revenues from the Duchy of Lancaster, Henry was financially more dependent upon parliament than his predecessors had been. A multitude of baronial "friends" had to be rewarded with fat annuities and grants taken from crown lands, while those who demanded too much had to be destroyed, an even more expensive procedure. Richard's income had averaged over £100,000 annually; Henry rarely equaled this figure, yet his expenses during the first eight years of the reign rose to £140,000 a year. The difference or the deficit was financed through parliamentary taxation in the form of direct taxes, called grants, imposed on land, or by an export tax on wool and import and export duties known as tunnage and poundage. The dilemma of all feudal governments was the fact that financial reality did not correspond to political theory and even a strong monarch could not finance his government from his normal or private sources of revenue. In other words, he could