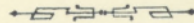


THESIS.
THE NORMAN INFLUENCE.

BY

LOTT R. HERRICK.



FOR THE DEGREE OF



SCHOOL OF ENGLISH AND MODERN LANGUAGES.

1892.

Just what the influence of the Normans on the English was, has long been a question of dispute and is not one that can be easily settled or decided upon without careful study and research.

Perhaps it would be well for us to trace the history of these two people prior to their meeting upon the English soil!

The Anglo-Saxons are supposed to have been a portion of that second wave of migration, which starting in Asia, swept across Europe. We find the first traces of the Angles and Saxons in what is now known as Germany, along the Elbe and Rhine. Here they were noted for their independence and daring.

Fearless and venturesome they delighted in war and conquest, and made frequent incursions among the neighboring tribes.

They had numerous banquets where mead was drunk in large quantities, and the spirit and enjoyment of the occasion

was enlivened by war songs and bloody tales of conquest, of encounters with ferocious monsters and dragons.

They were continually cruising in the Sea with their piratical bands seeking new fields to conquer and to rob. Frequent descents were made by them upon the coast of England, then occupied by the Celts and at last in despair the Celts tried them to assist in repelling the marauding bands of Scots and Picts.

The Hugas and Saxons were stationed at Thanet and were successful in the war against the northern invaders, driving them from the country.

The Saxons sent word to their brethren on the continent of the comforts and luxuries of the island and soon another band came to join the first, more soon followed. War arose between the Celts and Saxons, in which the latter were victorious and founded their first kingdom in Kent in A. D. 560. This rapidly grew and became firmly established, the Celts being gradually absorbed by the Saxons, until they were united into one race with

kindred instincts and characteristics.

The kingdom rapidly grew, and literature and learning flourished. The Saxons successfully repelled all invaders. Except in the eleventh century when the Danes triumphed over them for a short time, but they soon lost their supremacy, and the Saxons were once more the masters. Many however had fled for safety to the continent during these onslaughts of the Danes.

Let us now leave these people for a while and turn our attention to the Normans. They were also members of the same tidal wave which carried the Angles and Saxons into northern Europe. The Normans however did not remain here but gradually worked their way north to the Scandinavian peninsula, where they dwelt and preyed upon the surrounding tribes. Here they were known as Northmen.

They were great lovers of the sea, delighted in war and conquest. Shrewd and daring, they were a terror to all whom they encountered and were known commonly as the "pirates"

It was their great delight to man boats and descend upon the defenseless inhabitants of some adjacent region, during the fiercest storms, rob and pillage them, in the midst of their great fright, burning and destroying what they could not take with them.

The first Norman, of whom we have any account in connection with this subject, was Rollo, who sailed along the coasts and plundered all whom he met.

It was the custom of the sailors, when the supply of rations on the vessel ran low, to stop off some neighboring coast, capture an unguarded flock, slay it and load their vessel. This was called the "strandhug". Rollo once did this and complaint being made to the king, Rollo was banished.

He joined a band of Norwegian pirates and voyaged along the coasts of Europe and the British Isles. His band landed on the Eastern coast of England, here they met with a stubborn resistance, but succeeded in passing the winter. In the spring they sailed across the channel to Southern France.

Here after a short struggle Rollo settled. More Normans soon came and they made this country their home. They adopted the French language and customs, soon becoming thoroughly adapted to their new surroundings.

Communication was established with England and friendly relations assumed. The Danish princes made this country their place of refuge when they were driven from England by the Danish conquest.

Among these princes was Edward, a refugee in Normandy, son of Ethelred who had married a Norman. At the close of the Danish reign, word was sent to Edward that he had been elected king on condition that he would return and bring with him but a small number of Normans.

Edward complied with the request and was made king in Winchester Cathedral in A. D. 1066. He married Edith a daughter of Godwin, father of Harrold, who afterwards became king.

Edward favored the Normans and made these whom he had brought with him, officers in his kingdom, preferring the French tongue to the Saxon. The Normans continued to come over in small numbers and were always heartily welcomed by Edward, who showed a preference for their company.

This caused considerable discontent among the Saxons who did not enjoy seeing a foreign race the favored one in their own land.

King William of Normandy paid England a visit in 1051 and was treated with great warmth and cordiality by Edward. He was highly pleased with the kingdom.

On Godwin's death in 1054, Harold became commander of the regions south of the Thames. He was greatly loved by the Saxons and a favorite as well with the King.

However, he became seized with the idea, that there was no longer any reason for William of Normandy, holding the hostages given him by the Saxons and that he would go after

them. One of these hostages was his brother, the other his nephew. On this errand he started in 1065, against the protest of the King.

William received him royally and was apparently very glad to see him. He insisted on his staying but appeared happy to surrender the hostages. Harold traveled and rode on many excursions with William, accompanying him in an expedition into Brittany.

William was very friendly and in talking about King Edward, remarked that Edward had promised him one day that if he ever came to the throne of England he would make William his heir. William asked Harold to assist him. He attempted to evade the question but at the same time was compelled to consent mildly. When he was about to depart, William called his council together and had brought in a large number of human bones and relics, covering them with a cloth.

Harold came before the duke to bid him farewell and was

asked to repeat his promise which he did, unaware of the ghastly relics concealed beneath the cloth. It was the law of the Church, that an oath of this kind made on human bones was binding, whether forced or not.

Harold returned to England with his nephew, leaving his brother with William as a hostage for the fulfillment of his promise. Edward learning of the rash promise was greatly worried and soon afterwards died.

Harold succeeded to the throne and at once encouraged all Saxon customs. The Normans in England sent word to those in France that Edward was dead. William at once despatched a messenger to Harold with the following message: "William, Duke of Normandy sends to remind thee of the oath which thou hast sworn to him with thy mouth, and with thy hand upon good and holy relics."

To this Edward replied that he had taken the oath under constraint and that his royal authority would not per-

mit him to surrender the kingdom. To this William answered, reproaching Harold for his bad faith and kindly asking him to keep his word, but Harold refused.

William then declared that he would come and take the kingdom and had the Pope enter a decree against Harold for his treachery and excommunicated him and all his adherents.

He at once raised an army and sailed to England with 6000 men gathered from Normandy and the surrounding provinces.

Landing September 28th, 1066, he began pillaging and devastating as he marched inland; Harold hastened to meet him; on the eve of the battle the forces camped about two miles apart. Here the different characteristics of the two races were shown, the Anglo-Saxons passing the night in feasting, singing and drinking; the Normans in religious worship and rest.

At first the Normans could do nothing, but simulating

flight, they conquered by strategy and Harold fell mortally wounded.

William at once marched to London and proceeded to have himself made the King after the legal custom and was crowned by Eldred, Archbishop of York. This was done in order to make his rule have the appearance of legality and not merely a usurper of the throne and an adventurer who had come merely for spoils.

The effect of the defeat upon the Saxons was terrific, all their greatest leaders had perished in the battle, and it seemed for a time as if they could not survive the blow. The relations between the victorious and the vanquished were from the first hostile and extremely bitter; plots were made to depose William, but failed through lack of a strong leader to carry them out and the conspirators were at once put to death without any mercy being shown them.

A famine in 1070 occurred on the island and brought

death and destruction to thousands, breaking the spirit of those who still rebelled and fought the rule of the Normans.

The kingdom was finally reduced in 1080 to a regular order and the government firmly established.

After the battle of Hastings, William, as soon as he was made king proceeded to organize a feudal government but made all his lords subservient to him. Nor did he allot them their land all in one body but distributed it in parcels, different portions being located in different sections of the country.

He confiscated all the estates of those who had in any manner assisted the Saxons, and had their sons disinherited.

Immediately after the apportionment of the land the Normans proceeded to take possession of some slain Anglo-Saxon lord's mansion and make it his own. Or in case the Saxon had not been slain he was forced from his estate, leaving it to the greedy Norman.

The Normans began to surround themselves with cas-

thes and stone forts. Everywhere over the land stone walls arose heavenward as if by magic. It seemed as if some nation of architects, had suddenly descended upon the island and made it their working ground. Now were these structures simply huge piles of stone loosely thrown together, but were of symmetrical proportions and of pleasing outline.

The Saxons were content to live in simple houses or hovels and delighted in drinking mead and in noisy carousals, happy when feasting.

On the other hand the Normans were believers in the beautiful and sublime, preferring to live simply in fine mansions, surrounded by beautiful objects, than to live a nomadic life.

These manors were of an entirely different design from anything to which the Saxons had been accustomed. Here we find a style of architecture between the Gothic and the stern Roman. The rose window, even now popular, was

a prominent feature in the new edifices, while they were adorned with circular arches over stone columns, and decorated with mouldings.

The Saxons were at once leveled to a state of slavery and men, who had once held responsible positions in the kingdom, were reduced to common servitude. The Normans lived in wealth and opulence, the Baron in poverty and squalor. They were immediately placed at work on the building of the Normans but received no compensation therefor, being compelled to labor for their living.

This however did not kill the strong love of freedom within them but only served to kindle it into a brighter flame, which burst forth later on and brought out the new race from the chaos in which they had so long existed.

Every nation early in its history has had some peculiar form of government by which it was distinguished. The Saxons were content to eat, drink and be merry, caring

little for the morrow with its cares and sorrows. Each lord ruled as a king, but when William came affairs changed; a lord received his land from the king and was bound to him as a vassal, swearing allegiance to him. With his estate there were restrictions which prevented him from gaining too much authority. So that it was the king was supreme both in name and in fact. This system of feudalism continued here, fostering chivalry and respect of women until the downfall of feudal government.

No nation can live without a religion and this religion must have a controlling power, under whose authority all the officers work towards a common goal. The Saxon religion was independent of restrictions and the monks had become careless and ignorant but with the Normans come French monks of culture and learning, who took the places of the deposed Saxons and heightened at once the standard of morality and virtue, teaching that a monk must live

a pure and holy life in the sight of God and man.

Throughout the land monasteries were built and filled with monks who were among the most highly educated people of that time and who exercised over the Barons a mighty influence, teaching them that while a life of toil was noble, yet it could be made happier by education and that mental training is a rich possession which all can enjoy.

Creasy says that a nation's civilization is to be measured in proportion to the rights which the weak possess as compared with the strong, and that a nation in which weak and strong stand on the same common ground is a nation in a highly advanced state of civilization.

As a people become civilized they establish a code of laws by which they are governed, and in case of any violation of these occurring, the government will act and punish the offender, if the violation is of a criminal nature, if of a civil character the rights of the wronged one will be restored.

him to enjoy as in his first and former estate. But together with the advance of civilization there will be established a prescribed form of government by which the people of a nation are to be ruled.

In the early days of the Anglo-Saxon the king was absolute in his power. His might was right, for the king could make no mistake and his infallibility was not questioned by his followers. All believed in the divine right of kings and were ready to do his will and obey his commands, carry out his every wish no matter what the result; but gradually affairs began to take on a different form, the people at length learned that the king was but human.

They then longed to have a voice in the government and to be represented in the affairs of the kingdom. The Saxons had councils, yet they were not so near the people as they should have been and feared the power of the king. At length in 1215 the barons together with the middle

class of the English forced from John, whose rule was unusually tyrannical the Magna Charta, which is the foundation of all English law. This great charter of which every English man feels proud, was the direct work of the Normans.

The principles which it laid down are the basis of the great system of England's law today and its clauses "That the Church of England shall be free and have her whole rights and liberties inviolable"; secures to the English people the freedom of religious worship of which they are so proud today and which has withstood the crucial test of religious wars.

The right of every man to a fair and impartial trial is also embodied in clauses 39 and 40. "No free man shall be taken or imprisoned or disseized or outlawed or banished, or any way destroyed, nor will we pass upon him, nor will we send upon him unless by the lawful judgment of his peers, or by the law of the land". "He

will sell to no man, we will not deny to any man, either justice or right.

These are known as the "essential clauses" of the great charter, being those which "protect the personal liberty and property of all freemen" by giving security from arbitrary imprisonment and arbitrary spoliation.

It is these two clauses which interpreted by any honest judge in equity and good conscience will guarantee an ample security to the rights which every English born citizen holds dear. From this it followed that no man, as had heretofore been frequently done, could be unlawfully detained in prison. For by the law, equal justice and liberty were therein granted to all men.

The day of false arrest and imprisonment, at the instance of some mighty monarch, were legally at an end, as there followed immediately in the wake of this provision, the habeas corpus act, which provided not only by

trial by jury but for an immediate and speedy trial.

The Daxons had provisions for trial under restrictions, by which one could be tried by a jury of his peers but never before in England had the written right to a trial by one's equals been given. This was an almost effectual safeguard against judgment without a hearing or of trials which were merely farces. No longer could the strong overpower the weak and legally oppress them.

"We will sell to no man, we will not deny to any man either justice or right."

This last clause assured to rich and poor equal justice and equity. Making a solemn compact that all should have equal privileges. While it is true that this has not always been the case, yet this warranty that equity shall be within the reach of all has long been the boast of the English people and justly so.

Among the Daxons the cruel law existed that a person

who had been convicted of a crime for which the penalty was death was at every man's mercy. Everyone had a right to slay him, he was considered as a beast of prey whom any man could destroy. But with the Normans the harshness which this law worked was apparent and in the reign of Edward III we find a provision to check this inhuman practice. "That none shall be outlawed, exiled or in any way destroyed."

This provided that the sheriff alone could execute the death sentence and this provision we find today not only in England but in our own country as well. So it is that human life came to be held more sacred in the eyes of the law and the cruel nature of man was sought to be restrained.

To preserve the rights of the young heirs of a deceased person has long been the goal toward which our laws have striven. The Saxons in the latter part of their rule sought to provide for this but by the Normans we find the laws

outlined, stating the manner in which minor heirs and their property should be protected. These provisions are almost identical with our common law of today touching upon minors and guardians. Holding as then that the guardian should keep a true and correct account of his acts and doings as such guardian, and should be allowed a reasonable compensation therefor.

The widow's dower was also assigned her, and she was no longer, as in the Daxon times, compelled to pay a fine on becoming endowed, but her rights were assured her and a just provision made for her welfare.

As the civilization of a country increases its commercial relations extend, and with this comes the necessity of Courts of law to settle the differences regarding questions of fact and interpretations of statutes. In the early Anglo-Daxon days we find the name "township" applied to a lord's domain. The township was divided into subdivisions.

ions called the "hundred" and the "shire".

Each township elected a reeve or gerefa and four good men who represented the people in the courts of the hundred and the shire. Each hundred held its court monthly and the shire court was held at least once a year. The shire court was commonly known as the County court. These courts were the only ones by which the people were governed during the Anglo-Baron rule, an appeal from them going to the "Witenagemote" the supreme court of the kingdom.

With the Normans a new order of affairs was instituted. The County courts were disregarded and William established at his castle a constant court called the "Curia Regis". This was composed of his highest officers and barons, the principal minister of the state presiding over them and called the Chief Justiciar.

With the three Edwards great changes were instituted. They established the three superior courts of law, which

exist in England today, namely, the Courts of Assize, House of Lords, and the Court of Chancery.

Edward I, secured to the Court of Common Pleas, all suits between private individuals, pleas of the Crown to the King's Bench, and of Revenue to the Exchequer.

Here also we find our modern Circuit Courts in the embryo state. Judges were appointed to make certain defined circuits and to try all cases that were ready for trial by going thus abolishing delay and saving great expense to the people, as otherwise the matters in litigation would necessarily come before the King's Court at Westminster. A system similar to this we find today throughout the whole country, only that the powers and duties of this Court have been greatly increased.

Formerly the House of Lords had jurisdiction in almost all cases, but under Edward I, this was discontinued and the House became as it is today, only a

Court of Appeal, with the exception of a few defined cases.

One of the greatest institutions which we today have is our Court of Chancery. This is true in England as well as in America. Certainly, its powers have changed considerably from that originally possessed by it, but it is essentially the same in principle. Now Courts of Chancery are resorted to where the Common Law does not apply, but formerly actions in assumpsit and debt could be commenced by writ of Chancery instead of by the process of modern times.

With trusts of real property come the Court of Chancery and to Edward III, the honor of establishing this court has been given. Formerly the Chancellor, after whom the court was named, was the keeper of the Great Seal and issued writs and processes, but with the new court he became a magistrate, retaining his title of Chancellor.

Thus it was that one of the most perfect judicial systems of the world was established and laws which were warranties of equal justice to all came about through the efforts of the Normans.

The Parliament of England is believed by the modern Englishmen to be the most complete representative of the people that can be devised.

We find the Saxon kings advised by the Witenagemote a body composed of the highest officers of the king.

The Conqueror had a body of advisers in the persons of his barons and men of military rank. To both of these sources has been attributed the origin of the English Parliament.

Gradually members of the Church and the tenants became members of this body and the people were imbued with the idea that they were entitled to a representation in the government.

At length in 1265, Simon de Montfort, summoned a Convention in Henry's name, in which a representation of boroughs was created, and from this the borough representation was firmly established, and Parliament was formed, which naturally divided itself into two houses by the affiliation of the borough representatives with the knights of the shire; this union being denominated the House of Commons, while that hereditary was the House of Lords.

This body became very powerful and no monarch could well afford to cross swords with this stately organization and today it is the power behind the throne which preserved the right of a just and true government to the English people.

Do it is that to the Normans are the English people of our own time, indebted for the truly great constitution and laws by which they are governed. As Lord

Coke has said "It is to the English Barons, that we are indebted for the laws and Constitution which we possess. Their virtues were rude and uncultivated but they were great and sincere. Their understandings were as little polished as their manners, but they had hearts to distinguish right from wrong, they had heads to distinguish truth from falsehood, they understood the rights of humanity and they had spirit to maintain them."