

changed the old Anglo-Saxon system of government that had existed in England. More important, he introduced centralized feudalism into England. With this system, William required all nobles to become his vassals and to swear an oath of allegiance directly to him. He also broke up the largest feudal holdings of the nobles and distributed the land to his vassals. William further increased his power by requiring all freemen of England to bear arms for the king so that he did not have to rely on his nobles' armies. If a noble revolted against the king, William had his own army to crush the rebellion.

William also added to his sources of money. He ordered a census, an official count, of all the taxable wealth in his kingdom. Census facts were gathered into the *Domesday Book*, a listing of all property owned by English people, which today gives an excellent picture of 11th-century England.

England was not a unified nation in 1066, and William did not make it one. Yet, William did lay a firm base for a strong monarchy in that country.

Henry II improved the legal system.

William and the three kings who ruled after him are called the Norman kings because of the region in northwest France from which William had come. (For a complete list of rulers, see page 802 in the Reference Section at the back of this book.) After the Norman kings, England came under the rule of **Henry II**, the founder of the Plantagenet [plan taj'ə nit] dynasty. Henry II was the son of William's granddaughter, Matilda, who had married Geoffrey Plantagenet, the count of Anjou in France. Thus continued the link between the English royal house and France.

The reign of Henry II (1154–1189) was one of the most important in English history. Henry was determined to unite all of England under his rule. He wanted all the people to look to him and to their national government for justice and protection. To do so he made three major reforms that had lasting importance for our own legal system.

Common law. Henry II made his royal law the law of the land. Because royal law was the same for everyone, it was fairer than the many different kinds of law in use during this period. Over time,

the royal law became known as **common law** because it was applied equally to all people throughout the country. Common law was based on custom and court decisions and is the basis for the law used today in most of the United States and in other nations that were once English colonies.

Circuit courts. Henry II followed an old custom of sending judges on regular tours all over the country. These traveling judges combined local legal customs with legal opinions from the king's court to form their decisions. These decisions, in turn, formed the basis of the common law. Judges who went from place to place were strangers in each district, so they were not open to bribes, threats, or feelings about friends. As a result, the law became fairer and the quality of judicial decisions improved. In addition, the king—as the dispenser of justice—became more powerful.

These traveling courts became known as circuit courts because each judge followed a regular circuit, or route. An important part of the English judicial system today, this practice was also the basis of the U.S. circuit court system.

The jury system. The first juries were men who came before a royal judge to accuse someone of breaking a law. The accusers only brought charges, they did not decide whether the person was guilty. From this early jury came the grand jury of today. The grand jury decides whether enough evidence has been presented against the accused to permit holding that person for trial. About a century after Henry's time, another kind of jury came into use. It heard evidence and decided on the guilt of the accused. This kind of jury is called a petit jury or trial jury. The word *petit* comes from the French for "little."

Henry II was an able ruler who contributed greatly to the growth of a strong monarchy and the law. However, his success in making his royal courts stronger than those of the nobles was not equaled by his attempts to make his courts more powerful than those of the Church.

The Church fought Henry's moves because it resented his interference with the system of Church courts. Henry believed that Church courts were often too easy on offenders, and he wanted all his subjects to be ruled under one system of justice. His stand led to a famous quarrel with the Church.

Thomas à Becket, archbishop of Canterbury, opposed Henry. As a result, some of Henry's knights murdered Becket.

Although there is no proof that Henry actually ordered the murder of Becket, Henry's enemies believed that he approved and perhaps arranged the murder. Henry's role in Becket's death remains one of history's great mysteries. As a result of Becket's death, nobles and the Church were greatly angered and Henry's cause was hurt. His dream of one system of justice was not realized until after the Middle Ages.

The Magna Carta stated some basic rights.

Henry II's youngest son, John, became king in 1199. John was an unreasonable, cruel ruler, who was described by a modern historian as "a paunchy little man, five feet, five inches tall, with erect head, staring eyes, flaring nostrils and lips set in a cruel pout." In 1215 King John's nobles rebelled against his unjust rule and forced him to agree to the **Magna Carta** [mag'nə kär'tə], or Great Charter. The document limited John's power and protected the nobles' feudal rights.

Despite the myth that has developed over the meaning of this document, the Magna Carta did not, at the time, guarantee representative government. Taxation by the people's consent and trial by jury were not written into it. However, these principles later developed from the rights that the Magna Carta did state.

The importance of the Magna Carta lies in three principles: first, the law is above the king; second, the king can be forced to obey the law; and third, there is equal justice under the law. The Magna Carta forced the king to make this promise: "To no one shall we sell, deny, or delay right or justice." John also promised to stop taking his vassals' property and to stop forcing them to give him more money than feudal custom determined. The king could collect no more money than that allowed by the old laws of feudalism except "by the common consent of our kingdom."

Later King John's words came to mean that the king could not raise any new taxes unless the people agreed through their representatives. American colonists used this principle in objecting to "taxa-

tion without representation." Another clause of the Magna Carta declared:

No free man shall be taken or imprisoned . . . nor shall we pass sentence on him except by the legal judgment of his peers or by the law of the land.

These words were later interpreted to mean that all freemen had a right to trial by jury. Most English people were still serfs, but as more of them became free, they also gained the rights promised to freemen in 1215.

Parliament became important under Edward I.

Edward I (1239–1307) tried to bring the island of Great Britain—shared by England, Scotland, and Wales—under one rule. In 1284 he took over Wales. To show respect to the Welsh, Edward gave his oldest son the title "Prince of Wales," as English monarchs still do today. Edward also tried to conquer Scotland, but he could not defeat the Scottish troops. These wars were costly and Edward needed more money, so he collected extra taxes. The taxes were approved by the people's representatives in a council.

English kings had long been advised by a council, or group made up of churchmen and nobles. In 1295 Edward I called these great nobles and churchmen to meet with him. He also ordered the sheriffs, the local officers of the law, to hold elections in their shires, or counties. Freemen chose two knights from each county to serve in the national council called **Parliament** [pär'lə mənt]. The word comes from the French word *parler*, meaning "to speak." From each chartered town, they chose two burgesses, or citizens. This group came to be known as the Model Parliament because later Parliaments were modeled on it.

In time, the Church withdrew from Parliament. The great nobles, or lords, made up what became the House of Lords. Elected knights and townsmen made up what later became the House of Commons. This second group was a representative body; that is, each member spoke for many people and voted in their interests.

Early kings asked Parliament to meet mainly to get money. However, Parliament began to have other thoughts. Its members began to refuse to