

PAGES FROM THE HISTORY OF REVOLUTION IN ENGLAND

Magna Charta

By J. T. WALTON NEWBOLD

WITH no argument are Communists more familiar than the oft repeated criticism that their advocacy of the imperative necessity of revolution is alien to the genius of the English people and to the traditions of the English nation.

Yet the whole system of the Constitution bears upon it the impress of a series of revolutions and civil wars. There is not one important aspect of it from the Crown to the Cabinet and including both Houses of Parliament, the Privy Council, the Established Church, the Services and the great Departments of State which has not, at one time or another, been fashioned or re-fashioned in the fiery crucibles of armed class conflict.

It is impossible to enter the precincts of Parliament without being reminded of the means whereby a sterner race of class leaders asserted the principle of "No taxation without representation," i.e., of "no contributions without control." There, in front of Westminster Hall and again at the foot of the stairs leading to the main committee rooms, are placed, respectively, a bronze statue and a marble bust of the man who sent a King to his just deserts, who shut up the House of Commons and who established a military dictatorship. The bourgeois themselves have set up Oliver Cromwell as an enduring reproach to the fantastic romance which the Right Honourables of the Labour Party would palm off as the last word of political intelligence.

There, in Westminster Hall, the barons of England compelled the Regent Edward in 1297 to confirm the Charters and his royal father to respect the signed agreement.

"The proceedings," says Bishop Stubbs, "were tumultuary; the earls attended with an armed force and insisted that the regent should accept and enact certain supplementary articles based on the list of grievances. The Prince, by the advice of his councillors granted all that was asked."—*Constitutional History of England*, vol. II., p. 145.

Across the roadway, rises the glorious mediæval pile, the stately Gothic fane of the Abbey of St. Peters at Westminster, the building of which by Henry III. imposed such a burden of taxation upon the wool trade and upon the landlords of the 13th century as to provoke the Baron's War. There, in the Chapter House, prior to the Reformation, used to deliberate the House of Commons and there it put through the revolutionary legislation to endorse the deposition of Edward II., Richard II., and the elevation of Henry VII. to a throne to which he had no legal claim.

"I cannot," says Maitland, "regard the events of 1327, 1399 or 1688 as legal precedents. I can deduce no rule of law from them; they seem to me precedents for a revolution, not for legal action."—*Constitutional History of England*. (Revised and edited by H. A. L. Fisher, 1908. Reprinted Cambridge University Press, 1919.), p. 344.

In Whitehall stands the old Banqueting Hall, outside of which on the morning of January 29th, 1649, close guarded by the soldiers of the New Model Army, a "martyr" monarch lost his head upon the scaffold.

Let us, briefly, survey some of these episodes. Let us see what effect they had upon the moulding of this country's institutions. Let us observe how far the chief actors therein conformed to "the fundamental principle" upon which the Labour Party lays so emphatic a stress.

First of all, we come upon the Great Charter of 1215, wrested from King John by his barons not within "the law of the country for the time being," but, clad in

chain mail and arms in hand in the great assembly of the magnates on the banks of the Thames at Runnymede.

It was the Great Charter which, according to Professor Pollard in his *Evolution of Parliament*, endowed the House of Lords with its most important privileges, giving it the power of veto and setting it up as the supreme court of law.

This Charter, as one recent authority says, "manifestly conceived in the interests of a class" and "drawn up for the baronage and not for the nation as a whole," was aimed, according to Professor Pollard, at securing certain liberties.

What were those liberties? "They were largely composed of the services of their vassals." The barons were seeking to restrain the King from interfering with their rights of property. "Liberty," the same historian tells us, "was an adjunct, almost a form of property." "Liberty has been defined as a portion of sovereign authority in the hands of a subject, and the popularity of liberty entirely depends upon the extent of their portions and their distribution." "To re-distribute and equalise liberty has been one of the functions of Parliament."

The barons made a beginning in 1214 and 1215 with this re-distribution. They went on with it in 1265 and 1297. No one can gainsay the fact that what they were concerned about was "an adjunct of property" and "a form of property," i.e., with taxes upon land and its yield in wool and with the tenure of the land itself. They were concerned to keep a grip upon the labour services (i.e., rent) of their serfs. They objected to the King—or his over-lord, the Church—relieving them of any larger share of that "increased production" which improvements in agriculture and sheep rearing were making possible. They tried to put a stop to this exercise by the King of a prerogative which they contended he was stretching.

The struggle that commenced with John ended with the Wars of the Roses. It was one long class conflict, one long war for "liberty."

How did the barons conduct their campaign?

Bishop Stubbs writes:—

"They had met on the pretence of pilgrimage at St. Edmunds, and had there sworn that if the King delayed any longer to restore the laws and liberties, they would withdraw their allegiance and make war upon him until he should confirm the concession by a sealed charter . . . they collected an army at Stamford . . . as soon as they knew that their demands were rejected they proceeded to London . . . nearly all the members of his court and household obeyed the summons addressed to them by the confederacy . . . under these circumstances he set his seal to the articles proposed by the barons."—*Constitutional History of England*, Vol. I., p. 569.

When John failed to keep his promise, the barons had no hesitation as to what they should do. They, again, took up arms and, not content with that, sought and obtained foreign assistance. The barons believed in direct action and were apter at wielding their battle-axes than their tongues. But then they were class-conscious and that makes a mighty big difference in the way people behave themselves.

In 1258, the barons resumed the struggle of 1215, endeavouring not only to check the centralisation of sovereign power in the hands of the King and his officers but to limit the right of their sub-tenants to transfer land to the detriment of the property and class interests of their feudal superiors. They were determined to stop the King's interference with what they held was their "liberty" to plunder others to their hearts' content and within their own domain. How did they comport them-

selves? Stubbs—never forget that Stubbs was Bishop of Oxford and eminently respectable—writes:—

"On the 11th June, at Oxford, the Mad Parliament, as it was called by Henry's partisans, assembled. It seems to have been a full assembly of the baronage and higher clergy. Fearful of treachery . . . the barons had availed themselves of the summons to the Welsh war, and appeared in full military array."—*Constitutional History of England*, vol. II., p. 76.

The next year, the lesser landlords, the Knights of the Shires, demanded that four of their number should be conceded the right in each county to check the power of the sheriff. This, the class-conscious magnates refused to entertain, and, for some time, there was a quarrel in the camp of the revolutionaries. In 1262, the Pope released the King from the oath to observe the Provisions of Oxford. He refused to renew the bargain and the question was "referred to arbitration." The arbitrator, Lewis IX. of France, being King-conscious, i.e., having the craft outlook, upheld the King's prerogative and decided on all points against the barons, merely reserving to them the ancient liberties embodied in the Charters. On these there was no agreement. The King read into them one meaning, the barons another. "But every political party falsifies history in its appeal to precedent." At least, so says Professor Pollard. It is only the leaders of the Labour Party, however, who have learned from their "betters" to falsify it in the interests of their "betters." The barons falsified it in their own interests.

Led by Simon de Montfort, Earl of Leicester, the barons treated the award with contempt and set the King at defiance. "On the 14th (May, 1264) the battle of Lewes . . . placed the King with his supporters as prisoners at the mercy of the earl."

The King was compelled to summon a Parliament. Simon saw to its selection. "The great feature of the Parliament," says Stubbs, "was the representation of the shires, cities, and boroughs." Pollard contends that Simon did not create the House of Commons but that what he "did was to systematise, and perhaps turn to political and party purposes, a habit of representation that had long obtained in the redress of grievances." Be that as it may, the fact remains that the House of Commons—or rather those knights and burgesses who, subsequently, were to sit apart as the Commons—emerges in 1265.

Simon's Parliament represented the whole of the class of landed proprietors—large and small. If anything, its bias was to the Left. The manner of its selection we will leave Stubbs to tell:—

"It was not a general convention of the tenants-in-chief, or of the three estates, but a parliamentary assembly of the supporters of the existing government. THIS WAS A MATTER OF NECESSITY."—*Constitutional History of England*, vol. II., p. 96.

But how at variance with "the fundamental principle" of Mr. Macdonald and Mr. Thomas was the procedure of Simon and his colleagues. Why, they set at defiance "the law of the land for the time being." They refused to accept the arbitrator's award. They took up arms. They suppressed the minority.

What "flabbiness of intelligence and confusion of morality" in Bishop Stubbs to palliate their conduct because, forsooth, it was "a matter of necessity." Neither Simon de Montfort nor Bishop Stubbs would have been able, we fear, to answer the Labour Party's Questionnaire with credit to themselves or to the satisfaction of the Executive.