

PRIMITIVE FOLK-MOOTS;

OR,

OPEN-AIR ASSEMBLIES IN BRITAIN.

BY

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TO
WILLIAM JOHN THOMS, ESQ., F.S.A.,

THE FOUNDER OF "NOTES AND QUERIES,"

AND

THE TOILER AT MANY GOOD WORKS,

This Book is Dedicated

BY THE AUTHOR,

IN SINCERE ADMIRATION OF A LITERARY LIFE,

WHICH INSPIRES IN ALL THE DEEPEST FEELINGS OF

RESPECT AND ESTEEM.

P R E F A C E .



BEFORE a work is laid before the public, the author should be quite satisfied of its *raison d'être*: he should know exactly upon which shelf and by the side of what existing works in the national library it ought to be placed; he should, in fact, be always sure of the gap in literature that he proposes to fill up. Of course, he may not eventually be able to fill it up worthily, but the student will not be altogether unthankful or unappreciative if the desideratum be fairly attained. Speaking now of the present work, I would point out that chronologically it holds a place prior to any existing works on English Constitutional History, because it treats of a period of history prior to any that has been yet undertaken. Mr. Kemble and Mr. Freeman go far enough back to be enabled to look upon the borderland of my subject; but, then, in so doing, the one steps on to Swiss ground, and the other on to German. Canon Stubbs commences his great work at a period when all primitive institutions were developing into historical institutions. Mr. Coote passes over the primitive period by one magnificent bridge of Roman civilization. I can only hope, therefore, that the pride of place which the subject is

entitled to may not be materially damaged by my treatment of it.

I am quite aware that, according to the highest canons of historical writing, this book possesses many drawbacks. The author of any work dealing with archæological monuments should doubtless have visited and examined for himself each object, or at all events a majority of objects—a representative majority. But I cannot profess to have done this in respect of any of the great archæological remains that I venture to treat of. My sources of knowledge are entirely literary; that is to say, I am dependent for the descriptions of the places mentioned upon the published accounts scattered throughout English literature, or upon the accounts kindly furnished by friends. My work is therefore in this respect an historical compilation merely.

Again, when an historical subject is treated for the first time, I hold it to be superlatively necessary to make the record of the facts as clear as possible; not to destroy the completeness of any item of fact for the purpose of making it fit in with any historical theory.

Now, from the long series of instances of open-air assemblies in Britain, I have built up an historical theory concerning the Primitive Folk-moots of Britain. This theory is based, I believe, upon the strongest possible foundation; it is an induction drawn from a very wide circle of facts. But in every instance I have sought to keep my facts as complete as possible—topographically, historically, and politically. My first care has not been the proof of my historical induction, but the collection of all the known or possible instances of the open-air assembly in Great Britain which I could

come upon during a long period of research. And if, with these fragments of antiquity, I have endeavoured to build a fabric which, as I submit, gives us an important picture of primitive times; if my argument throughout is that these open-air assemblies are survivals of primitive open-air assemblies, I am dependent for proofs of this argument upon the evidence given by the collected examples as they stand in English history or tradition at this present day, instead of the more strictly scientific data afforded by an archæological arrangement of the primitive features only of each example.

If, therefore, my conclusions be not so scientifically arranged as they might be, let me plead my adherence to the necessity of placing on record, very clearly, the facts by which the subject may hereafter be more fully worked up, and which, more than anything else, are essential to a first study.

And if the use to which I have ventured to put these fragments of olden times be not acceptable to the purely antiquarian scholar, let him remember that the fragments themselves are quite visible to him, and are uninjured.

Thus, therefore, I trust that the student of primitive culture and the antiquary may both be able to see some merit in my work as a useful contribution of materials rightly and scientifically placed for future use.

I find that a few typographical errors have crept into the text, which I have noted in a table of errata; and perhaps in mitigation, not in excuse, of this default, I may plead that my work has been done after the busy day of official life is over.

I must acknowledge with sincere gratitude the great

assistance I have had from many kind friends, which I have always acknowledged in the text of the book. But I must be invidious enough to specially allude to Dr. Alexander Laing, Mr. James Hardy of Oldcambus, Mr. John Fenton, and Mr. T. Fairman Ordish, who have assisted me by something more than the ordinary means of literary assistance. Mr. Edward Peacock, F.S.A., has also sent me many useful references, which I have not been able to acknowledge in the text. I must also be permitted to express my obligations to the editors of the *Athenæum* and *Notes and Queries*, for their kindness in publishing my wants from time to time. And, lastly, to one kind and learned antiquary I owe so much, that I have ventured to still further increase the debt by placing his name on my book in a somewhat more prominent position than at the end of the preface.

CONTENTS.

CHAPTER I.	
INTRODUCTION.	
	PAGE
Present State of Early English History—Primitive Institutions still traceable from Indigenous Sources—The Place occupied by the Folk-moot—General Characteristics of the Primitive Assembly—Its Development in English History—The Particular Value of the Evidence of Open-air Meetings—Their Connection with other Primitive Features—The Arrangement of the Examples to be investigated	ii
CHAPTER II.	
EXAMPLES FROM OTHER LANDS.	
Necessity of obtaining non-British Evidence of the Open-air Meetings— <i>From Modern Savage Life</i> : Iroquois, Araucanians, African Tribes, Negritto Races— <i>The Great Nations of Antiquity</i> : Hebrews, Hindoos— <i>Early European History</i> : Northern Nations, Iceland, Denmark, Saxony, Germany, France—Summary	20
CHAPTER III.	
THE EVIDENCE OF EARLY ENGLISH RECORDS.	
Historical Value of this Evidence—Evidence of Popular Gatherings — Bede — Anglo-Saxon Chronicle — Mr. Kemble's Examples—Council on the Banks of the River Nodder—On the Banks of the Nidd—On the Humber—	

	PAGE
Other Meetings—King Edgar's Charter to Ely—Welsh Examples—Cuckamsley Hill—Bridge at Grantebrugge— <i>Infra cimiterium Eliensis</i> —On the Tyne	49
CHAPTER IV.	
THE REVIVAL OF THE PRIMITIVE FORM.	
Historical Value of the Revival— <i>Evidence of the National Assembly reviving its old Open-air Meetings</i> : Mr. Freeman's Examples, Runymede— <i>The Local Assembly</i> : Pennenden Heath, Shire-moot of Berks, Mendip—Summary	69
CHAPTER V.	
THE HISTORICAL SURVIVAL IN ENGLAND.	
Sources of Evidence—Historical Value of the Survival—Tynwald, Isle of Man—Its Initial Importance—Gorsed-dau of Wales— <i>The Hundred Courts</i> : Of Norfolk, Stone in Somersetshire, Alwicke and Younsmere in Sussex, Swanborough in Wilts, of Warwickshire—Liberty of Tynedale— <i>Manorial Courts</i> : Their Primitive Origin—Aston and Cote, Somerton, Pamber, Rochford, Dunstone, Guernsey, Warnham, Morehall, Combebank, Langsett, Stoneleigh, Kingsborough, and others— <i>Forest Courts</i> : Hesketh in Cumberland, Belbroughton in Worcester-shire, Charnwood, Knaresborough—Court of Foresters at Oswaldsloew—Mayfield Manor—Court of Dens in Kent— <i>Mining Courts</i> : Stannary Courts of Cornwall, Mining Courts of Dean, Derbyshire Barmote—The Court of Shepway— <i>Municipal Boroughs</i> : High Wycombe, Lostwithiel, Bishop's Castle, Hastings, Lichfield, Southampton, Folkestone, Dover, London	87
CHAPTER VI.	
OPEN-AIR COURTS IN SCOTLAND.	
Orkney and Shetland—Scone—Barony of Langforgrund—Stratherne—Crieff—Liston—Torbolton—Dunning—Ellon—Hawick—Badenach—Cupar—Conan—Aberdeen—Cluny—Birlaw Court	160

CHAPTER VII.	
TRADITIONAL AND PHILOLOGICAL EVIDENCE.	
	PAGE
Historical Value of this Evidence—Allusions in Old Writers—In Folk-tales—Kingston— <i>Shire-moot</i> : Shire Oaks, Nottinghamshire, Staffordshire, Shyrack, Sheriff Muir, Shire Stones, etc., Town Names—Hundred-moots—General Value of the Evidence of Open-air Shire and Hundred Moots—Some Circles of Stones—Moot Barrows—Moot-Hills—Hill of Banners—Place Names connected with Moot-Hills—Place Names connected with Tingwalls—Courts of Ridings—Hustings Court—Field Names—Trees	198
CHAPTER VIII.	
EVIDENCE OF PLACE NAMES AND TRADITIONS IN SCOTLAND.	
Old Traditional Rhymes—Some Circles of Stones—Moot-Hills—Law-Hills—Court-Hills—Gallows-Hills—Other Names	260
CHAPTER IX.	
SOME FURTHER EVIDENCE.	
<i>The Mode of Summons</i> : the Axe and the Arrow; the Cross; the Wardstaff of the Ongar Hundred; the Dumb Bors-holder of Chart— <i>Officers of the Primitive Court</i> : Burlie-men, Radmen, Stallere—Conclusion	278
INDEX	307

PRIMITIVE FOLK-MOOTS.

CHAPTER I.

INTRODUCTION.

ERRATA.

Page 9, line 32, *for* "Lavelaye" *read* "Laveleye."
,, 66, line 29, *for* "Skene's" *read* "Innes's."
,, 82, line 10, and page 83, line 7, *for* "Doomsday" *read* "Domesday."
,, 97, line 30, *for* "Landesgemeind" *read* "Landesgemeinde."
,, 219, the derivation of Malmesbury from *Mallum berg* is, unfortunately, not correct. The Rev. A. L. Mayhew kindly writes to me that "in two MSS. the name is written 'Ealdelmesburh.' Thorpe thinks the initial 'M' may be due to the preposition 'Im.' It was very common to prefix the preposition to names of monasteries: see Indexes to Beda." This is one illustration of the necessity for a *Dictionary of Place-Names*, for which I have pleaded in *Notes and Queries* (6th Series, i. 433).

Present State of Early English History—Primitive Institutions still traceable from Indigenous Sources—The Place occupied by the Folk-moot—General Characteristics of the Primitive Assembly—Its Development in English History—The Particular Value of the Evidence of Open-air Meetings—Their Connection with other Primitive Features—The Arrangement of the Examples to be investigated.

No branch of English history has been remodelled so entirely upon a new basis as the early period, before the existence of English records. Comparative Philology, Comparative Politics, and Comparative Jurisprudence have united in producing a philosophy of history which enables us to understand the political life and institutions of this early period, almost as satisfactorily as if our knowledge had been derived from the evidence of written records. One has only to compare, for instance, the authorities used by Kemble and Stubbs with those used by Hume, and even Hallam, to at once perceive the full significance of this. The latter are almost entirely English—early chronicles and other historical docu-

ments of that class; the former appeal to the comparative method, and call in the evidence of foreign early history as evidence of early English history; nay, take English history itself back to a foreign home for its origin.

Yet, curious and complete as we must admit this new historical picture to be, now and again we come across a hurried generalization, or perhaps even a missing link in the chain of evidence.* It is not always made clear by the followers of the comparative method of historical study, why the chief authorities for early English institutions should be German, and why a particular institution existing in Germany should be looked upon as the parent of a similar institution existing in England. But the truth is, no systematic attempt has yet been made to trace out the early history of Britain from the archaic remains that still exist in the land. The materials for early English history are assumed to be lost from that point where literature ceases to give evidence, and all information anterior to this is obtained from the continental home whence we departed from our Teutonic kinsmen.

But, irrespective of the weighty arguments which an early Celtic occupation and a Roman conquest bring to bear upon the question of an exclusive Teutonic origin of English institutions, it appears to

* Mr. Freeman says, "When positive evidence within our own land fails us, we must go for illustration and explanation, not to the facts, the theories, the controversies, of modern politics, but to the kindred institutions of kindred nations on the Continent. Our Parliament is the true and lawful representative, by true and lawful succession, of the ancient Meeting of the Wise; but, if we would search out the origin and constitution of that Meeting of the Wise, we must go to the *Marzfeld* of the Frankish kings, to the *Landesgemeinden* of *Uri* and *Unterwalden*." —*Norm. Cong.* i. 75, 76.

me not only that traces of primitive institutions are by no means lost to the student of our island antiquities, but that it is worth while spending some time and labour in working out the proposition as to how much of the primitive history of Britain may be restored to knowledge. It is perfectly true that, at the very threshold of such an inquiry, we meet with a difficulty that may perhaps militate against its value as an historical inquiry concerning Britain and her inhabitants. I mean the difficulty of deciding whether any given primitive institution may be of Celtic or Teutonic origin. For of course it is necessary to work upon the comparative method: to ascertain first what are the usages of primitive mankind, and to work back upon this basis from the evidence to be adduced from British sources. And the usages of primitive man are not only Celtic, or only Teutonic, or indeed only Aryan; they are to a great extent common to nearly all the races into which external circumstances have separated the people of the earth. But if this difficulty be admitted—and, so far as the present inquiry is concerned, it is fully and completely admitted—there is a considerable counterbalancing gain. By establishing some clear evidence of primitive political institutions in Britain, we at once clear the ground of the theory of the exclusive Roman origin of English history, because Roman influences on Britain were civilizing, not primitive; and, with reference to Rome, the question then becomes—and this is really an important question—how far did Roman influence bring the primitive institutions of the land within its enormous power, and so develop them that they are practically the outcome of the Romano-barbaric world? But, having established this historical ques-

tion, it is no part of the present inquiry to *answer* it. It simply demonstrates the historical basis of Roman influence in Britain to rest upon the proposition contained in this main question, instead of leaving it to rest upon the other proposition as to how much of English history is really Roman history continued to modern times; and it leaves the answer to students who have specially studied the matter. And a still further gain to be obtained from an inquiry into the primitive history of Britain is the establishment of an historical position for the many archaic customs, the many archæological remains, the many remnants of antiquity which have been collected in our museums or enshrined in our antiquarian literature. These, at present, do not represent much in the acquired knowledge of mankind; they are curiosities admired by the few who take an interest in them, because they are peculiar and belong to a past age. But when once labelled as portions of the evidence of man's historical development from brute to civilization, they assume a scientific value which the philosophers of a future age will know how to acknowledge.

Now the materials of this primitive history of Britain are at last being gradually unfolded; not upon any elaborate plan, or by any definite set of workers, but by different students and in detached and accidental groups, so to speak. Each worker hitherto has arranged his studies according to his own requirements, and not with reference to their bearing upon the primitive history of Britain. Still many notes can be collected showing that this latter subject is advancing. Something has been made known of the primitive mythology—the village gods and the

village faiths and beliefs—from the researches of folklorists. Some portions of the domestic life have been elucidated by our archæologists. The agricultural life—which leads the way to the whole social and political life, for agriculture is the foundation of the primitive community—has been investigated with the clearest results. And thus we have materials for the religious, domestic, and economical phases of primitive British history all more or less at the disposal of the historian. But to crown all this, to make the materials for the primitive history of Britain appear reasonably complete, there is still wanting some research into the politics of that epoch. Primitive politics is a comprehensive subject in the history of early mankind. It has been worked out with success from the evidence of some of the nations of antiquity and of modern barbarism; and some of its phases, at all events, may still be worked out from the primitive history of Britain.

Thus, it will be gathered that I venture to place the primitive assembly in a very foremost position among the institutions of our forefathers. As one of the chief elements of primitive politics, it stands almost at the apex of that group of studies on the early history of mankind which has just been indicated. Indeed, it represents all that primitive man had to fall back upon in his struggles for right and justice, in his connection with men of his own tribe or village, and perhaps with those of foreign tribes or villages. It figures out the solidity of the foundation upon which it was based, namely, the patriarchal community; and it adds one more to those common features in the sociology of the human race which modern science has succeeded in establishing.

Comparative Jurisprudence has made known some of the general characteristics of the primitive assembly. They have been picked out from the remnants of early Aryan history which remain to the modern student, and they are of the utmost value to the right understanding of early juridical thought. They supply, so to speak, the general conceptions with which this branch of the study of primitive politics ought to be approached. But we do not thus obtain definite groups of historical examples ; we do not have before us graphic and individual illustrations—there is simply the general induction which the comparative method of historical inquiry has perfected.

This general induction may be stated in general terms to be as follows:—In the first place, there is no definition of the functions of the primitive assembly—no clear division between legislating and judging. “In the infancy of society,” says Sir Henry Maine, “many conceptions are found blended together which are now distinct, and many associations which are now inseparable from particular processes or institutions are not found coupled with them ; there is abundant proof that legislative and judicial power are not distinguished in primitive thought” (*Early History of Institutions*, p. 26). Again, in its most primitive form, the assembly was essentially democratic. Its legislation in Aryan countries consisted of the apportionment of the agricultural tenements and the duties incident to an agricultural community ; its judgments consisted of the settlement of village wrongs, and occasionally the trial of a village criminal. “Licet apud concilium accusare quoque, et discrimen capitis intenderc” (Tacitus, *Germ.* xii.). This primitive council gave birth to the Athenian Ekklesia, to

the Roman Comitia, to our own Witan and Parliament. But when it first comes to the notice of the historian, it is fluctuating amidst a whole cluster of influences, which, as development proceeds, almost eclipses the original form. It is seen in history sometimes owning a responsibility to the entire body of freemen, sometimes disclaiming it, sometimes overshadowed by the authority of an hereditary chief (*Early History of Institutions*, p. 388).

Turning from these varying functions and characteristics of the primitive assembly—the sometimes wholly legislative and sometimes wholly judicial, the sometimes democratic in form and the sometimes autocratic—there is the further question to consider: To what social unit or aggregation is it incident ?

Most clearly it is not the assembly of a State, as we understand the term State now. As just now pointed out, it gives birth to the assembly of the State ; and this is because the State, as a rule, is a vast federation of communities bound together by some external tie. As the primitive community, sovereign within its own bounds, becomes aggregated with other communities, it gives up just so much of its own sovereign power as will serve to create the new sovereign power of the new State. Thus, the shires of England were once sovereign communities ; and they amalgamated into the new kingdom of the West Saxons. And as a natural consequence the old shire-moots became the local branches of the new Witenagemot : they lent their aid to the formation of the new Witan ; they established the first rules of its formation by the old rules which had long governed them ; they established its democratic character—the right of every freeman to attend and take part in its proceedings ; the right

of every shire-man to be a Witan-man. We can only just perceive these influences of the old primitive assemblies of the local communities upon the national assembly of early Saxon times; they crop up upon great state occasions, in spite of the enormous influence which Roman sovereignty was working, in spite of the new kingship which Roman ceremony had fostered, in spite of the new nobility and new Court associations which Roman power had developed. But all these Roman influences upon the central governing authority—upon the Teutonic-founded Witan and upon the new kingship and the new ceremonial—left the local communities to do almost as they would have done in old times, and to develop almost as they would have done if no Roman power had swept over them. Nowhere can Roman influence be traced in more powerful form, than in the development of the national sovereignty. It drew the national sovereignty away, so to speak, from the local sovereignties, which would otherwise have shared some of its power. It clothed the new national sovereignty with its own civilized ceremonial; and by the dazzling power, as well as the ordinary sociological influences, of this ceremonial, the national sovereignty took upon itself the guidance of the nation, received upon itself the changes which national progress, and subsequently foreign conquest, always bring about.

In this wise the old local communities retained much of the primitive influence and many of the primitive forms. The old shire-moot was called upon to take part in the State government at a comparatively early date; and accordingly we lose sight of many of its primitive characteristics at an early stage in its history. But still its primitive characteristics are discoverable. The

hundred-moot, the manor courts, the forest courts, the courts of the liberties and franchises, and the courts of some municipalities, however, carry on the primitive associations to within the memory, or at all events the knowledge, of the modern student.

We shall find that many of these courts are occupied now, as they were occupied in primitive times, in carrying out the legislation and the judicial trials of agricultural communities. Almost everywhere in Aryan lands there are most remarkable reminiscences of the primitive agricultural community. England, it is well known, is not behindhand in the evidence she gives of this primitive institution. Sir Henry Maine and Professor Nasse, of Bonn, have only laid the foundation of, and shown the path to, a still further extension of evidence. It is everywhere forthcoming that England at one time in its history was entirely divided, as it is now even partially so, into groups of self-governing, almost self-supporting, agricultural communities. Certain modes of cultivation, particular divisions of cultivated lands, are the characteristics which have, up to the present time, formed the sole basis of evidence in England. These village rules of cultivation survive now as fixed unalterable customs, incident to certain manors or other jurisdictions. There is not one word of an assembly of the cultivators which met to decide the course of cultivation, the division of the lands, and the rights of the individual villagers. Yet such an assembly is an undoubted element of the primitive village community. In Russia the assembly of inhabitants of the commune determines the time of sowing and harvest (*Lavclaye's Primitive Property*, p. 14). In Switzerland all the commoners above the age of eighteen assemble, of absolute right, every

year in April, to receive the report of accounts and to regulate current affairs (*Ibid.* p. 94). In Germany the inhabitants assembled to deliberate on all that concerned the cultivation, and to determine the order and time of the various agricultural operations (*Ibid.* p. 111). In Holland the partners in the work met once a year, on St. Peter's Day, in a general assembly, or *holting*. They appeared in arms; and no one could absent himself, under pain of a fine. This assembly directed all the details as to the enjoyment of the common property; appointed the works to be executed; imposed pecuniary penalties for the violation of rules, and nominated the officers charged with the executive power. The mound where the *holting* met (*Malenpol*) is still visible in Heldermaalenveld, and at Spoolderberg, near Zwolle (*Ibid.* pp. 283, 284).

Here, then, we have evidence of the legislative duties of the old village assembly. Its judicial duties do not want any particularization—they exist at every court leet of a manor, at every criminal jurisdiction of modern local courts. I do not mean to say that it is possible, or even necessary as a logical position, to gather together all the groups of cultivating communities, and all local courts having civil and criminal jurisdiction, either in existence at the present time, or as recorded in literary archives, and restore to each group substantial evidence of its primitive original, by placing alongside of the evidence of primitive mode of agriculture, evidence of primitive courts of justice. But what I want to establish is, that in these modern local courts we have survivals of the *primitive* assembly which was incident to every initial group of men banded together into a cultivating community, to every extended amalgamation of smaller communities into

larger communities, to every original sovereign State in its primitive development; and, finally, that, if not incident to, it is traceable in the collected influences which at first formed the Witenagemot of England.

It now becomes necessary to answer a very important question which meets us at this stage of the subject, and which, indeed, modifies the whole form of our subsequent researches: By what means is the primitive assembly, or, as we may now call it, primitive folk-moot, to be recognized in modern Britain, or, from the historical records of modern Britain?

It is clear, in the first place, that we cannot trace it out by means of those general characteristics which have been noticed above.* They are too indefinite, and have entered too much into the composition of the modern assembly. We have lords of the manor exercising judicial functions, and assemblies of the people, in select or popular bodies, exercising legislative functions, all over the kingdom. That these are remnants of the primitive folk-moots there cannot be any doubt; but, then, they are surrounded with machinery of quite modern date, and cannot, therefore, be applied to the requirements needed in the present research.

It is necessary, then, to appeal to some other distinctive feature, or features, of the primitive assembly, in order to trace out its existence in Britain. And this, I think, will be found in the open-air meeting. In the instance quoted above from Holland, as to the cultivating community being governed by its own

* "As to the constitution of these great councils," says Mr. Freeman, "our information is of the vaguest kind" (*Norm. Conq.*, i. 111). And this remark applies equally well to the local assemblies of early English history.

assembly, it will be remembered that the place of meeting is particularly mentioned as still existing. It is a great mound of earth, in the open air, under the light of heaven. In this particular feature of the primitive assembly can be identified a means by which examples may be traced out in Britain on tolerably sure and very extensive grounds. It is not necessary to associate every example of open-air meetings with other known primitive characteristics of the assembly. For it is only possible now to regain from the memorials of the past, fragmentary evidence of primitive institutions. In some few cases we shall have something more than fragmentary evidence. But, in an extensive research, to attempt to look for anything else would be to put one's self in opposition to the whole historical development of English institutions, and, in fact, to shoot above the mark. And we cannot expect to meet with examples identical in every particular with the originals from which they have started. Some portions of their outline will have been altered, some portions also of their internal construction. Sometimes it will be the legislative functions that are the most prominent, sometimes the judicial functions; sometimes, again, it will be that the popular assembly is the most prominent form, and sometimes the chief, or lord of the manor. And these important considerations form an additional reason why the search should be limited to some unmistakable feature of the primitive assembly.

In taking the open-air meeting as the key-note of the evidence, there is an undoubted gain in the precision and accuracy of our researches. As we shall presently see, this feature of the primitive

assembly is found in many social groups which lie at present outside the field of Comparative Jurisprudence; and it will certainly enable the student to make a more elaborate comparison of the assemblies of Aryan countries. Mr. Freeman, it is well known, has worked out this comparison as a chapter of Comparative Politics, but then his researches with regard to Britain, for instance, are less comprehensive and less satisfactory than those with regard to Teutonic countries, and to Greece and Rome. But the thoroughly distinctive feature of an open-air meeting is very easily traced, and very easily grouped into archæological sections. We can show that Britain sends forth to the study of primitive politics a contribution scarcely second in value to that received from any other civilized nation; and, further than this, that in the open-air meeting we have hit upon an element of primitive political life, which may perhaps carry the study of Comparative Jurisprudence beyond its hitherto restricted boundary of Aryan history.

It will not serve any good purpose, therefore, to delay considering the evidence of the primitive folk-moot in Britain until some other significant features can be associated with every example of the open-air meeting. The disturbance of primitive institutions, or rather their development, has been too great to allow of much use being made of a whole group of survivals, instead of one particular survival. As Sir Henry Maine observes, no institution of the primitive world is likely to have been preserved to our day, unless it has acquired an elasticity foreign to its original nature through some vivifying legal fiction (*Ancient Law*, p. 264). And, accordingly, the open-air court, as it is still found in Britain, becomes a very signifi-

cant factor among British institutions, and a very important relic of primitive times. It is in its nature as a survival from primitive times that it becomes of the greatest prominence here. In some few instances to be brought forward, other relics of the primitive assembly will be found clustering round this first-found basis, and further researches will make it clear that the open-air meetings of modern times possess other important features, which have been borne along by the same historical breeze that has preserved the primitive form and place of meeting. On the very threshold of our inquiry, indeed, it is possible to see connected with the open-air meeting another very important characteristic of the primitive assembly, namely, the right of the whole body of freemen to attend and take part in the proceedings. These two elements are, indeed, so much a part of each other, that it is difficult to say when the one separates from the other. An open-air assembly, with no restricted space, no secret meeting, must have originally been identical with the primary popular assembly. And we have evidence of their connection in a peculiar capitulary of Charlemagne, which Sir Francis Palgrave quotes in illustration of the very portion of the subject with which I am now dealing. This capitulary directs that a roofed building shall be constructed, wherein the *mallum* shall be held. Sir Francis Palgrave then adds that a sober and plausible reason is assigned for the regulation, and the missus may have expatiated on the paternal care of the sovereign, anxious to protect the suitors from the inclemencies of the weather, from the burning rays of the sun, and the piercing blasts of the wind. But it may be doubted whether this enactment, which is contemporaneous

with another dispensing all freemen from attendance, excepting only the "Vassi" of the Count, and the Scabini, proceeded merely from a wish to consult the convenience of the people. Legislators often follow the maxim, that it is politic to have one reason to offer and another to conceal; and, without being too astute in the wiles of policy, it will not be considered as a very extravagant conjecture that Charlemagne may have been willing to disperse the theory which hitherto had attended these courts, by substituting the solemn session within the walls of the Stadthaus, in the place of the council mustered in the field. Whether intended or not, this effect was produced. The popular assemblies, from being the conventions of the people, became mere courts of justice; and the nation, instead of joining the priests and nobles who deliberated in the Champ de Mars, only heard of the resolutions which had been adopted by the peers in the presence of the sovereign (*History of English Commonwealth*, i. pp. 138, 139).

This places very clearly before us a most important and remarkable stage in the history of the continental primitive assembly. The right of every freeman to attend the assembly and the open-air meeting are concomitant; and abrogating the latter was the first step to destroying the former. In England, however, we do not even meet with these two disturbing agencies in the history of the primitive assembly. Mr. Freeman cannot discover anything to show that the right of the common freeman to take his place in the general assembly of the nation was ever formally taken away in our own country (*Comparative Politics*, p. 219). And the same remark might be applied to the local assemblies. We know perfectly well that the

almost perfect drawing of what one might imagine the primitive Aryan village to have been. The enclosure is bounded by palisades; the huts are all ranged in long streets, sometimes parallel, and at others radiating from a large central space; and in the centre are, what most interest us now, the palaver huts and palm trees.

And proceeding to the lowest types of mankind, among whom little or no political organization exists for any long period together, we find that the forum of the Tannese, a tribe of the Negritto race, is an open circular space in every village, where the chief assembles for business, under the shades of a great banyan tree (Spencer's authorities in *Descriptive Sociology*).

(b.) The great nations of antiquity I define to be those nations which have left a history and a literature for modern times. The great Assyrian kingdoms, the Egyptians, the Hebrews, the Hindoos, Greece, and Rome are, of course, the most familiar types. In order to be as concise as possible, it is, perhaps, not necessary to draw illustrations from all these sources, although I have no doubt that such could be done if occasion called for it.

However, let us begin with the example of the Hebrews. The researches of modern Hebraists incontestably prove that Hebrew history has developed along lines very nearly parallel to those of other histories.* But perhaps more than other history it has

* I ought to mention some studies contributed by my friend Mr. John Fenton to the *Theological Review*, as my evidence of this fact. Pursuing the track marked out by Ewald, Mr. Fenton, writing on *The Primitive Hebrew Land Tenure* and on *The Goal*, has used all the researches and all the methods of the sociologist in elucidating the fact that primitive Hebrew life is parallel to primitive life in general.

retained among its records archaisms which have not been swept away by the growth of later institutions. Thus, when "Joshua gathered all the tribes of Israel to Shechem, and called for the elders of Israel, and for their heads, and for their judges, and for their officers," he summoned in the primitive form an assembly of the people. They met to decide a most important question—their adherence to their national religion. And "Joshua made a covenant with the people that day, and set them a statute and an ordinance in Shechem. And Joshua wrote these words in the book of the law of God, and took a great stone, and set it up there under an oak, that was by the sanctuary of the Lord" (Joshua xxiv. 1, 25, 26). And this oak at Shechem was subsequently used as a meeting-place; for "all the men of Shechem gathered together, and all the house of Millo, and went, and made Abimelech king, by the oak of the pillar that was in Shechem" (Judges ix. 6). The oak is again mentioned in conjunction with a solemn meeting-place, when the angel of the Lord came to Gideon, the son of Joash, "and sat under an oak which was in Ophrah" (vi. 11). Deborah gave judgment under a palm tree: "And she dwelt under the palm tree of Deborah, between Ramah and Bethel in Mount Ephraim: and the children of Israel came up to her for judgment" (iv. 5).

Without going more elaborately into the evidence from the Bible—and there is much more than can be mentioned now—it will be necessary to state the following references to assemblies near large stones. We shall meet again with the assembly meeting in the vicinity, or within the circle, of large stones; and it is well, therefore, to notice the archæological

