

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.

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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 Gool*, 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

