ON THE EARLY MUNICIPAL HISTORY OF LONDON.

By G. L. GOMME, F.S.A.

IN considering the facts accumulating for the history of early English municipal institutions one finds that there exists a strong thread of connection between the several municipal boroughs. Such towns as Nottingham, Malmesbury, Berwick, Chippenham, Marlborough, Arundel, Huntingdon, Rochester, Coventry, Beverley, widely apart as they are geographically and chronologically, contain one with another types of municipal organization or relics of local institutions which justify the conclusion that each municipality has something in the way of evidence to contribute towards a general history of English municipal institutions. If we are investigating the early municipal history of English towns we approach the subject by a common route; we gather up all that there is to say about pasture lands, common lands held by burgesses, town customs and polity, and we may be pretty sure of being able to map out from this accumulation of facts some such picture as researches into the history of the early village community enable us to conjecture was the origin of township and municipality alike. There would be the variations arising from local circumstances, but on

the whole the general outline would be faithfully de-
picted in each individual case.   Nottingham would
be found to have preserved some features more ar-
chaic than Malmesbury, Berwick would possess in
one form that which Chippenham possesses in another,
and so on; but Nottingham and Malmesbury, Berwick
and Chippenham, and the others, despite all variations,
have a general and decided likeness.

But, remarkable and instructive as is the likeness
between one municipal borough and another, there are
some equally remarkable and instructive exceptions to
this general rule.   London stands out as the most pro-
minent of all these exceptions, and is, perhaps, abso-
lutely unique throughout her long and glorious history.
She is unique in two ways—at the commencement and
in the present stage of her history.   As the hill-fort of
the Romans, standing out above swamp and waters,
and yet commanding such an important position, she
is unique in origin; as a city, whose suburbs have out-
grown and almost hidden from sight and knowledge
the parent urbs, she is unique in her later and present
history.   And whether we approach her early history
from one side or the other, up or down the stream of
time, difficulties clog the way.   If we stand on the
Roman oppidum and attempt to penetrate onward
from thence there is the shock of Teutonic conquest
to meet, there is the rapid commercial prosperity,
there is the strong mediæval power; if, on the other
hand, we stand in the modern Guildhall there is the
vast stretch of houses and streets obscuring the topo-
graphical outlook, and hiding in almost impenetrable
gloom that view of London from extra-London which
is so valuable to the archæologist.   We can see Col-

chester and Dorchester and Winchester and Chester and even York from points of vantage which lay outside the borough walls; but where are we to go if we want to see London in the same way? At Breakneck Steps we may see with Mr. Waller the old course of the Fleet river;* in this alley or that court we may select the last remnants of ancient land or water marks; but everywhere vast buildings shut out that view of ancient London which would have shown her standing in the midst of country fields and country scenes; which would have shown the gathering in of her citizens to their town homes, and the wandering forth of her citizens to their country-haunts and walks. For when the citizen lived who came into contact with the early municipal history of London he walked out of a city gate into green fields —to Finsbury archery-butts, to Moorfields, to the fields where churches came to be built dedicate to St. Giles and to St. Martin; or maybe he walked along the narrow trackway by the river which led to the little village of Charing and to the king's city of Westminster. This is the citizen with whom we must converse of the older history which he is still in touch with; and this is the London which must be asked to give up its tale of older days.

We must first look at the question objectively. I have spoken of London as originating in the Roman hill-fort, for I take it that whether we agree with Dr. Guest or not as to Plautus in A.D. 43 having first occupied the site of the future capital of England,†

* Transactions, London and Middlesex Archæological Society, vol. iv. page 96 et seq.

† Origines Celticae, vol. ii. p. 405.

there can be no doubt that any Celtic existence which the place may have had was not of a nature to influence its later history. But from Roman times the remarkable fact remains that commercial greatness began to dispute for pre-eminence with military greatness. London took her place in the Roman empire. Roadways converged to her. The two great roads, Ermyn Street and Watling Street, entered Roman London at our now-called Bishopsgate and Newgate points of the city boundary proper, and connected the city with all parts of Britain. In Mr. Green's words, " the route which crossed the downs of Kent from Richborough to the Thames linked the roads that radiated from London over the surface of the island with the general network of communication along which flowed the social and political life of the Roman world."*

Such roadways were among the first undertakings of the Romans in a conquered country,† and by their means the towns grew up to an importance quite out of proportion to their native capacity. London became a great centre of Roman commerce. Her life was connected with all outer life by the great causeways which the Roman soldier had built; her wall girt her round securely from the immediate outer world, and when her citizens looked for the means of gaining the necessaries of life and wealth they took their stand at the city gates and looked up the roadways which led to Verulamium, Etocetum, and Uriconium; to Duro-

* The Making of England, p. 3.
† Arnold's Roman Provincial System, p. 16.

magus and Eboracum, to Portus Magnus, and to Continental Rome.*

This is one of the most important and distinctive facts to notice in connection with Roman London. The native capacity of British cities for greatness depended on causes perfectly local in character ; but as soon as Rome brought them, by means of her great system of roadways, into the imperial system, development moved at a pace measurable, not by British skill but by Roman necessities. This important factor in the history of Roman towns has not been sufficiently dwelt upon and enforced. It accounts for a great deal that is otherwise unaccountable. It bridges over years of rapid progress with a history that belongs not to Britain but to Rome ; it accounts for the rapid uprising of London into Augusta, and it accounts for her wonderful progress and wealth during the Roman rule. But all this time London is the London connected by roadways with the commerce and progress of the Roman world ; her British history, if she had any, is past and gone, and one has to think of her, not as situated in Britain, but as situated on the Ermyn and Watling Streets, which were connected with all other parts of Britain, and which brought London more closely into connection with other cities situated on the roadways than with the natives who still occupied the open country. She dominated the country round her, no doubt, just as all Roman cities did ; but she was independent of it, and used it not for existence but for her own

* See Arnold's Roman Provincial System, p. 208, for the relationship of a town to the surrounding district.

purposes, as contributory to her wealth and luxury, not to her necessities. Thus, then, the distinction which we see Roman London occupying, and one which is very important to our present subject, is its connection with the Roman world, its place on the Roman roadways; and not its connection with the Celtic Britons, who lived near it, nor its place on the map of Britain.

We see this dependence of Roman London upon her roadways to other cities and to other parts of the Roman world brought out very distinctly in the significant story of her fall. It is a story for the most part told from the silence of history rather than from the monuments of history. London, herself, was nothing, and meant nothing, to the barbaric conquerors who gradually closed upon her. The Saxon conquerors did not march, as the Roman conquerors had done, straight to this stronghold, and pounce upon it as a point of vantage; or as the Danes did later on, and William did still later. The fight between Roman London and the Teutons was of a different character altogether. Sharp sword-and-shield conflicts there were, no doubt, but these did not decide the battle. It was the breaking-up of her connection with the outer world that broke the power of Roman London.

Mr. Green has depicted the events with incisive force. "The conquest of Kent," he says, "had broken its communications with the Continent; and whatever trade might struggle from the southern coast through the Weald had been cut off by the conquest of Sussex. That of the Gwent, about Win-

chester, closed the road to the south-west ; while the capture of Cunetio interrupted all communication with the valley of the Severn. And now the occupation of Hertfordshire cut off the city from northern and central Britain."* It was thus that Roman London passed into another stage of her history— the work of two hundred long years of almost unbroken silence so far as history is concerned, but a work as effectual and a silence as eloquent as if the clash and din of arms had dictated some of the most stirring of epic poetry.

What we have now got to do is to ascertain if this silence of history is broken by the despairing cry of conquered Roman London or by the successful shoutings of the barbaric conquerors. When we thus get rid of *old* Roman London, and her connection with a great system of commerce, we come into contact with a very different state of things. The Saxon conquerors came into the land unacquainted with the system that made commerce one of the chief agents of social and political progress. Their treatment of the towns was one of utter and complete destruction. They did not understand their value, and, barbarianlike, they trod them under foot. A conspicuous example of this is to be found in the narrative of Roger of Wendover. The citizens of Andredceaster "were all put to the sword and their town totally destroyed. The desolate site is still pointed out by the traveller. Ella and his three sons remained in that district, which they proceeded to cultivate ; it is called, to this day, in English, ' Sussex,' or the

* The Making of England, p. 110.

country of the South Saxons."* This really gives us the initial point in the Saxon conquest. After they had conquered they settled and began to cultivate. They commenced, in short, at the very bottom of the ladder of political life. They did not occupy the palaces, or the temples, or the senate-house, or the dwelling-places of the conquered Roman citizen. They nestled down on the open lands by the side of the old city, and began to cultivate in their own fashion.

The cultivation and improvement of the country, says Adam Smith, must be prior to the increase of the town.† The facts connected with the post-Roman history of London exactly fit in with this rule of political economy. Mr. Loftie tells us the tale succinctly and graphically. The Romans left Britain in 410. The East Saxons are in London in 610. Of the intervening years, eventful as they were to the country at large, we have no record relating to London. ‡ But these two hundred years, dark as they are to us, settled the future constitution of the greatest city in the world. In the London district we see the Saxon cultivator approaching near. Mr. Green tells us by what route and how; § and, though I cannot bow to the decision of Dr. Guest that good reasons may be given for the belief that even London itself for awhile lay desolate and uninhabited, we must recognise the settlement of the little village of Charing within bow-shot of its ruins. Kensington and Ful-

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* Roger of Wendover, anno 492.
† Wealth of Nations, book iii. cap. i.
‡ History of London, vol. i. pp. 50–52.
§ Making of England, p. 110.

ham occupy clearings to the west, while Hampstead and Islington on the north almost complete the chain. One cannot doubt that these village settlements were, like all English settlements, based upon the village community system. Mr. Seebohm has been enabled to trace out evidence of the open-field system in the lands at Westminster which made up the scenery for the dying eyes of Edward the Confessor ;* and when we come to consider that Lammas lands, and all the historical significance of these curious relics of the early village system,† existed on the site now occupied by Leicester Square, there can be no difficulty, I think, in concluding that the settlement at Charing and else-where near London was an agricultural settlement. This, then, is where the Saxon destroyers of London were busying themselves during that long period of history of which we know nothing; and the reason that we know nothing is that the business was the business of settlement and " making "—that ordinary routine of life which is never chronicled by indigenous historians.

And during all this time the old commerce of London, when it was Roman London, dwindled down to nothing. The new masters had not passed the cultivating stage. Without going into the history of Anglo-Saxon commerce, which would throw considerable light upon the subject, there are sufficient broad facts to indicate the wide difference of the Lon-

* Seebohm's Village Community in England, p. 100.

† I have traced out some of the more important archaic features of Lammas lands in the Antiquary (1882), vol. vi. p. 41.

don built upon the old Roman ways and the London hemmed in by Saxon communities.

The evidence of early Anglo-Saxon commerce is meagre enough, so meagre indeed as to suggest the probability of its not being very extensive.* The first important notice which we have of the subject is not of earlier date than the close of the eighth century ;† and the chief articles of commerce were objects of gold and silver, slaves, horses, and the metals. The tolls imposed at the landing-place of Billingsgate by Ethelred all relate to wine, fish, and other produce of this nature. What I am anxious to arrive at is that the Saxon commerce of London was not a food commerce, showing the city to be simply an emporium for the surrounding agricultural communities. Mr. Craik says there is no evidence or reason for believing that a single cargo of corn was ever exported from England during the whole of the Anglo-Saxon period ; ‡ and, looking at the nature of the settlement in England by self-supporting communities, we can well understand this to be so. We can get a step further from another standpoint. Mr. John Stuart Mill observes that the things most liable to fluctuations in value, those directly influenced by the seasons, and especially food, were seldom carried to any distance in Europe during the Middle Ages. Each locality

* See Macpherson's Annals of Commerce, vol. i.

† Craik's History of British Commerce, p. 62; cf. also for this later period Spence's Equitable Jurisdiction of the Court of Chancery, vol. i. p. 53.

‡ History of British Commerce, vol. i. p. 69.

depended as a general rule on its own produce and
that of its immediate neighbourhood. In most years
accordingly there was in some part or other of any
large country a real dearth ;* and in this fact we get a
clue to the chief causes of the famines that occurred in
England during this period. Not only was there not
a single cargo of corn exported from England, but it
was not exported from one locality to another. †

Thus as the starting-point for our consideration of
the early municipal history of London we meet with
the strongly contrasted positions of *Roman London*,
the centre of commerce situated on great highways
which connected her with Europe ; and *Saxon
London*, first hemmed in by small agricultural settle-

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* Political Economy, book IV. cap. ii. sec. 4.

† So late as 1257 the importation of corn from Germany to meet a
famine is looked upon as a special and unusual circumstance, and as
such is recorded in the Chronicles of the Mayors and Sheriffs of London.
In this year, it says, there was a failure of the crops ; upon which a
famine ensued to such a degree that people from the villages resorted
to the city for food, and then upon the famine waxing still greater
many thousand persons perished ; many thousands more, too, would
have died of hunger had not corn just then arrived from Almaine
(p. 40).

At the latter part of the last century most of the villages in England,
and almost all of them in Scotland, were independent of the world, so
far as food was concerned. The corn they grew and the cattle they
fed was sufficient, and more than sufficient, for their support. Carry
this fact up the stream of time, and we arrive at a general rule appli-
cable to early Saxon times and its commercial supineness. A curious
glimpse of this is given by Giraldus Cambrensis, in speaking of the
district of Wye, so late as the eleventh century. The country, he says,
sufficiently abounds in grain, and if there is any deficiency it is amply
supplied from the neighbouring part of England (p. 350).

ments, then overcome and occupied by these bands of fighting agriculturalists. And the question before us may now be asked in the following terms : What is the evidence that exists as to the descent of Roman municipal custom : what is the evidence of Teutonic village custom; and, finally, in what relationship do they stand towards each other? *

Modern inhabitants of the great city, and students of her history as well, are apt to think of municipal London as a London of chartered rights, of lord mayor's shows, aldermanic banquets, guild festivities, and common council debates; and that beyond these facts there is nothing in her history or her customs which need trouble the historian. But fortunately chartered rights do not by any means express all the rights appertaining to municipalities : there is a vast body of custom and unwritten law which tell us more than even chartered rights can tell, and it is with this that I shall now have to deal.

Now the mere grouping of London municipal customs into Roman and Saxon origins will not establish the fact we are most anxious to get at, namely, which system of polity predominated in the government of London ?   But if we see one group of customs becoming distinctly and clearly recognised as municipal law, and so losing its historical origin in

* " I shall next take notice of some ancient customs which had their original from the Romans (as I take it) . . . . . and if a collection of all of them were drawn up and published together I am apt to think that it would be very useful as well as a pleasant undertaking, and conduce in a great measure to the clearing of many particulars of Roman history."—Bagford's letter in Hearne's Leland, vol. i. p. lxxiv.

its later utility, and if we see another group of customs delegated to municipal usage only, having no force as municipal law, we may be reasonably sure as to the method of fixing upon the dominating power. The men *who practise customs because their fathers prac*tised them, though they have a historical continuity of race origin, have no historical continuity of power if they have not succeeded in getting those customs promoted to the dignity of legal sanction. The case here put generally is applicable to the early municipal history of London : we see municipal law and municipal custom side by side; the one with a legal or political sanction at the back of it, the other supported by social effort only. I have succeeded in collecting what I shall venture to characterise as a *remarkable collection of customs practised in London* far down in the mediæval ages, and which are unquestionably of Teutonic origin. But I have not found this body of custom recognised or codified. It obtains in one locality and not in another; it is mentioned incidentally by one authority and not by another; it is practised by one body of citizens and not by another; it has no cohesion one item with another, no systematic codification into municipal law ; it is, in short, the sport of an undercurrent life of the citizens, and not the outspoken action of the dominant life. And hence I conclude that this Teutonic custom existing here in the midst of mediæval London had met with a power with which it was hard to fight. That power could not have been Norman, because the Normans, partly Teutonic themselves, would have legalized or chra-

tered their innovations. And the London charters of Norman times are distinct and definite in their formal recognition of existing municipal law. If it was not the Norman, then, who fought with the Teuton and relegated his barbarous law into municipal custom, it must have been the Roman. The Roman with his precious gift of commercial insight, with the growing powers of wealth, stood firm to his old ways; and while the Saxon Londoners kept their folkmoots, drowned their criminals, pilloried their minor offenders, tilled their lands, the Roman merchants kept to their own laws, until they ultimately superimposed them upon the whole community.

There can be no doubt, I think, that in London the same sort of thing went on as the result of Saxon conquest as we know went on in other parts of the falling Roman Empire. Mr. Story, in his work on the Conflict of Laws, has the following passage : " When the northern nations, by their irruptions, finally succeeded in establishing themselves in the Roman Empire and the dependent nations subjected to its sway, they seem to have adopted, either by design or from accident or necessity, the policy of allowing the different races to live together, and to be governed by and to preserve their own separate manners, laws, and institutions in their mutual intercourse. While the conquerors, the Goths, Burgundians, Franks, and Lombards, maintained their own laws, and usages, and customs over their own race, they silently or expressly allowed each of the races over whom they had obtained an absolute sovereignty to regulate their own private rights and affairs according to their own muni-

cipal jurisprudence. It has accordingly been remarked,
by a most learned and eminent jurist, that from this
state of society arose that condition of civil rights
denominated *personal rights* or personal laws in oppo-
sition to territorial laws." The eminent jurist here
referred to is Savigny, who, in his History of the
Roman Law in the Middle Ages, speaking of the
state of things which existed between the conquering
Goths, Burgundians, Franks, and Lombards, and the
races conquered by them, says: " Both races lived
together, and preserved their separate manners and
laws. From this state of society arose that condition
of civil rights, denominated *personal rights* or *per-
sonal laws*, in opposition to *territorial laws.* . . . . .
In the same country, and often indeed in the same
city, the Lombard lived under the Lombardic, and
the Roman under the Roman law. The same distinc-
tion of laws was also applicable to the different races
of Germans. The Frank, Burgundian, and Goth re-
sided in the same place, each under his own law, as is
forcibly stated by the Bishop Agobardus in an epistle
to Louis le Debonnaire. ' It often happens,' says he,
' that five men, each under a different law, may be
found walking or sitting together.' " The same thing
happened in India during the successive waves of
conquest, and the Bishop Agobardus might have
written the same account from Calcutta, or Bombay,
or Madras. With this important lesson from the his-
tory of law before us, it appears to me that we may
be guided by its significant teaching in an attempt to
settle some of the leading features of the early muni-
cipal history of London.

Now, the Anglo-Saxons, as masters of London, would introduce the village system, or its central ideas, into the government of the town : these would be, the village tenement, the communal lands around, the common pasture beyond these.

Commencing, then, with the subject of municipal polity, let us see what evidence there is of old village life as the basis of later municipal life in London. Every free villager was an owner of a tenement within the village, and the possession of such a tenement was the basis of all his political and social rights. Mr. Coote draws attention to the fact that the citizens of London were landowners,* and he specifies two remarkable instances, namely, Becket's father and Osbern, who in later days held many possessions.† Mr. Loftie does something more than suggest that, in the oldest days, the aldermen were the owners of their respective wards ; ‡ and the process by which this ownership was obtained is an interesting feature in London municipal history. Looking at the earlier times by the light of later events, the facts appear to shape themselves somewhat as follows. The Saxon settlement upon the old Roman site was not of the same nature as an ordinary village settlement in the open country. The citizens did not cluster into one space, with their lands stretching round them. The Roman wall dictated a boundary to their settlement which they could not and did not ignore ; and, therefore, great open spaces of unbuilt land separated the

* Romans of Britain, p. 377.
† Ibid. p. 380.
‡ History of London, vol. i. pp. 158–161.

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tenements of the new settlers. Such open spaces could
not be used for agricultural purposes, and they became
the means of starting in London the wide-reaching
powers of economical laws which proclaim that private
ownership, not collective ownership, is the means to
national prosperity. These ward-owning aldermen
followed without a break the model, if not the person-
ality, of the Roman citizen, and they sealed the fate
of the smaller tenements which existed all around.
Mr. Riley, in his introduction to the Liber Cus-
tumarum, has summarised from the text of that re-
markable volume several instances of public land, that
is, land belonging to the municipality, having been
appropriated and built upon.* We get a glimpse
of this corporation property, too, from the Chronicles
of the Mayors and Sheriffs of London. At page 35
of Mr. Riley's edition we read how Henry III. issued
letters patent restoring the right of the citizens,
among which it is said that "they shall have all
issues of rents arising from houses and tenements as
well in the city aforesaid as in the suburbs thereof."
And again, at page 83, we read how the populace, in
1262, "endeavoured to throw open lanes, which, by
writ of his lordship the King, and with the sanction
of the Justiciars Itinerant, the community assenting
thereto, had been stopped up and rented to certain
persons" (p. 59). "King Henry III. in 1265 came
to London and gave away more than sixty houses
belonging to the citizens, they, with all their families,
being expelled."

* Introduction, pp. cx.-cxiii.

These facts show us, I think, the break-up of the old system of village ownership; because the struggle which they indicate could not have resulted from the existence of a Roman municipal polity, which fully recognised individual ownership, whereas they present to us a picture of the growth of individual power converting village tenements into personal property. But this process was arrested before it finally swept away the last remnant of old constitutional life; and the possessions which now remain in the hands of the City Corporation, situated in the neighbourhood of Broad Street, New Broad Street, Broad Street Fields, Fenchurch Street, Aldgate, and the Minories, testify to the times when the Corporation of London held land by the common law of village rights before they had converted it into rent-bearing holdings.

We shall see more fully how these facts relating to citizen tenements suggest the break-up of the old village system if we turn to some remarkable evidence to be found in old citizen law. We have said that the tenement in the village was the basis of all rights in the village. It was, therefore, an important symbol, and its destruction would be considered most fatal. It was thus used as an engine of judicial procedure. At Folkestone, if either the mayor or any of the jurats refused to assume their respective offices upon being elected, "the commons were to go and beat down their principal messuage" (Report of the Record Commission, 1837, p. 453). On the occasion of the election of bailiff at Hastings it was a law that "if the said bailiff be absent, or will not accept

the charge, all the commoners shall go and beat down
his chief tenement" (Sussex Archæological Collec-
tions, vol. xii. p. 197). The same law obtained in
all the Cinque Ports, and it moreover belongs un-
questionably to old Teutonic village law. It has
also a much wider application in English provincial
districts.

Now let us turn to London. The assize of Henry
II. states "that the house of the individual who har-
bours a heretic *shall be carried out of the town and
burnt*" (section 21; See Palgrave's English Com-
monwealth, vol. ii. p. clxxiii.) There is the same
principle underlying this and the above-mentioned
law. And if we turn to the Preston Guild laws
we shall see how this is. Every new burgess was
obliged to erect his burgage within forty days
(Ancient Custumal of Preston, section 5); and the
shortness of this period is explained by the fact noted
by the authors of the History of Preston Guild (p.
47), Messrs. Dobson and Harland, that the houses
" were formed of a framework of oak, and the inter-
stices were filled with a sort of plaster formed of clay
mixed with straw, reeds, or rushes. Each piece of
wood in the framework was usually tenoned, fitted
into a mortise, and fixed by a wooden peg. *The
framework was put together by the builder before it
was taken to the site.* When the old buildings facing
the market-place were removed in 1855 much curi-
osity was excited by an examination of the frame-
work, each tenon and mortise being numbered to
correspond with each other, so that when the frame
was placed on the site it had to occupy the com-

ponent parts could be as easily fitted to each other as when it was framed."

It appears also by one of the Paston letters, "that small houses were sometimes framed and made ready on the spot where the wood was felled." Some dispute having arisen the owner or occupier of the wood refused his consent to the carrying away of the timber-work after it had been made ready to set up. The letter says, "Brother Paston, I recommend me unto you, praying you that ye take the labour to speak with Thomas Ratcliffe, of Framsden (Suffolk), for the deliverance of part of a house which lyeth in his wood at Framsden, which house the owner hath carried part thereof to Oxford, which, so departed, the remanent that remaineth in his wood shall do him little good, and it shall hurt greatly the workmen and the owner thereof also, which is my tenant, and the house should be set upon ground."*

This carrying of the frame-work to the site clearly explains the possibility of carrying the houses out of the city of London, bearing in mind the evidence given by the assize of Fitzalwyne, first lord mayor of London, that the houses in the city were all thatched (Liber Albus, vol. i. p. 328), and the curious story told by Stow of his father's house having in one night been moved bodily some distance.

Another distinguishing feature of the early Teutonic community was the power of its assembly in the regulation and management of its lands. Such an assembly existed in some municipal boroughs in 1835

* Ramsay's Paston Letters, vol i. p. 33.

in a very distinct form; and the ancient powers of the
London court of hustings are to be attributed to the
same cause. In this court all kinds of real actions
for the recovery of lands and tenements within the
city and its liberties are cognisable; and in this
language we can easily recognise a translation of that
which would have described the archaic duties of the
old village assembly, especially if we take into con-
sideration the exceedingly curious powers which
attend proceedings under this court. The recorder
must pronounce judgment, and forty freeholders
formed the inquest, chosen from twelve men and the
aldermen from the ward where the tenements in
question lie, and the same number from each of the
three wards next to the said tenements.* Such a court
as this was the result of no political legislation. It is
the descendant of that archaic assembly which be-
longed to every village community

But when we come to speak of the assembly of the
citizens there is much closer analogy to the assembly
of old Teutonic communities; and its decay and final
wiping out from the institutions of the city mark the
struggle between the community as the Saxon Lon-
doners understood it and the community as the
Roman Londoners sought to make it. Nothing is
more curious than the history of the London folkmoot.
We see it standing out, now and again, in all its
original strength, attended by all the citizens in early
Teutonic fashion; but we see towering behind it,
overshadowing it too, a small compact body of alder-

* See Privilegia Londini, 1702, p. 162.

men, just such a body, in fact, as Mr. Coote tells us governed the Roman municipia, a high class of citizens —*optimates, meliores, primates, potentes* —who monopolised all municipal power and privilege to the absolute exclusion of the other class.* Though we see this struggle going on late down in history, though our only record of it is a post-Norman chronicler, it appears to me to be something far greater, historically speaking, than a struggle for liberty against a mediæval tyrant king. If the actual struggle is against Henry III. and his faction, the contending parties are old foes, who have met and fought often before, and who fight on the historic ground chalked out by the place of meeting of an open-air folkmoot, and who use such archaic weapons as the " Yea, yea," and " Nay, nay," of Teutonic folk-speech. We know how late in modern times relics of archaic custom have survived ; and when I consider these struggles of mediæval Londoners, and all that they reflect upon the past history of the city, it appears to me as if these citizens wielded weapons of stone and bronze, to tell us of the age from whence they are descended.

The folk-moot was held in the open air, upon a piece of ground at the east end of St. Paul's church, adjoining the cross.† Here, at all events, we stand upon undoubted Teutonic ground, conquered from the Roman by men who knew and loved the village institutions they sought to transplant into the city. But then there is no evidence that this assembly of

* Romans of Britain, p. 368.

† See Liber Custumarum, pp. 338, 339, and my Primitive Folk-moots, p. 158, where I have discussed the archaic importance of this.

the citizens ever wholly dominated the city, and was recognised as the supreme council ; but it seems more than probable, since at times it took its part in those survivals of the old primary assemblies of the nation which met to elect their king.*

The fight between the popular assembly or folk-moot, where every citizen had a right to attend, and the smaller body, is well related in the Chronicles of the Mayor and Sheriffs of London, 1188 to 1274. In 1249, upon the Abbot of Westminster and his advisers desiring to hold a conference with the mayor and aldermen, " the whole of the populace opposed it, and would not allow them, without the whole of the commons being present, to treat at all of the matter " (p. 18). Again, in 1257, on the occasion of charges being made against certain aldermen, the King gave orders to the sheriffs to convene the folkmoot on the morrow at Saint Paul's Cross, upon which day all the aldermen and citizens came there. The proceedings are fully described, but the passage interesting to us is the following : " To which inquiry (no conference being first held among the discreet men of the city, as is usually the practice) answer was made by some of the populace, sons of divers mothers, many of them born without the city, and many of servile condition, with loud shouts of ' Nay, nay, nay ' " (p. 38). In 1262 we

* For the significance of the action of the London folkmoot in the election of Stephen, see Green's History of the English People, vol. i. pp. 151, 152 ; Freeman's Norman Conquest, vol. v. pp. 245, 305. That this connection of the London folkmoot was kept up is shown by the oath of fealty the citizens in assembly gave to Prince Edward, 1252. See Chronicles of the Mayors and Sheriffs of London, p. 20.

have the following remarkable passage. "The mayor,
Thomas FitzThomas, during the time of his mayor-
alty, had so pampered the city populace, that, styling
themselves the 'commons of the city,' they had
obtained the first voice in the city. For the mayor,
in doing all that he had to do, acted and determined
through them, and would say to them, 'Is it your
will that so it shall be?' and then, if they answered
'Ya, ya,' so it was done. And on the other hand, the
aldermen or chief citizens were little or not at all con-
sulted on such matter" (p. 59). In 1265 the populace
cried "Nay, nay," to the proposed election of William
FitzRichard as sheriff, and demanded Thomas Fitz-
Thomas (p. 91). In 1266 "the low people arose,
calling themselves the commons of the city" (p. 95).
In 1271 the old dispute broke out again in the election
of mayor, and the record of this is very instructive
(pp. 154-156).

In these curious and instructive passages I cannot
doubt that we have a record of the final chapters of
the history of the Teutonic folkmoot in London. Its
name, its place of meeting, its popular form, its for-
mula of "Yea, yea," or "Nay, nay,"* all proclaim
its primitive origin. But then under what circum-
stances do we see it with these evident signs of
its historical origin? There are by its side "the
discreet men of the city." We have never met
with it, either before the date of these records we
have quoted or afterwards, as the dominant power
of the city, impressing its forms and ceremonies,

* Cf. Freeman's Comparative Politics, sect. v.

its political system, its derivative forces, upon the municipal history of the city. It was never powerful ; it was only fitful. And we may well ask why the Teutonic conqueror, who met in his folkmoot without let or hindrance, bowed in municipal government to another body, separate and distinct from it ? The answer I am inclined to seek in the masterful pages of Mr. Coote's Romans in Britain, where I find that Roman prowess, ingenuity, commercial acumen, and political insight, managed to keep at bay in some places the savage barbarism of Teutonic conquest.

Other subjects of municipal internal polity claim attention at this juncture before we turn our attention to London beyond the walls. At the election of chief magistrate in Teutonic communities many curious and significant customs were observed, chiefly in connection with the old religion. In early Aryan days, when a village was first established, a stone was set up. To this stone the head man of the village made an offering once a year.* Of the many traces of this custom in England I will not speak here ; but of its survival as a London municipal custom there exists some curious evidence accidentally preserved. Holinshed tells us that when Cade in 1450 forced his way into London he first of all proceeded to London Stone, and, having struck his sword upon it, said, " Now is Mortimer (i.e. Cade) lord of this city." Pennant in 1793 was the first to note that this act was something more

* For examples, see Indian Antiquary, vol. ii. p. 66; Biddulph's Tales of the Hindoo Koosh, pp. 105-107, 114 ; Forbes Leslie's Early Races of Scotland, vol. ii. p. 497.

than meaningless nonsense,* but it was reserved for
Mr. Coote to put it in its true place as a fragment of
municipal folk-lore.† He points out that Holinshed
attached a meaning to it, and that the crowd of Lon-
doners who witnessed it must have attached a mean-
ing to it. Well, what was that meaning? It is
almost lost to us in London municipal custom. We
find that London Stone entered into municipal legal
procedure, as when the defendant in the lord mayor's
court had to be summoned from that spot, and when
proclamations, and other important business of the
like nature, were transacted there;‡ but there is no
direct clue to the action of Cade and its consequent
association of London Stone with an archaic Teutonic
custom. But if we turn to a parallel municipal
custom elsewhere we shall find the clue we are in
search of. On the mayor's day at Bovey Tracey the
mayor used to ride round the stone cross and strike it
with a stick.§ This significant action proclaimed the
authority of the mayor of Bovey, and it is not diffi-
cult to translate this curious parallel into the explana-
tion which comparative politics afford of the old
municipal custom at London Stone. But it will be
noted that, while at Bovey Tracey the custom obtains
almost the force of a municipal law, in London it had
sunk so low in its scale of importance as only to have
been rescued by the record of the acts of a rebel.

* Some Account of London, p. 4.

† London and Middlesex Archæological Society, vol. v. p. 282.

‡ Brandon's Customary Law of Foreign Attachment, p. 6; and
Lord Mayor's Court of the City of London, p. 14.

§ Ormerod's Archæology of Eastern Dartmoor, p. 11.

I have another remarkable custom to mention in connection with this stone-worship, if it may be so designated. In the Totnes Times, of 13th May, 1882, is an account of the customs adopted on mayor's Monday at Bovey Tracey, which gives us the additional piece of information, unnoticed by Mr. Ormerod in the book above quoted, that young men were induced to kiss the magic stone, pledging allegiance in upholding ancient rights and privileges. In London there is a remarkable survival of such a custom, though it is not identified with London Stone. In Bagford's Letter to Hearne* there is related how the porters at Billingsgate " used civilly to intreat and desire every man that passed that way to salute a post that stood there in a vacant space. If he quietly submitted to kiss the same, and paid down 6d., then they gave him a name, and chose some one of the gang to be his godfather." Now, in these curious relics of old London life we have stumbled upon a set of facts altogether outside the municipal formularies of Roman London. That they are hidden among the popular customs, as distinct from municipal law, proclaims that they had been ousted from their official place by a power that we must recognise to be Roman, but that they exist at all shows that they owed their origin to a power which we must recognise as extremely archaic, and therefore Teutonic.

In strict association with this subject is a piece of curious legal procedure, preserved for us in the

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* See Hearne's Leland's Itinerary, vol. i., p. lxxiv.

Chronicles of the Mayors and Sheriffs of London. In the charter of Henry III., granted in 1267, is the following clause, that, as to pleas of the Crown, the citizens "may deraign themselves according to the ancient custom of the said city ; this, however, excepted, that upon the graves of the dead it shall not be lawful to make oath in the precise words as to what the dead persons themselves would have said if they had been living." This custom was common to the Teutons and Scandinavians in ancient times.* In the present instance allusion is made, says Mr. Riley, to a privilege which had been allowed in London to a person when accused : to the effect that when one of his compurgators or jurors had died, whom he had selected to clear or exonerate him by making oath as to his belief of his innocence, it was allowable for the accused to say on oath, over the deceased person's grave, what the precise nature of his intended verdict would have been ; such oath having the same virtue as that of the deceased in favour of the person so accused.†

The other subject of municipal internal polity which we must consider is that of punishment awarded for offences against the laws. Pennant has a very interesting note about Execution Dock, which in his time still remained at Wapping. The criminals, he says, are to this day executed on a temporary gallows, placed at low-water mark, but the custom of leaving the body to be overflowed by three tides has long

* See Thorpe's Ancient Laws and Institutes of England, pp. 59, 123.
† Chronicles of London, p. 108.

since been omitted.* It appears to me that this
curious practice bears upon the face of it the character
of an archaic survival, and something which indicates
a Teutonic origin. These things do not originate in
the days of Charters and Acts of Parliament, and we
see here an old custom passing away *into oblivion.*
There can be no doubt, I think, that this represents
the old punishment by drowning, an undoubted Teu-
tonic and Scandinavian custom.† This old custom was
extant in the Cinque Ports; and it is an important
fact to notice that the transitional custom mentioned
by Pennant is confirmed by a record of the actual
practice. Kemble, in the first volume of his Codex
Diplomaticus, speaks of a woman who, being con-
demned to death for aiming at the life of a nobleman,
was executed by drowning on London Bridge, in the
middle of the tenth century. A singular prerogative,
belonging to the castellan of Baynard's Castle, con-
sisted in the fact that, if any traitor was taken within
his soke or jurisdiction, it was his duty to sentence
him to death by drowning, in conformity wherewith
the offender was bound to a pillar in the Thames,
used for mooring vessels, at Woodwharf, near Bay-
nard's Castle, and left there two floods and two ebbs
of the tide.‡ We read also, in the Liber de Antiquis
Legibus, that in the year 1266, while the Earl of
Gloucester was treating for peace with Henry III. at

* Some Account of London, p. 324.

† See Hampson's Origines Patriciae, pp. 104-105; Grimm's
Deutsche Rechtsaltherthümer, pp. 696-699.

‡ See Stow's London (edit. Thoms), p. 25.

Westminster, certain of his partizans pillaged many of the citizens of London, and slew one of their number; whereupon the Earl had four of the offenders seized, bound hand and foot, thrown into the Thames, and drowned. And such, the chronicler adds, was the judgment passed during all this period upon those who were condemned.* I should like to lay stress upon the importance of this piece of evidence, because it is an example, all too seldom found, of a modern custom meeting its true explanation and significance by a reference to ancient custom, and it thus illustrates the correctness of the principle I have followed in less certain cases.

There are other modes of punishment in London which take us back to the village life of our Teutonic ancestors. In the Chronicles of the Mayors and Sheriffs of London we read that the bakers, "whose bread did not weigh according to the assay of the city, not being placed in the pillory, as they used to be, but at the will of the Justiciar and Earl exalted in the tumbril, against the ancient usage of the city and all the realm" (p. 43). There were two pillories in London; one stood in Cheapside. In 1269 we read, in the above-named Chronicle (p. 127), it was out of repair.

A curious legal custom is mentioned by Aubrey as still obtaining in London during his day, he having observed one instance. If an unmarried man was capitally condemned, he was pardoned if a woman

* Riley's Liber Custumarum, Introd. pp. lxxxiii.,lxxxiv; Chronicles of the Mayors and Sheriffs of London, p. 97.

begged for his release upon condition that he married her.* This is old German law.

Now the particular fact upon which I wish to dwell in connection with these various subjects is that they do not exist in any of the recognised collections of city law and custom. They have never been codified, never been able to lift themselves beyond the title of municipal usage. I have collected them from all sorts of places, and have had to piece them together in a kind of patchwork, with no chronological basis of connection between them. Archæologically they present us with a fair field of observation, because they belong to one era of archaic society; but before the tribunal of historical succession they have been found wanting. And, I think, if we look a little further we shall find that the Roman Londoner had an excellent piece of machinery wherewith to thrust in the background the barbaric usages of his conquerors. Roman law and Roman lawyers were powerful where commerce was concerned; and their recognition by the ignorant Teutons was, as we well know, among the first steps towards the formation of the Anglo-Saxon kingdom. Well, how do we find that Roman law and Roman lawyers were treated in London? Legal history contains within it some of the most archaic survivals of our complicated social system, and when its details are treated minutely it comes home to the student with considerable force. Now the order of the coif is the oldest established association of lawyers in our country; there is no law

* Aubrey's Remaines of Gentilisme and Judaisme, p. 126.

for its first institution, no charter from a sovereign, nothing to show from whence it sprang except its remarkable parallel to Roman customs.   The assembling of the Roman Jurisperiti at early morn, *sub galli cantum*, and their peripatetic exercise up and down the Forum, in actual consultation, or ready to confer with the *consultores* or clients, is described by Horace and many other writers.   Horace's words are (Sat. I. i. 9) :—

> " Agricolam laudat juris legumque peritus
> Sub galli cantum consultor ubi ostia pulsat; "

and again in the first epistle of his second book he explains more at large the custom, which is again mentioned by Cicero in his oration for Murena.   But this practice applied to those lawyers whose years and honours had grown with their knowledge of the laws. In their younger days, on the public days of market or assembly, the masters of the art, says Gibbon, were seen walking in the Forum ready to impart the needful advice to the meanest of their fellow-citizens, from whose votes on a future occasion they might solicit a grateful return.   Let us take a step further in the history of Roman lawyers.   When they awaited their clients at home the youths of their own order and family were permitted to listen; and Gibbon goes on to point out the evident corollary from this, that some families, as for instance the Mucian, were long renowned for their hereditary knowledge of the civil law.   Now all these facts are in exact parallel to the

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early customs of the order of the coif. Serjeant Pulling points out the significance of the order as a family of lawyers, so to speak, who appear at the earliest dawn of English history, but originating from no special enactment from the government of the day, called into being by no charter or sanction of the sovereign. But the close parallel between the order of the coif as a family or corporation of lawyers and the Roman lawyers who developed into hereditary custodians of legal knowledge becomes even more remarkable when we consider their practices, and the theory of their duties. They assembled in the parvis of old St. Paul's cathedral, each serjeant having been allotted a special pillar in the cathedral at his appointment, where they met their clients in legal consultation, hearing the facts of the case, and taking notes of the evidence, or pacing up and down. Parvis sometimes implies the church porch, but in the case of St. Paul's it comprehended the nave or the middle aisle of the old cathedral, or Paul's Walk. This is only the old Roman practice over again, and a practice which was clearly related in the nature of parent to child, not that of descendant from a common ancestor. Further than this is the parallel between the theory of their action. As the Roman lawyer was ready to give aid to the poorest citizen without pecuniary reward, so was the serjeant " truly to serve the King's people " without pecuniary reward. I cannot discover that Mr. Coote, in the many remarkable and acute parallels between Roman and English institutions, has touched upon this; and I am disposed to class it as one of the most curious pieces of evidence

on this subject which is yet brought to light, and one which well deserves some close attention.*

It is before such an institution as this, formed of men learned in law far more extensive and philosophical than the barbarian codes could furnish, that Teutonic custom in London gradually declined into municipal usage of mediæval and later days.

We have now reviewed some of the municipal customs of London, and they have shown to us, according to my interpretation of the facts, some features of the contest between Roman and Saxon. The men who occupied, in early days, the little hill-fort, and who built up around it a flourishing commercial port, stood the shock of isolation, and then the shock of conquest, without giving up everything to the new comers. Fortunately for them, the new comers did not understand, and did not appreciate, the commercial importance of the place, and did not comprehend the system of government necessary for such a place. They occupied the lower part of the ruined city while the Roman traders kept to their old bounds. This seems to me to be the state of affairs as revealed to us by a study of the institutions as far as we have gone. And we now have to go a step further, and ask, Did the Saxon conquerors and settlers of London, who gave to the Roman city her Teutonic folk-moot, her Teutonic modes of punishment, did they also bring with them their agricultural system? London decommercialised (if I may coin

* I have sought, in vain, for some fresh information on this point; and upon my consulting Dr. Edwin Freshfield he doubted Mr. Pulling's reading of the facts.

such a word) must have become London agricul-
turalised. The limits of the old walls did not bind
the limits of the new citizenship. A Saxon citizen
not only possessed tenements within, but he possessed
his corn-lands, pastures, wood and forest, without the
town boundaries. And he possessed them not by
individual ownership but as a member of the whole
community. I am now speaking of times when
London was supported by her agriculture, and not by
her commerce. These agricultural lands without the
boundary were held in common tenure, as we know
the agricultural lands of other municipal towns were
held down to within recent days. But we see here,
just as we saw in matters relating to internal polity,
that the influence of the Roman began to exert itself
very early. Lands held in common were converted
either into corporate property, let out to tenants
paying rent, or were seized upon by citizens who had
ceased to be members of an agricultural community,
and had begun to see the advantage of individual
ownership.

FitzStephen, so late as the reign of Henry II., was
able to give an account sufficiently archaic to afford
evidence of the general agricultural aspect of London
citizenship. Everywhere, he says, without the houses
of the suburbs, the citizens have gardens extensive
and beautiful, and one joining to the other (*contigui*).
Then he describes the arable lands of the citizens as
bringing plentiful corn, and being like the rich fields
of Asia. And then come the pastures. On the north
side there are pasture fields, and pleasant meadows
intersected by streams, the waters of which turn the

wheels of mills with delightful sounds. Very near lies a large forest in which are wild beasts, bucks and does, wild boars, and bulls.* Now, such a description as this, coming from a Norman chronicler at a time when Roman and Teuton had both become Londoners, and when London was the capital of the nation, tells a great deal more than the meagre words of the Latin narrative. It must be noted that the citizens owned all these lands—garden grounds, arable lands, and pasture. The citizens then were agriculturists. The gardens were contiguous, and the pasture and forest were in common. This much we do know; and by analogy we know also that such a state of things shows a Teutonic settlement, shows a remarkable parallel to the land system of other English municipal towns — Berwick, Nottingham, Malmesbury, and others.† The long series of parallel customs and remarkable archaic analogies, which, I think, proclaim English municipal institutions to have been founded upon a Teutonic basis, proclaims, too, that London municipal institutions possess a large share of the same original stock. The very name of Long Acre, preserved in modern street nomenclature, tells its tale of archaic land tenure. It was one of the long narrow strips of arable into which the lands of the citizen community were divided. Such strips, possessing exactly the same name, " Long Acre," exist in many parts of the country as portions of the village community, as it survives in England to this day, and we cannot disassociate the London " Long

* Liber Custumarum, vol. i. p. 4.
† See Archaeologia, vol. xlvi. pp. 403-422.

Acre " from the same set of facts. When once we can grasp the conception, and FitzStephen enables us to do so, that London was once agricultural London; that her citizens depended upon their garden ground, arable lands, and pastures for the means of existence ; and when we add to this that her folkmoot was the old Teutonic folkmoot, where one and all had a right of attendance ; that her hustings court, possessing its ancient name, was the court which governed the tenures of citizen landholding; that parts of her criminal law belonged to the ancient code which was extant in the homes of Scandinavia and Germany,— we may identify some portions of the early history of municipal London as belonging to Teutonic times. And correlatively I would urge that where we see signs of the breaking-up of this archaic system, signs of a something which exists always alongside of it and yet is not a part of it, we see the latent powers of Roman citizenship exerting themselves.

What, then, has become of the garden ground, arable lands, and pastures of London citizenship? Some of it became corporate property, and remains so to this day, the city still owning their conduit-mead estate in Marylebone, which was once citizen meadow land, lying by the conduit which supplied water to the city. But this last outlying relic of old citizen land does not tell us of the alienations which have taken place during these last eight hundred years. Just let us turn, for instance, to the Liber Albus,* and study that most instructive list of grants

* Vol. i. p. 552.

and agreements made by the city. " Concessio majoris et communitatis " is the formula. And the mayor and commonalty grant extra-mural property away with a free hand—" de domo vocata Bedlem extra Bysshopisgate, de domo extra Newgate, de quadam domo extra Crepulgate." And besides these there are such instructive documents as " Memorandum de quadam Placea terrae extra Crepulgate capta in manum civitatis."* I cannot conceive a more in-structive piece of work than a map of the city pro-perty, restored from the archives and documents of the city, to show the possessions of the earliest times.

Some of the old citizen land remained citizen land, changing its uses as the circumstances of the time changed. Thus Finsbury Field † and Smithfield were used for games and sports, as open lands outside the city, long after their archaic significance as open lands had passed away.

But even in the question of the extent of the city lands outside the boundary of the walls we have to turn to Roman authorities for an explanation of the abnormal state of things in London.

In the long series of charters, which a recently published work has made more generally accessible to readers, there is a charter ‡ granted by Henry I.

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* In the Chronicles of the Mayors and Sheriffs of London we read how Henry III. in 1265 came to London and took all the foreign lands of the citizens into his hands, foreign lands being those without the liberties of the city (see p. 83).

† See Chronicles of the Mayors and Sheriffs of London, p. 174, for a relation of the possible loss of this to the citizens in 1173.

‡ Historical Charters and Constitutional Documents of the City of London, 1884.

confirming to the city of London the county of Middle-
sex in fee-farm. Such a grant as this points to much
more than a King's favour, even if we take into
account Henry's peculiar position. There is evidence
of ancient rights claimed by the citizens, " and the
citizens of London may have their chases to hunt *as
well and fully as their ancestors have had.*" Mr.
Green places these ancient rights far back in the past.
" Middlesex," he says, " possibly represents a district
which depended on London in this earlier [*i.e.* 500—
577] as it certainly did in a later time ; and the pri-
vileges of the chase which its citizens enjoyed through-
out the Middle Ages in the woodland that covered the
heights of Hampstead, and along the southern bank of
the river as far as the Cray, may have been drawn
from the rights of the Roman burghers."* No doubt,
I think, the limits of the " territorium " of Roman

* The Making of England, pp. 106, 107.—One or two instances of
the usages of the citizens outside the city boundaries may perhaps
be useful; they are taken from the Chronicles of the Mayor of London:
In 1232 the citizens of London mustered in arms at the Mile End and
were arrayed in the London Chepe.—Chronicles of London, p. 7.
" His Lordship the King requested them [the Corporation] to permit
the Abbot of Westminster to enjoy the franchise which the King had
granted him in Middlesex in exchange for other liberties which the
citizens might of right demand. To which the citizens made answer
that they could do nothing as to such matter without the consent
of the whole community." Chronicles of London, p. 16.—This sub-
ject was afterwards settled, it being decided that the Sheriffs of
London may enter all vills and tenements which the Abbot holds in
Middlesex, even unto the gate of his abbey.—Ibid. p. 61. " Upon the
King (1257) approaching Westminster the mayor and citizens went
forth to salute him, *as the usage is,* as far as Kniwtebrigge."—Ibid.
p. 34.

London determined the limits of the wood and forest rights of Saxon and later London, just as the walls of Roman London determined the limits of the city boundary.

I have now touched upon some of the chief features of municipal polity, law, and custom, which seem to me to illustrate the continuance of Roman life in London, and its struggle with a powerful Teutonic life. I have stated the main arguments during the progress of my researches, and they do not need to be repeated here; but, in conclusion, I may perhaps observe, that I have still some accumulations of evidence which I have not brought forward now, but which seem to confirm the proposition that I have ventured to put forward. I had hoped, before finally going to press, to have received the invaluable opinion of the late Mr. H. C. Coote upon my view of this subject, but the death of that lamented scholar, one of my most generous and kindly friends, prevented this.