

tenants had a right to be present, but that the ceorls, or husbandmen, the lowest class of freemen, also attended by their representatives, the borsholders of the tythings. The latter part of the assertion has, however, been made without a shadow of evidence, and the former is built on very fallacious grounds. It is, indeed, probable, that, in the infancy of the Anglo-Saxon states, most of the military retainers may have attended the public councils; yet even then, the deliberations were confined to the chieftains, and nothing remained for the vassals but to applaud the determinations of their lords. In later times, when the several principalities were united into one monarchy, the recurrence of these assemblies, thrice in every year within the short space of six months, would have been an insupportable burthen to the lesser proprietors; and there is reason to suspect, that the greater proprietors attended only when it was required by the importance of events, or by the vicinity of the court. The principal members seem to have been the spiritual and temporal thanes who held immediately of the crown, and who could command the services of military vassals. It was necessary that the king should obtain the assent of these to all legislative enactments; because without their acquiescence and support, it was impossible to carry them into execution.

There are many charters to which the signatures of the *wittenagemote* are affixed. They seldom exceed thirty in number, and never amount to sixty. They include the names of the king and his sons, of a few bishops and abbots, of nearly an equal number of ealdormen and thanes, and occasionally of the queen and one or two abbesses. The *fideles*, or vassals, who had accompanied their lords, are mentioned as looking on and applauding; but there exists no proof whatever, that they enjoyed any share in the deliberations.

Indeed, the *wittenagemote* did not possess much independent authority; for as individually they were the vassals of the sovereign, and had sworn "to love what he loved, and shun what he shunned," there can be little doubt that they generally acquiesced in his wish-

es. We have instances of this council meeting to order the affairs of the kingdom, to make new laws, and amend the old, as early as the reign of Ina, King of the West Saxons; Offa, King of the Mercians; and Ethelbert, King of Kent, in the several realms of the Heptarchy. After their union, King Alfred ordained for a perpetual usage, "that these councils should meet twice in the year or oftener, if need be, to treat of the government of God's people; how they should keep themselves from sin, should live in quiet, and should receive right." Succeeding Saxon and Danish monarchs held frequent councils of the sort, as appears from their respective codes of laws. After the Norman conquest, all laws were invariably made in the name of the king. On some important occasions, however, the king exercised his powers of legislation with the advice and consent of persons styled his barons, convened by his command; and on others, he appears to have exercised those powers with the advice of a council, consisting of certain officers of the crown. The Great Charter of King John, is the earliest authentic document from which the constitution of that legislative assembly called the King's Great Council, or the Great Council of the Realm, can be with any degree of certainty collected. According to that charter, whatever might be the authority for enacting other laws, such an assembly as there described, was alone competent to grant an extraordinary aid to the crown; and the persons composing that assembly were required to be summoned by the king's writ, either generally or personally, but both in reference to their holding lands in chief of the crown. No clear inference can be drawn from the charter, that any city or borough had any share in the constitution of this legislative assembly. The charter of John, however, does not appear to have been afterwards considered as having definitely settled that constitution, even for the purpose of granting extraordinary aids to the crown; for by a subsequent charter of Henry the Third, in the first year of his reign, the whole subject was expressly reserved for future discussion. It is a charter of this last monarch, passed in