to be inserted at the end of Page 22. of Dissert: on Government.

# Of the Legislature of England in particular before Saxon Conquest

We have very little to say about this Country, before the Saxon Government; the Antient Britons lived like the Nomades in Tents, without Towns or Citys, their diet milk & roots, their employment keeping of Cattle; they were divided into many small Sovereignty's amongst who notwithstanding their generous spirit & love of Liberty hatreds & jealousys prevail'd to such a degree that they could never thoroughly unite even in the Cause of Freedom against their common

Enemy.
The Southern parts of the Island was possess'd by the Gauls when the Romans first invaded this Country, these received at first as friends, became the most inveterate Enemys; the Gauls brought the form of Government subsisting in their own Country with them into Britain; they were also extremely divided amongst themselves, composed of about sixty four distinct Nations, whose different interests produced eternal factions; the form of Government was the same in all; A Senate of the principal Nobility over which

presided as Annual Magistrate with power of life & Death, & for maintaining a Union amongst these different nations a General Council like that of the Amphictions was annualy held at Dreux in Gaul the Chief seat of the Druids, whether the Deputys from every State repair'd, & here proper regulations were made for the Common Safety of the Whole.

They also held Extraordinary Councils of this nature in time of public danger or approaching War, when they chose a General in Chief who sometimes had the name of King, whose power continu'd during the occasion only for which he was

elected.

On certain exegeneys each particular Nation, made choice of one, & sometimes of two leaders not unlike the Roman Dictator, but with less power.

The Belgi notwithstanding their hatred to the Britons, resembl'd them much in Customs, Temper & Language, but above all in Religion both people being under the direction of the Druids who were absolute in Religious Matters, & had great influence in Civil Affairs.

This was the State of the Country when Cæsar first landed, as they pushed their Conquests they introduced

their own Laws & Customs, which were however upon their being force'd to abandon the Island totally eradicated by the Saxons, who establish'd instead of them a form of Government persisting in great measure to this day. ~~of the Legislature of England under the Saxons~~

We have already taken a View of the Saxon Laws & Customs that prevail'd in their own Country, it remains to shew how & in what manner they introduc'd them into ~~England~~ here. ~~here follow Pag. 230 of gold book. of the Legislature of England under the Saxon Laws & Customs~~

It is agreed on all hands that the Feudal Law which for several ~~years~~ centurys was the basis of this & most European Governments ~~derive its~~ origin from the Antient Germans, but we shall

expect in vain to meet with any distinct account of this system amongst these Nations whilst they remain'd in their own Country, it really did not exist at that time among them; it may be observ'd by the Accounts we have before given, that a Species rather than a peculiarity of institutions & Manners prevail'd, which added to the singular situation they were in as Conquerors produc'd the most singular System of Laws & Politics, that ever appear'd before, a System Common to many Nations often at enmity, differing in their dialects, & seperated by Oceans.

The distribution of the Conquer'd Lands to the Conquerors under the condition of Military Service was a simple Idea, & has been frequently practic'd; amongst the Greek, Roman & Carthaginian Colonys many examples occur of it, the Asiatick Conquests made for one Man & not a People demanded an army to preserve them.

The Hebrews exterpated the antient Inhabitants, the Tartars conform'd to the Laws of the Chinese they conquer'd, the Modern European Colonys are little more than Instruments of Commerce, & therefore generaly regulated by the Laws of the Mother Country

The situation of the Germans differ'd in every respect from that of the different Kingdoms we have been mentioning, no general System of Government prevailing in their own Country, but subjected in their various districts to some Chief out of fear or Love, they begun their Migrations like so many independant Corps, & not individuals; the Spirit of Oligarchy, not Equality; as long as any View to their Native Country remain'd, or danger kept them on their guard each Man's possession did not regularly depend to his Heir

but went to him most capable of defending it; but when all Connection with their Mother Country ceas'd, & bravery become less necessary, the possessions of individuals grew to be Hereditary contrary to what has happen'd to all other Nations whose Laws have the least resemblance to Feudal ones. — As they were a Military People & their Situation oblig'd them to be ever ready to defend their Conquests, their whole settlement with the Subordination & Military Service attending it, produced a System without any determin'd plan of a Legislature that entirely swallow'd up the Laws of the Country, it was

introduced into;

However regular & consistent this System may appear to us at present, it was nothing more than the natural Consequence of Natural Causes.

It has been long a dispute amongst Antiquarys whether the Feudal Institutions were introduced by the Saxons or Normans, we may safely aver by both; to explain this, it will be proper to observe that the Saxons did not in their Conquest, seize on the property of the Whole Lands, they had not occasion for them, part of them therefore remained to the antient Inhabitants on the Old footing, &

in like Manner Adventurers held the Vacant Lands they had taken possession of, without acknowledging any Chief; the Saxons however as We have seen before had in their own Country like the other German Nations, Princes & Chiefs with Slaves who serv'd them not as Domesticks but Labourers, paying Rent for their Lands, a certain quantity of Corn, Cattle, & Cloaths; In their Conquests they assign'd portions to their Princes, the rest was divided amongst their Chiefs, who to prevent disputes wou'd have their quotas given them in presence of the Prince, & when writing came in, confirm'd to them by Charter

The great divisions thus made, both Prince & Chiefs distributed their respective parts amongst their followers, & Slaves;

From what we have said it plainly appears there were two methods of holding Lands, the one as possess'd by antient Inhabitants & Strangers subject to no particular Lord call'd in those early times Allaux, the Officer commanding these was call'd Count, the Possessors of the Lands Liberi, in Latin Liberi, & often Milites, & were defin'd those who acknowledg'd no Superior, & subject to no droits Seigneuriaux, these Lands were class'd into Counties, subdivided into Villes under Vicarii, these again into

Hundreds under Centinarii; ~~these~~

The other holdings call'd Feodum under Lends, that is Lords, whose Lands were not contain'd in the Divisions of Countys, the first came to be call'd Allodial the second Feudal Tenure, which name is continu'd to this Day.

We must not however think that the Feudal System was in perfection among the Saxons, they only made approaches to it, both Prince & Nobles were too fond of their independant situations to make others equaly so under them, therefore few of the Grants made amongst the Saxons were Hereditary, but for one two or three

lives, so that the Possessors were rather Tenants than real Vassals, therefore the infinite variety of rights arising from the strict Union between the King & his Vassals, & between them again & other subordinate Ranks were still in its infancy in this Country till the irruption of the Normans.

In Normandy the power of the Prince was great & the power of Feudal service establish'd. William introduced many of these laws into this Country; He in the first place abolish'd the distinction between the Allodial & Charter holding; He alter'd the nature of the Landover a great part

of the Kingdom, subjecting it to Military tenures in which he included even Church Lands, & in imitation of his own Country, he attach'd the large districts of Lands, to the titles of Earls, & made these honours Hereditary that were before only official; besides this the whole fiefs of the Nation, all the subordinate Tenures were also made Hereditary, & the Rights of the real Vassals became as strongly establish'd as those of the immediate Vassals of the Crown; the consequences of all this soon appeared such as Escheats, Wards, Marriages &c.

We have observ'd before that the possessions of the Husbandmen were rather Leases than Feudes, but in length of time husbandry growing into more estimation, these people began to claim an inheritance in their Lands & meeting with little opposition Soccage came to be look'd upon as a regular holding; the services these people paid at first were that of the plough, they were call'd for that reason Bocco Men, & their Tenures Soccage; they afterwards paid their Rent in Corn & Cattle, but Henry I. having occasion for Money converted the Corn into pecuniary payments, which example