

obtained the right, conditioned, as might be expected, upon the payment of a further tax, to hold a Court leet^(u) within the territorial limits of the borough which should exclude therefrom the jurisdiction of the sheriff's tourn or general Court leet of the shire. To put off the galling yoke of the sheriff and his tourn was the primary object of the burgesses in acquiring the *firma burgi* and the borough Court leet. But the idea gradually spread among the freeholders^(v) that the sessions of the Court leet were adapted for other purposes than the purely judicial; and soon we see the beginnings of a legislative assembly. "This body at first is rather a judicial than a governing body, for the powers entrusted to the burgesses by their charter are much rather justiciary than governmental. But municipal life grows intenser and more complex; the court has to ordain and to tax as well as to adjudge, and it is apt to become a council, the governing body of the borough. Then, as trial by jury penetrates the boroughs, it sets up an important change. The old pattern of a court with doomsmen who are there to declare the law gives way before the new pattern with jurors who bear witness to facts. In the town, as in the realm at large, 'court' and 'council' are slowly differentiated; the borough court becomes a mere tribunal, and by its side a distinctly conciliar organ is developed"^(w).

In that period of English social development in the thirteenth century when the grant of local police jurisdiction (the Court leet) became co-existent with the grant of local taxation (*firma burgi*) historians profess to find the embryonic stages of British municipal institutions as they exist to-day^(x). It was reserved

(u) Derivation obscure, probably from A. S. 'lathian' to assemble.

(v) All the resident freeholders within the borough "paying Scot and bearing lot" were entitled and obliged to be present at the annual session of the Court leet. See Broom & Hadley's *Comm.* iv. pp. 358, 359; Gneist's *Const. Hist. Eng.* 2nd ed. i., 153, note C.

(w) Pollock & Maitland *Hist. Eng. Law*, 2nd ed. i., 659.