

a modified form of the true municipium, the magistrates being entrusted with the administration of local police and certain judicial functions. Under the Saxons, the territory of England was broadly parcelled out into counties, or shires and hundreds(*k*) for civil purposes. Towards the close of the Saxon period the 'burh,' a civil division of territory called into existence by military exigencies(*l*) foreshadows, both etymologically and politically, the 'borough,' of paramount importance in the municipal development of a later period. Concerning the 'burh,' Gneist says: "Discerning rulers like Ælfred made use of the remains of old civitates and castra and other advantageous positions for such fortifications, and the protection which these afforded was readily sought by the neighbouring freeholders, tenants, and vassals, and also by the landless men and small tradespeople who were living among the servants and followers of the landlords. The difference in the legal position of the people thus crowded together rendered expedient the appointment of a special royal magistrate ('gerefa'), who was also endowed with extraordinary military, police and financial functions. At the close of the Anglo-Saxon period the burgenses, and in later times the constitution of the English municipal boroughs, arose from these beginnings(*m*).'" Green, however, is of the opinion that in their origin 'boroughs' were not military units of the people, but mainly gatherings of persons engaged in agricultural pursuits; and he supports this view by reference to the fact that the first 'Dooms' of London provide especially for the recovery of cattle belonging to the citizens(*n*). Still, whatever their origin, it is in the constitution of the boroughs(*o*) of post-Conquest times that we must look for the prototype of the

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(*k*) Gneist (Const. Hist. Eng. c. iii.) demonstrates that the 'tithing' which some authorities regard as a third civil sub-division of territory, was nothing but a military arrangement.

(*l*) Burh, byrig, a fortified building.

(*m*) Const. Hist. Eng., i., c. iv.

(*n*) Hist. Eng. People i., Bk. III., 300.

(*o*) Hall. Mid. Ages ii, 389, 402.