

Thus the law relating to the liability of municipal corporations for negligence is rendered more or less intricate by the fact that they possess a dual character—on the one hand, representing the State in respect of the administration of local government, and so able to invoke the immunity of the Sovereign power from legal responsibility, *quoad hoc*; on the other hand, representing definite groups or communities of people in the conduct and enjoyment of their pecuniary and proprietary interests, and subject to the same legal responsibility as natural persons. In a word the elements of both the private and public species of corporations are combined in the municipal corporation; and the social history of England shews us how the resultant of this combination achieved its present distinctive place in our political institutions.

The origin of Municipal Corporations carries us back to so early a date in legal history as the Laws of the XII Table. (A.V.C. 304). Blackstone imputes to Numa Pompilius the honour of inventing them (*g*); while others ascribe their origin to the Greeks (*h*). Whatever their origin, this much is certain, that after the subjection of Italy, as a whole, to Roman rule the term 'municipum' was used to designate a free provincial town whose citizens enjoyed the plenary rights of Roman citizenship. The inhabitants of these municipia enacted their own local laws and usages, which were called *leges municipales* (*i*). As colonization progressed in the transmontane provinces new municipia were established, and the Germanic peoples found this system of local self-government admirably suited to their political genius. In Roman Britain thirty-three townships were established within a territory bounded by Winchester on the South and Inverness on the North (*j*). These were undoubtedly

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(*g*) 1 Bl. Com. 468.

(*h*) See Angell & Ames on Corp. Introd. s. 15; and cf. Domat, Droit Civ. ii. 457.

(*i*) Adam's Rom. Antiq. 73; and Hunter's Rom. Law, 3rd ed., p. 32.

(*j*) Sir James Mackintosh, Hist. Eng. i., 30.