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# The Public Records and The Constitution

A Lecture

Delivered at All Souls College, Oxford, at the request of  
the Regius Professors of Civil Law and Modern History

By Luke Owen Pike, M.A.

Of Lincoln's Inn, Barrister-at-Law,

Author of 'A Constitutional History of the  
House of Lords,' 'A History of Crime in  
England, &c.' and Editor of the 'Year  
Books' (or Law Reports) published under  
the direction of the Master of the Rolls.

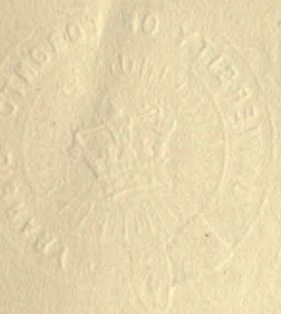
With

Plan of Evolution of the Chief Courts  
and Departments of the Government

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## P R E F A C E

THIS lecture was delivered a few years ago, and the plan was at the same time used to illustrate it, in the Hall of All Souls College. It was not published immediately afterwards because there was some probability that it would be delivered elsewhere from time to time. It has not been altered, except by the addition of a few notes, and the substitution of a few words necessary for the purpose of bringing it up to date. The plan has only been reduced in size by means of photography, so as to form part (perhaps the most important part) of the present publication. I take this opportunity of expressing my gratitude to the Controller of the University Press for the care and skill with which he has brought a diagram sixteen feet square to its present dimensions, and yet preserved its legibility.

The object of the plan and lecture has been to make the chief features of the constitution visible as a connected whole, and to mark their descent from the time of the Conquest. This could be attained only by the omission of some minor details which would obscure the main facts. It may, perhaps, be thought that some matters have been left out which ought, from their importance, to have been inserted. There is nothing, for instance, said in the lecture, or shown in the plan, with regard to the Cabinet, and as in one sense the Cabinet governs the country, it might be suggested that the principal factor of the whole subject has been forgotten. The lecture and the plan, however, are intended to show the development of the constitution as traceable in the public records, and to indicate the

mode of studying the public records in relation to the constitution. Of the Cabinet, as a Cabinet, there are no public records. It is always, to a great extent, made up of the Heads of Departments which are shown upon the plan and mentioned in the lecture; and so most of its constituents are named individually, though not collectively by the description of 'the Cabinet'.

Of the courts which have been omitted it may be said that they are or (where extinct) have been of inferior jurisdiction to those which are mentioned, and of them, as well as of the minor departments, that they do not illustrate any principle unnoticed in the plan or the lecture.

The plan or table of evolution is, it is believed, the first attempt to teach constitutional history through the eye, by chart or diagram, after the manner of some of the more exact sciences. There may, it has been thought, be an advantage to teachers and students in having the story of the constitution brought within a moderate compass, and freed, at the same time, from all possibility of political bias.

Dates, which in many cases can only be given approximately, have, it may be hoped, been sufficiently indicated by the position of the different courts and departments on the plan. The time of separation of Council from Parliament, for instance, is shown by the position of the King and Parliament on one side, and of the King and Council on the other side of 'Richard II'. The first appearance of the King's Secretary, as distinguished from the Chancellor, is shown on the left of 'Henry III'. The modern courts and departments are shown on either side of 'Victoria', and may be traced upwards by the lines which show their descent.

LINCOLN'S INN,  
*April 27, 1907.*



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# THE PUBLIC RECORDS

AND

## THE CONSTITUTION

IF I think I have any chance of success in my attempt to impart interest to the subject of my lecture, it is because I hope to persuade you that the subject is not limited to obscure handwriting, to musty and forgotten precedents, or even to a collection of curiosities in the shape of charters, or treaties with attractive seals, or autographs, or specimen letters from persons of note.

The  
History of  
England,  
and of  
England's  
Records.

I ask you to think of the Records not as documents which have come into existence somehow, and which somehow contain among them certain isolated matters that may give passing pleasure to persons of antiquarian tastes. I ask you to think of them as not being a mere mass of parchments and papers arranged in chronological order, in which the student of any particular period of history may find all that he wants, if only he exhausts all the documents of that period. I ask you to think of them as things which have a close connexion with our everyday life, as things telling of a past which is inextricably interwoven with our present, and telling a true story never to be told without them.

The History of England since the Conquest runs parallel with the History of England's Records. You cannot thoroughly understand either without knowing something of the other.

I will first of all give you the statutory definition of Public Records: 'They shall be taken to mean all rolls,

Statutory  
definition  
of the

Public  
Records.

records, writs, books, proceedings, decrees, warrants, accounts, papers, and documents whatsoever of a public nature belonging to His Majesty'.

None  
earlier than  
the Nor-  
man Con-  
quest.

Of such documents there was not one of any date earlier than the Conquest. Of course I do not mean to tell you that there were not any earlier charters from Sovereigns to their subjects, or any deeds of gift from private individuals to other private individuals or to monasteries. But all such instruments fail to satisfy the definition of a public record. They did not belong to the Sovereign. There is no trace of any Royal Court or any Royal Office in which such instruments were enrolled, or in which counterparts were retained, or in which returned writs were preserved under royal authority. Our system of Public Records is essentially the outcome of the system elaborated by William of Normandy and his French-speaking successors.

---

The Con-  
queror and  
his Court.

William the Conqueror, as King of England, had a Court. I will not ask you to assign too precise a meaning to the word, or to distinguish very clearly between a Court of Justice, a Court at which the Sovereign receives his subjects, and a Council at which he takes advice of those most competent to give it. The Court of our earliest Kings after the Conquest was a Court or Council in all these senses. It was an assemblage chiefly of tenants holding *in capite* of the King, as of his Crown, including among them the Bishops. They paid their respects to the King usually at certain fixed periods of the year; they, and some others who were experts, gave the King such advice as he might need from them; they lent their names as witnesses to any charters which he might grant; and, with the King, they constituted the highest Court of Justice in the realm.

Officers of  
State  
sitting in

Among the Officers of State who sat in this Court or Council *ex officio*, or as experts, I will ask you to fix

your attention on the Chancellor, and the Treasurer, the Court : the functions of the latter of whom may, perhaps, during the first few reigns after the Conquest, have been sometimes exercised by the Chief Justiciary. I will then ask you to regard the King and his Court or Council as the starting-point of our constitution, and the records which they brought into being as the starting-points of our Public Records. the Chancellor and the Treasurer.

There are some minor courts and departments, which, in order not to occupy too much of your time, I shall have to leave unnoticed, or barely mention. There are also some stages in the history of the rest which I shall have to pass by in silence; but I hope the diagram before you may render the main outlines sufficiently clear.

With this preface I will take you to Gloucester at Christmas in the year 1085. There William the Conqueror is holding his Court and his Council. There is matured the design of the first of the Public Records of England. There it is decided that Commissioners shall be sent into every shire in England to ascertain how many hundred hides of land are in the shire, what land the King himself holds and what cattle, and what dues he ought to have every twelve months from each shire. Court and Council at Gloucester in 1085.

Then, says the Anglo-Saxon Chronicle: 'It is shame to tell, though he thought it no shame to do—not a single hide, not a virgate of land, nor even an ox or a cow, or a swine was omitted, so as not to be set down according to his writ; *and all his writs were returned to him afterwards*'. From these writs returned was compiled Domesday Book. First design of the Public Records: writs to be returned.

Domesday Book is one of many objects of interest exhibited in glass cases in the 'Museum' of the Public Record Office, but I will ask you to think of it not as a mere curiosity standing alone—not even as a register or record containing priceless information—but as the great ancestor of our English records. It stands in Domesday Book the great ancestor of the Public Records.

the same relation to the records which have followed it as that in which the Conqueror stands to the later sovereigns of England and their various offshoots. With the Conqueror begins a new dynasty, with Domesday Book a new system.

Indignation and astonishment of the English at the method pursued.

The indignation and the astonishment of the writer of the Anglo-Saxon Chronicle when he tells how writs issued from a central authority to all the counties of England, and how *the writs had to be returned*<sup>1</sup> to that central authority, constitute in themselves a momentous chapter of history. The words prove to us not only that no such inquisitions of an earlier date existed, but also that the very idea of them was utterly foreign to the English mind of the period. The system and the centralization, however, which were then introduced, were destined to give England the finest body of records that the world has ever seen.

Annual account of the revenue to be sent to the King or his officer: the Great Rolls.

You will have noticed the words of the writs 'how much the King ought to have in twelve months from each shire'. You see here the determination of the King and his Court or Council to have an annual account of the royal revenues; and accordingly the earliest records after Domesday are rolls which show the annual accounts of the Sheriffs, and which, like Domesday, were not retained in the respective shires, but were sent to the King or his proper officer. Each of these rolls was, in the earliest days, described by the simple and appropriate title of '*Magnus Rotulus*', 'the Great Roll'. The first of them now known to be in existence belongs to the thirty-first year of the reign of Henry I—

<sup>1</sup> Thus the meaning of the title 'Domesday Book' (though other very fanciful explanations have been given) seems clear and simple. Domesday Book was not, of course, originally the official name of a record compiled by order of a French-speaking King and his Council, and written in Latin. It was obviously the native way of expressing the idea of a *book* founded on writs which had to be returned on a *day* appointed by a '*dom*'—a decision, judgement, or order.



to a period nearly half a century later than the compilation of Domesday Book. It contains, however, internal evidence, in the shape of references to earlier accounts, that it was not the first of its series, though its predecessors may have perished, like the earliest of its successors. From the second year of the reign of Henry II, however, until the system was abolished in the reign of William IV there is (with two exceptions only) a 'Great Roll' for every year of every reign during a period very little short of 700 years.

Primarily these 'Great Rolls'<sup>1</sup> were made up for fiscal reasons, so that the King's revenue from each of the King's shires might be known. Incidentally, however, the earliest of them are of great value for other purposes. A not inconsiderable portion of the King's income was derived from profits on judicial proceedings—from fines, from various kinds of licences, from various writs which the Sheriffs had to carry into effect. We are thus able to discern something of the nature of the Courts of Justice which were in existence, where no records of those Courts have come down to us.

Profits  
from  
judicial  
proceed-  
ings.

---

From the time of Charlemagne the Sovereign had, in France, sent his delegates to strengthen and to check

The *Missi*,  
or Justices  
in Eyre,

<sup>1</sup> These are often called 'Pipe Rolls', but incorrectly so far as the earliest of them (extending over considerably more than a century) are concerned. Down to the twelfth year of the reign of Edward I, or later, there was a process relating to matters entered upon the Great Roll which was described in statutes and elsewhere as the 'Summons of the Exchequer'. Not very long afterwards its place was taken by two distinct summonses, one called the Summons of the Pipe, the other the Summons of the Green Wax. There then came to be a Clerk of the Pipe, and a Pipe Office, in which the Great Roll was engrossed and kept. Then, and not before, the later Great Rolls acquired the alternative colloquial title of 'Pipe Rolls', which is inapplicable to those in existence before the Summons of the Pipe was invented. A disquisition on the distinctive meaning of the 'Summons of the Pipe' would here be out of place.

sent  
through  
the  
country.

the local jurisdictions. There had been Courts held by Counts in France just as there had been Courts held by Earls, or their deputies the Sheriffs, in England. It was, however, an essentially French idea to make these local courts feel the power of the central authority. The Earl and the Bishop sitting in a County Court in England before the Conquest had a very independent position, but that position was greatly modified afterwards. As Charlemagne sent his *Missi* to his Counts, as William the Conqueror sent his Commissioners into the Shires, so William's son, Henry I (if indeed William Rufus and the Conqueror himself did not do the like), sent his *Missi*, or Justices in Eyre, throughout the country.

The  
Treasurer  
at the head  
of one of  
the Com-  
missions.

In the first of the Great Rolls there are traces of more than one Eyre—notably of an earlier Eyre in which Geoffrey de Clinton was the presiding Judge. Now Geoffrey de Clinton was Treasurer, and it has been sometimes said, though proof is wanting, that he was also Chief Justiciary. When he went on his circuit he had three principal objects in view—to look after the King's rights and revenue, to inquire as to all infractions of the King's peace, and to do justice between party and party among the King's subjects.

The old  
County  
Courts  
over-  
shadowed  
by the  
Courts of  
Eyre.

When a Court of Eyre travelled through the realm, a writ issued to the Sheriff of each county, in which the Court was expected, directing him to summon all the Bishops, Abbots, Priors, Earls, Barons, Knights, and Freeholders of the county to appear before the Justices in Eyre, and obey the King's precepts then to be made known to them. These were in fact the persons who constituted the County Court; and the summons to appear before the Justices in Eyre, who were the King's delegates, must have impressed upon them very forcibly the fact that there was a higher jurisdiction before which they must bow. The power of determining the most important causes, whether civil or criminal, was gradually taken away from the County Court; and, in the earliest reigns after that of the

Conqueror, the greater part of the jurisdiction appears to have fallen to the Justices in Eyre. \*

This brings us to the first extant records of judicial proceedings. Except possibly one or two fragments of earlier date, they belong to the reign of Richard I, and there are fortunately a few of them which are rolls of the Court of the Justices in Eyre. They show clearly enough what was done while the circuit lasted, and what was the course pursued with regard to certain matters when it came to an end.

Records of  
the Courts  
of the  
Justices in  
Eyre.

Of about the same dates as these first Eyre Rolls we have others in some respects like them, in some respects very different, which belong to the *Principalis Curia Regis*, carefully distinguished by Glanvill from the Court of the Itinerant Justices. These are the rolls not of a court commissioned to travel from county to county, and to hear the pleas of the county in the county itself, but of a court temporarily fixed in a particular place, and there hearing pleas relating to all counties. The existence of this court marks another step towards that centralization which followed the Norman Conquest—towards the perfection of that policy which, while making use of the county organization, transferred most of the power of the old County Courts to the King's superior Courts of Law.

Records of  
the *Principalis Curia Regis*  
*coram*  
*Justiciis*.

This particular court was not that great Court or Council of the King, in its entirety, which I mentioned at the beginning of this lecture. It was not even the whole of the *Principalis Curia Regis*, of which there were, as early as Glanvill's time, two divisions—the Court *coram Domino Rege*, and the Court *coram ejus Justiciis*. It was the Court *coram ejus Justiciis*. It was a Court in which the King did not sit in his own person, but to which he had delegated certain functions. The mode of delegation grew almost certainly out of the system of the Eyres; and some of the earlier rolls which are left

Certain  
functions  
delegated  
by the  
King to  
this Court  
as to the  
Eyres.

to us show how the growth came about. The Justices in Eyre not uncommonly adjourn unfinished causes from one place in their circuit to another; and, when their journey is coming to an end, they adjourn causes sometimes, as they express it, to Westminster, sometimes 'into the Bench'. So far as can be ascertained, the two expressions mean the same thing.

The Bench, or King's Court, at Westminster.

A little later than the time we are now considering, 'the Bench' meant invariably, not, as might be supposed, the King's Bench, but the Common Bench, otherwise known as the Court of Common Pleas. Accordingly when the records of the King's Court sitting at Westminster in the time of Richard I are examined, it is found that the actions which are brought into it are mostly of the same nature as those which would afterwards have been brought into the Court of Common Pleas. Some are causes brought into this court itself in the first instance, others are causes adjourned out of the Eyres. The Justices at Westminster, like the Justices in Eyre, are acting as the King's delegates, and their mode of procedure is the same. The records of the Courts, however, present some essential features of difference. The records of the Courts of the Eyre, when the Justices travelled with full jurisdiction, are largely made up of crown or criminal matters; the records of the Court at Westminster contain but few of such matters. In the records of the Eyre Courts the matters relating to each particular county are brought together; in the records of the Court at Westminster the matters relating to the various counties are intermixed, without any attempt at arrangement.

The central authority: the counties have to come to the King's fixed Court.

It is in this last fact that we see the central authority gaining ground. When the Eyre is in commission the central authority asserts itself in the counties by the appearance of the King's delegates. When the commission for the Eyre expires, the counties have to come to the Court at Westminster, or some other place, and there recognize the authority of the King's Justices.

The last semblance of local independence disappears; the pleas of each county are dissevered from other pleas of the same county, the bond of union being now the authority of the Court exercised over all the counties, and not any geographical position or local organization.

This Court sitting at Westminster, at least as early as the reign of Richard I, describes itself, again and again, as 'the Bench', speaks of appearance duly made 'in the Bench', and gives adjournments into 'the Bench'. You thus see 'the Bench' established as a permanent Court, and you see why it was not called 'the Common Bench' or 'Court of Common Pleas'—the simple reason being that its jurisdiction had not yet been quite precisely defined, and that there was as yet no other Bench over which Judges delegated by the King presided.

Only one X  
Bench at first: its jurisdiction not then restricted to common pleas.

You have, perhaps, been thinking, for some minutes, that I have forgotten King John's Great Charter. I have so far left out of consideration the old doctrine that the Court of Common Pleas came into existence because in that famous charter there was a provision that common pleas should not follow the Court of the Sovereign, but be held in some fixed place. It would, however, be truer to say that the jurisdiction of that division of the *Principalis Curia Regis* which was the Court *coram Domino Rege*, and was afterwards known as the King's Bench, was restricted in consequence of the charter, while the original Bench retained all its old jurisdiction, except in a few crown cases.

The Great Y  
Charter: the Bench, or Common Bench, or Court of Common Pleas, and the Court before the King himself, or King's Bench.

When the King travelled through his realm, as he often did, his Court was with him, and there was then no necessity to delegate his powers by any commission. Wherever he might be, a Court was held nominally, and in the earliest times really, before himself. For many centuries after King John's time proceedings to be had in the King's Bench were invariably described as to be had 'before the Lord the King, wheresoever

he may be in England'; and the Court of King's Bench always continued to be 'the Court before the King himself' even when the Sovereign had ceased to sit in it, and had permanently delegated his authority there, as in other Courts, to Justices.

In the reign of King John, before his great Charter, this movable and moving Court before the King himself not only heard causes (including common pleas) brought into it directly, but also causes commenced in the Bench but belonging to the county in which the King with his Court might happen to be. If not there concluded, a cause might be remitted back to the Bench, or left to wait the coming of the Justices in Eyre.

There are abundant materials in the Record Office, beginning in the reign of Richard I, for the proof and illustration of all these matters in detail. The records themselves which have fortunately been preserved are of inestimable value for those who know how to use them, teaching us how the Courts of King's Bench and Common Pleas acquired their respective jurisdictions, and the relations which each bore to the other, and the Eyre to both<sup>1</sup>.

The  
Justices of  
Assise :  
their juris-  
diction  
distinct  
from and  
inferior to  
that of the  
Justices in  
Eyre.

The growth of another jurisdiction, often confused with that of the Eyre, is also illustrated by the records. I mean that of the Justices of Assise.

The word *Assisa* had several meanings, only two of which I need at present mention. One was that of a particular kind of action invented in the reign of Henry II, the other that of the sitting or the time of sitting of a Court. The Assise Rolls originally

<sup>1</sup> Any one who wishes to work these matters out in detail must rely upon his own judgement and industry. The lists of the records are deceptive. Some of the Eyre Rolls have been placed under the head of '*Curia Regis* Rolls', and others (the greater part) have been mixed indiscriminately with the rolls of the Justices of Assise. Pleas before the King himself may also be found under the head 'Justices Itinerant and others'. The *Principalis Curia Regis* is not mentioned.

obtained their name because they contained proceedings in actions of Assise before Justices of Assise, who were so called not because they held sittings at specified times on circuit, but because they were appointed, or assigned, to hear causes known as Assises, among which were those of Novel Disseisin, Mort d'Ancestor, and others. Their limited jurisdiction is mentioned in John's Great Charter, but was gradually extended. They, after a time, took the verdicts of juries at *Nisi Prius* in causes commenced in the Superior Courts, though judgement, except in certain specified cases, could be given only in the Superior Courts themselves; and by virtue of the Commissions of Oyer and Terminer, and Gaol Delivery, originally given to distinct Commissioners, they acquired a great portion of the power in criminal matters once enjoyed by the Justices in Eyre. The times of their sittings also obtained exclusively the name of Assises. Historically, however, the commencement of their authority is quite different from that of the Eyre. Until the Eyres died out, the Courts of the Justices of Assise were, in relation to the Common Bench, its handmaidens, while the Court of the Eyre was its superior.<sup>1</sup>

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The Commissions and Patents to the various Justices may, perhaps, have passed under the Great Seal even at periods before we have any record of the fact. The Chancellor who had the Seal in his keeping had an office for the transaction of business (the Chancery), which becomes rich in records very soon after the time when those records of other Courts which I have just described first make their appearance. Out of this office issued the writs (technically known as Original

The Chancellor and his office:  
Original Writs:  
Patents,  
Charters,  
and Writs Close.

<sup>1</sup> When the Eyre was in any county, the jurisdiction of the Common Bench immediately ceased in that county, and the common pleas of the county were at once removed into the Court of the Eyre.

Writs) which were the foundation of actions in the Courts of King's Bench and Common Pleas, as well as the King's Letters Patent, and Letters or Writs Close. In the reign of King John, enrolments were made in this office of those Letters and of Royal Charters, and somewhat later of treaties with various Powers, which have come down to the present day.

Constitu-  
tion of the  
Court of  
Chancery.

In the Chancery, too, were heard and determined certain matters not sent to the other Courts for trial in the ordinary way. These were not, in the earliest times, decided by the Chancellor alone but with the assistance of some members of the Council, usually including the Justices of the King's Bench and the Common Bench. Out of this procedure was gradually developed the jurisdiction of the Court of Chancery as a Court of Equity, and the growth may be traced by a careful study of the records which have been handed down to us.

The  
Chancery  
an office of  
the Parlia-  
ment.

As soon as the Great King's Court in one sense of the term—that of the Common Council of the Realm—began to take the name of Parliament, an office of that Parliament, for the custody of its records, was the Chancery; and in this way Parliament Rolls and Statute Rolls have come into the Public Record Office.

Original  
meaning of  
'Parlia-  
ment': the  
King in  
his Council  
in his Par-  
liament.

The word Parliament had not at first the precise meaning which is now attached to it. It was often used to express an assembly in which the Commons had no part, and was often synonymous with the House of Lords. For a great number of purposes, the King sat 'in his Council in his Parliament', as the phrase ran from the time of Edward I to that of Edward III. The meaning was that he sat with the Chancellor, Treasurer, Justices of the two Benches, Barons of the Exchequer, and other experts, in the House of Lords. This really was the Great King's Court, or Common Council of the Realm preparing itself for a vital change; for,



although the two sit together when Parliament is sitting, we see that the Council is now distinguished from the Parliament.

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The definite separation of the Council from Parliament, which occurred in the reign of Richard II, was a great event in the history of the constitution, and left a corresponding mark upon the Public Records. In earlier times the proceedings of the Council, when it was not the Council in Parliament (that is to say, if it sat when Parliament was not sitting), found their way, if of a public nature, to the rolls of the Chancery, or of the King's Bench, or both. When the Council sat independently, and had a separate existence even during a Session of Parliament, its proceedings were recorded in separate Registers.

Separation of the Council from the Parliament: its importance.

The earliest extant proceedings of this separate Council, which, in some unexplained manner, fell into private hands, were collected by Sir Robert Cotton and others, and so found their way to the British Museum, and not to the Privy Council Office, the State Paper Office, or the Public Record Office.

The records of the Council not all in one place.

The proceedings of later date—from the latter part of the reign of Henry VIII downwards—are, or were, for the most part, at the Privy Council Office, and are technically Public Records under the charge and superintendence of the Master of the Rolls.

The Council was at one time very closely associated with the Court of Star Chamber, which comes into prominence in the reign of Henry VII; and its general powers were somewhat curtailed in the reign of Charles I, by the Act by which the Court of Star Chamber was abolished. Its legal jurisdiction was, however, destined to be of a very far-reaching character in later times, as it became the highest Court of Appeal for Colonial, as well as some other matters, while Parliament—or the

Jurisdiction of the Council: the Star Chamber.

House of Lords—became the highest Court of Appeal for the rest.

Appeal to  
the King  
in Council.

✕ The Channel Islands, which formed a part of the original possessions of the Conqueror, were unaffected by the growth of the English Courts of Justice, and the English Parliament. There was an appeal from their own Courts to the King of England, who had originally been Duke of Normandy ; and the tribunal for hearing the Appeals was eventually the King in Council, which still directly represented the Norman Duke and his Court or Council in one of its aspects. The Channel Islands being the King's possessions beyond the sea, the analogy was applied to the King's possessions beyond the sea acquired at a later time ; and an appeal lies, in the last resort, from the Courts of all the Colonies, and of India, to the Sovereign in Council. Thus we see how the Imperial Idea, of which so much has been heard of late, has been made to fit in with the traditions handed down from the time of William the Conqueror.

Judicial  
Committee  
of the Privy  
Council.

✕ This jurisdiction has long been entrusted to a Committee known as the Judicial Committee of the Privy Council, which, after hearing the causes, makes a report to the Sovereign in Council, upon which report judgement is given.

Antiquity  
of the  
principle  
of appoint-  
ing Com-  
mittees.

The principle of appointing Committees of the Council which is, in fact if not in name, as old as the Courts of Common Pleas, and King's Bench, has developed, and is still developing in various other directions.

Committee  
of Council  
relating to  
trade, or  
' Board of  
Trade '.

One of the best known Committees of the Council is the Committee appointed for the consideration of matters relating to Trade and Foreign Plantations, which has, since the year 1861, been known simply as the Board of Trade. The germ of this Committee can be traced back as far as the reign of Edward III, when power was given to the Chancellor and Treasurer, with others of the King's Council, to prolong the term limited by an Act of Parliament for the exportation of wool.

The use of the word Committee is of much more

recent growth, and although members of the Privy Council appear from the time of Charles II to have been nominated to serve on all Boards of Trade, whether known as Councils or as Commissions, it was not until the reign of George III that a Committee strictly limited to members of the Privy Council became the authority for dealing with matters of trade.

Now this offshoot of the Privy Council is a descendant of the Conqueror's Council or Court no less than His Majesty is a descendant of the Conqueror himself. Yet, if we look at the functions which are or have been exercised by the Board of Trade, we shall see from a new point of view the development of the national genius, and the adaptation of the Constitution to the new condition of things. This Committee has had entrusted to it various powers in relation to our mercantile marine, the extent of which could not have been even imagined at the time of the Conquest—in relation to Railways, which have effected what the Conqueror's advisers would have thought beyond even the powers of witchcraft—and, together with the Post Office, in relation to Electric Telegraphs, which have gone even beyond Shakespeare's promise of Puck to put a girdle round about the earth in forty minutes. In relation to all these and innumerable other matters, over which the Board of Trade has jurisdiction—such as Patents for Inventions, Bankruptcy, Harbours and Lighthouses, Gas Supply, Water Supply, and Electric Lighting—there are constantly growing up records of some kind or other, books or papers, which will tell of what has been done, and all of which are under the charge and superintendence of the Master of the Rolls.

Another offshoot of the Privy Council was the Committee on Education, which has, however, been remodelled by the Board of Education Act, 1899. This gives the Board an independent existence, but it is still necessary that the President of the Council should be a member. In this as in other directions the Council

Adaptation, in the Board of Trade, of the old constitution to a new order of things.

Committee of Council on Education, now the 'Board of Education'.

developed with the growth of the ages, and records have been quietly accumulating to show posterity how education expanded in the nineteenth century and afterwards, and how it was supervised by an authority born of the old King's Council.

Board of  
Agriculture and  
Fisheries.

Yet another important department which, to some extent, owed its existence to the Privy Council, though separate from it, was the Board of Agriculture, which absorbed the Land Commission, and the earlier Copyhold Enclosure, and Tithe Commissions. The President of this Board had to be a member of the Privy Council, but in all other respects the department had, by Act of Parliament, a separate existence. In the year 1903 it became, in virtue of another Act, the Board of Agriculture and Fisheries, and various powers and duties relating to Fisheries which formerly belonged to the Board of Trade were transferred to it. Some of the functions of this Board remind us of the compilation of the Domesday Book, which was prepared by direction of the Conqueror and his Council. It has to collect statistics relating to agriculture and forestry, and this is precisely what was done in the year 1085. It now has charge also of the Ordnance Survey, by which some of the Conqueror's ends are attained through modern and more precise methods.

The Chan-  
cellor and  
the Great  
Seal: the  
Chancellor  
as Secre-  
tary.

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I shall now have to take you back to the Chancellor as he existed at the time of the Conquest, and show how other branches of the executive, with their corresponding records, grew out of the functions originally belonging to him. At first he seems to have had documents prepared, and, where necessary, to have had the Great Seal attached, without much intermediate formality. In the earliest Patent Rolls which are now extant—those of the reign of King John—we find at the foot of each instrument the words *Teste me ipso*, 'witness myself' (i. e. the King himself). Later on,

however, we find added the nature of the warrant for the preparation of the document—for instance 'by the King himself', 'by the King himself and the Council', 'by Writ of Privy Seal', as well as other forms.

The Privy Seal was used as an authority for passing documents under the Great Seal as early as the reign of Henry III. This marks a change in the position of the Chancellor, who previously acted as a Secretary, taking his instructions directly from the Sovereign. There then came to be a keeper of the Privy Seal, through whose hands documents which were warranted by the Privy Seal had to pass before reaching the Chancellor.

The Privy Seal, and Privy Signet.

The Privy Seal was, perhaps, as its name imports, originally the King's private seal, kept in his own possession; but, when it was handed over to an official, it was succeeded by the Privy Signet as the private seal of the Sovereign himself. We know that Richard II wore on his finger the 'gold ring of the Signet of the Patents', and that, when he resigned his crown, he placed this ring on the finger of his successor Henry IV. We know also that in the time of this Henry's grandson (Henry VI), the King sent his signed bill to his secretary to prepare letters to be directed under the Signet to the Keeper of the Privy Seal, and thence under the Privy Seal to the Chancellor.

I do not intend to trouble you with the growth of all the intricacies of passing a grant under the Great Seal, which have in recent times been much simplified. My object, at present, is to introduce you to the King's Secretary. He was in existence as early as the reign of Henry III, and then, no doubt, performed some of the secretarial duties in earlier times undertaken by the Chancellor.

The King's Secretary takes over the Chancellor's secretarial duties.

From the time of Henry III downwards the King's Secretary was always a person of some dignity. He was occasionally sent on foreign missions even before he had the custody of the Signet. He had as Chief Secretary a definite place assigned to him in the House

Becomes 'Principal Secretary of State'.

of Lords, by an Act of the reign of Henry VIII. By the end of the reign of Elizabeth, if not before, he had become Her Majesty's 'Principal Secretary of State'.

The  
'Secretary  
of State',  
and the  
'Secre-  
taries of  
State'.

And now I have brought you to a new kind of machinery, but one developed, like all the rest, out of the old models. It has shown itself capable of infinite expansion, and has brought and is bringing into being an enormous number of Public Records, some of which are of the highest interest. The Secretary of State receives and sends out all the official correspondence of the United Kingdom and its dependencies in relation to Home, Colonial, and Foreign Affairs. I say *The* Secretary of State because, however many Secretaries of State there may be, they collectively exercise the functions of His Majesty's Principal Secretary of State. The number of Secretaries of State has varied at various times, and particular departments have been assigned to particular Secretaries, but any Principal Secretary of State is capable of exercising any of the duties of a Secretary of State, unless specially restricted by Act of Parliament.

The State  
Paper  
Office, and  
other re-  
positories  
of State  
Papers.

As early as the year 1578 there was a repository for papers concerning matters of 'State and Council' in which all papers of the Secretary of State, when not actually in use, should have been deposited. When this State Paper Office was united with the Public Record Office, it did in fact contain a valuable collection of papers relating to Home, Foreign, and Colonial affairs, though unfortunately some of the earlier Secretaries of State omitted to distinguish between correspondence which belonged to the Crown and correspondence which belonged to themselves. Various documents of importance have consequently been acquired by the British Museum from private hands, and others still remain in the collections of the modern representatives of ancient holders of office.

The more recent documents continue to grow up in

the offices of the Principal Secretaries, whence they are transferred from time to time to the Public Record Office.

It would exceed the limits of a lecture to trace the various changes and developments of the office of Secretary of State since it was first known by that name, but the chief outlines are indicated in the table before you. There are at present five Principal Secretaries of State, one for the Home Department, one for Foreign Affairs, one for War, one for the Colonies, and one for India.

The five  
Principal  
Secretaries  
of State—  
Home,  
Foreign,  
War,  
Colonial,  
and Indian.

The Records of the old East India Company were, however, delivered 'into the care and custody of the Secretary of State in Council'—the 'Council' being the Council of India appointed in accordance with the Act by which the Company's possessions were transferred to the Crown. The Indian Records are thus not on the same footing as those belonging to other Departments of the Secretary of State, and with regard to them the Master of the Rolls has not exercised any jurisdiction.

He has, however, the charge and superintendence of the documents of the Home Office, and its various subordinate departments, abounding with all kinds of information relating to internal affairs; of the documents of the Foreign Office, including most precious correspondence and treaties; of the documents of the Colonial Office, which are of course essential to the history of our Colonies, and of the documents of the War Office.

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The documents of the Secretary of State for War illustrate the history of our military organization and of the particular regiments whose muster rolls they include. Among them are the records of the old

The Secre-  
tary of  
State for  
War, and  
the Army.

Ordnance Department, which itself had a long and interesting history.<sup>1</sup>

The Navy:  
the Lord  
High  
Admiral.

With the idea of our Army is naturally associated that of our Navy. A most important jurisdiction was that of the Lord High Admiral. Though you may not improbably have seen it stated in some publications that King Alfred was Lord High Admiral, the earliest known mention of any English Admiral at all occurs in the reign of Edward I. There are certainly no records of any Pre-Norman Admiralty; and though there are ordinances reduced to writing at a later date which mention admirals of the reign of Henry I, it would seem that the writers were introducing their own terms, and not using those which were known in Henry's time.

Of course there were ships at an earlier period, and even, upon occasion, fleets, and there were sea-laws like those of Oléron; but there was not any clearly defined naval organization, nor any High Court of Admiralty, and not any administrative Department of the Admiralty. Before the reign of Edward III, when any admiral appears upon the scene at all, he is usually an Admiral of the North, an Admiral of the South, or an Admiral of the West. It was probably not before the year 1360 that there was an admiral in command of all three fleets; and there was certainly no permanent office of Lord High Admiral before that time.

The  
Admiral-  
in-chief re-  
sponsible  
to the King  
and  
Council.

As soon, however, as we find an Admiral-in-chief, we find that he is responsible to the King and Council. This is, of course, what we might have expected from our knowledge of the working of the constitution in other ways.

<sup>1</sup> The history of the military forces of the country before the abolition of feudal tenures is, of course, indissolubly associated with the history of the feudal system in England, and the records which relate to it.



The obscurity in which our early naval history is involved is due probably to the fact that, before the invention of gunpowder, but little attention was paid to the building of ships for war purposes. The fighting forces were commonly put on board merchant ships, from which arrows could be shot almost as well as from any ships specially constructed. This—the chief—origin of our Navy left its mark even down to the nineteenth century. The ‘Master’ was long responsible for the navigation of a ship of war, just as for a merchant ship, though the Captain was in supreme command; and the Master’s Journal and Log-Book were considered of very high authority.

Merchant  
ships, and  
ships of  
war.

Out of the use of merchant ships for war as well as other purposes appears to have grown the jurisdiction of the High Court of Admiralty, which eventually extended to prizes taken by force of arms at sea, as well as to disputes touching merchant vessels.

The High  
Court of  
Admiralty.

A matter of more general interest than the growth of the High Court of Admiralty is the growth of the Admiralty considered as a Department of the Government. There is nothing to indicate the existence of such a Department, in the modern sense of the term, before the reign of Charles II. There are some early accounts relating to naval affairs; there was a Treasurer of the Navy as early as the year 1544, whose functions were transferred to the Paymaster-General in the reign of William IV; and there were various subordinate officers responsible to the Lord High Admiral. In the reign of Charles I, after the murder of George Villiers, Duke of Buckingham—a very young High Admiral, who, according to Clarendon, had ‘learnt the exercises of riding and dancing, in the last of which he excelled most men’—there were appointed some Commissioners of the Admiralty. The papers relating to their administration were found in the old State Paper Office; and this may indicate that they were regarded as belonging to the Council. During the Commonwealth there was

The  
Admiralty  
Depart-  
ment of the  
Govern-  
ment.

an Admiralty Committee of the Council of State, the records of which were in the same office.

Services of  
the Duke  
of York  
(after-  
wards  
James II)  
in organiz-  
ing it.

James Duke of York, afterwards King James II (being, as his adviser Samuel Pepys said, 'very hot for regulations in the Navy'), seems to have been the first to succeed in separating the Admiralty Department from the Council. It is in his time and under his instructions that the magnificent series of Journals and Log-Books which are now among the Admiralty records begins. It is a pleasing task to call to mind that one, of whom historians can remember little that is good, and possibly much that is bad, did at least render one great and good service to his country, and may be regarded as the father of our system of naval administration.

The  
Lord High  
Admiral,  
and Com-  
missioners  
of the  
Admiralty:  
the value  
of their  
records.

Since his time the office of Lord High Admiral has usually been in the hands of Commissioners, whose authority, like that of the Lord High Admiral himself, is of course derived from the Crown. Their Department has had a business which has developed from generation to generation, and has brought into existence a series of records of which there has never been the like in the history of the world. You can form no idea of them from a single dispatch sent by a single admiral, and relating to a single battle, such as you may see in the Public Record Office 'Museum' in a glass case. There are shelves upon shelves, presses upon presses, rooms after rooms of documents, which tell the history of Naval Administration in all its branches. They tell of the methods by which the naval authorities on shore patiently worked to ensure the efficiency of the great fighting and exploring forces afloat, and obtained the money to gain their ends, as well as of the exploits performed and the victories won.

Origin of  
the Post  
Office :

Even when a Department of Government sprang, so to speak, from an entirely new source, it was almost

always brought into close connexion with some organization already existing, as in the case of the Post Office. Though there was some system of posts in the reigns of James I and Charles I, the idea of the Post Office as now understood belongs to the period of the Commonwealth, and was adopted and developed after the Restoration. The original object of the office seems to have been to keep a control over correspondence in general, so that in the days of plots and counter-plots the Government might have the means of discovering the plotters. For this purpose the Post Office was brought into connexion with the Secretary of State, who could and still can send a warrant to the Post Office to detain and open letters.

connexion  
with the  
Secretary  
of State.

On the other hand the Post Office became an important source of revenue, and was brought into close connexion with the Exchequer and the Treasury, and with the successive organizations used for auditing public accounts.

And with  
the Ex-  
chequer,  
Treasury,  
and Audi-  
tors of  
Accounts.

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I have hitherto said but little of the effect of Parliament in the modern sense of the term—of that Parliament in which the Commons play so prominent a part—upon the organization of Departments of the Government, and the records which spring up in consequence. You will, perhaps, think I am speaking without due consideration when I say that Parliament has done but little to alter the fundamental methods of administration. It has, of course, abolished various offices, it has created new offices, and it has transferred the business of one office to another. It has had an effect in this last way on many of the offices which I have already mentioned. But, for all that, the machinery by which we work has not undergone any radical change of design. The machinery expands, and it branches out in various directions, but it almost always retains its original character.

Effect of  
Parliament  
upon De-  
partments  
of the  
Govern-  
ment.

Office of  
the Comptroller and  
Auditor  
General.

Thus, the office of the Comptroller<sup>1</sup> and Auditor General, in which our public accounts are audited, owes its present constitution to statute, but it did not in consequence of any statute appear suddenly as a wholly new institution. It has a not uninteresting history, but one too long to trace in all its details on the present occasion. The principal features are shown upon the diagram. There was a creation, after various tentative stages, of Auditors of Exchequer Accounts, by Exchequer authority. Then came the division of these Auditors into three branches—the Auditor of the Receipt of the Exchequer, the Auditors of Imprests, and the Auditors of Land Revenues. Later on the Auditors of Imprests and the Auditors of Land Revenues became together the Commissioners for Auditing Public Accounts. Still later the Auditor of the Receipt of the Exchequer became the Comptroller-General of the Receipt and Issue of the Exchequer. He existed concurrently with the Commissioners for Auditing Public Accounts and with the Auditor of Excise, who had grown up in the meantime. Last of all the offices of the Comptroller-General of the Receipt and Issue of the Exchequer, of the Auditor of Excise, and of the Commissioners for Auditing Public Accounts were united by statute into the existing office of 'The Comptroller-General of the Receipt and Issue of the Exchequer and Auditor-General of Public Accounts', which is known as the 'Exchequer and Audit Department'. Statutes may expressly declare that an old office is abolished and a new office created, when changes

<sup>1</sup> 'Comptroller' is the statutory and official spelling. This is, perhaps, unfortunate, as it suggests that the word is in some way connected with the Latin *compotus*, the French *compte* (an account), which is not the fact. A controller is etymologically a *controrotulator*, or *controrotulator*, a *contre-rollour* (Modern French *contrôleur*), one who makes or has a counterpart or duplicate roll or register to check that held by another person.

such as these are effected, but they do not thereby undo the history of the past.

The office of the Paymaster-General is also constituted by statute, but also has a history extending back to a time before it assumed its present form. It absorbed the older offices of the Paymaster-General of the Forces, of the Treasurer of the Navy, of the Treasurer of the Ordnance, and others. It is even now practically a branch of the Treasury.

The office of Works and Public Buildings, like that of the Commissioners of Woods, Forests, and Land Revenues, owes its existence in its present form to a statute; but the two had a concurrent history before the time of statutes, and beginning with the very earliest accounts of the land revenues of the Crown. When in the first reigns after the Conquest the Sheriffs rendered their accounts, they made deductions for works and buildings, which appear on the Great Roll, and so we find the amounts due for revenues and the amounts paid for works in juxtaposition.

There soon, however, appear other accountants for land revenues, and according to an early statute of uncertain date, which was at one time assigned to the fifty-first year of the reign of Henry III, three surveyors were to be appointed to survey and value the King's wardships and escheats, to look after and improve the rents of the King's demesnes, and to be answerable for the issues at the Exchequer. It also appears that Sheriffs, Constables, and others had been in the habit of obtaining outrageous allowances for the King's works. It was therefore provided that all the viewers or overseers of the King's works were to be competent persons selected by the surveyors on oath.

Somewhere about the time of this statute we also find the accounts of Clerks of Works, of whom, later on, the poet Chaucer was one. Their functions were possibly identical with those of the viewers or overseers

mentioned in the Act, and, if so, the Clerks of Works were subordinate to the Surveyors of Crown Lands.

Coming down to the time of Henry VIII, we find that 'General Surveyors and Approvers' of the King's Lands were appointed, and that their functions extended to the repair of old buildings and the erection of new. In the thirty-third year of his reign there was constituted a Court of the King's General Surveyors of the King's Lands, and the Receivers belonging to this Court were to 'survey all manner of reparations needful to be done'.

The Court was soon abolished, but there probably continued to be Surveyors, with functions similar to those enjoyed by the General Surveyors and Approvers of the King's Lands before it was erected, until the time of the Commonwealth.

Shortly after the Restoration there appears His Majesty's Surveyor-General of Works, and at the beginning of the reign of George I there was a Board of Works consisting of a Surveyor, a Comptroller, and a Paymaster of His Majesty's Works, of the Secretaries of the Treasury, of the Surveyor-General of Crown Lands, and of the Surveyor-General of Woods. Thus we see the Surveyors of Lands and Woods still associated with the direction of Works, but not quite in the same way as before.

In the time of George III, at the beginning of whose reign the land revenues of the Crown were surrendered to the nation in consideration of the fixed income commonly called the Civil List, there were still several Surveyors-General, though it has not been found practicable to indicate them all upon the plan. There was a Board of Works, with a Surveyor-General at the head of it, and, among other officers, a Comptroller, a Paymaster, and Clerks of the Works. Some changes were effected by statutes, and in the outcome there was an independent Surveyor-General of Works and Public Buildings. There continued, however, to be a Surveyor-General of

the Land Revenues of the Crown, and contemporaneously with him, a Surveyor-General of Woods and Forests. The offices of the two last-named surveyors were united towards the end of the reign, and this union brought into existence the office of Commissioners of Woods, Forests, and Land Revenues. The office of Surveyor-General of Works and Buildings was united with that of the Commissioners of Woods and Forests in the year 1832.

In the year 1852, however, the duties were again divided by a new statute, and the office of the Commissioners of Works and Public Buildings was constituted in a new form, and became quite distinct from that of the Commissioners of Woods and Forests. The descent of the two offices (intervening statutes notwithstanding) may nevertheless be fairly traced to the old accountants for the revenues of Crown Lands, and the old viewers, overseers, or Clerks of Works, and to that still earlier time when the accounts for revenues and works were entered on the same roll. As a spending department the office of Works still has a close connexion with the Treasury, while the Treasury draws supplies from those land revenues which fall into the office of Woods and Forests.

Final  
division of  
those  
Offices.

The existing Commissioners of Woods, Forests, and Land Revenues, though constituted by statute, are the nearest representatives of the old Accountants for the Land Revenues of the Crown who appear in the table. The office of Land Revenue Records and Enrolments (lately transferred to the Public Record Office) was instituted by the Crown Lands Act, 1832, for the reception of records formerly in the custody of the Auditors of Land Revenue (already mentioned and shown in the diagram), whose duties, as previously stated, were transferred to the Commissioners for Auditing the Public Accounts, and are now performed in the Office of the Comptroller and Auditor General.

Com-  
missioners of  
Woods,  
Forests,  
and Land  
Revenues :  
Auditor of  
Land  
Revenues :  
Office of  
Land  
Revenue  
Records  
and Enrol-  
ments.

Local  
Government  
Board.

The Local Government Board came into existence by virtue of an Act of the year 1871, but its functions were not by any means all newly created, as it not only absorbed an older Poor Law Board, but also took over some duties from the Privy Council and the Secretary of State.

General  
Register  
Office,  
Registry  
of Friendly  
Societies,  
National  
Debt  
Office, and  
Public  
Works  
Loan Com-  
mission.

Among the offices which Acts of Parliament have brought into being, and which, perhaps, have least connexion with our earlier history, are the General Register Office, the Registry of Friendly Societies, the National Debt Office and the Public Works Loan Commission Office. Of some even of these it may be said, however, that they owe their origin in part at least to the development of Treasury methods.

Commis-  
sions:  
Ecclesiastical  
Commission.

The name of one of them illustrates that favourite constitutional expedient of a Commission, which, when it is to be of a permanent character, is now often set going by Act of Parliament. Thus when the temporalities of the Bishoprics were taken out of the hands of the Bishops, the lands of the respective sees were by Act of Parliament vested in Ecclesiastical Commissioners, who also became possessed of the various muniments relating to the old episcopal revenues, which thus became public records.

Charity  
Commis-  
sion.

Various powers in relation to charities have also by Act of Parliament been given to Charity Commissioners, whose records are also under the charge and superintendence of the Master of the Rolls.

The idea  
of a Com-  
mission as  
old as  
Domesday  
Book.

The original idea of a commission, however, is as old as the oldest of the public records. A commission was, in principle, the delegation of an authority to certain persons for the performance of some particular duty, usually within a limited time. From the idea of a temporary Commission was developed the idea of a renewable or permanent Commission.

Permanent  
Commis-

Among Boards which are now recognized as having



permanent or perpetually renewable Commissions are those of Customs and of Inland Revenue, the growth of which is briefly shown upon the table. Upon these the Treasury largely depends for its supplies.

sions of  
Customs,  
and Inland  
Revenue.

The Commissioners of the Treasury itself act under a Commission which may be regarded as temporary, as renewable, or as permanent. It is temporary in relation to the particular individuals commissioned, it is renewable to other individuals upon a change of Ministry, and it is permanent in the sense that it is now the established form of Treasury Administration.

Nature of  
the Com-  
mission of  
the Com-  
missioners  
of the  
Treasury.

The Treasury, before acquiring its present organization, has, however, passed through strange vicissitudes. In the reign of the Conqueror, and in the early part of the reign of Henry I, the Treasury was the place of deposit of Domesday Book, then known as the Winchester Book because the Treasury was at Winchester. The King's Court, the *Curia Regis*, sat in it, and heard causes between subject and subject, and not until about the year 1118 do we find any mention of the Exchequer. Soon after, we find the King's Court sitting, not in the Treasury, but at the Exchequer, and there exercising the jurisdiction afterwards known as that of the Court of Common Pleas, and another jurisdiction afterwards known as that of the Court of Exchequer. By degrees the Exchequer overshadowed the Treasury, and the Exchequer jurisdiction was exercised by the Treasurer and Barons of the Exchequer. All the records relating to fiscal matters, including Domesday Book itself, and including all legal proceedings relating to the royal revenue, came to be known as Exchequer Records.

The Trea-  
sury in  
existence  
before  
the Ex-  
chequer.

There was a Lord High Treasurer, who was superior to the Barons of the Exchequer, but there was no independent Treasury Department, in the modern sense of the term, before the middle of the sixteenth century,

Growth  
of the  
Treasury  
since the  
final disap-  
pearance

of a Lord High Treasurer.

and there are consequently no records of that department of an earlier date.

The Treasury, however, has come into greater and greater prominence since the final disappearance of the Lord High Treasurer in 1714, and the substitution of Commissioners for the execution of his office.

Reforms of the Exchequer.

In the reign of William IV, remarkable for reforms of more kinds than one, many of the old Exchequer methods were swept away as useless, and the resulting records ceased to accumulate.

The Exchequer as a separate Court disappears, and its Chancellor is now an Exchequer Officer only in name.

Last of all, in virtue of the powers given by the Judicature Acts, the Court of Exchequer has ceased to exist. The Chancellor of the Exchequer, for whom a counter-roll or duplicate of the Great Roll was made out until the reign of William IV, and who sat in the Court of Exchequer for various purposes, has now no judicial functions. He is a Cabinet Minister as being a Senior Lord of the Treasury, and he has become *ex officio* Master of the Mint, but he is practically an Exchequer Officer only in name, and his roll is a thing of the past.

The Treasury resumes its early prominence.

Thus the Exchequer, of which no mention can be found in the time of the Conqueror, had, in the reign of Her late Majesty, Queen Victoria, all but disappeared,<sup>1</sup> and the more ancient Treasury had come again to the front.

Absorption of the jurisdiction of other Courts by the

With the jurisdiction of the Court of Exchequer that of the Court of Common Pleas, that of the Court of King's Bench, and that of the High Court of Chancery have been made over to the High Court of Justice, as part of one Supreme Court of Judicature, which

<sup>1</sup> There is an 'Exchequer' account at the Bank of England, to which the gross revenues are paid directly by certain departments, and from which transfers are made by order of the Comptroller and Auditor General, on the authority of the Treasury. 'Exchequer' seems, however, to be little more than a convenient term, which has survived from a past age, when its meaning was not the same.

includes also the Court of Appeal, and has had transferred to it, with other appellate jurisdictions, that of the Courts known as the Exchequer Chamber, erected partly in the reign of Edward III and partly in the reign of Elizabeth.

Supreme Court of Judicature.

Thus a very large portion of the functions of the ancient *Curia Regis*, after a separation extending over many centuries, have again been brought together, nominally if not really, into one Court, which, in the Division including Probate, Divorce, and Admiralty matters, has also absorbed a considerable portion of the old ecclesiastical jurisdiction as well as the High Court of Admiralty.

Functions of the ancient *Curia Regis* again brought together after a long separation.

At the beginning of this lecture I asked you to think of the Conqueror's Court or Council, and the records which it brought into being, as the starting-points of our Constitution and of our Public Records. After more than eight hundred years you may still see that old King's Court represented in six principal subdivisions, though some of them have various branches. These are (1) the Parliament (including, of course, the House of Lords, with its legal jurisdiction, as well as the House of Commons); (2) the Privy Council, with its offshoots; (3) the Supreme Court of Judicature, with the Lord Chancellor at its head; (4) the Secretaries of State, who are officially the Chancellor's offspring; (5) the Treasury, with its control over various departments; and (6) the group of Commissions for various purposes, of which the model may be found in the Commissions that resulted in Domesday Book.

The old King's Court or Council still represented in six principal subdivisions.

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