

COURTS OF JUSTICE

Third in historical order among the great duties of the Crown is the administration of justice. The modern man is so familiar with the idea that all justice (in the legal sense) is dispensed by 'His Majesty's Judges,' in their various ranks, that it comes upon him with somewhat of a shock to learn that this state of things was once a novelty, and is not, even now, quite universally true. Thus, even now, the ecclesiastical or Church courts do not act in the King's name. But until just a century after the Norman Conquest, there were no regular royal courts of justice at all; though there was an idea that, in very important cases, the trial ought to be before the King and his chief advisers. The ordinary, every-day disputes of the country were disposed of by tribunals of village elders, by feudal courts, by ecclesiastical courts, by borough courts of burgesses, or by 'courts merchant' of traders; and the gradual absorption of the duties of these bodies by the Crown is the outcome of a long and bitter struggle, very fascinating to study but too involved to be described here. It may be said to have ended in final victory for the Crown at the time of the Reformation; though, long after that event, 'franchises,' or exceptional courts, continued to exist, as, for example, in the great Palatine bishopric of Durham and the Scottish 'heritable jurisdictions,' while, even to the present day, as has been said, the purely ecclesiastical courts do not administer justice in the King's name. There can be little doubt that the chief reason for the success of the royal jurisdiction was its superior power to enforce its decrees; and the weakness of all other tribunals in this respect has gradually put an end to their existence.