

effects of the Norman Conquest was the degree to which it strengthened this prerogative and centralized the administration of justice. The prerogative was exercised in very early times through the Curia Regis, from which in course of time were derived the King's Courts of Justice, the two Houses of Parliament, the Privy Council, and the different offices of State. The head officer of the Curia Regis was called the "Capitalis Justiciarius Angliæ," and his office was of such dignity that in the King's absence on the Continent he acted as Viceroy. The Court also contained, amongst other officers, an indefinite number of *justitiiarii*, who performed judicial and administrative duties when and where they were directed to do so by special writs or commissions. The steps by which Parliament on the one hand, and the Privy Council and other executive officers on the other, came to be separated from the King's Court and to have an independent existence, need not here be noticed. The courts of justice were derived from it as follows. The life of the kings of England in early times can be described only as an incessant journey. King John, for instance (of whose movements an ephemeris founded upon official documents still in existence has been published), seems for years never to have lived for a week at a time at any one place. The King's officers, and amongst others his judges, travelled with him, and the unfortunate suitors had to follow as best they could. Evidence still exists of the intolerable hardships which this state of things produced. One of the articles of Magna Charta was intended to remedy them. It runs, "Communia placita non sequantur curiam nostram, sed teneantur aliquo loco certo." This was the origin of the great civil court, the Court of Common Pleas, which from that time forward was separated from the Curia Regis and was held as a separate fixed court of justice *certo loco*, namely, in Westminster Hall. The Court of Exchequer, which was originally a court of revenue business only, also became stationary about the same time—probably indeed it was always held at the place where the treasure was kept; but the legal business of the King's Court, not done in either of these courts, still continued for a time to follow the person of the King. By degrees, however, the old King's Court changed into the Court of King's Bench, which in its origin was the supreme criminal court of the realm, and

had also jurisdiction over many matters connected with the royal prerogative, which in our days would not be regarded as forming part of the criminal law. As time went on it acquired or usurped civil as well as criminal jurisdiction, but from the very earliest times down to the year 1875 its position as the great criminal court of the realm remained unaltered. In that year all the superior courts of law were fused into the High Court of Justice, which may thus be said to be a return, after an interval of about six centuries, to the Curia Regis.

Though it is the supreme criminal court of the realm, the High Court of Justice rarely tries criminal cases in the Queen's Bench Division. It does so only when the matter to be decided seems likely to raise questions which possess some special interest, legal, political, or personal. Little indeed is to be gained by such a trial, as such cases would otherwise be tried before the same judges and in precisely the same way in other courts. There are, however, some incidents peculiar to a trial before the Queen's Bench Division, one of which is that, if the charge is one of misdemeanor, an application for a new trial on the part of the defendant will be entertained. There is no court of appeal properly so called in criminal cases in this country; but informalities in the procedure may give occasion to a writ of error which may be taken up to the House of Lords, and questions of law arising on any trial may be brought before the Court for Crown Cases Reserved.

The great bulk of the more important criminal business of the country is done before the assize courts, the technical description of which is Courts of Commissioners of Oyer and Terminer and General Gaol Delivery, or the Central Criminal Court. The assize courts are of the highest antiquity. As I have already said, the Curia Regis contained an unascertained number of *justitiiarii* who used to be sent as Commissioners to different parts of the country to perform judicial and other duties as occasion required. They were called from this circumstance "justices in eyre" (*in itinere*), and, according to the terms of their commission, they tried either particular cases or all civil or all criminal cases (both or either) in a given area. In many instances, and for a considerable length of time, they investigated and superintended the whole internal administration of the