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THE PARLIAMENT OF LINCOLN, 1316.

BY ARTHUR HUGHES, B.A., F.R.HIST.S.

IN the history of a nation no little importance attaches to the study of the development of its administration, the means with which the social organism provides itself in order to express its will in acts, and to be able to do so with the fairest possible distribution among its members of the strain which action involves. The general course of such development may perhaps be described as the gradual substitution of definite rules for indefinite impulses, of law for equity, of constitutional acts for royal behests. Routine is ever growing and spreading, and becoming more rational as it grows. The rules, at first, are few and simple, but only meet the commonest emergencies, and, however developed the system, the unforeseen is always arising, the hard cases which make good law in the end find new law made to meet them. Everywhere we begin with a person and end with a department.

In the case of our own country the first branch of the national business to be delegated was, as might be expected, that of the revenue. What was afterwards called the exchequer was the first organised department. As early as the reign of Henry I. it had acquired a definite body of rules. The anarchy of Stephen's reign disorganised the department. Of its records prior to the close of that reign, Domesday Book and one Pipe Roll alone remain, the first representing the department in its statical, the latter in its dynamical aspect. The advance observable on comparing the natures of the two records is significant. The first is merely a fixed standard

to which appeals as they arise may be referred ; the latter, which contains evidence of being the only surviving member of a lost series, is a detailed account of one year's current work, showing a highly organised system in perfect order. When Henry II. was established on the throne, almost his first act was to restore the exchequer. Much of his work was probably mere reconstruction of the system of his grandfather, some, no doubt, was new. But from the second year of his reign there began the series of Revenue Rolls known as the Great Rolls of the Pipe, which, like the vertebræ of some great fossil backbone, run with two slight breaks from the year 1155 to the year 1832.

It would take too long to trace in detail the gradual evolution of the Courts of Law which resulted from the formation of what might be called the judicial department, which itself arose from the delegation of the King's judicial functions. The precise date of the formation of the courts is uncertain, but there is little reason to think that any serious loss or destruction of their earlier records has occurred, and following, if we may, the principle that a department can first be regarded as duly organised as such, when it takes to keeping a record of its own proceedings, we may probably assign as the date, if not of origin, then of secure establishment of these courts, a point of time not far anterior to the date of their earliest records which have come down to us.

The addition of the judicial to the thesaurarial functions, which took place upon the establishment of the Court of Exchequer as a regular court of law under the first or second of the Angevin kings, was a great step towards the independence of the financial department.

From early times, however, there was, besides the treasurer and the chief justice, another great officer, the chancellor, who appears to have originally acted as the King's private secretary. His duty was to affix the great seal to the King's acts. His department appears to have obtained a definite organization during the reign of John, when the great series of Chancery Rolls, the Patent, Fine and Close Rolls begin.

A duplicate of the Pipe Roll was, in theory always, and in practice at any rate, often, drawn up for his information. He appears to have been originally the medium of the King's control over the treasurer and his department. For the writs which pardoned a debt, or authorised a payment out of the exchequer, were probably sealed by him. Soon after the formation of the chancery as a department, the treasurer acquired a chancellor of his own, the Chancellor of the Exchequer, who appears to have taken over the original chancellor's duty so far as it concerned the ordinary routine of revenue business, and who consequently appears to have become the custodian of the chancellor's duplicates of the Pipe Roll. This change rounded off the body of the treasurer's functions and left him, with his chancellor under him, at the head of a department completely equipped and subject only to the direct control of the King.

The political struggles of the reigns of Henry III., Edward I. and Edward II., amongst their other results, brought it about that the exchequer lost this position of direct dependence on the King, and became a department subordinate to the chancery, and through the chancery to the King and Council. Events decided that the growing body of duties now performed by the Foreign, Home and War Offices were to fall to the lot of the comparatively newly arisen department of the chancery, and not to be annexed to, or even shared by, the older established department of Finance. The exchequer became a purely Revenue Department. The decisive battle of this long campaign was fought and won at the Parliament which was opened at Lincoln on January 28, 1316. The special issue decided in this Parliament was the method of appointing sheriffs. The chancery succeeded in asserting its supremacy in the choice of those officers, thus securing direct control of the executive in almost all its branches throughout the country. In the early part of the fourteenth century the sheriffs' duties were not confined to executing the behests of the courts of law and attending the judges on circuit. The greater portion of the Royal revenues

passed through their hands. They superintended the muster of troops and were charged with the supply of men and munitions for public purposes. They conducted parliamentary elections, paid the members, and controlled the sources of information as to the state of the country then available to the Government. It is hardly surprising that the capture by the chancery of such a position should have involved a victory along the whole line, with the further consequence, as will be attempted to be shown hereafter, that this department superseded the exchequer as custodian of the enrolled records of Parliament, the so-called Parliament Rolls.

After this rough indication of the point of view from which it is proposed to survey the work of the Parliament of Lincoln, it may be well, before attempting to fill in the details of the sketch, to recall the circumstances which immediately led to its being convened, and to give some account of the documents in which its composition and work are recorded.

In the autumn of 1311 the ordinances of the lords ordainers were drawn up. By the end of that year the administration was beginning to put them in force. Gaveston perished in the summer of 1312. A general amnesty was granted to the baronial leaders in October 1313. In the following June the English lost the Battle of Bannockburn, partly through the refusal of the Earl of Lancaster¹ and his adherents to support the King in the war. The death of Earl Gilbert of Clare in this battle, and the death of the Earl of Warwick not long afterwards, left Earl Thomas the first—if not more than the first—subject in the land. In the Parliament held at York in September 1314, the King consented to the dismissal of his chancellor, treasurer, and sheriffs. John de Sandale became chancellor, and Walter de Norwich replaced Walter Langton as treasurer. In the beginning of the following year Langton and Despenser were removed from the Council. The clergy made their grant of money conditional upon the observance of the ordinances, and in

¹ Warenne, Arundel, and Warwick.

August of the same year, 1315, the Earl of Lancaster was made commander-in-chief against the Scots. Lancaster had been waxing and the King waning, the ordinances were growing in general popularity, and the attack on the King was largely assuming the form of an attack upon the treasurer and upon the exchequer, the department which he controlled.

The Parliament Rolls, which contain the enrolments of the proceedings of the Parliament of Lincoln, mark a new departure in the method of drawing up these documents. They stand third and fourth in the chancery series of our Parliament Rolls. The first of this series, called the Roll for the fifth year, contains the ordinances, but by the record of their repeal which has been added at the end may be said to have been converted into a Roll for the fifteenth year. The second Roll deals with the second Parliament of the eighth year, that of Hilary term, 1315. The next although it deals with a few matters begun in that Parliament,¹ seems to be more properly the whole, or part, of what for want of a better title we may call the Old-fashioned Roll for the Lincoln Parliament. So far there has been no striking change from the form of any ordinary exchequer Parliament Roll of Edward I. Now we come to the innovation. The Roll which is described in the printed edition of the Rolls of Parliament as being for 9 Edward II., is in a different form. It begins with a detailed journal of the session, followed by an account of the appointment of the Earl of Lancaster, as chief of the Council, and contains among other matters a detailed chronological narration of negotiations with Flanders. It is the first Parliament Roll to be presented in a narrative form.²

The author of this change was a chancery clerk, William de Ayremynne, who now first comes into prominence. In the August following the meeting of our Parliament he was appointed keeper of the Rolls of the Chancery. His subse-

¹ The claim of Hugh de Courtenay to the Redvers lands.

2 5 ★ ² *Rolls of Parliament*, i. 350-364.

quent career is well known. The change which he adopted does not appear to have immediately commended itself to his successors. The next journal of Parliament will be found on the Roll for the sixth year of Edward III.¹

In one respect the account of the Parliament of Lincoln as given on its Roll is less complete than that of a preceding Parliament, the Parliament of Carlisle. There is no list of members. It is, of course, usually very simple to ascertain who were summoned or elected to a parliament—but wholly impossible to determine for certain who came. We know that at the opening of the Lincoln Parliament many peers were absent. Twenty-one archbishops and bishops were summoned, forty-five abbots, three priors, the master of the order of Sempringham, ninety-one earls and barons and thirty-three justices, and other members of the Council. Writs for the election of knights and burgesses were sent to all the sheriffs of England. To the Parliament of January 1315, 208 commons were elected, and only 102 applied for payment of their expenses. In the case of the Lincoln Parliament thirty-one peers and officials are mentioned by name in the records as being present during the earlier part of the proceedings. More attended afterwards, but how many more we cannot say. Seventy-three members of the Commons received wages for attending.²

The Parliament was opened on January 28, 1316, in a chamber in the hotel of the Dean of Lincoln, and the King's speech was delivered by William Inge, a justice of the Bench. The main subject for consideration was stated to be Scotch affairs, the consideration of which had, however, to be postponed until the Earl of Lancaster and other nobles, then absent, should appear. John de Sandale, Edward I.'s second great warden of the Mint, now chancellor; Walter de Norwich,

¹ On the roll for the fourth, fifth, and sixth years.

² Probably a better idea of the *personnel* of the Commons House in successive parliaments is to be gathered from a study of the enrolments of the *writs de expensis* on the dorse of the *Close Roll* than from the returns to the writs of election.

the treasurer, and William Inge, were appointed to examine the proxies of absent members.¹

February 3 was assigned as the last day for receiving petitions, and receivers were appointed.

February 5.—Auditors of petitions nominated.

February 7.—A general reply was given to the petitions of the clergy, a proceeding which seems to have finally resulted in the so-called Statute called *Articuli Cleri*, enacted in the following year.

February 8.—The Bishops of Norwich, Chichester, Exeter, and Salisbury were sworn of the Council.

February 12.—The Earl of Lancaster arrived.

February 13.—Prelates and procures met in the Chapter-house, and discussed Scotch affairs.

February 14.—They met in the convent of the Carmelite Friars. An existing proclamation concerning the price of provisions was revoked and the Statute of Sheriffs agreed upon.

February 17.—The Bishop of Norwich by the King's command recited these matters, also the royal assent to the ordinances, and to bounds of forests as in the time of Edward I. being maintained. In consequence of these proceedings, an elaborate enquiry was held on forest matters after the close of the Parliament in April and May following. The Earl of Lancaster was appointed chief of the King's Council, the appointment being made by the King, Prelates, Earls, and Barons in full Parliament without mention of the Commons. The Earl's special charge was the due maintenance of the ordinances, and the more economical management of the Royal household.

February 20.—Peers and commons made a grant of the military service of one man from each township, and of a fifteenth of movables in money. Writs de expensis were issued for the Commons. The necessary summonses, returnable on April 25, were issued for the collection of evidence relating to the Perambulations of the Forests.

The actual legislation performed during these three weeks consisted (1) of the appointment of a permanent chief of the

¹ *Close Roll*, 9 Ed. II. m. 22d.

Council, a premier ministre ; (2) of a general confirmation of the ordinances, and (3) of the enactment of a statute relating to the appointment of sheriffs and hundreders, which is itself an amplification of 'one of the ordinances.'¹ The ordinances were repealed in the Parliament held at York in 1322 ; the Earl of Lancaster and his office of chief of the Council lasted no longer. But the statute of sheriffs was carefully excepted from the repeal, and the method of appointing those officers which it enacted lasted till the Stuarts. The ordinance provided that sheriffs were to be appointed by the Chancellor, and by the Treasurer and Barons of the Exchequer, or, in the absence of the Chancellor, by the Treasurer, the Barons and the Justices of the Bench, and that the commissions must be issued under the great seal. Thus the Chancellor had the power of putting his veto upon any appointment. The order in which these officers are named might have prepared us for the final clause. Under Edward I., at any rate after Robert Burnell ceased to hold the great seal, the Treasurer quite eclipses the Chancellor. Take, for instance, the Privy seal, addressed by Edward I. to the Council at Carlisle on February 18, 1307.² First comes the Treasurer, then the Earl of Lincoln, then the Chancellor, then Hugh le Dispenser and the others. The most cursory examination of the Parliament Rolls and endorsements of petitions of the reign of Edward I. shows the relative importance of the Treasurer.

From the advent of John de Clancy to the office of Treasurer, in 1278, until the promulgation of the ordinances in 1311, sheriffs were, with a very few exceptions, appointed not by Commissions issued by the great seal of the Chancery, but on the nomination of the Treasurer by commissions sealed by the Chancellor of the Exchequer (the Chancellor of the Chancellor's Rolls).

Happily, during a considerable portion of this period the office of Chancellor of the Exchequer was held by a man by no means inclined to be reticent as to his doings—Philip

¹ *Rolls of Parliament*, i. 282, 343, 353.

² *Ibid.* ii. 218.

de Willoughby. His account of his proceedings, to be found on the Lord Treasurer's Memoranda Rolls, is charmingly confidential and complete. Two entries in particular show exactly what the method of procedure was.

In May 1303 a rumour reached the exchequer of the death of the sheriff of Surrey and Sussex. The lieutenant of the Treasurer and the barons considered the question of choosing another sheriff in his place, and they agreed to make out two commissions, one appointing a Henry de Cobeham, the other Walter de Geddinges. Both commissions were sealed with the seal of the exchequer, and Master Peter de Guldeford, clerk of the exchequer, brought the two commissions to the Tower of London—whither the two candidates were also commanded to repair. If only one appeared, he was to have the appointment, but if both came, Master Peter was to consult Ralph de Sandwich, the keeper of the Tower, choose the fitter man, and administer the oath. As a matter of fact both men appeared. Walter de Geddinges was preferred, received his commission and was duly sworn. The unused commission was brought back to the exchequer. The commissions, the order to the executors of the last sheriff to deliver up to his successor the rolls, &c., pertaining to the office, the summonses to the candidates, and the warrant to the keeper of the Tower, were all tested by Philip de Willoughby.¹ An instance of interference on the part of the chancery occurs a little earlier (in October 1299). A commission tested by the Treasurer was issued at York committing the counties of Essex and Hertfordshire to one Robert Hereward. A note is added to the enrolment to the effect that this commission was revoked and another immediately made out under the great seal in favour of John de la Lee. The enrolment of Lee's commission is entered on the Fine Roll of the Chancery in the manner which became the invariable practice as soon as the appointments came to be made under the great seal. The entry on the Memoranda Roll of 1283 to 1284 of appointments of

¹ *L. T. R. Memoranda Roll*, 31 Ed. I.

sheriffs is headed 'Counties committed at the Exchequer by the Treasurer and Barons in the thirteenth year.'¹

None of these exchequer appointments were enrolled on Chancery Rolls; a special section of the Memoranda Rolls, headed 'Commissiones et Literae patentes,' was reserved for them. On November 22, 1299,² a grant under the great seal was made to one William Garlaunt of certain lands. It was entered on the Memoranda Roll by mistake, but the exchequer was at first disposed to make a stand, 'and because that charter emanated from the chancery, according to the custom of the chancery it should be enrolled there, and in the estreats of the Fine Roll of the chancery³ be delivered here at the year's end. The said William is not to be held accountable by virtue of those estreats but of this Roll. Afterwards the same charter was returned among the estreats of the chancery, so that nothing is to be done here. It ought not to have been entered here.' This system of the exchequer appointing sheriffs, curiously enough, is in form a reproduction of the system which prevailed for the years 1258 to 1260, having been introduced by the Provisions of Oxford. The story will be found on the Lord Treasurer's Remembrancers' Memoranda Roll for 1258 to 1259. The sheriffs were chosen by the King in Council, and were summoned to come to the exchequer and receive the keepership of their counties in the form lately provided. At this date the exchequer seems to have been on the Baron's side, and the Chancery on the King's. The Chancellor is forbidden to consider himself responsible to the King only. He is to seal no writs but those of course on the King's sole command, but only on an order by the Council.

At the time of the Provisions of Oxford the exchequer, being much the more highly organised of the two departments, might well have seemed to De Montfort to be the better fitted to act as a check on the Royal caprice, and, as the depart-

¹ *L. T. R. Memoranda Roll*, 12 to 13 Ed. I.

² *Ibid.* 27 to 28 Ed. I.

³ *In extractis finium de Cancellaria*, the Chancery name for the portion of the Originalia Roll, which consists of estreats from the Fine Roll.

ment of Finance, on the Royal extravagance. Edward I., who seems to have adopted and adapted many of De Montfort's ideas, being a strong king and a money-making king, may perhaps have thought that the stronger department would make the handier instrument. At any rate, the assumption of independence of the chancery on the part of the exchequer cannot well be explained by the relative personalities of officials. The date of the change corresponds nearly with that of the appointment of a new Treasurer, one John de Clancy, of whom hardly anything is known. It is true that Burnell the Chancellor was in France, and it is of course possible to regard the change as one intended to lighten the work of the chancery, at the time, doubtless, largely occupied with preparations of fresh legislation. But the sheriff's office was much too important at the time to make any such explanation very likely. Although one of the Provisions of Oxford was intended to make the office an annual one, it did not become so until more than a century later. The choice of sheriffs is a point always prominent in the political struggles of the century. Henry III.'s barons appointed one set and the King another. The great Exchequer Scandals of 1289 involved an almost complete change of sheriffs. The same occurred when the Lords Ordainers came into power. Foremost amongst the petitions of the parliament of 12 Edward II., was one for the removal of all the sheriffs except in a few northern counties. The petition was granted and the changes made.

In fact, it may safely be asserted that during the thirteenth and the first quarter of the fourteenth centuries, any general change of sheriffs is equivalent to a very rapid fall in the political barometer.

The motive of Edward or of Clancy, whoever was responsible for the change, may perhaps have been the desire to maintain the system of getting grants of money to the Crown passed in the separate county courts, instead of having to appeal to the representative body of the whole country assembled in Parliament. This system gradually

passed away between the years 1282 and 1295.¹ There can at any rate be little doubt that the leading motive of the measure was financial. Its effect was to cause the King to be represented throughout the country, and the home policy of the Government to be carried out by men much more concerned with the filling of the Royal purse than with the awakening of the Royal conscience. The exchequer on its judicial side was little inclined to listen to complaints against its own nominees. Even the grave scandals of 1289 failed to upset the system. But complaints were too constant to allow us to attribute to any merely political or personal bias the preamble of the Statute of Lincoln, which recites as the reason for its change in the system of appointing sheriffs the continual oppressions and dissensions suffered by the people through the appointment of unsuitable men to the office. The new sheriffs are not to be merely the servants of the department primarily concerned with the collection of revenue and with the assertion of the King's rights as against the people. They must be landholders in their counties. For, indeed, during the reign of Edward I., there seemed to be some likelihood of the exchequer officials stepping into the place left vacant by the expulsion of the Jews. The immense fortunes amassed by men like Adam de Stratton, and his subsequent fate, suggest that it may have been part of Edward's policy to raise up an official aristocracy to gather from the people, and to be themselves plucked when ripe.

In the orthodox view of the relations of the two great mediæval departments, the chancery and the exchequer, too little importance appears to have been attached to this partly reactionary policy of Edward I. and his treasurers. The chancery has usually been regarded as uniformly paramount from the time when it first came into existence.² 'The chancellor is the principal Secretary of State for all depart-

¹ Stubbs, *Constitutional History*, ii. 243.

² Possibly this opinion is partly due to the relative accessibility to modern students of the information contained in the records of the two departments. Calendars and indexes to Chancery records are comparatively abundant, but it is not very easy to find anything you want in Madox.

ments. The chancery does nearly all the King's writing for him, whether such writing concerns foreign affairs or the government of England. The chancery is a general secretarial bureau which exercises a certain control over the only other great official department that there is, namely, the exchequer. Thus when the King is surrounded by the masters or principal clerks of the chancery he has at his side the men who know most about the way in which England is governed.¹

When Professor Maitland and Bishop Stubbs are in agreement, a mere rank and file student of history feels that an apology is needed if he hesitates to follow them. But was the chancery always so absolutely supreme and officially omniscient? Both departments were under the control of the King and Council, both departments refer to the King, or the King and Council, as authority for their acts. In very many cases the chancery serves as the channel to convey the expression of the Royal will to the exchequer, more especially in matters discussed in Parliament; in such cases the normal procedure is, of course, for the council to instruct the chancellor to issue a writ directing the exchequer to perform certain acts. The writ is enrolled on the Close or Liberate Roll of the chancery, and again upon the Memoranda Roll upon receipt at the exchequer. Or in the case of an appointment affecting the exchequer, the commission is made out under the great seal upon the authority of a privy seal or similar warrant. It is enrolled on one of the chancery rolls. With other similar matters, it is copied in the chancery on to a roll or apparently on to detached membranes; these membranes are labelled in the chancery Estreats or extracts of the fines, extracts of the re-disseisins, and in later times also extracts of the patents, &c. At the end of the year they are sent into the exchequer, where they seem to have been bound up in exchequer fashion, *i.e.* in the form of a file, not of a reel, and to have received the name of originals. But the King and Council, more particularly the King, could

¹ *Memoranda de Parlamento* 1305; Introd. p. xxxvii.

and did every year communicate directly with the exchequer, by writs or letters under the Privy Seal. Plenty of such will be found enrolled on the Memoranda Rolls of any year, not having passed through the chancery at all. They usually deal with financial matters, but occasionally we find the exchequer upon such authority doing work which would now be done at the Admiralty, or War Office, and we even find the exchequer used by the King as a channel of communication with the chancery. King Edward I.¹ in the twenty-sixth year of his reign, sent letters of Privy Seal to the treasurer and barons with a letter enclosed from Reginald de Grey about raising foot for the war in Scotland. The treasurer is instructed to direct the chancellor to make out a commission under the great seal empowering De Grey to raise foot in Lancashire and Cheshire. The barons of the exchequer in 14 Edw. I. were charged with negotiating matters in dispute with Flanders. The exchequer acted as an Admiralty Court, enquiring as to ships captured from the French before and after a truce. On the other hand, besides the right of appointing sheriffs, the exchequer could issue letters patent under the seal of the exchequer which are enrolled amongst the *Brevia retornabilia et irretornabilia*, for such purposes as to order ships to bring the King back to England, or to licence foreign merchants to trade in England. Instances occur of petitions to the council being referred direct to the exchequer.² A great many such petitions are still amongst its records, just as those which were sent in bundles to the chancery remain amongst the chancery records. The circumstance that very few of these exchequer petitions appear from the handwriting to be of a later date than Edward I. or the first few years of Edward II., is of course in itself not conclusive. But the fact, as far as it goes, seems to admit of an explanation which is certainly the explanation of a number of other facts, viz.: That under Edward I. the exchequer was officially co-ordinate with the chancery and

¹ Madox, *History of the Exchequer*, edit. 1711, pp. 614, 617.

² Case of Cecilia de la More, 26 Ed. I.

in practice often superior, but that during the reign of Edward II. the chancery obtained more and more control over its rival.

Throughout the period the exchequer must have possessed the greater amount of administrative information, at least in matters relating to England. Officially the chancery would only know that a certain man was appointed on a certain day to do a certain thing. His account of his stewardship would be rendered to the exchequer. Practically there is very little information in any chancery record that cannot be found in the exchequer. There is a great deal of information in exchequer records which cannot be obtained from any chancery document. This remained true even long after the period of our Parliament. In 1344 it was enacted by statute that gold and silver were to be coined at York. So far the chancery records. From the exchequer we learn that no gold was coined at York at all, and no silver even for several years after the passing of the statute. In the reigns of Edward I. and II. it is, as we might expect, much more common to find searches ordered in exchequer than in chancery documents.¹ The keepers of the exchequer records were very tenacious of their charge. On January 25, 1298, Brabazon obtained a writ under the great seal, directing the exchequer to send under the exchequer seal the record of a process into the King's Bench. The treasurer and barons had the writ endorsed as follows: '*Per istud breve nichil debet fieri; quia recorda de hiis que fiunt in Scaccario non debent alicubi coram quibuscunque justiciariis extra idem Scaccarium mitti, nec unquam a fundatione Scaccarii mitti consueverunt: sed si justiciarii quicunque ad explanationem placitorum que coram eisdem justiciariis placitantur super hiis que in Scaccario pertractantur seu fiunt necesse habeant certiorari, debent ad Scaccarium venire, et ibidem ad requisitionem justiciariorum illorum per Thesaurarium et Barones debent super premissis certiorari prout iidem Thesaurarius et Barones viderint pro Rege fore faciendum.*' In the council, of course, the exchequer

¹ Madox, p. 563.

was represented as well as the chancery. Walter de Langton, whom we might almost call Edward's second great prime minister, was treasurer, Burnell his first was chancellor. The succession of offices is, I think, no less significant than the succession of men.

There is another problem on which the above-sketched theory of the relations of the two departments appears to throw some light; the question of the place of deposit of the early Parliament Rolls and of the origin of the book called the 'Vetus Codex.' The editors of the printed books called the Rolls of Parliament drew from very various sources, and the references given are not very explicit. Sometimes the printed account of the proceedings of a parliament is taken from a MSS. copy of a Parliament Roll properly so called, sometimes from the roll itself, sometimes from the 'Vetus Codex': often some of the batches of the petitions dealt with at a particular parliament, and forwarded into the chancery, have formed the only material. Now the meeting of a parliament does not necessarily imply the drawing up of a Parliament Roll, *i.e.* a permanent enrolment of the matters dealt with at that parliament. The evidence which we have does not seem to indicate that many or any Parliament Rolls have been lost or destroyed. For the 'Vetus Codex,' which on any theory must have been drawn up in the reign of Edward II., and which is a carefully made copy of various Parliament Rolls, does not contain the matter of any roll of which the original has not been preserved. It has a numbered table of contents. All the rolls mentioned in that table of contents are Parliament Rolls found in the exchequer, *viz.* the rolls for the reign of Edward I. and the roll for the twelfth year of Edward II. The Memoranda Rolls for the last year bear witness to what might be called a recrudescence of exchequer activity. The earliest Chancery Parliament Rolls, those for the fifth, eighth and ninth years of Edward II., are not contained in the book. It does, however, now contain, bound up in a wrong place, the matter found on the roll for the fourteenth year of Edward II. This roll is now in the chancery series, but the

history of it is doubtful. May it not be that the original book, which Professor Maitland¹ has shown to have belonged to the treasurer and to have been at least on one occasion borrowed by the chancery, was drawn up in the exchequer for loan to the chancery when the Tower, the place of deposit for chancery records, came to be regarded as the proper place for preserving Parliament Rolls?

The unpopularity of the exchequer during the latter years of Edward I. and the beginning of Edward II. must be patent on the briefest examination of records. The department had become identified in the eyes of the people with all that was most disagreeable in the royal prerogative. Its special mission was always of course to guard the royal interests, and it interpreted its duties in the strictest manner, at any rate against outsiders. Its head, Walter de Langton, the treasurer, was personally obnoxious to Edward II., who removed him on succeeding to the crown, but who did not appoint any efficient successor. Both public and personal causes probably operated with Archbishop Winchelsea, the personal enemy of Langton, and a leader among the lords ordainers. By the inherent necessities of his position the King was afterwards driven to recall Langton, but not in time for any aid he could give to be effectual. The day of the exchequer had gone by. Henceforth it was to confine itself strictly to financial matters, and to be content with a subordinate position. But what it lost in extension it gained in definition, although on its judicial side it was impelled to enter with the Courts of King's Bench and Common Pleas into that competition for general legal business which was the source of so many legal fictions and of so much of the proverbial obscurity of English law procedure.

The policy of Edward I. in regard to the exchequer, notwithstanding its failure, is capable of being viewed as a means to an end, which, whether present or not to the minds of that King and his advisers, has steadily gained in estimation in the history of statecraft. It would hardly be an

exaggeration to say that the foremost considerations in the mind of every modern statesman are financial. It is the costliness of war that keeps the peace. It is so much cheaper to count heads than to break them. The control by the exchequer over the administration, at which Edward I. appears to have aimed, has certain analogies in our own day to the control of the treasury over the other public departments, to the arrangement which makes the first lord of the treasury once more, as in the days of Walter de Langton, the head of the Government. The change, of course, has been in the interests guarded. The nation with the sovereign as its representative has replaced the sovereign as opposed to the nation.