

Justiciar

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In medieval England and Scotland the **Chief Justiciar** (later known simply as the **Justiciar**) was roughly equivalent to a modern Prime Minister^[1] as the monarch's chief minister. Similar positions existed on the European Continent, particularly in Norman Italy and in the Carolingian empire. The term is the English form of the medieval Latin *justiciarius* or *justitiarius* ("man of justice", i.e. *judge*).

A similar office was formed in Scotland, though there were usually two or three, the Justiciar of Scotia and Justiciar of Lothian (and in the 13th century the Justiciar of Galloway), these offices later evolving into a national one called Lord Justice-General. The Justiciar of Ireland was an office established during English rule. (See Lord Chief Justice of Ireland).

Following the conquest of the Principality of Wales in the 13th century, the areas that became personal fiefs of the English monarchs were placed under the control of the Justiciar of North Wales and the Justiciar of South Wales.

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England

In the Kingdom of England the term **justiciar** originally referred to any officer of the King's Court (*Curia Regis*), or, indeed, anyone who possessed a law court of his own or was qualified to act as a judge in the shire-courts. In each English shire, the sheriff was the king's representative in all matters. The only appeal against decisions of the Sheriff or his courts was to the king. During the reign of William Rufus many sheriffs were severely overworked; Rufus eased the burden by appointing local justiciars in some shires.

The Norman kings were often overseas and appointed a justiciar, regent or lieutenant to represent them in the kingdom, as the sheriff did in the shire. Later this post became known as the Chief Justiciar (or royal capital justiciar), although the titles were not generally used contemporaneously.^[2] Some historians claim the first in the post was Roger of Salisbury; Frank Barlow argues in favour of Bishop Ranulf Flambard, a functionary within the household of William I of England, as the first, and points out that the role began, perhaps, with Odo of Bayeux in his relationship with William I.^[3] However, Flambard was not a chief justiciar but was probably the first to exercise the powers of a justiciar. It was not till the reign of Henry II that the title was exclusively applied to the king's chief minister.^[2]

The Chief Justiciar was invariably a great noble or churchman, and the office became very powerful and important; enough indeed to be a threat to the King. The last great justiciar, Hubert de Burgh, 1st Earl of Kent, was removed from office in 1232, and the Chancellor soon took the position formerly occupied by the Chief Justiciar as second

to the King in dignity, as well as in power and influence. Under King Edward I the office of justiciar was replaced by separate heads for the three branches into which the King's Court was divided: justices of the Court of Common Pleas, justices of the Court of King's Bench and barons of the Court of Exchequer.^[2]

List of (chief) justiciars

Name	Term	King(s)
Roger of Salisbury	1102–1116?	Henry I
Ralf Basset	1116	Henry I
Richard Basset (Justiciar)		Henry I
Roger of Salisbury	?–1139	Stephen
Robert de Beaumont, 2nd Earl of Leicester	1154–68 (jointly with Richard de Luci)	Henry II
Richard de Luci	1154–79	Henry II
Ranulf de Glanville	1180–89	Henry II Richard I
William de Mandeville, 3rd Earl of Essex	1189 (jointly with Hugh de Puiset)	Richard I
Hugh de Puiset, Bishop of Durham	December 1189 – April 1190 ^[4]	Richard I
William Longchamp, Bishop of Ely	1189–91	Richard I
Walter de Coutances, Archbishop of Rouen	1191–93	Richard I
Hubert Walter, Bishop of Salisbury	1194–98	Richard I
Geoffrey Fitz Peter, 1st Earl of Essex	11 July 1198 – 14 October 1213 ^[5]	Richard I John
Peter des Roches, Bishop of Winchester	1213–1215	John
Hubert de Burgh, 1st Earl of Kent	1215–1232	John Henry III
Stephen de Segrave	?–1234 ^[4]	Henry III
Hugh Bigod	1258–60	Henry III
Hugh le Despencer	1260 – May 1261, July 1263 – 4 August 1265 ^[4]	Henry III
Philip Basset	May 1261–? ^[4]	Henry III
Source: ^[6]		

Scotland

In Scotland, Justiciars were the king's lieutenants for judicial and administrative purposes. The office was established in the 12th century, either by Alexander I or by his successor, David I.^[2]

The title of 'Justiciar' was reserved for two or three high officials, the chief one—the Justiciar of Scotia—having his jurisdiction to the north of the River Forth. The Justiciar of Lothian dealt with the part of the kingdom south of the Forth-Clyde line.^[2]

The role of Justiciar evolved into the current Lord Justice-General, the head of the High Court of Justiciary, head of the judiciary in Scotland and a member of the Royal Household.

The Duke of Argyll still holds the hereditary title of High Justiciar of Argyll, but no responsibilities now attach to it.

Wales

Following Edward I of England's conquest of the Principality of Wales (1277–1283), the Statute of Rhuddlan established the governance of the areas of Wales under direct royal control. The new counties of Anglesey, Caernarfonshire and Merioneth were administered on behalf of the king by the Justiciar of North Wales, while Carmarthenshire and Cardiganshire were placed under the control of the Justiciar of South Wales.

Other jurisdictions

The title Justiciar was given by Henry II of England to the Seneschal of Normandy.^[2]

In the 12th century, a *magister justitiarius* appeared in the Norman kingdom of Sicily, presiding over the Royal Court (*Magna Curia*), empowered, with his assistants, to decide, inter alia, all cases reserved to the Crown.^[2] There is no clear evidence that this title and office were borrowed from England; it was probably based on a Norman practice instituted in both realms. In the 13th century the office of justiciar was instituted in several principal localities around Sicily.

In medieval Sweden, the *lagman* ("lawspeaker") was the judge, or person learned in law, for a province, an area with several local district courts. Since the position corresponds to the general meaning of "justiciar", "justiciar" is often used to translate "lagman" in English texts. Lagmän were generally also members of the Senate of the realm, an institution corresponding to the English Privy Council. Finally, the Swedish term "riksdrotts" is often translated as "Lord High Justiciar of Sweden".

Notes

- Baker, J. H. (2007). *An Introduction to English Legal History* (4th ed.). Oxford: OUP. p. 15. ISBN 978-0-406-93053-8.
- Chisholm, Hugh, ed. (1911). "Justiciar". *Encyclopædia Britannica* (11th ed.). Cambridge University Press. Accessed on March 29, 2012.
- William Rufus*, F. Barlow, Methuen, London 1983.
- Susan Higginbotham. "The Last Justiciar: Hugh le Despenser in the Thirteenth Century". Archived from the original on 29 June 2008. Retrieved 15 February 2008.
- "JOHN (Lackland)". *Archontology.org*. Retrieved 15 February 2008.
- "Titles: Title of "Justiciar" ". *Baronial Order of Magna Charta*. Retrieved 29 March 2012.

External links

- This article incorporates text from a publication now in the public domain: Chisholm, Hugh, ed. (1911). "article name needed". *Encyclopædia Britannica* (11th ed.). Cambridge University Press.
- William Stubbs, *Constitutional History of England*
- Du Cange, *Glossarium* (Niort, f885) s.v. Justitiarius (in Latin).

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