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978-0-521-07659-3 - The Equity Side of the Exchequer: Its Jurisdiction  
Administration, Procedures and Records

W. H. Bryson

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CAMBRIDGE STUDIES  
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Edited by

D. E. C. YALE

*Fellow of Christ's College and  
Reader in English Legal History at the University of Cambridge*

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# THE EQUITY SIDE OF THE EXCHEQUER

ITS JURISDICTION  
ADMINISTRATION, PROCEDURES  
AND RECORDS

*Yorke Prize Essay for 1973*

BY  
W. H. BRYSON

*Assistant Professor of Law  
University of Richmond*



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[More information](#)

## CONTENTS

<i>Preface</i>	<i>page vii</i>
<i>Principal abbreviations</i>	<i>ix</i>
<i>Table of statutes cited</i>	<i>xiii</i>
1 Introduction	I
2 The equity jurisdiction of the exchequer	9
Definition	9
Origins	13
Relations with other courts	27
Summary	31
3 The administration of the court	34
The officers	34
The location of the court room	78
The location of the king's remembrancer's office	80
The location of the records of the court	82
The language of the court	90
4 Procedures and records	93
Pleadings	93
Evidence	129
The determination of the suit	143
5 The suppression of the jurisdiction	160
Appendix 1 Chart showing the quantity of bills filed	169

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Administration, Procedures and Records  
W. H. Bryson  
Frontmatter  
[More information](#)

---

vi	<i>Contents</i>	
<b>Appendix 2 Lists of officers</b>		170
A Judicial officers 1547–1714		170
B King’s remembrancers and deputies 1714–1841		189
C Chart of the Fanshawe family 1568–1716		190
D Sworn clerks 1572–1841		190
E Examiners 1624–1725		193
 <i>Bibliography</i>		197
General rules of court		197
Reports of cases		199
Secondary works		201
 <i>Index</i>		205

Cambridge University Press

978-0-521-07659-3 - The Equity Side of the Exchequer: Its Jurisdiction  
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W. H. Bryson

Frontmatter

[More information](#)

---

## PREFACE

The purpose of this book is to define and describe the equity jurisdiction of the court of exchequer. It is to put this jurisdiction into its historical perspective and to provide aids and explanations for the use of whomever may wish to explore deeper into the subject or may wish to use the exchequer archives for other purposes.

In the first place I wish to express my gratitude to Mr D. E. C. Yale who suggested to me this topic of research and assisted me in my work for a doctoral dissertation on this subject. It is also my pleasure to express my gratitude to Professor G. R. Elton, Professor P. G. Stein, Mr M. J. Prichard, Dr J. H. Baker, Mr J. C. Sainty, and Mr T. A. M. Bishop, who helped me in many ways. Further acknowledgement is due to Clare College, Cambridge, who very generously supported me as a William Senior scholar during the last two years of my work on this subject. Also my thanks are due to the managers of the Maitland Memorial Fund and Christ's College, Cambridge, for meeting the expenses of my research in the first two years.

The staffs of the University Library Cambridge, the Public Record Office, the British Museum, the Bodleian Library Oxford, Lincoln's Inn, the Middle Temple, and the Inner Temple libraries have been unfailingly helpful, courteous, and long-suffering in regard to the problems of my research; I am grateful to them all.

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Frontmatter

[More information](#)

## PRINCIPAL ABBREVIATIONS

<i>Am. Journ. Leg. Hist.</i>	<i>American Journal of Legal History</i>
<i>B.I.H.R.</i>	<i>Bulletin of the Institute of Historical Research</i>
Barton, <i>Historical Treatise</i>	C. Barton, <i>An Historical Treatise of a Suit in Equity</i> (1796)
Blackstone, <i>Commentaries</i>	W. Blackstone, <i>Commentaries on the Laws of England</i> , 4 vols. (1765–69)
Bohun, <i>Practising Attorney</i>	W. Bohun, <i>The Practising Attorney or Lawyer's</i> <i>Office</i> (1724)
Brit. Mus.	The British Museum
Brooke, <i>Abr.</i>	R. Brooke, <i>La Graunde Abridgement</i> (1573)
Brown, <i>Compendium</i>	W. Brown, <i>A Compendium of the several branches of</i> <i>Practice in the Court of Exchequer at Westminster</i> (1688)
Bunb.	W. Bunbury, <i>Reports, Court of Exchequer</i> , reprinted in the <i>English Reports</i> , vol. 145
C.	Chancery records in the Public Record Office
C.P.	The high court of common pleas
<i>Cal. S.P. Dom.</i>	<i>Calendar of State Papers, Domestic</i>
<i>Cal. Pat. Rolls</i>	<i>Calendar of Patent Rolls</i>
<i>Cal. Treas. Papers</i>	<i>Calendar of Treasury Papers</i>
<i>Camb. L. Journ.</i>	<i>Cambridge Law Journal</i>
Ch.; Chan.	The high court of chancery
<i>Co. Inst.</i>	E. Coke, <i>The Institutes of the Laws of England</i> , 4 vols. (1628–44)
Co. Rep.	E. Coke, <i>Reports</i> , reprinted in the <i>English Reports</i> , vols. 76, 77
<i>Com. Journ.</i>	The Journals of the House of Commons
<i>D.K. Rept.</i>	<i>Report of the Deputy Keeper of the Public Records</i>
<i>D.N.B.</i>	<i>Dictionary of National Biography</i> , ed. L. Stephen and S. Lee, 2d ed., 21 vols. (1921–2)
Dyer	J. Dyer, <i>Reports</i> , reprinted in the <i>English Reports</i> , vol. 73
E.	Exchequer documents in the Public Record Office
<i>E.H.R.</i>	<i>English Historical Review</i>
<i>Eng. Rep.</i>	<i>The English Reports</i> , 176 vols
Ex.	The high court of exchequer
Ex. Cham.	The court of exchequer chamber
Firth and Rait	C. H. Firth and R. S. Rait, <i>Acts and Ordinances of the</i> <i>Interregnum, 1642–1660</i> , 3 vols. (1911)

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Frontmatter

[More information](#)

x	<i>Principal abbreviations</i>
Foss, <i>Biog. Dict.</i>	E. Foss, <i>Biographica Juridica: A Biographical Dictionary of the Judges of England from 1066 to 1870</i> (1870)
Foss, <i>Judges</i>	E. Foss, <i>Judges of England</i> , 9 vols. (1848–64)
Fowler, <i>Practice</i>	D. B. Fowler, <i>The Practice of the Court of Exchequer upon Proceedings in Equity</i> , 2 vols. (1795)
G.E.C.	G. E. Cokayne, <i>The Complete Peerage</i> , 2d ed. by V. Gibbs <i>et al.</i> , 14 vols. (1910–59)
<i>Genl. Rept. Rec. Comm.</i>	<i>General Report to the King in Council from the Honourable Board of Commissioners on The Public Records</i> (1937)
H.C. sess. pap.	House of Commons sessional (or parliamentary) papers (also known as the Blue Books)
Hardr.	T. Hardres, <i>Reports, Court of Exchequer</i> , reprinted in the <i>English Reports</i> , vol. 145
Hil.	Hilary law term
Holdsworth, <i>H.E.L.</i>	W. S. Holdsworth, <i>History of English Law</i> , 16 vols. (1922–66)
IND.	Indexes in the Public Record Office
K.B.	The high court of king's bench
K.R. memo. roll	king's remembrancer's memoranda roll
<i>L. &amp; P.</i>	J. S. Brewer, comp., <i>Letters and Papers . . . of the Reign of Henry VIII</i> , 2d ed. by R. H. Brodie, 22 vols. (1920–32)
<i>L.Q.R.</i>	<i>Law Quarterly Review</i>
Lane	R. Lane, <i>Reports in the Court of Exchequer</i> , reprinted in the <i>English Reports</i> , vol. 145
Leon.	W. Leonard, <i>Reports and Cases</i> , reprinted in the <i>English Reports</i> , vol. 74
LeNeve, <i>Knights</i>	P. LeNeve, <i>LeNeve's Pedigrees of the Knights . . .</i> ed. G. W. Marshall, Harleian Soc., vol. 8 (1869)
<i>Lords Journ.</i>	<i>The Journals of the House of Lords</i>
Mich.	Michaelmas law term
'Min. of Ev.'	Minutes of Evidence on the Administration of Justice Bill, <i>Lords Journals</i> , vol. 72, app. 3, pp. 117–53 (1840)
Mitford, <i>Pleadings</i>	J. F. Mitford, Lord Redesdale, <i>A Treatise on the Pleadings in Suits in the Court of Chancery by English Bill</i> , 2d ed. (1787)
OBS.	Obsolete calendars in the Public Record Office
Osborne, <i>Practice</i>	P. Osborne, <i>The Practice of the Exchequer Court</i> , written in 1572, printed in 1658 and wrongly attributed to T. Fanshawe
Oxf. Bodl.	Oxford University, Bodeian Library
P.R.O.	The Public Record Office, London
Pasch.	Easter law term
Plowd.	E. Plowden, <i>Commentaries or Reports</i> , reprinted in the <i>English Reports</i> , vol. 75
PROB.	Probate records in the Public Record Office



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Frontmatter

[More information](#)*Principal abbreviations*

xi

<i>Repts. of Commons</i>	<i>Reports from Committees of the House of Commons</i> [1715–1801] 15 vols. (1803)
S.P.	State Papers in the Public Record Office
Sav.	J. Savile, <i>Reports</i> , reprinted in the <i>English Reports</i> , vol. 123
Seld. Soc.	Publications of the Selden Society
Shaw, <i>Knights</i>	W. A. Shaw, <i>The Knights of England</i> , 2 vols. (1906)
Squibb, 'A Book of All the Several Officers'	An edition is being prepared for the <i>Camden Series</i>
STAC.	Star chamber records in the Public Record Office
<i>Stat. Realm</i>	<i>The Statutes of the Realm</i> (1225–1713) 10 vols. (Record Commission, 1810–22)
T.	Treasury records in the Public Record Office
Thomas, <i>Notes</i>	F. S. Thomas, <i>Notes of materials for the History of Public Departments</i> (1846)
Trin.	Trinity law term
Turner, <i>Epitome</i>	S. Turner, <i>An Epitome of the Practice on the Equity Side of the Court of Exchequer</i> (1806)
Venn, <i>Alumni Cantab.</i>	J. and J. A. Venn, <i>Alumni Cantabrigienses</i> , 10 vols. (1922)
Wood Tit. Cas.	H. Wood, <i>A Collection of Decrees by the Court of Exchequer in Tithe Causes</i> , 4 vols. (1798)
Y.B.	Yearbook
Yale. <i>L.J.</i>	<i>Yale Law Journal</i>
Yale's Nott.	<i>Lord Nottingham's Chancery Cases</i> , ed. D. E. C. Yale, 2 vols., Selden Society vol. 73 for 1954, and vol. 79 for 1961

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Frontmatter

[More information](#)

## STATUTES CITED WHICH CONCERN THE EXCHEQUER

Stat. 12 Edw. 1 [1284]	p. 16
Stat. 28 Edw. 1 [1300] c. 4	p. 16
Stat. 5 Edw. 2 [1311] c. 25	p. 17
Stat. 33 Hen. 8 [1541] c. 39	pp. 22, 32
Stat. 1 Mar. 1 [1553] st. 2, c. 10	p. 23
Stat. 7 and 8 Will. 3 [1696] c. 27	p. 61
Stat. 12 and 13 Will. 3 [1701] c. 2	p. 57
Stat. 1 Ann. [1702] st. 1, c. 2	p. 61
Stat. 4 and 5 Ann. [1705] c. 3	p. 108
Stat. 6 Ann. [1707] c. 41	pp. 37, 45
Stat. 5 Geo. 2 [1731] c. 25	p. 111
Stat. 1 Geo. 3 [1760] c. 23	p. 61
Stat. 57 Geo. 3 [1817] c. 18	pp. 47, 161, 162
Stat. 57 Geo. 3 [1817] c. 60	p. 67
Stat. 1 Geo. 4 [1820] c. 35	pp. 74, 75, 144, 161
Stat. 1 Geo. 4 [1820] c. 119	p. 163
Stat. 7 Geo. 4 [1826] c. 57	p. 163
Stat. 11 Geo. 4 and 1 Will. 4 [1830] c. 70	p. 46
Stat. 3 and 4 Will. 4 [1833] c. 41	p. 47
Stat. 6 and 7 Will. 4 [1836] c. 71	p. 163
Stat. 6 and 7 Will. 4 [1836] c. 112	p. 48
Stat. 5 Vict. [1841] c. 5	pp. 65, 75, 84, 89, 164
Stat. 5 and 6 Vict. [1842] c. 86	p. 77
Stat. 36 and 37 Vict. [1873] c. 66	pp. 38, 45