

The immediate problem was solved by me getting interested in the case and forgetting about the bottle. However, once one has let such an infraction pass, it may be repeated. I think the way forward is the next time I give the lecture in the Judges' series on Court Etiquette, I must add a section headed in bold, "No Bottles on the Bar Table".

"IT SOUNDS LIKE IT"

This was the standard excuse when, as an articled clerk, I sent back a letter to the junior typist because she had typed some meaningless phrase which vaguely resembled what I had dictated.

Fifty years on, the problem is still with us. Counsel complained recently when his submission "It is trite that ..." came back in the transcript as, "It is tripe that ..."!

MERRY CHRISTMAS

All that remains is to wish all our readers a Merry Christmas, Happy New Year and a relaxing January.

PWY

HENRY II: KING OF ENGLAND

The tomb of Henry II, King of England (1154-1189), Duke of Normandy, Count of Anjou and Touraine, in the Royal Abbey at Fontevraud in the Loire Valley, France. He is buried adjacent to Eleanor and Richard the Lionheart.

Henry II is remembered popularly for his marriage to Eleanor of Aquitaine, the murder of Archbishop Beckett (1170), his invasion of Ireland (1171) and his sons Richard the Lionheart and John Lackland of Magna Carta (1215) fame.

One of England's greatest monarchs, he introduced reforms to the legal system of lasting significance. He founded a permanent court of professional judges who were royal servants and re-introduced, in a systematic way, travelling justices. By so doing, he fostered the uniform development of law common to all in England, irrespective of descent (Norman or English), place of residence or social class.

From his reign, the history of English law is that of decisions made in the King's courts. These courts over time supplanted a system which held people accountable to courts and rules reflecting their social status, for example, feudal tenants came before feudal courts applying feudal law, merchants before merchant courts upholding merchant customs. The Church had its own courts and canon law.

The expansion of the King's courts fuelled tension with the Church. Archbishop Beckett asserted the privileges of the Church against that expansion. A major issue was



the right of clerics charged with criminal offences to be tried in the ecclesiastical courts where the penalties were only penances and degradation.

By the Constitutions of Clarendon (1164), Henry II compromised much of his dispute with the Church but, subsequently, the Archbishop resiled from his agreement. Beckett's murder compelled the King to recognise the immunity of clerics from the ordinary criminal law.

Henry II made many other reforms: By the Assize of Clarendon (1166), he remodelled criminal justice procedure. Juries became a regular procedure; trial by battle waned.

Maitland and others suggest that the Court of Common Pleas has its origin in Henry II's deliberate decision in 1187 to establish a new court. He created in the Exchequer, the first separate government department in Europe. The introduction of possessory writs allowed interlocutory relief to those dispossessed of their land and helped extend the King's authority against self help in a turbulent feudal world.

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