

The Civil List and the Hereditary Revenues of the Crown

By 'G Percival' [see biographical note on p. 11]

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One of the most important duties of Parliament in the present Session is that of settling upon His Majesty a competent Civil List revenue 'for the support of the Royal Household and of the honour and dignity of the Crown.' The subject is one of great constitutional interest and importance, and involves issues that cannot rightly be appreciated without reference to the arrangements made in previous reigns or without regard to the nature and extent of the Sovereign's rights over the Hereditary Revenues of the Crown.

Since 1760 it has been the practice for the Sovereign at his or her Accession to surrender the greater part of the Hereditary Revenues to the control of Parliament which, by a Civil List Act, has thereupon directed payment of the annual produce into the aggregate or Consolidated Fund and has granted to the Sovereign a life annuity for the support of the Royal Household and other expenses. The arrangement is made to last only during the life of the reigning Sovereign and has to be reconsidered on every demise of the Crown.

During Her late Majesty's reign comparisons were frequently made to show that the annual produce of the Revenues surrendered by her exceeded the amount of Her Civil List annuity, with the inference that the public profited at the expense of the Crown. This inference has been based on the assumption that the Revenues belong to the Sovereign entirely for the expenses of the Royal Household and for private enjoyment, and that any surrender of them for the benefit of the public is purely an act of Royal grace and favour. It is even suggested that King Edward VII was fully entitled to resume possession of the Revenues for his own benefit, and therefore, having elected to surrender them¹, he may bargain with Parliament for the grant of a Civil List annuity dependent upon their present or prospective value. It will be well, therefore, to examine the subject from a historical point of view, in order to ascertain what is the constitutional position.

Before the revolution of 1688 all the Revenues of the kingdom were bestowed upon the King for the general expenses of government. These revenues were of two kinds - the Hereditary Revenues, derived principally from the Crown lands, feudal rights (commuted for the hereditary excise duties in 1660), profits of the Post Office, with licences, &c, and the Temporary Revenues derived from taxes granted to the King for a term of years or for life. After the Revolution, Parliament retained under its own control the greater part of the Temporary Revenues, and relieved the Sovereign of the cost of the naval and military services and the burden of the National Debt. During the reigns of William III, Anne, George I and George II, the Sovereign continued responsible for the maintenance of the Civil Government and for the support of the Royal Household and dignity, being allowed for these purposes the Hereditary Revenues and certain taxes.

¹ See his speech at opening of Parliament, 14th February, 1901

On the accession of George III a new system was initiated. The King surrendered to Parliamentary control the hereditary excise duties, post office revenues, and 'the small branches' of Hereditary Revenue including rents of the Crown lands in England, and was granted a Civil List annuity of £800,000 for the support of his household and the expenses of Civil Government, subject to the payment of certain annuities to members of the royal family. Notwithstanding the fact that the King had retained large Hereditary Revenues, his income proved insufficient for the expenses charged upon it. Debts amounting to over £3,000,000 had to be paid by Parliament, and the Civil List annuity was increased from time to time. In 1793 the King surrendered the Irish Hereditary Revenues, and was granted a Civil List annuity for certain expenses of Irish Civil Government.

On his accession, in 1820, George IV surrendered all the Hereditary Revenues which had been surrendered by his father, and was granted a Civil List annuity of £850,000. Of this sum, £273,727 was appropriated for the salaries and allowances of the Lord Chancellor, Judges, Speaker, Commissioners of the Treasury, Chancellor of the Exchequer, Ambassadors, Consuls, &c; £95,000 was set apart for pensions; and the remaining £481,273 was allocated to the support of the Royal Household, salaries of State Officers, &c. An Irish Civil List of £207,000 was also granted for expenses of Irish Civil Government. The King was allowed to retain the Hereditary Revenues of Scotland (averaging £109,000 a year) mostly appropriated to Scotch expenses and pensions, and certain Hereditary Revenues in England and abroad.

William IV, on his accession in 1830, surrendered, in addition, the Hereditary Revenues of Scotland, the West India duties (since abolished), the Droits of the Crown and Admiralty, and all other casual revenues at home and abroad. This surrender comprised the whole of the Hereditary Revenues of the Crown, with the exception of the income of the Duchies of Lancaster and Cornwall, and of the Principality of Scotland. Certain expenses of Civil government were transferred to funds under the control of Parliament and the King was granted a Civil List annuity of £510,000 made up as follows:-

	£
Privy Purse of King	60,000
Privy Purse of Queen	50,000
Salaries of Household	130,300
Expenses	171,500
Royal Bounty	13,200
Secret Service	10,000
Pensions	75,000
	<hr/> 510,000

On Her late Majesty's accession, in 1837, the item for secret service was transferred to the Consolidated Fund, and the Civil List was confined to expenses necessary for the support of the Royal dignity, and the personal comfort of the Sovereign. The arrangement with Her Majesty was effected by the Civil List Act, 1837 whereby, after reciting that Her Majesty had placed unreservedly at the disposal of Parliament the Hereditary Revenues which were transferred to the public by William IV, and that Her Majesty felt confident that the Commons would gladly make adequate provision for the support of the honour and dignity of the Crown, it was enacted that the produce of those Hereditary Revenues (except the hereditary excise duties) should be paid into the Consolidated Fund during the life of Her Majesty, and from and after her decease to Her Majesty's successors; that the hereditary

duties of excise on ale, beer, and cider should be suspended, but that, in the event of Her Majesty's successor signifying an intention to resume possession of the Hereditary Revenues, those duties should thereupon revive, and be paid for the use of such successor, and his or her successors; and that a sum of £385,000 per annum should be settled on Her Majesty during her life for the support of Her Majesty's Household, and of the honour and dignity of the Crown, such sum being allocated as follows:-

	£
Privy Purse	60,000
Salaries &c of Household	131,260
Expenses	172,500
Royal Bounty &c	13,200
Pensions (not more than £1200 to be granted in new pensions in any one year)	—
Unappropriated	8,040
	<hr/> 383,000

From what has been stated, it will be seen that since 1688 Parliament has gradually developed the policy of taking over from the Sovereign the obligation of providing for the expenses of government (including the support of the Royal household and dignity), of assuming control of the Hereditary and Other revenues formerly at the disposal of the Sovereign for this expenditure, and of separating the charges for the naval and military services, and for Civil Government from those which relate to the support of the Royal household and dignity. The process is not yet complete, the revenues of the Duchies of Lancaster and Cornwall, and of the Principality of Scotland, having been excepted from the surrenders hitherto made.

The principal Hereditary Revenues surrendered by Her late Majesty were the following¹:-

1. *The Hereditary Excise Duties*

These were granted to the Crown in 1660 by the Acts 12 Car II c 24 in lieu of the feudal rights then abolished. Various re-arrangements were made from time to time, whereby some of the duties ceased to be payable. The remaining duties, being duties on ale, beer, and cider brewed in Great Britain, are in abeyance but will revive in the event of the Crown at any future time not making the usual surrender.

2. *The Hereditary Post Office Revenue*

By the Act 1 James II c 12, the profits of the Post Office were declared to be vested in the Crown as hereditary revenue. A part of the annual produce, amounting to £154,507 15s 5d was made payable to the public by virtue of the Act 27 Geo. III c13 and previous statutes, and doubtless the Post Office is indebted to the public for advances of capital money made for the purpose of developing its business, but the bulk of the present net revenue of about £4,000,000 a year is hereditary revenue of the Crown.

¹ *Report on Public Income and Expenditure, 1869*

3. *Compensation for Wine Licence Revenue*

The revenue from wine licences ceased to form part of the Hereditary Revenues in 1757, when by the Act 30 Geo II c 13 the annual sum of £7,002 14s 3d was granted to the Crown in lieu thereof. This will be payable to the Crown in the event of any resumption of the Hereditary Revenues.

4. *Land Revenues in Great Britain and Ireland*

The Crown's landed property, consisting of numerous scattered agricultural estates, houses let at ground and rack rents, undersea and other mines, manors, fee farm rents, Irish quit rents, Scotch salmon fishing, teinds, feu duties, foreshores, woods, forests, etc, are under the management of the Commissioners of Woods, Forests, and Land Revenues, who, under the system of surrender, are considered 'bound, first, to secure as large an income as is consistent with good management for the benefit of the nation as tenants for life of the Sovereign, and second, to preserve intact the property itself in the interest of the Sovereign's successors as reversioners.'¹ In 1838-9 the gross income was £388,642 but only £180,000 was paid into the Consolidated Fund. In the year 1899-1900 the gross income was £574,083 and £450,000 was paid into the Consolidated Fund, shewing a considerable increase during the late reign.

5. *Droits of the Crown and Admiralty and other Casual Revenues*

These revenues are derived from wrecks, mines of gold and silver, treasure trove, waifs and strays, escheats, ships captured in war, &c.

That His present Majesty had a *legal* right to resume possession of these Hereditary Revenues is clear from the provisions of the Civil List Act, 1837, but whether he could *constitutionally* have done so is open to question. It has been said that 'the arrangements by which the Crown at the beginning of each reign surrenders its life interest in the Crown lands and other Hereditary Revenues, though apparently made afresh on each demise of the Crown, is really an integral part of the Constitution and could not be abandoned.'² This view was shared by Spencer Walpole, who, writing with reference to the surrender of the casual revenues by William IV, stated that 'a surrender of this kind once made was virtually irrevocable. It would have been as impossible for any future Sovereign to have resumed a revenue which his predecessors had surrendered as it would have been impracticable for him to have restored the Star Chamber, or to have made the appointment of the Judges dependent on his pleasure.'³ The late Professor Freeman's words on the point are equally emphatic. After discussing the rights of the Crown and of the public over the Crown lands he continued, 'A custom as strong as law now requires that at the beginning of each fresh reign the Sovereign shall, not by an act of bounty but by an act of justice, restore to the nation the land which the nation lost so long ago.'⁴

Assuming, however, that these views are erroneous and that the King could constitutionally have exercised the power of resumption, it by no means follows, as has been argued, that he could have taken the revenues, now worth some millions a year, freed and discharged from all obligations other than for the support of the Royal Household and dignity. The contention that the revenues are, when unsundered, the property of the Crown, simply for the

¹ Alpheus Todd, *On Parliamentary Government in England* 2nd ed, vol ii, p595 *et seq.* (See also p 302 *et seq.*)

² Mr (now Sir) C P Ilbert. Letter to *The Times*, 14th August, 1871 [*reproduced on pp. 9-10 of this document*]

³ *Hist Eng* 1890 ed, vol iv, p 102

⁴ *The Growth of the English Constitution*, p134

expenses of the Royal Household and for private enjoyment, has no historical foundation. Before the reign of Queen Anne, the Sovereign managed the revenues practically as he pleased, and exercised the power of granting them away, and of encumbering them with pensions and debts¹, but, while in his hands, they were always subject to the obligation of contributing towards the general expenses of government. The power of alienation was restricted by Queen Anne's Civil List Act (1 Anne c 1) and that Act and the Civil List Acts of Geo I and Geo II, after reciting the desire of the Commons to settle upon the Crown a competent revenue for the support of the Civil Government and of the honour and dignity of the Crown, granted the hereditary and other revenues for that purpose. The contention before referred to is sometimes limited to the Crown lands, and it is said that the King could at any rate have taken their annual revenue for his own use, and may still bargain for a Civil List annuity of equal value. But there is no sufficient ground for assuming that the Crown lands are on a different footing from the rest of the hereditary possessions of the Crown. Their liability to contribute towards the general expenses of Civil Government is specifically mentioned in the Act 1 Anne c 1 in these words:

'And whereas the necessary expences of supporting the Crown or the greatest part of them were formerly defrayed by a Land Revenue which hath from time to time been impaired and diminished by the Grants of former Kings and Queens of this Realm so that Her Majesties Land Revenues at present can afford very little towards the Support of Her Government nevertheless from time to time upon the determination of the particular estates whereupon many reversions and remainders in the Crown do now depend or expect and by such lands tenements and hereditaments as may hereafter descend escheat or otherwise accrue or come to Her Majesty Her Heirs or Successors the Land Revenues of the Crown in fines rents and other profits thereof may hereafter be increased and consequently the burthen upon the estates of the subjects of this Realm may be eased and lessened in all future provisions to be made for the expence of the Civil Government.'

This liability has never been expressly or by necessary implication abolished by any subsequent Statute, and continues to the present day.

The view now opposed found expression in a debate on the Civil List, in 1837, when Sir Robert Inglis suggested that the Crown gave up to the country a larger sum than it received in return, and thought it was not for a Minister of the Crown to deprive the Crown of the right of making whatever distribution it pleased of its own income. Mr Spring Rice (the Chancellor of the Exchequer) replied that he believed Sir R Inglis was peculiar in his opinion, and that if he carried his principle to the full extent it would go to this, that James II, who had a revenue of £2,400,000, held it as an estate with which he might have done whatever he pleased. According to Mr Rice, 'the true position of the case was this: The Hereditary Revenues of the Crown were subject to old hereditary duties, and in proportion to the Sovereign's income was the proportion of the expense which pressed upon him.'²

The whole of the Hereditary Revenues were applicable before the Revolution to all kinds of Government expenditure. They were afterwards appropriated, under Civil List Acts, to the support of Civil Government and of the Royal Household and dignity, and, since 1760, they have, for the most part, again been applicable, as part of the Consolidated Fund, to all kinds of Government expenditure. From a constitutional point of view they are vested in the Crown as a body politic, representing the State, upon trust, not only for the support of

¹ [Original note partly illegible] 'Howell's State Trials', vol xiv

² *Hansard*, 3rd series, vol 39, pages 180-1

Royalty, but also for the general expenses of Government. If, therefore, the King exercised his legal right and resumed possession he would only be entitled to retain a sum sufficient for the support of his household and family in a state befitting the Royal dignity. The remaining produce would have to be devoted to the public service. As in the last resort it would be for Parliament to say what sum the King should retain, the advantage of a resumption instead of a surrender is problematical. It would, indeed, scarcely serve any good purpose to revert to the old system of Royal control, and while it may be proper, for the preservation of a Royal prerogative, to maintain the present system of periodical surrender instead of having a surrender in perpetuity, it may be regarded as virtually certain that no resumption of the Hereditary Revenues will ever take place. Sir Henry Parnell (afterwards Lord Congleton), writing in 1830, on the settlement of the Civil List of William IV expressed the opinion that there was then no longer any reason for not abolishing the distinction between hereditary and other revenues, and that every right of the Crown could be effectually secured in a more simple and convenient manner¹. This course would involve a surrender in perpetuity by the Sovereign, and a full recognition by Parliament that in taking over the revenues it takes over the obligation of making, from time to time, a suitable provision for the Monarchy.

A surrender by His present Majesty is not only in accordance with constitutional usage, but is also to be commended on grounds of expediency. A Civil List annuity will be granted by Parliament as heretofore, and the question arises as to the basis upon which the amount of this annuity should be fixed. It has often been declared, in and out of Parliament, that the Civil List is a bargain between the Crown and the public, and that the amount of the annuity should depend on the value of the Hereditary Revenues surrendered. This argument overlooks the facts that the Civil List is now limited to a provision for the support of the Royal Household and dignity, and that, as has been shown, the Hereditary Revenues never constituted a fund exclusively applicable to this expenditure. In form, the revenues appear to be given up in exchange for a life annuity, but it is a mistake to suppose that these items are meant to be equivalents². The amount granted to Her late Majesty was fixed solely with reference to what was estimated to be a proper scale of expenditure for the maintenance of her Household in a manner befitting the Royal dignity, and the same course should be followed on the present occasion.

The propriety of placing at the disposal of the public the hitherto unsundered Hereditary Revenues, viz those of the Duchies of Lancaster and Cornwall, and of the Principality of Scotland, will doubtless be fully considered by Parliament. These revenues are by some considered to be the private property of the Crown, but this is true only in a very limited sense. The Duchy of Lancaster was the private possession of Henry IV before he ascended the throne. As the law then stood its revenues would have merged in those of the Crown immediately on his succession, but his tenure of the Royal dignity being precarious he obtained an Act of Parliament which prevented such merger. On the succession of Edward IV the duchy was declared forfeited by the House of Lancaster and annexed to the Crown, becoming vested in Edward IV in his body politic, but under a separate guiding and governance from the other inheritances of the Crown. In Queen Elizabeth's reign it was considered by certain Judges in the Duchy Court, that by reason of a Statute of Henry VII that King held the Duchy in his body natural disjoined from the Crown, and not as Edward IV had it, but other Judges held what is considered to be the better opinion, that the Duchy

¹ *On Financial Reform*, 4th ed, p201

² Mr (now Sir) C P Ilbert. Letter to *The Times*, 14th August, 1871 [reproduced on pp. 9-10 of this document]

remained united to the Crown as in the reign of Edward IV.¹ In either case on the abdication of James II and the attainder of the pretended Prince of Wales, any rights of the Sovereign by descent, in their bodies natural and not politic, certainly ceased, and William III and his successors have been possessed of the Duchy revenues solely in their bodies politic. A surrender of these revenues was suggested in 1830, but William IV objected and claimed the Duchy as 'the only remaining pittance of an independent possession' which had been 'enjoyed by his ancestors during many centuries, as their private and independent estate,' and which had devolved upon him 'separate from all other his possessions and consequently as his separate personal and private estate, voted in His Majesty by descent from Henry VII in his body natural and not in his body politic as king.'² But William IV was certainly not entitled by descent in his body natural from Henry VII, and he of course held the Duchy revenues in his body politic by a Parliamentary title, i.e., as king by virtue of the Act of Settlement of 1701. These revenues remained at the disposal of Her late Majesty as a Privy Purse fund in augmentation of the Civil List grant. The Duchy of Cornwall was constituted in 1837, by a Charter of Edward III., made under the authority of Parliament, and is vested in the eldest son of the Sovereign at birth, until his death or succession to the throne. On his accession it vests in his eldest or only son, if he have one, and if not its revenues remain at his own disposal.³

In 1837 Lord Brougham, ex-Lord Chancellor, alluding to the question of the ownership of both Duchies in his speech on the introduction of the Civil List Bill in the House of Lords, ridiculed the idea that the revenues of the two Duchies were 'anything like private property', and said that they were 'public funds, vested in the Sovereign only as such, enjoyed as Sovereign and in right of the Crown alone, held as public property, for the benefit of the State, and as a parcel of the national possessions.' He advocated the transfer of both Duchies to the public and the placing of their administration under 'the ordinary departments of the public service.'⁴ This course has also been recommended by Sir S Morton Peto, who, writing 1863, suggested that the Duchies should be brought under public control and their ornamental officers abolished.⁵

The revenues of the Principality of Scotland are enjoyed by the eldest son of the Sovereign as Prince and Steward of Scotland. They are of small amount and are managed with the revenues of the Duchy of Cornwall.

The writer's object in placing the observations before the public is to endeavour to make clear what he considers to be the true constitutional position and to remove the many erroneous impressions that have found currency in recent years. This object will have been attained if he has succeeded in showing:-

- (a) That the Crown Lands are not the only Hereditary Revenues
- (b) That these revenues do not belong to the Sovereign solely for his own personal use and benefit

¹ *Plowden's Reports*, Savoy ed, 1761, p212 et seq; W Hardy, *The Charters of the Duchy of Lancaster* (Preface)

² Earl Grey, *Correspondence with William IV &c*, vol i, p9

³ The Charter limits the Duchy to the first begotten but this is interpreted as eldest living sons. See *The Case of the Duchy of Cornwall* published in 1613 and reprinted in Collin's *Claims of Baronies &c*. See also *The Prince's Case*, Coke's Reports, part 8

⁴ *Hansard*, 3rd series, vol 39, pp1356-7, 1362

⁵ *Taxation, Income and Expenditure*, p 383

- (c) That in comparing the various Civil List annuities regard must be had, not only to their amounts, but also to the purpose for which they were granted.
- (d) That the Civil List arrangement is not a bargain importing equality of exchange.
- (e) That the value of the revenues surrendered should in no way be treated as a criterion of the amount of the Civil List annuity to be granted, but that this amount should be fixed solely with regard to what may be necessary to enable His Majesty adequately to perform the duties and to maintain the dignity of his high office.

The Crown has in recent times so endeared itself to the hearts of its subjects that Parliament may safely be entrusted to interpret liberally the wish of the nation that His Majesty may be endowed with a Revenue amply befitting his exalted position.

THE CROWN LANDS AND THE CIVILLIST.

TO THE EDITOR OF THE TIMES.

Sir,—Throughout the recent discussions on Prince Arthur's grant, it appears to have been assumed that there is, or ought to be, some ratio between the value of the Crown Lands, on the one hand, and the amount granted by the nation for the personal expenditure of Her Majesty and the advancement of the members of the Royal Family, on the other. Mr. Disraeli reminded the House of Commons that Her Majesty on her accession had relinquished a large estate which she possessed with as clear a title as any peer, and went on to observe that if she had reserved the right of charging her real estates in favour of younger children, under conditions which apply to almost all life estates, she might have made for them a far more ample provision than had been made by successive Parliamentary grants. The obvious inference was that the nation is under a moral obligation to increase the Civil List in proportion to the increasing value of the Crown Lands. The same thought appears to have been present to Mr. Gladstone when he asserted that the revenues from the Crown Lands had been diminished by their appropriation to purposes beneficial to the metropolis. An able contemporary of yours pursued this line of argument further, and speculated on the consequences which might ensue if the heir to the Crown were to refuse to continue the arrangement by which the Crown Lands are made over to the nation for the life of the Sovereign, and were to resume them for his own behoof.

Now, Sir, I do not wish for one moment either to question the propriety of making a liberal provision for the Crown and the Royal Family or to dispute the title of the Crown to the Crown Lands, but I venture to submit that the whole of this reasoning rests on a fallacy, that fallacy being that the Crown Lands are in some peculiar sense the private property of the Sovereign, and that their revenues constitute a fund chargeable only with his personal expenditure and that of the Royal Family. The title of the Crown to the Crown Lands is indisputable, but it is only entitled to them subject to the somewhat onerous obligation of defraying the whole of the ordinary expenditure of the State.

A very slight acquaintance with the history of the territorial revenues of the Crown would be sufficient to establish this proposition. The circumstance that the Crown Lands are a very attenuated remnant of what was once a vast and indefinite property, and the insignificance of their proceeds

as compared with the whole of the public revenues of the realm, ought not to blind our eyes to the fact that they once constituted the fund out of which almost the whole public expenditure of the State was defrayed, and that they are now held by the same title and subject to the same obligations as they were then. The distinction between the public and private expenditure of the Sovereign was unknown to the middle ages; till within a very recent period it has been unknown to the British Constitution; it is not fully recognized even yet. The Norman and Plantagenet King was a great landowner, who out of his ample rent-roll defrayed not only the expenses of the Court, but the expenses of the State. Almost the whole of the current revenue of the Exchequer was derived more or less immediately from land. Escheats, forfeitures, feudal dues poured in a copious and perennial stream. Had our early Sovereigns husbanded their vast resources they need never have come to Parliament for supplies. Had they been as careful to keep as they were ready to seize they might have become the absolute proprietors of the soil of this land. Happily for our Constitutional liberties, they were as lavish as they were rapacious. It was made a reproach to Henry III. that he was reduced to paying for the expenses of the Royal table by means of tallies. Vast grants of land were made by Edward II. and Richard II. to their favourites. Neither the appropriation of 110 priories by Edward V. nor the enormous forfeitures occasioned by the Wars of the Roses exercised any permanent effect on the value and extent of the Royal lands. In spite of the plunder of all the monasteries, the Treasury was found empty on the death of Henry VIII. James I. squandered as profusely as any of his predecessors, and Charles I. sold or mortgaged nearly all the Crown property to enable him to dispense with Parliamentary Supplies. The remnants which remained were sold by the Parliament for the purposes of paying the arrears due to their forces and of discharging the debts of the new Government. Many of these sales, however, were annulled on the Restoration, and the estates recovered for the Crown. But Charles II. found it impossible to resume the feudal dues which had formerly constituted the most permanent elements in the territorial revenues of the Crown. It is needless to say that he directed to the most unworthy objects the revenues which were left at his disposal. There was no great improvement in the management of the Crown Lands after 1688. The lavish grants of land which William III. made to his favourites, especially to the Earl of Portland, excited the merited indignation of Parliament. It was this wanton abuse of what was beginning to be recognized as national property that, on the accession of Queen Anne, led to the important Act (1 Anne, cap. 1) which prohibited

further alienation of the Crown Lands. The preamble to that Act is deserving of special remark, as it places in the clearest light the fact that the Crown Lands were then held to be chargeable generally with the support of Her Majesty's Government. It runs as follows:—

"Whereas the necessary expenses of supporting the Crown, or the greatest part of them, were formerly defrayed by a land revenue which hath from time to time been impaired and diminished by the grants of former Kings and Queens of this realm, so that Her Majesty's land revenues can afford very little towards the support of her Government; nevertheless, from time to time, upon the determination of the particular estates whereupon many reversions and remainders in the Crown do now expect, and by such lands, tenements, and hereditaments as may hereafter descend, escheat, or otherwise accrue or come to Her Majesty, her heirs, or successors, the land revenues of the Crown in fines, rents, and other profits thereof may hereafter be increased, and consequently the burden upon the estates of the subjects of this realm may be eased and lessened in all future provisions to be made for the expenses of the civil Government."

The history of subsequent legislation on the subject of the Crown Lands and other hereditary revenues of the Crown has been the history of successive attempts (1) to substitute a fixed allowance to the Crown for a revenue derived from indefinite and uncertain sources; (2) to establish a more economical system of management of the Crown Lands; (3) to control the application of the funds left at the disposal of the Crown by directing their appropriation to certain specific heads of expenditure; and (4) last of all, to draw some kind of distinction between the personal expenditure of the Sovereign and the public expenditure of the State. The existing arrangement by which the Crown surrenders its life interest in its hereditary revenues, in consideration of a fixed annual charge on the Consolidated Fund, was commenced at the accession of George III. The Act by which this change was effected (1 George III. cap. 1, recites that His Majesty had been graciously pleased to signify his consent to his faithful Commons "that whenever they should enter upon the consideration of making provision for his household and the honour and dignity of his Crown, such disposition might be made of his interest in the hereditary revenues of the Crown as might best conduce to the utility and satisfaction of the public," and that the Commons were desirous "that a certain and competent revenue for defraying the expenses of His Majesty's Civil List and supporting the dignity of the Crown during his life, might be settled on His Majesty, and that His Majesty might be enabled to make an honour-

able provision for the Royal Family." How conveniently wide an interpretation His Majesty placed on the elastic phrase "honour and dignity of the Crown," and how the Civil List was made the means of substituting the dangerous machinery of influence for the worn-out weapon of Prerogative is well known to every reader of Burke. But what is most important to remark for the present purpose is that the Civil List, as granted not only to George III. but to his successor, included items such as the salaries of the Lord Chancellor, the Judge, the Speaker of the House of Commons, and His Majesty's Ambassadors, which, though they may explain the peculiar sense of property with which George III. used to speak of Lord Eldon as "his" Chancellor, could in no sense be said to belong to the personal expenditure of the Sovereign. It is clear that the intention of the framers of the Acts which were passed at the accession of George III. and George IV. was to draw a distinction not between the private expenditure of the King and the public expenditure of the State, but between the funds which were to be subject to the constant control of Parliament and the funds which could, consistently with the Constitution, be placed at the disposal of the Crown. In the interest of Parliamentary independence it has been found expedient gradually to decrease these latter sums and to regulate their expenditure, and it is for this purpose that the hereditary revenues of Scotland and Ireland, and such casual sources of profit as the droits of Admiralty, which both George III. and George IV. retained in addition to their Civil List, have been made over to Parliament, and the application of the Civil List itself has been jealously regulated by appropriation clauses. And it has at last been discovered that the only portion of the national expenditure which, under a Parliamentary Government, ought to be left to the control of the Crown is that which is applied towards maintaining the splendour of the Court and the dignity of the Royal family.

The result of all these changes has been a curious reversal of the former relations between the Crown and the State. Formerly the Crown defrayed the expenses of the State out of its private purse; now the State defrays the expenses of the Crown out of the national purse. The Crown has, in fact, become the pensioner of the State. Doubtless, the form under which this transaction appears at the accession of each Sovereign is one under which the Crown appears to abandon its life interest in the Crown Lands in consideration of being paid an ample allowance for private expenditure. But it is a mistake to suppose that these items are, or were meant to be, equivalents. The revenues of the Crown Lands are, as they always were, part of the income of the State, and their obligation to support the State charges is not destroyed by the fact that that income is controlled not by the Crown but by Parliament. On the other hand, the obligation of the State to maintain the dignity of the Crown would remain though the Crown Lands had disappeared, and is not increased or diminished by any increase or diminution in their value.

One or two important corollaries may be made from these conclusions.

1. The arrangements by which the Crown, at the beginning of each reign, surrenders its life interest in the Crown Lands and other hereditary revenues, though apparently made afresh on each demise of the Crown, is really an integral part of the Constitution, and could not be abandoned.

2. The reversionary interest of the heir to the Crown in the Crown Lands is a reversionary interest saddled with an annual burden of some seventy millions; it is, therefore, practically valueless—may be disregarded.

3. Such being the case, we ought to have no more of the supposed duty of Her Majesty's Ministers to manage the Crown Lands on the same principle as a careful guardian manages estates during the minority of the heir. It is for the interest of the public that the pecuniary value of any portion of the Crown Lands should be diminished, or even wholly sacrificed, for the purpose of increasing public enjoyment. No imaginary rights of reversions should stand in the way of such a sacrifice being made.

4. Inasmuch as the Crown Lands are not private, but national property, rights, such as forestal rights, which were unjust and tyrannical when enforced by an individual, not only may be, but ought to be enforced when their exercise serves a public purpose.

I have the honour to remain, Sir, your obedient servant,
Lincoln's Inn, Aug. 9.
C. P. ILBERT.

G Percival was a non-de-plume for an official of the Office of Woods,
George Percival Best, CBE

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s. of G M Dukes Best

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Club – Reform