magnates and prelates, had by charter the right to be impleaded only before the king or justiciar. But down to the end of John's reign the amount of routine assize litigation heard outside the two main sorts of visitations was small.

The position changed in Henry III's reign. The new system was developed between 1217 and 1243. Its initial stages of development, between 1217 and 1226, are to be discovered partly from the reissues of Magna Carta and partly from the special Assize Commissions entered on the dorses of the Patent Rolls. Its further stages, after 1225-1226, when the last countrywide visitation with a jurisdiction confined to indictments and assizes of novel disseisin took place, are to be discovered from the special assize commissions on the Patent Rolls (overflowing occasionally on to the Close Rolls), supplemented from 1248 onwards by the surviving assize rolls and the few assize writ files of Henry III.

The facts that emerge are as follows. Firstly, that down to the common pleas eyre visitation of 1254-1258, the overwhelming bulk of possessory assize litigation was brought on writs returnable in eyre and was heard there. Occasionally the assizes pending for trial at the next eyre of a county might be summoned for hearing 'coram rogo' if the king's journeys made this convenient; until the suspension of the justiciarship in 1234, king and justiciar were usually together, so that similar sessions before the justiciar were confined to the early years of Henry III and to the 'baronial' justiciarship of 1256-1261. Also, when eyre programmes had been delayed or interrupted, justices might be appointed to take the pending eyre assizes in one or two counties. The commissions that were issued for such sessions may be the remotest ancestors of the Assize Circuit Commissions of 1275, for by then they were probably among the forms in the contemporary precedent rolls.

Secondly, as a luxury enjoyed by a very small number of litigants, many of considerable social status, from 1220 onwards, special Assize Commissions were issued to empower commissioners, apparently of the plaintiffs' choice, to hear the particular assize. In the first few years most of the Commissions so issued were either for assizes of darrein presentment (to be heard within the canonical time limit during vacations of their normal court, the Bench) or for assizes grounded on eyre writs but transferred to these special commissioners, instead of awaiting the next eyre. During 1220-1225 only a minority, though a slowly growing minority, were grounded on writs brought specifically for hearing before the commissioners. But from 1226 onwards most special Assize Commissions were grounded on such writs. During the 1220s nearly all the Commissions, and until 1241 the majority of them, were issued to four commissioners, usually local knights (in the mid-1220s especially, these might include one or two prelates), the date and place of whose sessions were specified in the Commission. These knights were those prominent in county