


THE
MIDDLE
TEMPLE

C·E·A·BEDWELL



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A BRIEF HISTORY OF THE
MIDDLE TEMPLE

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OF THE
MIDDLE TEMPLE

BY
C. E. A. BEDWELL
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MIDDLE TEMPLE

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PREFACE

THIS little book is published in response to a suggestion to reprint an article from the *Quarterly Review* of October, 1908. To it has been added matter which has already appeared in the columns of the *Law Magazine and Review* and the *Green Bag*, with some additional notes. The result does not pretend to be a systematic history of the Inn. Even if the writer were able to undertake a work of that scope, the time is not opportune for its publication, since Mr. A. R. Ingpen, K.C., is engaged upon the preparation of a new edition of the MS. known as "Master Worsley's Book," giving an account of the Constitution, Customs and Usage

of the Honourable Society. But it is thought that some of the more important facts concerning the Inn and its members may be acceptable to those who are about to become members, or who have recently done so, and visitors who are charmed by the historical associations and beauty of the venerable foundation.

An attempt has been made to secure accuracy by reference to original authorities, but the writer will be grateful to any one who directs his attention to mistakes or doubtful points, in case it should become desirable to reprint the whole or some portion at any time.

It is with much pleasure that I express my thanks to my late chief, Mr. John Hutchinson, for having kindly read and approved the proofs of these pages.

C. E. A. B.

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THE MIDDLE TEMPLE

I

THE ORIGIN OF THE INNS OF COURT.*

THE essential functions of a true university, as defined by Dr. Rashdall, "are to make possible the life of study, whether for a few years or during a whole career, and to bring together during that period, face to face in living intercourse, teacher and teacher, teacher and student, student and student." † In their origin the universities were scholastic guilds either of masters or students. The masters formed a voluntary association, enacting

* In connection with the subject of this chapter reference may be made to Mr. Hutchinson's "Inquiry into the Origin and Early History of the Inn," in the first volume of the Middle Temple Records.

† "Universities in the Middle Ages," vol. ii. p. 714.

rules for admission to membership, which was accompanied by feasting and the giving of presents. The social side of their organisation was as prominent among the masters and scholars as in the guilds of tradesmen and apprentices. The new doctor was required to give a feast upon the attainment of his degree, while even more magnificent entertainments were provided sometimes, such as tilts and tournaments.

From the beginning the Inns of Court possessed, and they still retain, the main features of the life of the university, based upon the procedure of the medieval guild. As they were guilds of masters, the natural inference is that the serjeants, the doctors of the law, were the founders; but the available evidence is to the contrary. The earliest records of the relations between the two bodies show that the serjeant, upon attaining his degree, entirely severed his connexion with the Inn. If the serjeant were afterwards

chosen to be a judge, he might then have the opportunity, with his brethren, to exercise the domestic jurisdiction which they possessed as visitors, and which survives in the appeal to the judges from a refusal of the benchers to call a student to the Bar. No affinity can be traced between the masters (who formed the governing body of the Inns) and the serjeants. The masters possessed the monopoly of granting the degree—the call to the Bar; but there is no evidence to show when and from whom they derived it, though it may be assumed that the judges were the original source of the authority. “It is probable, if reliance may be placed on the analogous practice at the Bar at Paris, the Master testified to the attainments of his pupils being such as to entitle them to be admitted to audience at the Bar of the Court.” *

* Introduction to “Black Books of Lincoln’s Inn,” vol. i. p. xxxix. In some of the forms of procedure in Lincoln’s Inn Mr. Douglas Walker traces indebtedness to the University of Paris.

It was to the justices that Edward I.* committed the duty of maintaining the supply of professional advocates, which was required upon the final disappearance of *cleri causidici* from Westminster Hall, about the middle of the thirteenth century. So soon as the students came together in any number to learn from the masters, the necessity would be felt for an inn or hostel of residence.

The earliest mention of a hostel containing apprentices of the law—the term does not mean students †—occurs in the Year Books in 1348. From about the same period may be dated the beginning of the four Inns of Court, which are almost coincident in antiquity, similar

* "Rolls of Parliament," vol. i. p. 84; and see Holdsworth's "History of English Law," vol. ii. p. 265.

† It has been suggested that the word denotes a rank in the profession above even that of Reader. Plowden, who was Double Reader at the Middle Temple, is described on the title-page of his Reports as an apprentice of the common law. See article by Mr. J. R. V. Marchant in *Law Quarterly Review*, vol. xxi. p. 353.

in constitution, and identical in purpose. The number four suggests a grouping such as that found in the early histories of Paris, Oxford, and other universities known as the four nations. The migratory habits of the medieval scholar are frequently apparent in the early history of academic institutions, so that there is no need to endeavour to trace the steps by which the apprentices of the law first reached their present abiding places, which were in use previously as *hospitia*. The earliest direct piece of evidence of apprentices of the law dwelling in the Temple occurs in Walsingham's account of Wat Tyler's rebellion in 1381. The Knights Hospitallers, or Knights of St. John of Jerusalem, let the property to the lawyers, merely reserving the church, with its two chapels of St. Nicholas and St. John, the adjoining chapel of St. Ann, and such tenements as they required for their own use. From the end of the fourteenth century

may be dated Chaucer's description, in the Prologue to the "Canterbury Tales," of

"A gentle maunciple was ther of a temple . . .
Of maistres hadde he mo than thryes ten,
That were of lawe expert and curious ;
Of which ther were a doseyen in that hous,
Worthy to ben stiwardes of rente and lond
Of any lord that is in Engelond."

Commentators upon this passage have laid stress upon the mention of the Temple—though Professor Skeat regards it merely as an allusion to an inn of court—and have made no note of the thirty governing masters suggesting an organisation in the nature of a guild.

Dugdale, in his "Origines Juridiciales," tells us that, notwithstanding the spoil by the rebels under Wat Tyler, the number of students so increased "that at length they divided themselves in two bodies, the one commonly known by the Society of the Inner Temple and the other of the Middle Temple." Thus the university in the Temple took part

in the general movement which led Dr. Rashdall to describe the fifteenth century as "the era of 'University Buildings.'" "About the year 1440," he writes, "the universities all over Europe were endeavouring to provide themselves with buildings of their own."* The earliest reference which has been found to one Inn apart from the others is in a will in Somerset House dated 1404, in which a bequest is made to "Roberto mancipio medii Templi,"† and in the year 1440 the Inner Temple is mentioned for the first time.‡ In 1442 the "Black Books of Lincoln's Inn" record a "drinking" with the members of the Middle Temple, and in 1451 the "Mydill Inne" and the "Inner Inne" are both mentioned in the "Paston Letters." We are thus enabled to see the corporate forms of the two

* "Universities in the Middle Ages," vol. ii. p. 463.

† The credit for this discovery is due to Mr. W. L. Bolland, who published it in the *Law Quarterly Review*, vol. xxiv. p. 402.

‡ "Paston Letters" (1895), vol. i. p. 41.

societies slowly emerging from the mists of the past. Neither can claim seniority to the other. The one body underwent the normal development and grew into two, possessing absolutely equal rights in the church and contiguous property, which have been maintained down to the present time. The process of gestation is described in a MS. among the Inner Temple Records, which states that during the reign of Henry VI. the lawyers

“were multiplied and grown into soe great a bulke as could not conveniently be regulated into one Society, nor, indeed, was the old hall capable of containing so great a number, whereupon they were forced to divide themselves. A new hall was then erected, which is now the Junior Temple Hall, whereunto divers of those who before took their repast and diet in the old hall resorted, and in process of time became a distinct and divided Society.” *

One of the most conclusive pieces of evidence of the complete equality of the two houses is afforded by the dispute

* “Inner Temple Records,” vol. i. p. xviii.

which arose in 1620 as to the administration of the Holy Communion by the Master of the Temple to the Benchers. It was contended that he showed a preference to the Inner Temple. After some discussion the matter was referred to a committee representative of Benchers of both Inns. They came to the conclusion, unanimously supported by the members of the two societies, that there was no difference in the matter of antiquity—"both the Temples being one congregation of gentlemen, between whom there never was any precedence in anything."* A method of alternative administration was adopted to show an equal consideration to both Houses.

Sir John Fortescue, whose treatise "*De Laudibus Legum Angliæ*" was written about the year 1470, makes no allusion to the origin of the Inns, but gives an interesting account of their

* "*Middle Temple Records—Minutes of Parliament,*" vol. ii. p. 648.

condition in his day. There were ten lesser Inns, called Inns of Chancery,

“in each of which there are a hundred students at the least; and, in some of them, a far greater number, though not constantly residing. The students are, for the most part, young men. . . . After they have made some progress here, and are more advanced in years, they are admitted into the Inns of Court, properly so-called. Of these there are four in number. In that which is the least frequented, there are about two hundred students.* . . . The students are sons to persons of quality; those of an inferior rank not being able to bear the expenses of maintaining and educating their children in this way.”

The curriculum contained various subjects of general education, so that the Inn of Court did not differ much from the medieval continental university, in which law was the leading faculty. There was the same system of discipline, of celibate life, of a common hall, of resi-

* It has been suggested that this number is much exaggerated. Compare the statistics of more than a century later on p. 15, and see Herbert's "Inns of Court," p. 171.

dence in community, and of compulsory attendance at the services of the Church. The educational requirements were steadily raised during the sixteenth century. It is difficult to define the status of the Inns of Chancery in their earliest days, but by the time of Fortescue the relationship of each one to the Inn of Court to which it was attached approached to that of a college to its university. The Inn of Court appointed Readers for its Inns of Chancery, settled the precedence of the principals, admitted their members at a reduced fee, and entertained their ancients at grand feasts and festivals. Each Inn of Chancery had its own hall for meetings, moots, readings, and festivity. The Inns of Chancery seem to have fallen into decadence during the reign of James I., and gradually diminished in importance, until the proceedings in 1900, before the Court of Chancery, in regard to the sale of Clifford's Inn, marked their final disappearance.

II

ORGANISATION AND GROWTH OF THE TWO TEMPLES

THE records of Lincoln's Inn are in existence for nearly one hundred years before the volumes remaining in the custody of either the Middle Temple or the Inner Temple. The former date from 1501 and the latter from 1505. It has been supposed that the earlier records were kept in some common repository, where they suffered destruction; but an entry on the first page of the "Middle Temple Records" suggests that the books of the society were in the care of the Treasurer. The more probable assumption would seem to be that at this period the organisation of the two Societies was so far solidified as to afford material for

a "Liber Constitutionis" for the information of the chief governor, but that the proceedings of the administrative assembly, known as the Parliament, had not yet attained sufficient importance to necessitate the preservation of a continuous record in the custody of the Inn. A description of the Inns, written for the information of Henry VIII. by Sir Nicholas Bacon and his two friends, Thomas Denton and Robert Cary, states that a Parliament was summoned "every quarter, one or more if need shall require, . . . for the good ordering of the house and the reformation of such things as seeme meet to be reformed."*

To the year 1563 has been traced the origin of the Barristers' Roll,† which is an authoritative record of the members of the Inns of Court who are entitled to practise in the Courts. By a statute of that year "all manner of person or

* Waterhous, "Fortescutus Illustratus, p. 546.

† Mr. W. C. Bolland, *Law Quarterly Review*, vol. xxiii. p. 439.

persons that have taken or hereafter shall take any degree of learning in or at the common lawes of this realm, as well utter Barristers as Benchers, Readers, ancientes of any house or houses of Court," were required to take the Oath of Supremacy. Various modifications were made in this rule, both by statute and the orders of the Benchers, until, by another Act in 1688, the oath itself was changed, and all oaths were required to be taken in open court either of the King's Bench or quarter sessions. At the same time the names were enrolled, and the lists are preserved in the Public Record Office. By the Promissory Oaths Act, 1868, barristers were no longer required to take the oath; but Cockburn, C.J., considered it to be highly desirable that a roll of barristers should still be preserved in the Crown Office. The signing of the roll is one of the incidents after call to the Bar.

In 1574, according to a return preserved

in the Public Record Office,* Gray's Inn had the largest number of members, and perhaps on that account took a lead among the Inns.† There were in the Inner Temple 15 benchers, 23 utter barristers, and 151 other gentlemen. The total number of Middle Templars was one more, comprising 11 benchers, 40 utter barristers, and 139 other gentlemen. The Inner Temple had 100, and the Middle Temple 92 chambers. To the latter may be added the chambers, not exceeding ten in number, into which the old hall was converted by a special exception in the orders of the Privy Council against the erection of new buildings. Reference may here be made to the building in front of the Middle Temple Hall, which was pulled down during the spring of 1908. The claim has been put forward that it was the oldest building in the Temple, and was

* Printed in the "Inner Temple Records," vol. i. p. 468.

† See "Black Books of Lincoln's Inn," vol. i. pp. 222, 251.

built in the reign of Queen Elizabeth. To it Spenser is supposed to have alluded in the lines—

“those bricky towres
The which on Themmes brode aged backe doe
ryde,
Where now the studious lawyers have their
bowers
Where whylome wont the Templer Knights to
byde.”

There is nothing in the passage to suggest Brick Court in preference to any other brick building in the Temple; and the structure removed was certainly not the oldest portion of the Court, as there were earlier chambers on the west side, facing Middle Temple Lane, the chief dividing line between the properties of the two Inns. The lane is not now of the same importance as when a right of way for the citizens of London lay through the Temple, in order that they might take boat to Westminster from the Temple Stairs.

During the last quarter of the sixteenth century the Middle Temple Hall was erected and still remains one of the finest specimens of Elizabethan architecture. By day the light is diffused through the stained-glass windows containing the coats-of-arms of distinguished members, and at night the electric lamps illumine the hammer-beam roof and the fine oak screen, which is a magnificent piece of Renaissance work. Upon the panelling around the walls are the arms of the Readers, and above the Benchers' Table hang full-length portraits of the first two Georges, of Elizabeth, of Anne, of William III., of Charles I., of Charles II., and of his brother, James, Duke of York.

The extension of the buildings necessitated by the growth of the two societies naturally suggested to the Benchers that they should be sure of their title to the property, upon which had been spent large sums of money. Accordingly, application was made to King James,

whose grant confirmed it to them in perpetuity for an annual payment by each society of £10 per annum.

The patent, dated August 13, 1608, is the only formal document concerning the relation between the Crown and the Inns, wherein they are stated to have been—according to the translation made for the use of the Royal Commission of the Inns of Court and Chancery in 1854—

“For a long time dedicated to the use of the students and professors of the law, to which, as to the best seminaries of learning and education, very many young men, eminent for rank of family and their endowments of mind and body, have daily resorted from all parts of this realm, and from which many men in our own times, as well as in the times of our progenitors, have by reason of their very great merits been advanced to discharge the public and arduous functions as well of the State as of justice, in which they have exhibited great examples of prudence and integrity, to the no small honour of the said Profession and adornment of this realm and good of the whole commonwealth.”

The payment by the Inns was commuted in 1676 for the sum of £80 and a life interest to Charles II.'s queen. As an acknowledgment of the King's goodwill, the two Inns presented to him a gold cup of the present value of about £3500. It was pawned by Charles I. among other plate and jewels to an Amsterdam merchant, and does not appear to have been redeemed, nor is it known to exist in any collection in Holland. The patent is preserved in the church in a chest under the Communion table.

Of the condition of the Inns of Court at this period there remains a contemporary record of the highest authority. Sir Edward Coke* describes the course for the young student coming from a university to one of the eight Inns of Chancery and thence to an Inn of Court.

“Each of the Houses of Court consists of Readers above twenty; of Utter Barristers above thrice so many; of young gentlemen

* Proeme to Third Report, pp. xxxv., xxxvii.

about the number of eight or nine score, who there spend their time in study of law, and in commendable exercises fit for gentlemen." The Utter Barristers were chosen from the mootmen after eight years' study or thereabouts. "Of Utter Barristers, after they have been of that degree twelve years at least, are chosen Benchers, or Ancients; of which one, that is of the puisne sort, reads yearly in summer vacation and is called a single Reader; and one of the Ancients that had formerly read, reads in Lent vacation, and is called a double Reader; and commonly it is between his first and second reading, about nine or ten years. . . . Of these Readers are serjeants elected by the King. . . . Of serjeants are by the King also constituted the honourable and reverend judges."

The Benchers made orders for the good government of the Inn and punished offenders either by fine, by forfeiture of their chambers, by putting out of commons, or, in extreme cases, by expulsion from the House. The Reader was the representative of the Inn for educational purposes. In him formerly was vested

the right to call to the bar. Students were obliged to attend his readings upon a particular branch of law, which occasionally furnished the material for published treatises. But the extent of his learning occupies an insignificant place by the side of the magnificence of the feast which he was expected to give during the period of his reading.

Sir James Whitelocke, in his "Liber Famelicus," gives a full and interesting account of his Reading in the year 1619. After detailing the gifts received and bestowed upon the occasion, he proceeds—

"Upon Sunday the 1 of Aug. I promised the dean of Westminster* to preache with us. I wente to churche everye morning and evening the whole reading, accompanied with sutche benchers, cubberdmen and senior barristers as wolde goe withe me. I red everye Munday, Wednesday and Fryday, the two first weekes in August. Upon those dayes on whiche I red

* Robert Townson, D.D., afterwards Bishop of Salisbury.

thear was a breakfast in the parliament chamber, not on the other.

“Upon Monday the first day, after breakfast, I went to the cubberd, and thear, before all the house, toke the othe of supreamacy, then wente to my place, the northe end of the long table, whear mr. Palmer, a Londoner born, my sub-lector, red my statute, 21 Henry viii. ca. 13 . . .

“My statute was published at the benche table upon Sunday after supper, the nighte before my reading began. The first Fryday after the reading began I and sum of the ancients went to Tuttle [? Tothill fields] and played at bowles, according to the ancient custom, and ther the dean of Westminster met us, and played withe us.

“I ended the Fryday senighte after I began.

“I sat bare when I red, but double readers sit covered; yet toke place at all other times, and at the table, of all that came to me . . .

“I had geste in my reading the master of wardes,* the master of the rolles,† the sollicitor,‡ sergeant Davis, the king's sergeant

* Sir Lionel Cranfield.

† Sir Julius Cæsar.

‡ Sir Thomas Coventry.

heer and in Ireland, the king's attorney,* the dean of Westminster, and divers knightes and men of good qualite. At the feast I had the embassadour of the Low Countryes,† the archbishop of Canterbury,‡ the privie seal,§ the archbishop of Spalata,|| the bishops of London,¶ Rochester,** and Llandaff,†† nominated to Chichester, the lord Norris,‡‡ the master of the wardes, the dean of Westminster, and divers knightes and gentlemen, and at the feast I admitted the archbishop of Spalata, the dean of Windsor and master of the Savoy,§§ and Sir Henrye Foliot, a great soldiour of Ireland. The feast was on Tuesday the 10 of August.

“This reading I admitted into the house my only sun Bulstrode Whitelocke, being 14 yeares of age 3 dayes before.”

From the Readers was chosen the Treasurer, who was the “principall and supreme officer” in the Inn. The con-

* Sir Henry Yelverton

† Sir Albertus Joachimi.

‡ Archbishop Abbot.

§ Edward, Earl of Worcester.

|| Marc Antonio de Dominis.

¶ Bishop King.

** Bishop Buckeridge.

†† Bishop Carleton.

‡‡ Francis, Lord Norris, afterwards Earl of Berkshire.

§§ The Archbishop of Spalata was both Dean of Windsor and Master of the Savoy.

trol of affairs was at first exercised by Governors, but the increase in the financial business necessitated the appointment of a separate officer; and naturally, in process of time, a large amount of power passed into his hands. The post was created at Lincoln's Inn in 1455, but more than a century afterwards Governors were still appointed at the Inner Temple. Gray's Inn appears at one time to have had two Treasurers; and at the Middle Temple there was an Under-Treasurer who was a member but not a Bencher of the Inn. Mr. Inderwick defines the duties of the Treasurer as follows :—

“(1) To admit to the Society such as he thought fit; (2) to assign chambers to members of the Inn; (3) to collect the pensions or dues and to receive the fines on admissions to chambers; (4) to pay the rent to the Lord of St. John's and the cost of all repairs done to the chambers, and generally to maintain the Inn; (5) to pay all wages and to appoint subordinate

officials; (6) to render yearly an account of his office, to be audited by members [? Benchers] of the Inn."

These duties were performed subject, in a greater or less degree at the different Inns, to the approval of the Benchers. Some Treasurers had more authority than others, especially when they were continued in office for a period of years instead of retiring at the end of one; but a new Treasurer has been chosen each year since the seventeenth century. At the present time the office rests rather upon customary right than specific enactment. As *ex-officio* chairman of all committees, the Treasurer may take an important part in the deliberations and work of the society.

To trace the numerous changes which have taken place in the system of legal education since Fortescue's days is beyond the present purpose; but the orders made by the Privy Council and adopted by the Benchers in 1614 may be epitomised, as

they consolidate the rules existing at the time of the patent and form the foundation of subsequent regulations. On account of "the great abuse in the lodging and harbouring of ill subjects or dangerous persons," the Inns were to be searched for strangers at regular intervals. "For that the societies ought to give a principal example of good government in matters of religion, and to be free not only from the crime but from the suspicion of ill-affection in that kind," every gentleman was required to receive Communion annually under penalty of expulsion. As these institutions were ordained chiefly for the profession of the law, and secondarily for the purposes of general education, "no knight or gentleman, foreigner or discontinuer," was to be admitted to lodge there, so that they might not be turned from *Hospitia* (inns) to *Diversoria* (taverns). In order to preserve the difference between a councillor at law,

“which is the principal person next unto serjeants and judges, . . . and attorneys and solicitors, which are but ministerial persons, and of an inferior nature,” no attorney or solicitor was henceforth to be admitted of any of the four Houses of Court. Owing to the excessive number of lawyers, no Inn was to call to the bar in one year more than eight; and, in order that they might be sufficiently grounded, none was to practise until he had been three years at the bar, “except such utter barristers that have been readers in some Houses of Chancery.” The requests from distinguished personages to the Benchers that their *protégés* might be called to the bar had helped to increase the numbers to an undesirable extent. In order that due attention might be given to learning, a minimum duration was enforced for the reading, while playing and other disorders were to be put down. Finally, decency in apparel and due regard for the

governing authorities were required from the members.

The first regulation as to the search for strangers was especially necessary, as the Temple was a place of sanctuary. Dissolute and evil-disposed persons obtained entrance by surreptitious means, to the annoyance of law-abiding and decent people. Their presence was harmful to the young students, who, without the assistance of these rough characters, were too frequently disposed to riot and debauchery. The right of sanctuary was abolished in 1624; but the Temple and some other ancient places were still used as refuges by malefactors and debtors. At last, as Lord Macaulay records, the nuisance became so great that another Act was passed in 1697 to effect its complete suppression.

Besides granting to the two Inns the property of which they were tenants, the patent also assigned to them "all that

Church, edifices and buildings of the Church used for or dedicated to Divine Worship, Prayers and celebrating the Sacraments and Sacramentals, commonly called the Temple Church," with the condition that they should be well and sufficiently maintained by the two Inns. The appointment of the Master of the Temple was reserved to the Crown; but the two Inns alternately choose his assistant, the Reader. It would be beyond the present purpose to give a history of the church and to describe in detail the building,* but something must be said of its condition at the time when it came into the possession of the Inns. It was fallen into an almost ruinous condition.

"The roof was dilapidated; the glass in the windows was broken; the venerable monuments of antiquity, and the more modern but not less

* Both have been admirably accomplished in "The Temple Church," by T. Henry Baylis, K.C., and "The Temple Church," by George Worley.

costly and elegant structures of the Elizabethan era, unprotected from injury by accident or design, had fallen into decay; the pews were rotten, and even the iron bars that should have held the windows were themselves consumed by rust." *

The surroundings were entirely out of harmony with the precincts of a sacred edifice. The Benchers at once issued orders for the remedy of this state of affairs. The improvement in its condition was to their own advantage, as Dugdale tells us that the church "all the terme time hath in it no more quietnesse than the Pervyse of Pawles, by occasion of the confluence and concourse of such as are suters in the law."

The increased security of tenure assured by the grant of James I. was followed by further building. The Inner Temple gateway was erected in 1610. The room above it is decorated with the arms of Prince Henry, who died in 1612,

* "Inner Temple Records," II. xxvii.

and, having escaped the Fire of London, is now preserved to the public use in perpetuity under the care of the London County Council. The procedure in the erection of new buildings was for a member to obtain permission from the Benchers to provide himself with a set of chambers at his own cost, as the Inn had no capital fund for the purpose. In return, the undertaker was allowed to call the building by his own name, and to have a personal right of occupation for life, and a further right to nominate a certain number of successors from among members of the Society who might become tenants, without any payment to the Inn. Naturally it was often Benchers who were able to carry out these undertakings; but, if they had not their own buildings, it was customary for them to be admitted into a set of chambers reserved as Benchers' Chambers, with special rights as to exclusive occupation or terms upon which members were

entitled to joint tenancy. Some of the officers of the courts, such as the Clerk of the Crown Office and the Prothonotary of the Common Pleas, had offices in the Temple. In addition to the buildings for the members there were various stalls and shops, which were allowed by the Benchers, but regulated from time to time.

III

AMERICA AND THE MIDDLE TEMPLE

IN 1555 Richard Hakluyt, cousin of the Geographer, was admitted to membership of the Middle Temple and Chambers. Among his contemporaries was Miles Sandys, brother of Edwin Sandys, afterwards Archbishop of York. Some time before 1570 young Richard Hakluyt, then studying at Westminster School, came to visit his cousin at his chambers in the Temple, and "found lying upon his boord certeine bookes of Cosmographie with an universall Mapped" which aroused his curiosity. The elder Richard, no doubt glad to have a ready listener, gave him a long "discourse" which so impressed

the young man as to induce him to form a resolution that he "would by God's assistance prosecute that knowledge and kinde of literature the doores whereof (after a sort) were so happily opened before me." * Thus in the Middle Temple was begun the record of the geographical inquiry which has transfigured the map and revolutionised the history of the world.

On January 27, 1574-5, was admitted Anthony Ashley, son and heir of Anthony Ashley, of Dome, Wilts, who may be identified with the clerk of the Privy Council of that name, and therefore with the translator of Waghenaer's important naval work.† In the following month Walter Raleigh became a member, and seems to have lived in the Temple for at least two years, though at his trial he declared, "if I ever read a word of the

* "The Epistle Dedicatorie to the Principal Navigations," 1589.

† See "Dictionary of National Biography," and *infra*, p. 80.

law and statutes before I was a prisoner in the Tower, God confound me." * He became a friend of Hakluyt the elder, who resided continuously in the Temple until his death in 1591.

On April 27, 1584, Sir Walter Raleigh sent forth the first expedition to colonise Virginia in "two barkes under the commande of Master Philip Amadas, and Master Arthur Barlow." † One Philip Amadas, son and heir of John Amadas of Plymouth, was fined by the Benchers of the Middle Temple on May 28 of that year for being absent from his studies in Lent Term, and his name does not appear again in the records. If the "Dictionary of National Biography" is right in identifying Ralph Lane, who followed soon after Amadas and, in due course, became the first Governor of Virginia, with the second son of Sir Ralph Lane of Horton, Northamptonshire, then he too was a

* "State Trials," vol. ii. col. 16.

† "Purchas's Pilgrimages," xviii. (Hakluyt Society) 298.

Middle Templar. In the same year as Sir Walter Raleigh sent forth his expedition, his step-brother Adrian Gilbert, also a Middle Templar, and younger brother of the more famous Sir Humphrey Gilbert, obtained a patent incorporating him with certain associates under the name of the Colleagues of the Fellowship for the discovery of the North-West Passage.

Hakluyt does not appear to have practised the law by which course he would have attained to the office of Reader and probably Treasurer, but in 1585, on account of his standing and long association with the Inn, he was invited to become an associate with the Bench. In the same year he published his treatise containing "inducements to the liking of the voyage intended towards Virginia in 40° and 42° of latitude." His first reason was "the glory of God by planting religion among these infidels," and there is no doubt that a strong religious spirit prevailed amongst the earlier adventurers.

From 1580 to 1588 Sir John Popham, who took a prominent part in the colonising projects of the period, held the highest office, the Treasurership in the Inn. He does not appear to have been present, however, when Sir Francis Drake was received in the Middle Temple Hall on August 4, 1586, upon his victorious return from the West Indies. The occasion is recorded in the minutes of Parliament of the Inn as follows:—

“Die Iovis quarto die Augusti Anno D’ni 1586 annoq, Regni D’ne Elizabethe Regine 28’o Franciscus Drake Miles unus de consortio Medii Templi post navigatione anno preterito susceptam et Omnipotentis Dei beneficio prospere peractam, accessit tempore Prandii in Aulam Medii Templi ac recognovit, Ioanne Savile Armigero tunc lectori, Matheo Dale, Thome Bowyer, Henrico Agmondesham et Thome Hanham Magistris de Banco et aliis il’*m* presentibus, antiquam familiaritatem et amicitiam cum consortiis generosorum Medii Temple prædict., omnibus de Consortiis in Aula presentibus, cum magno gaudio, et unanimiter, gratulantibus reditum suum fœlicem.”

From the wording of the entry it would appear that Drake's visit to the Hall was not by special invitation, and the presumption is supported by the absence of the Treasurer. He seems to have called casually and to have received the congratulations of the Benchers who were present upon his safe return from his expedition.

The wording of the entry also supports the tradition that Drake had been admitted a member in earlier years, though it is not possible to trace the exact date. Perhaps the admission was entered in the volume of the records which is missing for the years from 1524 to 1551.

Attention may be drawn to the name of Thomas Hanham among the signatories. For some years he occupied a chamber with Popham. In 1582 he had been Reader of the Inn, and in 1589 was created serjeant-at-law. Hanham's second son, Thomas, also a member of the Inn, was one of the grantees of the Virginia patent of 1606.

Drake was also received at the Inner Temple, but there is no mention of any occasion similar to the admission together, on February 2, 1593, of Sir Martin Frobisher, Admiral Norris, and Sir Francis Vere, or of Sir John Hawkins in the following year. Hawkins, we know, was a friend of the Hakluyts, and the others were not likely to have been strangers to them. None of the other Inns received these celebrated Elizabethan seamen; and it is difficult to believe that it was a mere accident which led to their welcome by the Benchers of the Middle Temple. Taken in conjunction with other facts in the history of the Inn at this period, their reception supports the suggestion that the colonising enterprises of the closing years of the sixteenth century were closely associated with the Middle Temple.

Sir John Popham was succeeded as Treasurer of the Inn by Miles Sandys, and Robert, younger brother of Anthony

Ashley, and founder of the Library, became a member almost at the same time. He was keenly interested in travel and geographical study.

In 1590 an expedition consisting of three ships was sent to Virginia "at the special charges of Mr. John Wattes of London, merchant."* On two or three occasions about that date the Benchers of the Middle Temple admitted, *honoris causa*, distinguished members of the Corporation. Mr. Wattes, an active member of the Virginia Company, afterwards knighted and Lord Mayor, became a member of the Inn by that means in 1596. Another expedition, fitted out at the expense of Sir Walter Raleigh, sailed from Plymouth on March 25, 1602, for Virginia, under the command of Bartholomew Gosnold, a member of the Middle Temple. He died in Virginia on August 22, 1607. A contemporary record tells us that "he was honourably buried,

* "Hakluyt's Voyages," vol. iii. p. 288.

having all the Ordnance in the Fort shot off with many vollies of small shot." Anthony Gosnold, a relative of his, went to Virginia in 1605. Among others admitted to membership at this period, *honoris causa*, were Sir Thomas Lowe, first Governor of the Levant Company, besides Sir Robert Lee and Sir John Jolles, who were associated with him in the patent granted to the Company.

Sir John Popham, afterwards Chief Justice of the King's Bench, is supposed to have prepared the first draft of the Charter of the Company in 1606, and undoubtedly took an important part in its affairs. One of the chief members of the company which sailed from England at the end of 1606 and established the settlement of Jamestown was George Percy, a younger brother of the Earl of Northumberland. He had been admitted a member of the Inn on May 12, 1597, at the age of seventeen. His published accounts contain a good deal of information

about the colony of which he more than once acted as Governor.

In the second party of settlers was a certain Gabriel Beadall, who with John Russell was set

“to learn to make clapbord, cut downe trees, and ly in woods . . . making it theire delight to hear the trees thunder as they fell, but the axes so oft blistered their tender fingers that commonly every third blow had a lowd oath to drowne the echo; for remedy of which sin the President devised howe to have everie mans oathes numbered, and at night, for every oath to have a can of water poured downe his sleeve, with which every offender was so washed (himself and all) that a man should scarce heare an oathe in a weeke.”*

It may be only a coincidence that about thirty years later there was a Gabriel Beadall keeping a stationer's shop at the Middle Temple as a tenant of the Inn. On the other hand, it is quite possible that, having gained a little money, Beadall

* “Proceedings of the English Colony in Virginia,” by W.S., 1612, p. 48.

returned to his native land and set up in business under the auspices of those who had been instrumental in sending him to Virginia.

Shortly after the formation of the new colony we find a connection between the Temple and the Virginia Settlement through quite a different channel. The Rev. William Crashaw—father of the poet—who preached the sermon in connection with the departure to Virginia of Lord Delaware on February 21, 1609-10, was Reader of the Temple Church from 1605 to 1613, and is known to have been deeply interested in the infant English commonwealth. Unlike his friend, the Rev. William Symonds, who had preached the first sermon before the Virginia Company in Whitechapel Parish Church in the previous year, he had never been a resident in Virginia, though a Mr. "Rawley Croshaw" was in the second party of settlers, and is mentioned several times in Mr. Symonds's narrative.

Another friend of the Reader of the Temple Church was the Rev. Alexander Whitaker, son of the Master of St. John's College, Cambridge, who ministered in the colony and was drowned there.

Richard Martin, whose erratic temperament has gained for him prominence in the records of the Inn, was also connected with the Virginia Company. In 1591 he was expelled for an assault in the Hall upon another member, but some years later was allowed to return, was called to the Bar, and finally became a Reader of the Inn in 1615. Martin was an advocate of considerable force, but spoilt his eloquence by indulgence in raillery and invective. In 1614 he acted as counsel for the Company in some proceedings before the House of Commons, who passed a resolution of censure upon his speech, which was described "as the most unfitting that was ever spoken in this house."*

* "Commons Journals," vol. i. p. 488.

Among the contemporaries of Robert Ashley were Sir Edwin Sandys, Treasurer of the Virginia Company, and George Sandys, who for a time acted as Governor of the infant colony, nephews of Miles Sandys, Treasurer of the Inn.* In the first party of settlers who sailed in 1606 there was a Thomas Sandys, who may be identified with the fourth son of the Archbishop, born in 1568, and admitted to the Inn in 1588.

To the evidence of the intimate association between the Middle Temple and two of the most prominent men in the government of the colony may be added the fact that the Ferrars, who were equally well known in the administration of the Company, had some connection with the Inn. Erasmus and William

* The identification of the "Dictionary of National Biography" is accepted above, though no reference appears to have been made to the records of the Middle Temple, which show that both the Treasurer and the Archbishop had sons named George. There would seem to have been five Middle Templars in each family.

were both members, and the latter was called to the bar. They are believed to have died before the date of the available records of the Company. But Thomas Collett, who was nephew of Nicholas Ferrar and is generally understood to have been assistant secretary, lived to be one of the "ancient" members of the Inn. He was admitted in 1619, called to the bar November 24, 1626, was made a bencher November 5, 1652, and an entry shows that he was still there in 1663. Sir Humphry May, a Middle Templar, was chosen to be one of the Council at the meeting on May 14, 1623. Richard Tomlyns, George Thorpe, and William Tracy, are names familiar in the administration of the Company, and may probably be identified with contemporary Middle Templars.

Unfortunately, the early records of the Company cannot be traced, but from 1619 to 1624 they are available, and have been admirably edited by Miss

Kingsbury under the direction of the Librarian of Congress. They furnish further evidence of the connection between the Middle Temple and the Company. With the exception of a passing reference to Lincoln's Inn, no other Inn of Court receives mention in the minutes.

On November 3, 1619, the Court of the Virginia Company chose for their counsel Sir Laurence Hyde and Mr. Christopher Brooke. The latter was a member of Lincoln's Inn, but the former belonged to the Middle Temple, having been Treasurer in 1616. He was admitted to the Council of the Company in 1623. Among the members of the Committee appointed in 1620 to protect the rights of the Company was Nicholas Hyde, no doubt Sir Laurence's nephew, afterwards Judge and Treasurer of the Inn. Lord Paget was an active member of the Company, and also a Middle Templar. Successive members of the

family occupied a chamber over the Middle Temple Gate.

On July 7, 1620, the Council, upon the suggestion of Sir Edwin Sandys, appointed committees to deal with the various matters requiring attention in the government of the colony. The first committee was "for the compylinge into a bodie the politique laws and magistracie of England necessarie or fitt for that Plantation." It consisted of Sir Thomas Roe, Mr. Christopher Brooke, Mr. Selden, Mr. Edw. Herbert, and Mr. Philip Jermyn. Sir Thomas Roe was a member of the Middle Temple, and had been recommended by the King for the office of Treasurer of the Company. Mr. Philip Jermyn, who became a member of the Council in 1622, was a barrister of the Inn and held the office of Reader in 1629. Two Committees of the company of which he was a member were instructed to meet at his chambers in the Temple.

Under date November 14, 1621, is an entry in the records which may be transcribed :—

“Mr. Churchill Moone of the Middle Temple in London, gentleman, having eighte shares of land in Virginia allowed by the auditors, did upon request passe them over with approbacion of this Court in manner following, viz. he assigned 4 of them unto Mr. Charles Cratford of the Middle Temple in London, Esquire. Also he assigned two to Mr. Richard Chettle. And two unto Mr. William Wheat of the Middle Temple, Esquire.”

Mr. Richard Chettle appears from the records of the Inn to have resided in the Middle Temple, but not to have been a member. On April 30, 1623, another member of the Inn, Mr. Thomas Culpepper, became the owner of three shares of land.

The Virginia Company was dissolved in 1624, so that throughout the whole of its history there can be traced links between the Inn and the Company, and

the evidence may be thought sufficient to justify the suggestion that the Society of the Middle Temple took a leading part in the birth of the American nation.

IV

THE RESTORATION AND AFTER

THE increase in the membership of the Inns during the early part of the seventeenth century, combined with the prosperity of the period and the general tendency to indulge in luxury, led to extravagant entertainments, of which the elaborate masques before the Court were perhaps the chief. The proceedings of the Inns do not contain any particulars, except as regard the expense, which was raised by a levy upon the members. In response to a request of Charles I., a masque was presented before him by the four Inns, organised by Masters of the Bench, which is estimated to have cost more than £21,000. Early in the reign of James I. the revels within the Inns gave

place to plays performed by the members or professional players. The performance of "Twelfth Night" in the Middle Temple Hall in 1601 is a memorable example.

The reign of Charles I. was not marked by any important changes in the constitutions of the Inns or the life of their members. The plague frequently interfered with their course of study, and sometimes necessitated what was practically the removal of the Inn out of town to Hertford or St. Albans. But the outbreak of civil war disorganised the routine. As corporate communities, the Inns took no part, except on one notable occasion. On January 4, 1641, five hundred gentlemen from the Inns of Court armed themselves and marched to Whitehall to offer their services to the King. On the same day the House of Commons appointed commissioners to acquaint the Societies

"That this House hath taken notice of the practice of some gentlemen, that have en-

deavoured to engage the gentlemen of the Inns of Court . . . to come down to the Court if they should be required : that this House has sent for the gentlemen that were with them, as Delinquents; and do believe that their crime will prove to be of a high nature."

Individual members took part in the contests in conspicuous positions on both sides. For several years no rent was paid to the Exchequer, no salary to any Master of the Temple, and there were no commons in the House. No treasurer was elected, and no accounts were audited. The Inns, left to the care of the few who remained with the servants, were invaded by strangers. The property suffered; and it was not until some time after the country was sufficiently quiet for the Benchers to resume their ordinary procedure that the Inns regained their full vitality. In 1653 an attempt was made to impose the assessment for the army upon the two Temples. The committee found that there was no precedent,

as the Societies were only supported by contributions from the members, and so had no capital or income upon which to base an annual payment. They therefore decided that the Inns of Court should be treated as other seminaries of learning ; and Parliament confirmed their decision. The proposal in 1657 for a parliamentary inquiry into the constitution of the Inns came to nothing.

The Restoration was even more welcome in the Inns of Court than it was generally throughout the country. The suppression by the Puritans of the festivities which, so to speak, were the elixir of life to the Inns, was resented ; and it is doubtful whether the Parliamentary orders received loyal compliance. In a news-sheet, entitled " Perfect Passages of Every Daies Intelligence from the Parliament Army under the Command of His Excellency the Lord General Cromwell," under date Thursday, December 4, 1651, is the following item :—

“On Saturday night last there was a masque at the Middle Temple, London, before it began the Benchers, or ancients of the House were in the Hall and singing the hundred Psalm, which being ended, every man drank a cup of Hipocris, and so departed to their chambers, then the young gentlemen of that society began to recreate themselves with civil dancing and had melodious musick, many ladyes and persons of quality were present.”

With the return of the King the Inns resumed their former customs, with an evident intention to make up for lost time. On February 21, 1665, George Villiers, second Duke of Buckingham, whose father had been admitted in the same way, accompanied Charles the Second's natural son, the Duke of Monmouth, then only a boy of fourteen, on his admission to the Middle Temple. John Evelyn, himself a member, was invited to Mr. Bramston's Readers' Feast in 1668, “which was so very extravagant and greates as the like had not been seene at any time. There were the Duke of

Ormond, Privy Seal, Bedford, Belasys, Halifax, and a world more of Earles and Lords." In the following year (August 4) a distinguished company were admitted to membership, including Lord Berkeley, Lord Clifford, Heneage Finch, Earl of Winchelsea, Pietro Mocenigo, the Venetian Ambassador, and Jacques du Moulin, one of a distinguished family of French doctors. The occasion was Sir Henry Peckham's Reading Feast, "A pompous entertainment," says Evelyn, "where were the Archbishop of Canterbury, all the greate Earles and Lordes, &c. I had much discourse with my Lord Winchelsea, a prodigious talker; and the Venetian Ambassador." Charles II. was frequently present at the feasts and revels of the different Inns, sometimes as a guest of the Reader, and sometimes, it would seem, *incognito*. Dugdale gives an account of one such visit, when the King, accompanied by the Duke of York, came to the Inner Temple at the invitation of the

Solicitor-General, Sir Heneage Finch. "Fifty select gentlemen of the Society in their gowns" waited upon them at dinner, accompanied by the music of "xxv violins, which continued as long as his Majesty stayed." At the next Parliament the Duke was called to the bar and bench. Even more sumptuous was the entertainment given at Lincoln's Inn by the Duke of York's Solicitor-General, Sir Francis Goodericke; on this occasion the King was again accompanied by the Duke of York, together with Prince Rupert, the Dukes of Monmouth and Richmond, the Earls of Manchester, Bath, and Anglesey, Viscount Halifax, the Bishop of Ely, Lord Newport, Lord Henry Howard, and "diverse others of great qualitie."

"Towards the end of dinnar, his Majestie, to doe a transcendant Honor and grace to the Society, and to expresse his most gracious acceptance of their humble duty and affection towards him, was pleased to comaund the Book

of Admittances to be brought to him, and with his owne hand entred his Royall Name therein, most graciously condescending to make himselfe a Member thereof, which high and extraordinary favour was instantly acknowledged by all the members of this Society then attending on his Majestie with all possible joy, and received with the greatest and most humble expressions of gratitude, it being an example not presided by any former King of this Realme."

It is worthy of note that in several instances the royal visits pass without mention in the Records of the Inns, so that the absence of any entry in the Middle Temple or Gray's Inn Records is not conclusive evidence that Charles II. did not also pay visits to those Inns. For example, in the Le Fleming MSS., published by the Historical MSS. Commissioners, it is recorded, under date December 6, 1670—

"On Saturday last their Majesties, with the Prince of Orange, were present *incognito* at the merriments usual at this season at the Temple, where they were entertained with

dances of all kinds to their very great satisfaction."

Again on the 31st of the next month the writer adds—

"Their Majesties and the Prince of Orange were present at the revels at the Temple on the 27th, and at Lincoln's Inn on the 28th."

There is no mention of these visits in the Records either of the Inner or Middle Temple. John Evelyn, who was a member of the latter, records several sumptuous entertainments; and Roger North, writing of Francis North's Reading feast at that Inn in 1671, says—

"I cannot much commend the extravagance of the feasting used at these readings; and that of his lordship's was so terrible an example, that I think none hath ventured since to read publicly."*

He presents the other side of the picture, showing a scene of debauchery, tumult, and waste. The prodigality of the period

* "Lives of the Norths" (Bohn's Libraries), vol. i. p. 97.

may be held accountable for this indulgence; but the Inns of Court may have been led thereby to anticipate rather than follow the change in the manners of the Court and its *entourage*, as the cost of the feasts was a serious obstacle in the way of the acceptance of the office of Reader. These extravagances received the attention of the four Inns, who drew up a series of regulations to carry out the wish of the King, having "signified his pleasure by the Lord Chancellor and Judges, that no Reader, not of his Majesty's Council or Recorder of London, should spend more than £300."* No doubt it was in accordance with the modified scale of entertainment that the Duke of Ormond and his grandson, the Dukes of Hamilton and Somerset, the Earls of Carlingford and Radnor, and the Marquess of Halifax were received and admitted members of the Middle Temple in 1683. The revels, in which

* "Middle Temple Records," vol. iii. p. 1313.

a mock prince held his court, were continued for more than half a century. Mr. Inderwick states that they "ceased, so far as there is any record of them in our Inn, before the Commonwealth"; and he quotes Evelyn's Diary to show that they were continued in the Middle Temple. An entry, however, in 1697 refers to "a riotous and revelling Christmas, according to custom,"* in the Inner Temple; and the last revels in any Inn of Court are stated to have been held in the Inner Temple Hall at Candlemas, 1733. They were conducted with the ancient ceremonies; and among the company was the Prince of Wales *incognito*.†

In the years following the Restoration, plague frequently made its appearance in the Temple. The members found safety in flight, with a consequent interruption to study and the business of

* Diary (Dobson's ed.), vol. iii. p. 333.

† Wynne's "Eunomus," p. 292.

the Societies. The Great Fire wrought serious havoc in the Inner Temple, but barely touched the buildings of the Middle Temple. A committee of Benchers was appointed promptly "to settle all matters in reference to the rebuilding of the Society," which was undertaken upon the method previously in vogue by individual members bearing the cost of erection, and in return receiving certain rights from the Benchers. They were to pay no fine on admission to the chambers, but to have a grant for three consecutive lives, with power during that period to admit thereto, and to receive payment of fines for admission from any persons who were members of the Inn, with a preferential right to former occupants. The Inn itself undertook the rebuilding of the library and the moot-chamber beneath. The work was carried out so expeditiously that within four or five years the whole Inn was rebuilt and the members furnished

with more substantial and healthier residences. Several minor conflagrations occurred within the Temple, but one in 1679 did almost as much damage in the Middle Temple as the Great Fire in the Inner Temple. It lasted from eleven o'clock on Sunday night, January 26, 1678-9, to noon on Monday, and laid bare a large part of the Inn. One of the sufferers was Elias Ashmole, the antiquary, who lost a portion of the Tradescant collection. The work of rebuilding, so Roger North relates, was the cause of considerable friction between the members and the Benchers. The undertaking was so great that the Society dispensed with Readings in order to divert the usual expenditure to that purpose. After lengthy negotiations, the Society placed themselves in the hands of Dr. Nicholas Barbon (son of Praise-God Barbon), who had been employed in rebuilding the City. The troubles of the Benchers were not at an end, for

after many vicissitudes "there was at length a fail (as always in Barbon's affairs), so the House was fain to take upon them the winding-up of the matter."* During the Middle Temple fire the Lord Mayor and the sheriffs came down with a view to rendering assistance, but his sword was borne erect, as if he exercised authority in the Temple. The assertion of that claim was always a source of conflict, especially on the part of the members of the Inner Temple. The "leading case," so far as it received judicial cognisance, occurred in 1669, and is fully recorded by Pepys.† It had no definite result. A more friendly feeling existed between the Corporation and the Middle Temple; and on several occasions, at the beginning of the seventeenth century, aldermen and sheriffs were admitted, *honoris causa*, to membership of that Society.

* "The Lives of the Norths," vol. iii. p. 60.

† Diary (1828), vol. iv. pp. 256, 294.

Between the years 1600 and 1700, practically the whole of the Temple, with the exception of the church, was replaced by new buildings. More air and a fresh supply of water were the surest safeguards against the ravages of the plague, which disappeared at the close of the seventeenth century. The stability of the administration and ancient procedure of the Inns remained unaffected by the external changes. They maintained their ancient privileges undisturbed by any additional requirements on the part of the Crown or Privy Council, and so obtained an increased feeling of independence. One thing was being abandoned; the costly entertainments, which had been carried to extravagant dimensions during the century, were recognised to be undesirable. Thus the student coming from the university to the Temple in 1700 would find himself called upon to pursue much the same kind of life as his

predecessor in 1600, though his intention, in a greater number of instances, would be to continue the study of the law, instead of departing into some other walk of life.

V

THE MIDDLE TEMPLE IN THE EIGHTEENTH CENTURY

THE materials for a complete record of the eighteenth century are not yet available. The published records of the Middle Temple stop at 1703, and those of the Inner Temple at 1714. There is a singular lack of information from external sources. The impression is that the eighteenth century within the Temple was a period of torpor or, it may be, of rest, after the gaiety of the seventeenth, in preparation for the developments of the nineteenth in increased attention to the preliminary study for the practice of the law. The deed of partition between the two Inns in 1732 suggests that at that period they

were engaged in imparting methodical arrangement to their affairs. In some of the buildings the residents on the ground floor were tenants of one Society, while the occupants of the first floor were tenants of the other ; and the absence of any clear division between the two entirely accords with what has been suggested above as to the process by which they grew from one body to existence in separation.

To the period of the partition deed belongs "Master Worsley's Book," as it is called, though the authorship is doubtful, containing "Observations on the Constitution, Customs, and Usage of the Honourable Society of the Middle Temple."* The writer deals fully with a matter which was a constant cause of disturbance in the Inn—the right of the governing body to regulate its affairs without consultation with the members.

* This volume, edited by Mr. C. H. Hopwood, K.C., was published in 1896, and a new edition is now (1909) being prepared by Mr. A. R. Ingpen, K.C., a Master of the Bench.

The ancient custom was that the Benchers made orders for the government of the Inn; but during the vacations they effected a kind of abdication, when the members within certain prescribed limits were allowed to rule themselves. The result was a period of license, when the Lord of Misrule held sway. In later days this custom was taken more seriously, and constant endeavours were made to enforce some order in abrogation of the Masters' rights, to take effect when they had resumed control. Much of the trouble which arose in the course of these proceedings may be attributed to a lack of restraint on the part of a number of high-spirited young men; but in the Middle Temple the controversy seems to have been a more serious matter. In 1730 the barristers and students in "Vacation Parliament assembled" drew up a long declaration, in which they asserted that, although the order and government of the Society

were lodged in the Masters, "yet a liberty of proposing such occasionall alterations and amendments as the circumstances of times and things might render necessary, is and must be reserv'd to the other part of the Society in Parliament assembled." They claimed the right to hold their Parliament at any time, as there were always matters calling for attention; while the Masters said that the junior members were not entitled to confer together or make representations to them except in regard to matters arising during vacation. The official who compiled the book supplies a long answer to the petition which the Masters of the Bench had already provided in reply to a similar agitation in 1630.* The book also gives an account of the call of the serjeants in Easter term, 1736, showing that the ancient

* There were also serious differences between the Masters of the Bench and some members of the Inn in 1695. See "Minutes of Parliament," pp. 1431 *et seq.*

ceremonies were still in force. The visit of the King Christian VII. of Denmark to the Temple on September 23, 1768, is an example of the continuance of the traditional hospitality of the Inns. He was welcomed by the Benchers of both Societies on his arrival by water to lunch in the Middle Temple Hall, *en route* to a reception at the Mansion House.

During the closing years of the eighteenth century the names of young students coming from the possessions of Great Britain across the seas are found upon the admission books of the Inns of Court. In particular, the Middle Temple included among its members men destined to take a leading share in the separation of the States of America from the mother-country. The Middle Temple is represented by five signatories to the Declaration of Independence, including the four representatives of South Carolina. Edward Rutledge, afterwards Governor of that State, and Thomas

Lynch were admitted to the Inn in 1767. Thomas Heyward, who became a judge, and Arthur Middleton were entered ten years before. The fifth Middle Templar, Thomas McKean, signed the Declaration as one of the Delaware representatives. He is said to have written the Constitution of his State in one night. Although President of Delaware, McKean resided in Pennsylvania, and was appointed First Chief Justice of the Supreme Court on July 28, 1777. He held the office until he was elected Governor of the State in 1799.

Even more distinguished was the career of John Rutledge, Edward's eldest brother, who was admitted to membership of the Middle Temple on October 11, 1754, and was called to the Bar on February 8, 1760. In the following year he returned to South Carolina. At the age of twenty-two he began to practise, and was soon successful. Chosen at the age of twenty-six to

represent his State, his forensic abilities enabled him, although the youngest member of Congress, to take the same prominent position in the Senate House as he had held in the courts. Rutledge is believed to have drafted the greater part of the Constitution of South Carolina. Under it he became first President of the General Assembly and Commander-in-Chief. In the latter capacity he was required for a time to set aside peaceful pursuits, and displayed his versatility by his courage and activity upon the field of battle. On the termination of his executive duties he was again elected a Member of Congress in 1782. After two years' strenuous service for his country, Rutledge became judge of the South Carolina Court of Chancery. Seven years later, upon the reorganisation of the courts of law, he was made Chief Justice. Finally, Rutledge was chosen to be chairman of the committee of five who drafted the first Constitution

of the United States, and, upon the resignation of John Jay, was nominated by Washington to be the second Chief Justice. Thus the legal knowledge which he had acquired during five years' study at the Middle Temple was the basis of his remarkable contribution to the advancement of his country and the mainstay of his whole career.

John Dickinson, the "Pennsylvania Farmer," Arthur Lee of Virginia, William Livingston, one of the framers of the Constitution, and Peyton Randolph, President of the Continental Congress at Philadelphia, were also members, and the last named was called to the Bar at the Middle Temple. Thus the legal knowledge acquired in the Inn made a considerable contribution to the establishment of sound government, so that besides assisting at the birth of the nation the Society may lay claim to have aided in equipping it for an independent

life upon its attainment of a separate existence.

Mention may be made, finally, of an American who maintained his attachment to the British side. Phineas Bond was born at Philadelphia in 1749, and was admitted to the Middle Temple on April 15, 1771. He returned to Philadelphia in 1777, and was suspected by the Government of infidelity to the State. Bond was attainted of high treason, his estate was confiscated, and he went to England, where he engaged in the practice of the law after being called to the Bar in June, 1779. For seven years he stayed in England, while his mother endeavoured to have his attainer reversed. In 1786 Bond was commissioned by the British Government as its Consul for the States of New York, New Jersey, Pennsylvania, Delaware, and Maryland, and in 1793 he became Consul-General for the Southern and Middle States. He seems to have

remained in America until about the year 1812, when he returned to London and died in 1815.*

The Middle Temple, therefore, has had in a singular measure a quiet but nevertheless distinct part in two of the most important movements in the world's history, for few events stand out more conspicuously within legal memory than the colonisation of America and the severance of the colonies, after nearly two centuries of dependent existence, from the mother country. It is generally recognised that in the twentieth century the centre of gravity of the world's politics has been moved from the New World to the Far East. The war between Russia and Japan, followed by the treaty between the latter and Great Britain, marked the beginning of a period of new development, of which this generation cannot expect to see the completion. But if these events should prove to be of the

* See "Report of the Historical Manuscripts Commission of the American Historical Association," 1896, pp. 573-659.

importance which many consider likely, the historian of the future will be able to trace that it was the Middle Temple only among the four Inns of Court which took any part in assisting the Japanese nation to establish sound legal principles of government and justice.

The Japanese statesmen engaged in guiding the destinies of the nation have received their education in the University of Tokyo, where they pass through the School of Law much in the same way as it has been shown that those who desired to take part in affairs of State in England were trained at the Inns of Court. The senior professor in the College of Law for more than twenty years has been Mr. Nobushige Hozumi, a member of the Middle Temple, while among his colleagues are Professor Yasushi Hijikata, whose subjects are the Civil Code and English Law, and the Roman Law Professor, Hiroto Tomizu, who are also members of the Middle Temple. Dr. Rokuichiro

Masujima and Mr. Teruhiko Okamura, both barristers of the same Inn, were formerly upon the staff of the college. Dr. N. Matsunami made a contribution towards the unification of the law relating to collisions at sea and merchant vessels among the maritime nations of the world in a volume written in the Middle Temple Library. Among the professors at the Tokyo University are, and have been, *alumni* of the American colleges of law, but the Middle Temple is the only Inn of Court represented on the list. While Japan has been framing her Constitution and modelling her laws, the influence of English law has been exercised through those who have received their training at the Middle Temple in the same way, though in a lesser degree, as the Inn contributed to the sound foundations upon which were built up the Federal Constitution and laws of the United States.

VI

THE MIDDLE TEMPLE LIBRARY

It was formerly the custom for members of one family to attach themselves to a particular Inn of Court, much in the same way as they do now to one of the great public schools. At the end of the sixteenth century the names of Carew, Montagu, and Sandys, for example, will be found to occur constantly in the register of admissions to the Middle Temple. Among others who came to the Inn at that period were the three brothers Ashley, who belonged to a Wiltshire family. Anthony, the eldest, went through the course of study at the Middle Temple as part of a general

education, supplemented by travel for the acquisition of foreign languages, to equip him for the service of the State. Some time before 1588 he was appointed Clerk to the Privy Council, and at their request undertook the translation of an important Dutch book on the art of navigation, entitled "The Mariner's Mirrour." He was knighted in 1596, and was made a baronet in 1622. He succeeded to the estates, at Wimborne St. Giles, of the Dorsetshire Ashleys, and through his only child, Anne, became an ancestor of the Earls of Shaftesbury. Robert, the next brother, was fourteen years junior to Anthony. He proceeded so far in the study of the law as to be called to the Bar, but

"finding the practice to have ebbes and tydes (as have for the most part all other humane employments)," so he wrote in the "Advertisement to Almansor," "I have stolne and snatched at vacant times some opportunities; what by Travaile, Bookes and Conference; to get

some knowledge of forreigne countries, and vulgar languages: especially those of our neighbours (I meane the French and Dutch, the Spanish and Italian), that by the perusing of their Writings, I might also bee made partaker of the Wisdome of those Nations . . .”

It was left to Francis, the youngest of the three brothers, to attain eminence in the practice of the law. He was admitted to the Inn in 1589, the year following Robert's admission, was called to the Bar, and steadily rose in his profession. For some time he undertook Parliamentary duties as Member for the City of Dorchester, of which he was also Recorder. Having served the office of Reader at the Middle Temple, Francis Ashley was called to the degree of serjeant, and knighted in 1618. He died in Serjeants' Inn in 1635.

It was not wholly the uncertainty of success which led to Robert Ashley's abandonment of the practice of the law, for his writings show that the bent of

his mind was not in that direction. Nevertheless, he resided in the Inn and made it the headquarters from which to set out upon his journeys. Thus Ashley could watch the erection, under the direction of Edmund Plowden the Treasurer, of the fine new hall of the Middle Temple, and learn with interest of the confirmation in 1608, by James I., to the Inner Temple and Middle Temple of their ancient rights and privileges. Ashley outlived both his brothers and died in 1641, at the age of 76. He was buried in the Temple Church, and bequeathed his library* as an acknowledgment of the love" he bore towards the Society of which, at his death, he was "one of the most ancient Masters of the Utter Bar." He thought that in the keeping of the Society his books, of which many were "not easily to be mett withall elsewhere," might "happily be

* Ashley's will is printed in the "Middle Temple Records," vol. ii, p. 917.

usefull to some good spirittes” after him. It was his particular desire that, although for the especial use of members of the Middle Temple, they might be accessible to any “student, whether of oure owne or of any forraigne nation, that may be curious to see somewhat which he cannot so readily finde elsewhere.” For the more effectual carrying out of his intention, Ashley bequeathed £300 to provide a yearly revenue for “the governour or library keeper,” besides the furniture of his chamber.

It has been generally assumed that the Molyneux globes in the care of the Keeper of the Library formed part of Ashley’s bequest, although there appears to be no reference to them in the records of the Inn before the year 1717. They were published in 1592 at the expense of Mr. William Sanderson, a munificent City merchant interested in geographical discovery. The globes were the work of Emery Molyneux, a mathematician

resident in Lambeth, and were printed by Hondius, the Dutch engraver. The globes are 2 feet 2 inches in diameter, and were the largest that had been made up to the time of their publication. Upon the celestial as well as the terrestrial globe there is a dedication to Queen Elizabeth. It is remarkable that this set should be the only one in existence, though its association with the Honourable Society is not so curious as some have considered, who were not aware that several members were keenly interested in the colonising and exploring enterprises of the opening years of the seventeenth century.

The Masters of the Bench lost no time in carrying out Mr. Ashley's wishes. Sir Peter Ball, the Queen's Attorney, and Dr. Littleton,* were requested to survey the books which were then catalogued, and have presses made for them in the

* The reference appears to be to the Master of the Temple.

“lower Parliament chamber.” The £300 was paid into the Treasury of the Inn, and the Bench agreed to allow eight per cent. interest per annum. Mr. William Cox, who was an ancient member of the Inn and an executor of the will, was called to the Bar without the usual formalities, “in consideration of this care and fidelity touching these legacies to the House.”* In 1642 he was definitely appointed to the office of Keeper of the Library, and in 1646 his salary was fixed at £20 per annum. Cox continued to carry out his duties for eleven years, and then was obliged to petition the Benchers “that in regard of his age and weakness of body he might have a fire in the Library and someone to look to sweeping and cleansing thereof.”† Death seems to have relieved him before the Benchers made any response to his request, but his successors benefited

* “Middle Temple Records,” vol. ii. p. 919.

† *Ibid.*, vol. iii. p. 1054.

from his petition by receiving an allowance of coal and the assistance of an official to perform the menial duties. Some of the library keepers, however, did not show the same fidelity to their trust as Cox. During the seventeenth century three of them had to be dismissed for neglect of duty, after repeated attempts by the Benchers to induce them to amend their ways.

Unhappily, there is no complete list of the books bequeathed to the Society by Ashley, but about sixty volumes can be identified as his property by the signature on the title-page. With one exception, they are all in Latin or some other foreign language, and give some idea of the varied nature of his collection. Among them are works on history and geography, theology and philosophy, chemistry and astrology, demonology and witchcraft, thus showing clearly that Ashley's tastes were for the curious and quaint in other tongues rather than the masterpieces in

his own language. So far as can be traced, there was no edition of Shakespeare in the Library until the nineteenth century. The one book in English with Ashley's signature is Bishop Bilson's "True difference between Christian subjection and Unchristian rebellion," written at the desire of Queen Elizabeth against the King of Spain, and used with disastrous effect in later years by the enemies of Charles I.

Around this nucleus has been gathered, by gift and purchase, a fine collection of books. In 1652, Mr. Charles Cocks, a Master of the Bench, gave £100 for the purchase of books. He had previously conveyed to the Benchers certain property in the City of London, called Scales' Inn, from which to pay an annual fee of £20 to two Referees. The Treasurer was to appoint two barristers of the Inn

"to be Referees, free Mediators and Composers of such differences, suits and demands as shall

be voluntarily submitted, and refer'd by any person whatsoever, to their hearing and determination, who are to give attendance in the Common Dining Hall of the Middle Temple, two days in every week in Term, viz. every Wednesday and Friday from two till five o'clock in the afternoon, freely without fee received on either side, to hear and do their best endeavour to determine all such controversies, suits and demands, as shall be submitted unto them." *

They were to be in attendance in the Hall for three hours in the afternoon on two days of the week. In the arrangement may be seen a seventeenth-century prototype of the poor man's lawyer. For many years in the last century the Referees gave their fees for the purchase of books for the Library.

The Benchers were obliged to decline one handsome offer of eight thousand volumes. John Selden died in 1654, and left his library to be divided among his

* "Observations on the Constitution, Customs, and Usage of the Society of the Middle Temple," by Wm. Downing, p. 184.

executors "or otherwise dispose of them or the choicest of them for some public use than put them to any common sale: it may do well in some convenient library public or of some college in one of the universities." * The books were offered first to the Inner Temple, whose finances did not permit the Benchers to provide suitable accommodation, and probably the same reason led to the decision of the Benchers of the Middle Temple. Finally, they were accepted by Oxford University, of which Selden was the representative during the whole of the long Parliament.

In 1657 the Benchers directed that "a book of parchment leaves shall be provided handsomely bound to register the names and gifts of benefactors." At the same time they ordered that "all law books which are or shall come forth, shall be bought and placed" † in the

* "Calendar of Inner Temple Records," vol. ii. p. cxix.

† "Middle Temple Records," vol. iii. p. 1110.

Library. The accounts show that the Benchers purchased not only law books, but also works of general literature, and as patrons of learning were ready to support the labours of scholars. "Chains for the books in the Library" is a constantly recurring item, and the purchase of a foxtail demonstrates that attention was paid to the cleanliness as well as the security of the books. Among the benefactions entered in the book of presentations is £50 from Sir William Petyt for the purchase of books. He entered at the Middle Temple, but "migrated" to the Inner Temple, and bequeathed to that Society his collection of MSS. and books acquired as Keeper of the Records in the Tower of London. The addition of this extensive collection to the possessions of that Honourable Society necessitated the appointment of a librarian in 1708.

The Benchers of the Middle Temple have always taken care to possess proper

lists of the books. Upon the appointment of a new librarian, the Library was surveyed by the Treasurer or a committee appointed for the purpose. Booksellers were commissioned to make a list of the books, which was attached to the bond given as security by the Library keeper. In 1655, £25 was paid to Mr. Moodyman for sorting and cataloguing the books, but no catalogue of that date is now in existence. The first printed catalogue was published in the year 1700, in the treasurership of Sir Bartholomew Shower, who also had the book for presentations rebound, with entries as to the hours of opening. Although for nearly half a century the Benchers had been adding all the law books published, the proportion to other classes of literature was not altered perceptibly. Mathematics, geography, history, and biography remain as the principal divisions in the catalogue of 1700, which is arranged according to subjects. The next catalogue was pub-

lished during the treasurership of Master Worsley in 1734, but had its origin some years before in the work of one Henry Carey, who was clerk in the chapel at Lincoln's Inn. Making an appeal for employment to the Earl of Oxford, he wrote in 1717, in a letter preserved among the MSS. of the Duke of Portland, that he was—

“Keeper of the Library in the Middle Temple, under John Troughton, Esq., where I employed myself in regulating and reducing to decency and order a place which through long neglect was become a perfect chaos of paper, and a wilderness of books, which were mixed and misplaced to such a degree that it was next to an impossibility to find out any particular book without tumbling over the whole. This undertaking cost me above twelve months' hard labour and pains, besides money out of my own pocket to transcribers. However, I went forward with the greatest alacrity because Mr. Ludlow, then Treasurer, encouraged me by repeated promises (which now I may call specious and empty) of reward when completed, as now it is, I having made a new catalogue in

five alphabets with columns (all of my own invention) of all the tracts contained in the library, which catalogue is one hundred sheets in folio, and the books are now so regularly ranged and the catalogue so plain, easy and exact, that anybody may go directly from it to any required book or pamphlet without any difficulty or hesitation; so that not only the catalogue but even the library itself are evident demonstrations of my labour, and instances of their ingratitude to me who egged me on to this work without rewarding me for it." *

In cataloguing the tracts, Carey did a useful piece of work. They constitute an interesting collection, now bound in more than one hundred and sixty volumes. Sermons, political pamphlets, especially in relation to the conflict between the King and Parliament, and controversial letters form the greater part of a collection, in which there are valuable items, such as the description of Virginia, written by William Bullock, in his chamber in the Middle Temple, in

* "MSS. of the Duke of Portland," vol. v. p. 553.

1649. He admitted that he had never been inside the country, but obtained his information from books in six days, which was all the time allowed him by his patrons to write the compilation.

It is difficult to trace the changes in the habitation of the books. At first they were under the Parliament Chamber, then a set of chambers was given up to them, but they were moved on more than one occasion. When Master Worsley wrote his account of the Inn, in 1734, the Library was described as No. 2, Garden Court. The lower part of the building was occupied by the kitchen of the Society. Maitland, in his chapter "of the Publick Libraries," in his "History of London," published in 1739, wrote—

"Tho' this Library be none of the largest, yet I am perswaded that it is of more use to the Inhabitants of this great City and Suburbs, than all the other publick Libraries put together. Therefore none has so good a claim to the Benefactions of the Incouragers of Learning as this."

Ireland, in his "History of the Inns of Court," published in 1800, judged from the "extreme dirtiness" of the books "that they have been little perused in the present era." The impression is confirmed by a note in the *Times* (June 23), concerning the removal of the books in 1824 from the "miserable dirty hole in which they have long been concealed," to a new building forming an extension of the Hall. The blank in the book of presentations for nearly a century before the year 1826 would thus seem to have been typical of the condition of the Library. A bequest by Lord Stowell enabled the Society to add a collection of works on civil, canon, and ecclesiastical law. Their stay in that portion of the Society's buildings was brief, for on August 6, 1858, the foundation of a new library was laid by the Treasurer, Sir Fortunatus Dwarris. In an address he set forth an ideal for the composition of a law library—

“First, it ought to contain the laws of all ages, and of all countries and the laws which governed them; the *legum leges*. Next, the most important, it should show the application of those laws in the thousands and tens of thousands of adjudged cases, reported from all the courts and accumulated and recorded in a law library.”*

He desired, further, that the Library should be “not only a record of legal movement, but of all intellectual, moral, and social progress.” The Library was opened by the Prince of Wales, now his Majesty the King, on October 31, 1861, when he was called to the Bar and Bench of the Inn. His arms emblazon the oriel window at the south end of the Library, while those of the Benchers at the time of its erection fill the north window. On the wall hangs a portrait of the founder by Thomas Leigh, painted by order of the Benchers. At the opposite end is a picture of Lord Brougham and M. Berryer, commemorative of the dinner given by

* 31 Law Times, 257.

the Bar of England to the distinguished French advocate in the Middle Temple Hall on November 8, 1864. It was the occasion when Lord Chief Justice Cockburn gave the definition of an advocate, which has become a classic. "The arms which he yields are to be the arms of the warrior and not of the assassin," he said. "It is his duty to strive to accomplish the interests of his client *per fas*, but not *per nefas*; it is his duty, to the utmost of his power, to seek to reconcile the interests he is bound to maintain, and the duty it is incumbent upon him to discharge, with the eternal and immutable interests of truth and justice."

A great improvement both to the external appearance and internal convenience of the Library was effected by an addition made in 1906.

The erection of a modern building has been followed by the furnishing of the shelves in accordance with the needs of the time. The books upon English,

Colonial, American, and foreign law, required for frequent reference, have thrust aside the older volumes of less practical use. But they still remain as part of the Library, so that it is possible to indulge in a reverie such as Francis Bacon penned, probably in the library of his own Inn of Court, in which he likened libraries to "the shrines where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed." * That exquisite charm which fascinates the reader as he forgets himself, his times and customs, by being brought into contact with the minds of past ages, is one which need not be obliterated by the necessity to keep pace with the requirements of the twentieth century. Bacon himself recognised in the same passage the value of new editions, with "more profitable glosses, more diligent annotations and the like." With some con-

* "Of the Advancement of Learning." The second book.

fidence, therefore, it may be assumed that the happy association of new and old in the Middle Temple Library would have received the approbation and admiration of the great lawyer and philosopher.

VII

SOME DISTINGUISHED MEMBERS OF THE MIDDLE TEMPLE

THE nineteenth century was marked by the resumption of royal visits to the Inns of Court. The published records of Lincoln's Inn close with the opening of the new Hall and Library by Queen Victoria on October 30, 1845. The address presented to her Majesty on that occasion referred to the fact that "nearly two centuries have passed away since the Inns of Court were so honoured by the presence of the Reigning Prince"—a reference to the visit paid by Charles II. in 1672. On the occasion of Queen Victoria's visit, the Prince Consort, who had studied English law under the direc-

tion of Mr. William Selwyn, was admitted and elected a Bencher of the Inn. Sixteen years later, when the Prince of Wales (now his Majesty the King) visited the Middle Temple for a similar purpose, he was admitted to membership, called to the Bar, and elected a Bencher. Prince Christian was made a Bencher of the Inner Temple at the opening of the new hall in 1870.

Although reference has been made in the preceding pages to some distinguished members of the Inn, of which the King is the head, it may not be inappropriate to glance back through the four hundred years covered by the Registers and note the wonderful range of occupations and positions in which members of the Middle Temple have distinguished themselves and advanced the commonweal.

The Treasurer in 1520 was Sir Amyas Paulet, of whom it is recorded that he had ordered Wolsey, when a young man, to be put into the stocks,

“which affront,” narrates Sir William Cavendish, “was afterwards neither forgotten nor forgiven; for, when the schoolmaster mounted so high as to be Lord Chancellor of England, he was not forgetful of his old displeasure most cruelly ministered unto him by Sir Amyas; but sent for him, and after a very sharp reproof, enjoined him not to depart out of London, without licence first obtained; so that he continued in the Middle Temple the space of five or six years, and afterwards lay in the Gatehouse next the stairs, which he re-edified, and sumptuously beautified the same all over on the outside, with the Cardinal’s arms, his hat, his cognisance and badges, with other devices, in so glorious a manner as he thought thereby to have appeased his old displeasure.”*

Whether the present gate stands upon the site of the old one is a matter of some doubt. In the Treasurership of Sir Amyas occurs an entry relating to the admission of Richard Bere, the last but one of the mitred Abbots of Glastonbury, who was “pardoned exercising all vacations and offices,” and permitted to be “in commons

* “Harleian Miscellany,” vol. v. p. 126.

and out of commons at his liking." It is added that "for having the foresaid admission he gave to the Fellowship 5 marks." Another distinguished ecclesiastic is referred to in an entry on May 26, 1552, stating: "Mr. Frankleyn, Dean of Windsor, is released from the Fellowship for a price of £3, on account of his old age."

During the period of the missing volume of the Registers (1524 to 1551) were, no doubt, admitted, among others, three distinguished judges, Sir Anthony Browne, Sir Robert Catlin, and Francis Morgan, whose feast, upon their being made serjeants in 1555, is recorded with much detail by Dugdale in his "Origines Juridiciales." The total cost was six hundred and sixty-seven pounds seven shillings and sevenpence, so that, taking into account the relative value of money in those days, the serjeants must have found promotion to be a costly business. Included with these must be Sir Robert

Bell, Speaker of the House of Commons, Sir James Dyer, a learned Chief Justice, William Fleetwood, Recorder of London, and Richard Rich, Lord Chancellor, though the last was hardly a credit to any society. Owing to this blank in the Registers, the admission of Edmund Plowden, who was held in high honour among his *confrères*, and is still remembered with respect, is not recorded, but we know that he was Treasurer from 1561 to 1567. During that period the fine Hall was commenced, and when he retired from that office the management of the business connected with the building was still confided to his care until its completion in 1570. His name is kept fresh in the memory by the buildings in one of which is the office of the Treasury of the Society.

Among the ancient families who have shown a loyal attachment to the Inn are many members who have had distinguished careers. The Cornish family

of Carew had six representatives among the distinguished members* alone. Sir Matthew Carew, who was probably admitted in the period for which the book is missing, was a Master in Chancery, and was followed, in 1612, by his son Thomas, the poet. Another branch of the same family was represented by Sir George Carew, who, after a diplomatic career, settled down as a Master in Chancery; his elder brother, Richard Carew, remembered for his "Survey of Cornwall"; and the eldest son of the latter, who followed his father as an author, and was made a baronet not long before his death in 1643.

The family of Montagu of Northamptonshire occupies a notable position in the annals of the Inn throughout the sixteenth and into the seventeenth

* For a catalogue with biographical notices of nearly one thousand, reference may be made to "Notable Middle Templars" (1902), by John Hutchinson, Librarian to the Hon. Society.

centuries. The line begins with Sir Edward Montagu, Chief Justice of the King's Bench, who is succeeded by his grandsons, Edward Montagu, first Baron of Boughton, and Henry, first Earl of Manchester. They were admitted in the usual course, but their younger brother James did not become a member until 1608, when he was Bishop of Bath and Wells, and associated with him on the occasion was Dr. Buckeridge, Bishop of Rochester. Edward's son William rose to eminence in the law, became Treasurer of the Inn in 1663, and received the honour of knighthood. The Earl of Manchester entered his sons' names as members, for one can hardly imagine that little fellows of five and four years old were brought to go through the customary formalities. The elder, Henry, became second Earl of Manchester, and occupied prominent positions in the State; while his younger brother, Walter, having got into trouble in this country, adopted

the monastic life, and became Abbot of St. Martin, near Pontoise. A still younger brother, George, was also a member, and likewise his son James, who pursued a legal career with success, but transferred his allegiance to Lincoln's Inn. To another branch of the family belonged the famous Admiral, the first Earl of Sandwich, who, as a boy of ten, was admitted a member. A similar record is presented by the Hydes of Wiltshire. There were more than thirty members belonging to different branches of the family. The grandfather of Lord Chancellor Clarendon was Laurence Hyde, of Westhatch, Wiltshire. Three of his sons became members of the Inn. Laurence, the second, was admitted on November 19, 1580. He was admitted to a chamber, and in due course was called to the Bar on February 7, 1588-9. From that time he advanced steadily in the Inn and in the practice of his profession. He became Bencher, Reader, and, in 1616,

Treasurer of the Inn, where he was frequently occupied in its affairs. His proficiency in the law obtained for him the post of Queen's Attorney and the honour of knighthood. Gradually, with advancing years, he relinquished his active interest in the concerns of the Inn, and transferred his Bench chamber in Brick Court to his son Robert upon his becoming Lent Reader. The Bench thereupon record in the minutes of Parliament, under date June 21, 1639—

“Mr. Robert Hyde, a Master of the Bench, shall be admitted absolutely into the chamber of Sir Laurence Hyde, his father, a Master of the Bench, a Bencher's chamber which he intends to relinquish on account of his great age. He has presented to the Masters a very fair gilt bowl and cover in token of his love and thankfulness to the Society.”

Sir Laurence's younger brother, Nicholas, was admitted on July 14, 1590, called on November 24, 1598, and in 1601

went into a chamber called "Le Cock-lofte." Sir James Murray defines the word as being applicable to a small apartment under the very ridge of the roof, to which the access is usually by a ladder. In due course he was called to the Bench of the Inn, and naturally felt that such a place "was not fit for a Bencher," so relinquished it in 1619 for another. He filled the offices of Reader and of Treasurer during 1626, when new buildings were erected near the Hall and in the garden. Shortly after he had to take leave of the Inn upon becoming serjeant.

Henry Hyde, the father of the great Chancellor, came midway in the family, between Laurence and Nicholas. He entered at the Middle Temple in 1585, and from time to time occupied a chamber, but does not appear to have pursued the study of the law with any degree of earnestness. It would seem that he did not either intend his son to

follow the practice of the law. He entered Edward at Magdalen Hall, Oxford, where he took his B.A. degree in 1626. "But his elder brother dyinge, and his father dead also," Sir John Bramston tells us, "he removed to the Middle Temple, where his two uncles were at that tyme Benchers, and in good esteeme. There he continued, and was called to the Barr; and, beinge a scholar, and of good parts, grew into acquaintance with the best accomplished gentlemen of his tyme." The writer was his chamber fellow, and "continued a strict friendship ever after" with him.

Edward Hyde was called to the Bar on November 22, 1633, but appears to have been somewhat inattentive to his duties, as he was fined on more than one occasion. In 1636 he moved to a "whole chamber on the second floor in the new buildings in Pumpe-court on the west side thereof," but the Commonwealth Parliament compelled the Benchers to

admit Robert Reynolds to the chamber in 1644. It would seem, however, that his son regained possession, as an entry in 1665 directs that "the Treasurer shall attend the Lord Chancellor to know whom he will nominate to be admitted into the chamber in Pumpe-court, late his son's." As Chancellor, the Benchers asked for his assistance on several occasions respecting matters of the domestic government of the Inn.

Reverting to the year 1608 as being the date at which James I. granted a charter to the two Temples, some further additions may be made to the list of distinguished members, who had either been admitted when young and then gained high positions, or had been received into the fellowship *honoris causa*. There were Henry Percy, Earl of Northumberland; Richard Weston, first Earl of Portland; Sir Henry Wotton, Sir Thomas Edmondson, and Sir Isaac Wake, skilful diplomatists; George Sandys, son

of the Archbishop, and a poet of some merit; Henry Somerset, first Marquess of Worcester; John Ford, the dramatist; Henry Howard, Earl of Northumberland; and Sir Richard Lane, who was then studying for the Bar, to which he was called in 1612. In that year there occurs the entry of a distinguished name—Inigo Jones, the architect—which at first sight seems unusual, but it was the custom for the Inn to admit as members without fee those who had served them faithfully in some capacity, whether it were upon a special piece of work, as, no doubt, in this instance, or in the ordinary routine of an official of the Inn.

During the troubles which stirred the nation and left people with little opportunity or desire for the quieter pursuits of life, the Inn was well represented among those who espoused the Royalist cause. But even then its catholicity was still noticeable, for among the leaders of the Parliamentarians it was represented

by John Pym, Sir John Maynard, Bulstrode Whitelocke, and Henry Ireton, besides the two historians of the period, who favoured them—Sir Symonds D'Ewes and Clement Walker.

In the closing years of the seventeenth century the entries of admissions are notable for the number of names of men who are remembered as writers upon different subjects, for example, John Bridges (the topographer), John Asgill, John Anstis, William Congreve and Nicholas Rowe (dramatists), Charles Hopkins and William Somerville (poets), and Charles Viner (founder of the Vinerian Professorship).

Remembering the restrictions placed in earlier years upon the admission of Irishmen, it is interesting to note in the eighteenth century the contribution of the Sister Isle to the list of distinguished men. Gathering them together in chronological order according to the date of their admission, we have Charles Molloy

(dramatist), Edmund Burke, Arthur Murphy (actor), Sir Richard Musgrave (writer on politics), Henry Grattan, Hugh Boyd (essayist), John Philpot Curran, Richard Brinsley Sheridan, Leonard Macnally (playwright), Theobald Wolfe Tone, Lord Cloncurry, and, almost at the end of the century, Thomas Moore, the poet. It is a list which will bear comparison with that furnished by the remaining members of the Inn, among whom we find Arthur Onslow, the Speaker of the Commons, and his eldest son George, first Earl of Onslow, with Philip Yorke, first Lord Hardwicke, and his two sons, Philip and Charles, of whom the latter, following his father's example, migrated to Lincoln's Inn; and Blackstone, Lords Kenyon and Ashburton, Richard Pepper Arden, and Lords Stowell, Eldon, and Tenterden. In literature may be noted the names of the poet Cowper, Richard Lovell Edgeworth, Thomas Day, of "Sandford and Merton" fame, and

Tickell, the dramatist ; and among statesmen, Lords Auckland and Colchester, Sir Benjamin Hobhouse, and the second Earl Grey. Admission to the Inn did not determine the career of its members even when their intention was to follow the law. Many have forsaken it in order to take Holy Orders, and among those who rose to prominent positions in the Church may be noted Bishops Horsley, Durnford, and Lonsdale, and Thomas Sherlock (afterwards Bishop of London), the only Master of the Temple who was also a member of the Inn.

Passing into the nineteenth century, it becomes increasingly difficult to make a selection for mention, but still the prevailing feature is the wonderful variety of callings to which the members have devoted their energies. Law and literature, of course, predominate. With Dickens, Thackeray, Henry Nelson Coleridge, John Payne Collier, De Quincey, Thomas Noon Talfourd, Winthrop

Mackworth Praed, Abraham Hayward, Capell Lofft, Delane, "A.K.H.B.," and Blackmore admitted to the Inn before the completion of the first half of the century, it may, perhaps, be thought that literature claims the first place. But who can decide when among the lawyers are found Sir Frederick Pollock, Sir J. T. Coleridge, and his son Lord Coleridge, Sir Maziere Brady, Lord Chancellor Westbury, Sir John Jervis, Sir Alexander Cockburn, Sir G. Cornwall Lewis, Sir T. Erskine May, Sir George Bowyer, Sir Robert Phillimore, Sir J. R. Quain, and Lord Hannen?

It is too soon yet to estimate the position of men whose work was done during the closing years of the nineteenth century, but it may be noted that of the Benchers at the date of the opening of the Library the King is the sole survivor.

Thirteen years after his call to the Bench, the Prince of Wales again visited the Inn, where he took his place in Hall

on the Grand Night of Trinity Term, 1874 (June 11). The next occasion of his attendance was to be present on June 10, 1885, upon the admission of his eldest son, Prince Albert Victor, the late Duke of Clarence, to the Bench table of the Inn. Archbishop Benson recorded in his Diary—

“Dined Middle Temple on their Great Grand Day. Very striking, 430 in Hall. Prince Edward made a Bencher. According to their custom sat above Prince of Wales, whose guest I was supposed to be, and next to the Treasurer, the Master of the Temple being the chief guest on the Treasurer's right.”

In the Jubilee year of Queen Victoria, the Prince consented to fill the office of Treasurer, with Sir Peter Edlin as his acting-deputy, and during the year 1887 dined in Hall on two occasions, viz. June 15, for the Inn's commemoration of the Jubilee, and November 25, at the close of his term of office. As Prince of Wales, the King also dined on April 9,

1891, and on May 5, 1893, shortly after his son, then the Duke of York, had become a Bencher of Lincoln's Inn. Mr. Justice Wills, the Treasurer of the year, proposed the health of the new Bencher, and his father, in returning thanks, performed an act of courtesy which met with general appreciation, in paying a similar compliment to Mr. Justice Hawkins, afterwards Lord Brampton, upon celebrating the jubilee of his call to the Bar. On November 2, 1903 the King of England, for the first time in his right as a Bencher and not as an invited guest, took his place at the Bench table of an Inn of Court on Grand Night. It was the first opportunity since his Coronation, and to commemorate that event an elaborate silver-gilt loving cup with four massive salt-stands was designed and made for the Society.

The rise and development of subsidiary organisations during the last century have overshadowed the position of the Inns of

Court, but the ultimate authority remains with the Benchers. A board of examiners tests the capacities of a candidate who has not a university or similar qualification; but the Inn of Court requires satisfactory credentials before he can be admitted as a member after passing the test. No one can compel them to admit a student, just as no one can question the rejection of a student by the authorities of a university. Although the Benchers of the four Inns have delegated the duty of examining the educational qualifications of the candidates for admission to the Bar to the Council of Legal Education, constituted in 1852, they decide all other questions relating to their fitness. The rules as to the admission of students, the mode of keeping terms, the education and examination, the calling of students to the Bar, and taking out of certificates to practise under the Bar, are contained in the consolidated regulations of the four Inns of

Court. The pursuit of certain occupations is regarded as incompatible with the practice of the law.

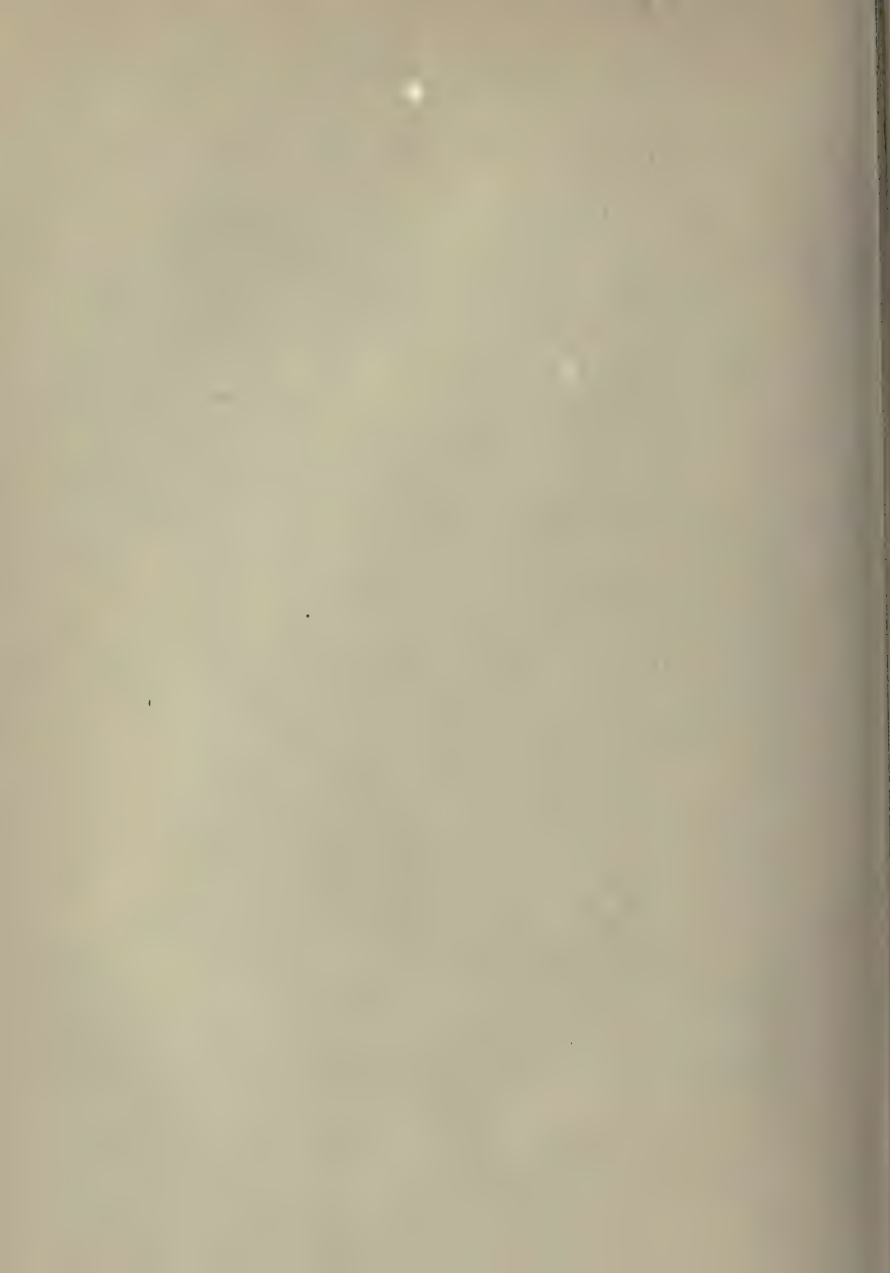
In matters of professional conduct minor jurisdiction is exercised by the circuit-mess, which was originally formed for the social purpose of dining by the barristers practising on a circuit. Similarly, there are organisations attached to quarter sessions. The chief authority in matters of legal etiquette and professional conduct is the General Council of the Bar, which, in 1894, succeeded the Bar Committee constituted in 1883. It is supported by the four Inns of Court, who are directly represented by sixteen members. It possesses no direct disciplinary powers, and its rules are only matters of etiquette and not of law. Its rulings have the support of the profession, but are not binding outside it. The Council is recognised as the representative of the Bar by the judges and Legislature. It is always ready to afford

guidance to barristers in their relations with solicitors and clients or their status in the courts ; but any incident requiring disciplinary consideration, even if it occurs in the courts, is referred to the Benchers of the Inn by whom the offending barrister was called to the Bar.

Another event, unique in the annals of the Inns of Court, occurred at the Middle Temple during the present century. On May 9, 1905, Mr. Joseph Choate became an honorary Bencher upon his resignation of the post of American Ambassador at the Court of St. James. British subjects had previously been admitted to that honour in the persons of Lord Ashbourne and Sir Edmund Barton at Gray's Inn, and Lord Robertson at the Middle Temple ; but no non-British subject had ever before been received into the governing body of an Inn of Court. The association of the Middle Temple with the establishment of sound government in

the American Commonwealth, and the admission to membership of the representatives of another great Republic—the Venetian Ambassadors, Antonio Foscarini and Pietro Mocenigo, became members in 1614 and 1617 respectively—afforded sound reason for this departure from precedent. The action of the Benchers was cordially appreciated on the other side of the Atlantic, and has been reciprocated by the admission of Mr. Bryce to membership of the American Bar Association. These incidents in the recent history of the Inns show that the words of King James' patent have received an extended application in the course of time. Whatever may be the differences in the practice of the courts or the qualifications of members of the Bars of the States of America and Australia, the Dominions of Canada and New Zealand, the Provinces of South Africa and the West Indian Colonies, they all recognise their common ancestry

in the four Inns of Court, and regard the standard of sound justice and true liberty upheld by their members as the model for their own professional lives and conduct.



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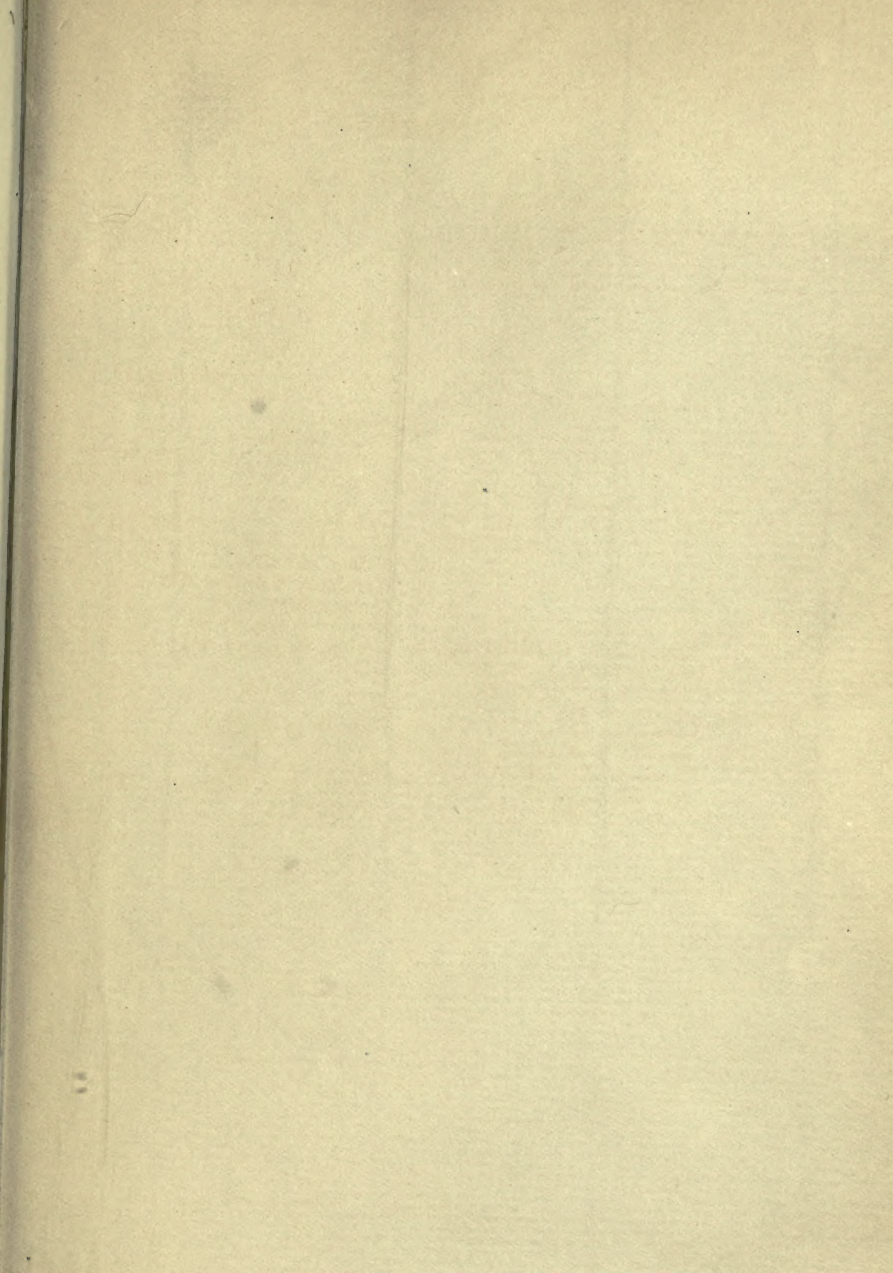
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