

STUDENT DAYS AT THE INNS OF COURT.*

Fortescue tells us that when King John fixed the Court of Common Pleas at Westminster, the professors of the municipal law who heretofore had been scattered about the kingdom formed themselves into an aggregate body "wholly addicted to the study of the law." This body, having been excluded from Oxford and Cambridge where the civil and canon laws alone were taught, found it necessary to establish a university of its own. This it did by purchasing at various times certain houses between the City of Westminster, where the King's courts were held, and the City of London, where they could obtain their provisions.

The nearest of these institutions to the City of London was the Temple. Passing through Ludgate, one came to the bridge over the Fleet Brook and continued down Fleet Street a short distance to Temple Bar where were the Middle, Inner and Outer Temples. The grounds of the Temples reached to the bank of the Thames and the barges of royalty were not infrequently seen drawn up to the landing, when kings and queens would honor the Inns with their presence at some of the elaborate revels. For at Westminster was also the Royal Palace and the Abbey, and the Thames was an easy highway from the market houses and business offices of London to the royal city of Westminster.

Passage on land was a far different matter and at first only the clergy dared risk living beyond the gates, and then only in strongly-walled dwellings. St. Dunstan's, St. Andrew's, St. Bride's, besides a very few hospices and noblemen's establishments were built, for robbers and bandits lay in wait for travelers in the vast empty fields about Fleet Street and High Holborne!

Not only were thieves a menace, but the roads were unpaved until 1544, and were almost impassable at certain seasons. The Temple or house of the Knights Templar played a prominent part in the early history of the struggle between the crown and the clergy. After the Knights were driven out, their building

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was taken over by the Law Society. And in 1183 the extended boundaries of London without the wall reached Westminster and the dividing line ran through the Temple property. Temple Bar, the arched gate across "Fleete" Street, on which the heads of traitors were spiked, was a part of the boundary between the two cities. The Temple property was thus divided into the Outer Temple (in Westminster) and the Inner Temple (in London).

It was the Inner Temple which was taken over by the Law Society and divided at an uncertain date into the Middle Temple and the Inner Temple. So to its hand was an establishment not only in a location most fit for easy access to towns and courts, but also a building most commodious and fitting for the residence of the young men and the masters who undertook their tutelage.

North of the Temple, some distance from the river, and between Fleet Street and Holborne, runs Chancery Lane, and here Lincoln's Inn was established. The building and extensive grounds were rented from the See of Chichester and the Hospital of Burton (Lazar). This and the Temple are the two oldest and largest of the Inns of Court.

Still farther north on the other side of Holborne was Gray's Inn, formerly the property of Reginald de Grey, Justice of Chester.

These early hospices and monasteries consisted of a main building, outbuildings, gardens, and around the whole a high wall for protection. The gardens were spots of beauty in the midst of an expanse of fields and woods and the Temple garden became famous as the spot where the red and white roses grew from which the houses of Lancaster and York took their emblems. The buildings were of brick or timber and daub, which must have been a kind of plaster worked by hand, for the records of the Inns show a charge of "gloves" for the carpenters. The main building contained the lecture hall or dining hall, library and refectory. The outside buildings were "chambers," which were long halls inside which cells or studies were constructed by panelling. Outside the cells bedding was placed on the floor

and the space shared by all. These cells were the only private apartments in the whole institution. Thus arose the use of the word "chambers" for sleeping apartment, study and office combined.

Libraries were kept in the main building, which was in charge of the Butler, an important functionary who was not only executive and house officer for the whole establishment, but must also have been a person of a certain amount of education, for we find a note that in 1566 the Butler wrote a catalogue of Lincoln's Inn library.

After being established in these extensive buildings in which the study of the law could be conducted under strict rules and regulations, the growth of the societies and their increase in dignity and authority became assured. So from the reign of King John and King Henry III until the time of Blackstone, when the study of municipal law was taken up by the universities, the Inns of Court saw their greatest days—during which they were the interpreters and moulders of the common law, unchallenged by clergy or university, by the exponents of canon or civil law.

The influx of civil law from foreign countries through the influence of William I and other foreign rulers, and also of papal authority, grew less and less. Churchmen no longer sat in any but ecclesiastical courts. And now that legal learning could be acquired otherwise than from the clergy, the English common law, following the national trend of amalgamation of races and rejection of purely foreign influence, rapidly developed along its own lines and evolved a system in which local customs and the peculiar English feudal institutions were typified.

Early courts were held by the clergy on church property. Who knows but that the Britons meted out justice in Stonehenge, which may have been temple and court combined. Early methods of administering justice were half superstitious and half religious. Take the trial by fire and the trial by battle, which were the last outposts of a regime which ruled human society by physical strength and supernatural appeal rather than by the careful sifting of facts and definite adherence to a given standard of law.

Henry II in 1169 instituted trial by grand assize and in 1170 the itinerant justices were sent about to administer the laws throughout the kingdom, and the old Aula Regis, where the King alone sat, was no longer the only court of high authority. By Magna Carta the King's judicial authority was delegated to the Justices of Common Pleas, which court sat permanently at Westminster and no longer followed the King. The Westminster Judge, living oftentimes in the country, would pack his gown and papers in his saddle-bags and ride to Westminster each day on horseback. The records tell us that John Whiddon, a Justice of the King's Bench, was the first to ride on a horse to Westminster. This was about 1546. They had used mules before. Justice was slow but sure, doubtless often mud-bespattered by the time it reached its destination.

By the middle of the 13th Century (1234), all study of law was forbidden except at the Inns of Court. Toward the end of the century, Edward I appointed Justices of Common Pleas to provide and ordain certain "attornies" and lawyers to do service to the court and the people—to the number of one hundred and forty or more. These were laymen, of course, although even after the clergy were entirely divorced from the courts, the lay judges were frequently men of spiritual leadership. Littleton used to sit in court from eight in the morning until eleven. After refreshment, he spent the rest of the day in study and reciting the Holy Scriptures. Fortescue tells us in the law schools "everything which is good and virtuous is to be learned, all vice is discouraged and banished."

Yet the life of the schools was far from a simple life of hard study and high thinking alone. Many noblemen sent their sons for instruction, not only in law but also other matters, such as dancing and singing and instrumental music and practice in acting and dramatization of stories. "Divinity" also was taught and Latin and French. The fee was seventy-eight pounds a year and additional for a servant, besides many ameracements for special objects. The Societies imposed fines for any infringement of rules or failure in duty and were able to provide a table over-lavish at times, and a manner of living suitable to prepare the young nobles for future days at court.

The four main Inns each had a subsidiary Inn called an Inn of Chancery. This was a preparatory school for its Mother Inn and all students must finish a full course at the lesser Inn before being admitted to the parent institution.

The course covered three years at Chancery and eight years at an Inn of Court. But a wealthy nobleman could reduce this period of time, as well as escape the requirements of attendance at dinners and readings, by the lavish use of money in paying the fines imposed on account of his absence. To their credit it can be said that no one obtained the position of Master except by merit. Far different from Dickens' picture of the English solicitor as an upper servant of business affairs—wholly living by his ability to flatter and carry out the petty details of his master's business—these students of the Inns of Court were rollicking, independent men of intellect and social standing, full of good fellowship and at times as irrepressible as our college students today.

You can see them sitting in their exquisitely beautiful old halls, the Masters' table on a platform across the upper end, where they sat with visiting noblemen, serjeants or judges. Below are the barristers, utter barristers and inner barristers. Still farther down the room are the students and clerks and last of all, behind the screen, is set the yeoman's table for the lower clerks, servants, and certain petty officers of the Inn.

Under the windows was the dark wainscoting where hung the coats-of-arms of the readers. Of these, Littleton's was the first one to be hung in the Inner Temple. On the floor were spread rushes. On one side was a huge fireplace, the only heating in the whole collection of buildings, except a very few small fireplaces in chambers. At the end of the hall was the tall, beautifully carved screen behind which opened the pantries and the kitchen, the last of which was occasionally invaded by unruly students.

At Lincoln's Inn the hall was white-washed. There was a wooden portal. Two wooden screens stood in front of the doors. And in 1565 was erected "a strong and fair gallery for the surplusage of the Company." These screens were used as bulletin boards—hence our custom today. The bench table was larger

than the others and covered with a cloth, and towels or napkins were provided for the benchers. The bench table was fixed and the barristers' table was on trestles. This was so that the dining hall could also be used for moots and lectures. Until 1560 wooden cups (ashen) were used at table and then green earthenware. The Hall was lighted by candles and blazing fires, with torches at times. As early as 1518 they had a clock "to strike every hour."

Large sums were spent for food upon occasions, but the far away echo of a complaint as to commons seems to have a familiar sound. It is written at the Inner Temple in 1551 and again in 1556 "the fare at dinners and suppers is very slender." These young men had large appetites. It was the age of outdoor life and plenteous game—and it was the fashion to over-eat. It was said that one Mr. Kemp "was allowed to live in the city, for his health may not endure the commons of the house."

Once the Lord Mayor came to supper—perhaps unexpectedly—for the dinner is described as "not epicurious nor very sumptuous."

But when they feasted at the Reader's dinners or at the time of the revels, the bill of fare consisted of cheese, venison, fish, oysters, hares, larks, young pigs, sheep, capons, jellies, spiced dishes, wonderful pastries built to represent castles, tournaments, and commemorative events of all kinds, and an endless flow of wine. These banquets cost as much as one thousand pounds and were a source of considerable anxiety to the Reader, who was obliged to stand the expense as the final step of his incumbency. One Reader provided twenty buck and deer to last twenty-four days, besides what was required in boar's meat, fish and poultry.

Shuffleboard was played and frequently forbidden by order of the Masters, also dice and cards. Doubtless other sports savoring of gambling were indulged in, but the main fun was derived from the revels, and, it must be confessed, from certain uproarious behavior in the hall itself. Once a number of them were fined for speaking "obtemperately" to the Masters. Only a dagger and knife were allowed to gentlemen in the hall. No great ruffs, velvet facings, cloaks and long hair to be worn. The

cutting of the hair and beard seems to have been a great cross, for the records are full of stringent rules against the frivolity of curling locks and flowing beards, which were evidently considered a great adornment and thus cause for vanity and distraction.

At one time John Davyes came into dinner and beat Richard Martyn about the head. Twice the Company was exhorted "to leave knocking on the pots and making noise in the Hall and not to inquiet Mr. Reader in the vacacion of his study."

In 1476 Burgoyne gave Forcett a slap with his hand for which he was put out.

In 1505 a number of Lincoln's Inn were expelled for watching with swords and clubs and having strife with Grey's Inn.

Parker was fined for throwing "wypis" (rushes) in the Hall during the grammar school.

Others were put out for "excesse crying and showtyng." Sometimes the kitchen was raided by the students. Three students were amerced for "brekyng of the kechyn and takyngaway of fagottes"—and one memorable night the window of the buttry was broken and the wine let out and spilled. This was an offense closer to the hearts of the officials than brawling and fighting and they were not satisfied with a fine and reprimand, but held a formal investigation. All the benchers were to be questioned and sworn. Eight refused to be sworn or give information. They were given until Tuesday to repent or they would be expelled. This threat was too much for Griffith who came and swore that he knew nothing of the matter before it was done. That was all he would say, so he was put out of commons. Four days later they were all re-admitted on payment of five marks each! Griffith's fine was reduced to 40 s. "because he sware parte of the othe to hym ministred." On November 27th the fines were reduced. Truly those were the times when every Inn had its price! A small riot would easily enable them to build a needed addition.

One day a poor man came to the kitchen and left a doe at the door, which he was bringing to market, whereupon the students seized the doe. The poor man complained to the authorities, who ordered an investigation and fined the students. The

poor man got about one-third of the fine and the Society two-thirds.

Norton confessed that he, "Capston Gascon, dyvers tymys have gone forth in the nyght to make merry." Carminowe took a quince pie out of the oven and Staunge took eels—both were fined.

J. B. is amerced for "castyng down Pety John" in the Chapel "att the messetyme." Barrett had to pay 12 s. fine for "takyng off Chese fro the Cupeboard att dyner tyme." N. paid the same for "ge ying off one off the buttelers a blowe on the ere."

Any fellow who wore a beard at commons should pay double commons.

Once they took down St. John's light—a permanent lantern, and put up a horse's head in its place, thereby considerably enriching the Society in fines.

Perhaps one of the most dramatic incidents was when Smith, Henyngton and Evyngton were put out of commons at supper "for making a frey upon Ranwyke, at the Gate and hurlyng butter abowght the House and att the said Ranwyke's head." Once they took the "larkes" on the spit out of the kitchen. One had to pay 3s. 4d. for snatching a dish of meat from the steward.

Lincoln's Inn offered a form of amusement peculiar to itself, namely, shooting coneyes. Next the hall was a coney garth. It had been there when the lawyers bought the grounds and at first furnished supplies for the kitchen and amusement for the young gentlemen, who would sit at their windows and pot away at the coneyes, as they appeared at the mouth of their burrows. It was then said that the rabbits "were a temptation to the young gentlemen of the Inn." They were forbidden to shoot or to carry a bow, bent, in the garth. (ix d. fine.) When gunpowder was introduced, they "could not more shute gonnys." (vi s, viii d. for every shute.)

But later in 1451, 5 s. was spent for a hay for catching the coneyes. And by 1571 the land of the coney garth was needed for building purposes and it became lawful to destroy the coneyes.

The Irish students were constantly a source of concern. Time and time again Irishmen were forbidden admission, but

still they crept in. In 1452, Blouket from Ireland was admitted to Lincoln's Inn, because he had brought very many Fellows to the Society. Darcy of Ireland was admitted in 1476 and Irishmen continued to come, entirely oblivious to the fact that they were not wanted. At one time, only four were allowed to enter at once. The Masters—let it never again be said that the Englishmen lack humor—since they could not get rid of them, put them in the building called the Dovecote and locked them in at night! Locks and bars, however, were sometimes broken, as a result of their activities, and the charge appears on the records of 10 d. for a lock and staples to shut the door of the Irishmen.

Besides this effervescence of youthful spirits there were various opportunities for legitimate merry making. Festival time, especially Christmas, was the scene of elaborate revels. The members of the Inn were all arrayed in costume, a Lord of Misrule appointed, and the fun ran high. Pageants and minstrels, raids upon quiet students and even excursions into the city were permitted until the cost became so excessive and the liberties so dangerous that after the middle of the sixteenth century these junketings were for the most part forbidden.

In 1512 the following act was passed: "Forasmuche as lately, within the realm, dyvers persons have disgysed and apparelled them, and covered theyr faces with vysours or other thynges in such manner that they shoulde not be knowen, and dyvers of them in a company togeyther namynge them selfe mummers have comen to the dwellynge place of dyvers men of honour and other substantial persons and so departed unknowen whereupon murthers felonie rape & other great hurtes and inconveniencies have afore tyme growen . . . they shall be arrested as vagabonds . . ."

This act was, of course, not intended for the law students alone. Many Societies sent out mummers, and although the habit was not broken up in 1512 yet it gradually grew less prevalent and in time came to be abandoned, not only in its worst phases, but even as mere foolish sport. It was superseded at the Inns by festivities of a more dignified character. At least one of Shakespeare's plays was given in the halls. We know that

"Twelfth Night" was enacted at the Inner Temple in 1601. And there were a number of plays from less celebrated pens, usually talented members of the Inn itself.

Yet in spite of this merry-making there was much serious work done. Great reverence was shown to the Masters who had completed a period of from twelve to fourteen years' study. The government of the Society was in their hands and each one had been Reader at least once. Eight years' study was essential to the title of utter barrister and from them readers were chosen and king's serjeants. The Utter Barristers received their name because they sat outermost on the form or bar at which the moots were held. He must be an Utter Barrister for five years before he could plead at Westminster or before the Justices of Assize, unless by their permission. Education consisted in readings, moots and bolts. There were three learning vacations: Christmas to Epiphany; Palm Sunday—3 weeks; two weeks before Michaelmas and one week after.

Moots were held every Monday, Wednesday and Friday in term time, and on Sundays and Festivals in learning vacations. Three a week were held in mesne vacations. Students at the Inner Temple must be at church services at seven o'clock out of term time and at six-thirty in term time.

There was a quaint ceremony at the time of choosing Serjeants. These recipients of the highest honors left the Inn at which they had received their education with a very ceremonious leave-taking. The Treasurer of the Society gave them a generous purse and they in turn thanked the Governors not only for the money, but for other benefits, as learning in law and binding them to study by the good rules, and for they had "restrained them in youth from their dislike."

Then too it must be remembered that though the body of law was far less considerable than it is today, yet the land law and the laws of special pleading were so difficult and complicated that only a few came to excel.

As a foundation for the study of law the clerks must read and write in the Latin tongue and the barristers must plead in law French—a mixture of Latin, French and English, which

changed its form from decade to decade, until from fairly pure Norman French it degenerated into sentences like this: "and corporation ne poit appere in person, mes per attorn, ne esson de service la Roy nec de ultra mare," etc.

One Snagge, one of the Masters of the Utter Barre of the Middle Temple, used English in a suit in the Guildhall before the Chief Justice against Mr. Fleetwoode. It was ordered that Snagge should keep away from his chamber until they decide whether he be expelled.

So we may leave them, these students of ye olden time, with their merry-makings, their good fellowships, and their serious struggle with the intricacies of the feudal law. Princes, noblemen, country gentry, London officials, printers and the few charity students, all have passed by, leaving a great tradition for the profession of today—the tradition of high scholarship, loyalty, conscientious effort, the effecting a fellowship of trained minds for discussion and constant sifting of human affairs and adjustment to the standard of law—the greatest good for the greatest number—and withal creating an atmosphere of genial enjoyment, of good living, lively companionship and cooperation, which can well make us strive to attain in our hurried practical atmosphere, their goal of intellectual jousting with perfect loyalty and goodwill.

Let me close by giving Mr. Maitland's keen characterization:

"These lawyers are worldly men, not men of the sterile caste. They marry and found families, some of which become as noble as any in the land—but they are learned, cultivated men. They are gregarious—the great mediators between life and logic." (Seldon Society v. 17, p. 81.)

New York City.

Frances Anne Keay.
(*Mrs. Frances Ballard*)