The Inns of Court in London

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The Inns of Court of London

by Charles E. Cook*

Introduction

It is a generally known fact that most of our American law was adopted from the English Common Law. Therefore, it should be interesting to learn how the English lawyers are educated.

The Inns of Court: Lincoln’s Inn, Gray’s Inn, Inner Temple, and Middle Temple are the four principal Inns which gave rise to the English law schools. Although there is some doubt as to the exact date of their beginning, most scholars agree that the Inns were in existence many years before the signing of the Magna Carta (Charta) in 1215 A. D. For reasons later mentioned the four great Inns are located within the boundaries of the city of London. This location has been referred to by some writers as The Legal Site of London, and by others as The Legal Square of London.

The Inns are still in existence, although some of the buildings suffered severely during the air-raids on London in the Second World War. Gradually they are being rebuilt.

The Origin of the Inns of Court

It is a curious fact that all of the Inns of Court are within the boundaries of the city of London, or within a few yards of the boundaries. They are, in fact, all either within or just beyond the borders of one city ward, that of Farringdon Without.¹ The principal reason for this particular location was because of the warlike atmosphere that existed in the year of 1115 and after the Roman Conquest. Men crowded into the city for mutual protection. Those who lived without the city defenses did so at the risk of having their houses plundered.² In the more settled times of 1315, a great noble such as Lord Gray was not afraid

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² Id., p. 29.
to build his house outside the city boundaries, and by the time of Henry VII even the unwarlike students of the law could live there securely. But why the lawyers selected this particular region for their settlements, rather than the King's courts at Westminster, is difficult to say. 3

The mists of a remote period hang densely about the foundation of the Inns of Court. The legal antiquary cannot fix upon the exact time of origin of these Inns, but it can be nearly approximated. They carry the mind back to the depths of the Middle Ages. They antedate the discovery and settlement of America; they existed long before Columbus lifted the veil from the New World; they were in existence before the signing of the Magna Charta in 1215 A. D. King John lodged at the New Temple prior to signing the Charta, and pending the negotiations with his barons, which, in 1215 had their glorious issue at Runnymede. 4

The Knights Templars were one of the numerous bands of Crusaders who in the eleventh century set forth to wrest Jerusalem from the infidel. In order to keep up a supply of recruits, they opened agencies in all the countries of Europe, everywhere rivalling in zeal the Knights of St. John of Jerusalem, whose order was founded about the same time. The Templars' first house in London was in Holborn, but they soon became wealthy enough to acquire a better site by the river's side. The site owned by the Templars eventually came into the control of the lawyers and was later known as Middle Temple and Inner Temple. 5

Modern usage associates the Saxon word "inne" as well as the French word "hotel" with houses of public entertainment. But at the time when the Inns of Court were established, the Norman French was much in use, and in that language they were called "hostels," a word signifying, as thus used, not a public place of entertainment but the private city or town mansion of a person of rank or wealth. The word "inn" is the equivalent of the word "hotel"; and when the "hostel" of the Earl of Lincoln was let to the lawyers and students of law, it acquired the name of Lincoln's Inn. 6

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3 Ibid.
5 Loftie, The Inns of Court and Chancery, p. 32.
6 Dillon, The Laws and Jurisprudence of England and America, p. 36.
THE INNS OF COURT OF LONDON

Pump Court Located in Middle Temple, London.
"Old Buildings" of Lincoln's Inn, London.
Statue in Honor of Charles Lamb in the Gardens of Inner Temple, London.
Lincoln's Inn Gatehouse, London.
THE INNS OF COURT OF LONDON

The Chapel and Hall of Lincoln's Inn, London.
"The Wig Maker"
The site of Gray's Inn formed part of the manor of Portpoole, which became the property of Richard de Chygwell in 1280. This site passed in 1294 to the Dean of St. Paul, who leased it to Reginald De Grey, chief justice of Chester and first Lord Grey of Wilton. There is little doubt that the judge lived there with his clerks and other officers of his court, and his law students.  

The Inns of Court seated in London, Lincoln's Inn, Gray's Inn, Middle Temple, and Inner Temple, are voluntary societies, unchartered, unincorporated and unendowed. It is quite clear, however, that they were the successors, if not the direct descendants of the early law schools which flourished in the city in the 12th and 13th centuries.  

The Inns and Westminster Hall, where the great courts were held for so many centuries until their removal in 1882 into the new Royal Courts of Justice Building, are the visible well-springs and fountains of English and derivatively of American law.

The General Plan of the Inns

The four great Inns are the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn. With these there have been connected about ten smaller Inns known as Inns of Chancery, most of which were subordinate to one or another of the Inns of Court. But these Inns of Chancery have ceased to exist.  

The Inns of Court have been defined as colleges or corporate societies in London to which all barristers, sergeants-at-law, and all aspirants to these dignities must belong. This definition also includes the buildings belonging to these societies in which the members of the Inns dine together and the barristers have their chambers. It is also said of the Inns that they are associations of lawyers which have about them a good deal of the club, something of the college, and something of the trade unions. They acquired the Inns or Hospices—that is the town houses—which had belonged to great noblemen such as the Earl of Lincoln, Lord Grey, and the Knights Templar.

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1 Encyclopedia Britannica, vol. 12 (Chicago, 1929), Inns of Court, p. 375.
2 Id., p. 374.
3 Dillon, The Laws and Jurisprudence of England and America, p. 34.
4 Id., p. 35.
The Inn officials consist of the annual Treasurer and his permanent deputy, and a Bench, constituted by the Masters of the Bench, or briefly, Benchers. There are other officers but among the most important is the Reader, who usually becomes Treasurer in the following year. Formerly it was the Reader's business to give a reading or lecture during the dinner in hall, but the practice has long died out. As in other professions now, examinations are given, and the student finds that it is no longer enough merely to assimilate knowledge during dinner.\(^{12}\)

Professors of the common law, who had the exclusive privilege of practising in the Court of Common Pleas, were known as serjeants-at-law. The word serjeant means servant, and is supposed to translate exactly the Latin "serviens." The serjeants-at-law took this honorable name, and marked their rank by red caps under which, as in the East at the present day, a linen coif was worn. (No Arab or Egyptian puts on a fez without a linen cap under it.) Until the abolition of the serjeants in 1906, every judge assumed the coif on appointment, and addressed and was addressed by other serjeants as brother.\(^{13}\)

It is no wonder that under the fostering care of the Inns of Court, English jurisprudence became an occult science and its professors the most learned men of that era. They were rigorous logicians and afraid of no conclusion that was implicit in their premises. They were stubborn arguers.\(^{14}\)

**The Control Over Law Students**

Few students of the early Inns had any serious idea of becoming professional lawyers. Their study of law was intended to fit young country gentlemen and noblemen for their position in later life. Nevertheless, many of them became some of the world's greatest lawyers.\(^{15}\)

The Inns of Court developed a laborious system of legal education. A student spent three years in hearing and giving lectures and in pleading fictitious causes before being admitted to practice.\(^{16}\) After having pursued study during the requisite number of terms and having passed the final examinations for

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\(^{13}\) *Id.*, p. 79.


admission to the bar, they are called to the bar. These calls are still made on the sixteenth day of each term with preference given to those with university training. A student, when called, becomes an "utter barrister," and after twelve years in that degree becomes eligible as a reader or bencher. The usages differ but slightly in the different Inns of Court. At call, pass and honor certificates are given, and those students who take honors assume seniority over those who have only passed. In 1875, a code of rules to which all the Inns subscribed, known as the Consolidated Regulations, were issued and are still in force.¹⁷

There are certain rules and formalities to which students must conform in order to qualify for the bar. The student must dine three times during the term in the dining hall of the Inn. The meals eaten in the dining hall are governed by strict rules and are extremely formal. The bencher who would be Treasurer in his year, must dine formally in the hall. Benchers are self-elected among the senior barristers. A barrister, once called, has neither rights nor duties in his Inn, but for four months in the year an excellent dinner at cost price is provided.¹⁸

Law students are not any different from other students when it comes to having disputes and arguments. There were many arguments between the students at the Inns. A student was put out of the society because on the Sunday before Christmas Day, he violently drew his dagger in the hall of Lincoln’s Inn. There were several brawls and the use of the dagger was frequent but the guilty students were disciplined by having their privileges curtailed or by dismissal from the Inn.¹⁹

One night in each term is called Grand Night. On that occasion, a somewhat better dinner than usual is provided. The guests, usually legal and political celebrities, invited irrespective of party, dine with the Benchers who fared sumptuously every day anyway, but who absolutely thrived on these festivals. For this, their banquet, the Benchers pay nothing; the barristers pay half-a-crown, and the students pay a guinea for the first term, and two shillings per dinner thereafter. In all cases wine is included.²⁰

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The Inns of Court were from the time of Fortescue, places of recreation as well as of study, but the students found their pastime in social and intellectual rather than in athletic pursuits. It was an age of revels, masques, and plays. Such relaxations were in fashion at the King's Court, and were characteristic of the "Merrie England" of the Middle Ages. They were encouraged by the Benchers who doubtlessly considered that they tended to elevate the literary taste and to cultivate the rhetorical powers of the students. The Revels were commonly held at Christmas or at some other time of festival. They usually centered around a mimic court presided over by a mock King or Prince who was attended by a retinue of titular officers of Court and of State, and by a band of Minstrels. Among the titles which from time to time were assumed by the Chief of the Revels on these occasions, were Prince of Purpool at Gray's Inn (because it was situated in the Parish of that name); Prince de la Grange at Lincoln's Inn; Prince of Soppie at the Inner Temple; and Prince d'Amour at the Middle Temple. Real Kings and Queens often came to see their mimickers. Queen Elizabeth and the Stuart Kings constantly attended the Revels at the Inns.

The Control Over Lawyers

The Inns have by prescriptive right absolute control over the admission of barristers to practice law in England and Wales. They disbar as well as admit to the bar, the courts having nothing to say in the matter. A student must attend for three years at an Inn of Court before he can be admitted to the final examinations for admission to the bar. The earliest reported case respecting the constitution of the Inns of Court is the Boorman's Case. Boorman, a barrister of one of the Temples, having been disbarred, applied for a writ of restitution but it was refused him. The trial judge said in his decision that the redress for any grievance in the Inns was by appealing to the judges of the Inns. Thus, Boorman remained disbarred.

The legal profession is divided into two classes, solicitors and barristers. The former are controlled by the Incorporated

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22 Id., p. 17.
Law Society, the latter by the Inns of Court. Solicitors, in a sense, are business men in the profession. Litigants employ them at first hand, but they never directly employ a barrister. A solicitor gathers and systematizes the evidence and manages the practical features of his client's case, but he calls in a barrister as "counsel learned in the law" to pass upon the different legal questions and to conduct the case before the court and jury. A barrister can control no business save what the solicitor brings to him. Very strict and formal rules of etiquette govern the relationship between the two branches of the profession.25

One author considers the portion of London in which the Inns of Court are located Lawyer's London. He distinguishes the English lawyer from the American lawyer by saying that the English lawyer differs from his overseas brother in one thing only—his abiding place, meaning, of course, that the English barrister resides in one of the Inns of Court. The solicitors may be found living throughout the city, but the barristers reside in Legal London, the Inns of Court.26

For fear that his motives might be misconstrued, a barrister will not dine with a solicitor; to preserve his dignity and position he is supposed not to ride in anything but a "first-class" coach. He never condescends to speak of remuneration for "services rendered." The barrister's clerk is the diplomatic mediator who deals with such base things as "fees."27

Physical Aspect of the Inns

Changes, replacements, and additions have been made from time to time in the buildings of the Inns of Court. The structures as a whole, excepting the Temple Church and the old halls—notwithstanding the admiration with which they are regarded by their members—offer externally to the eye no imposing presence and no striking architectural beauty. It is quite the reverse; the interest is historical and intellectual. The chambers are in fact mostly dismal and dingy, but they are associated with the lives and names of the great sages in the law who have conferred glory and renown upon the legal profession and advanced English law to its present height and proportions.28

27 Andrews, op. cit., p. 556.
The Inns Today

By a strange freak of fate, one of the most hated medieval classes in all history is the only one which has survived in anything approaching its medieval form. The lawyers' Inns of Court still retain much of their living structure of the Middle Ages; the Inns stand to this day, though almost every revolutionist has shouted "down with the lawyers!" Some authors are critical of the Inns of Court as law schools because of their exclusiveness and the rigid control of the legal profession in England. They propose that the Inns should have a faculty of law teaching at a university established for and in London which would be accessible to more students; that the lectures at the Inns should be open to all; and that the existing distinction between a university degree in law and a license to practice should be maintained—the teaching university having authority to confer an academical legal degree, and the power of granting a license to practice remaining, as at present, with the Inns and the Incorporated Law Society respectively.

Although some authors are critical of the Inns and their control of the legal profession, all authors agree that the Inns not only have produced great lawyers and judges whose opinions and comments have been respected and followed throughout the world, the Inns have also produced great statesmen, politicians, colonizers, soldiers, sailors, authors, and writers who have left a definite influence in the world.

The Greatness of the Inns

The Inner and Middle Temples originated on the site acquired by the Knights Templar of the crusade era. The two Temples originally were considered as one Inn of Court, but the Society, as it grew larger and larger, overflowed the Templar hall. A new hall had to be built for what at first were the junior members of the Society. By degrees the two Temples developed into two separate Societies which used the same chapel, a circular building of Byzantine origin known as the round Temple

Church. The newer Society was known as the Middle Temple, and the remaining Society was known as the Inner Temple.

The eminent inhabitants of the Inner Temple of the legal profession have been numerous. Some of the more important ones are Sir Thomas Lyttleton, the author of the famous Treatise on Tenures; Chief Justice Sir Edward Coke; John Selden, a great bench who was chiefly known for his Title of Honour and other great works in legal antiquity; and Richard Onslow, Speaker of the House of Commons during the reign of Queen Elizabeth. Not all of the eminent inhabitants of Inner Temple were members of the legal profession. There were such noted authors and writers as Charles Lamb, who was born in, and passed the first seven years of his life in, the Temple; William Makepeace Thackery, the essayist and lawyer; and William Cowper, the poet and lawyer Edmond Burk, commonly called the Suble, in his early life in London had a lodging just within the Inner Temple gateway; Dr. Johnson of literary fame lived at No. 1 Inner Temple Lane; Boswell, the writer and lawyer, lived in Farrer's Building opposite Johnson's chambers; and Gower and Chaucer are said to have been students of the Temple before the two Temples separated.

The Inner Temple may well be proud of its records which go further back than those of any of the Inns of Court, Lincoln's Inn being the exception. The records were mostly a calendar of events at the Inn and rules and regulations by which the Inn was governed. The records are comparable to a daily diary; the rules and regulations were changed whenever the needs of the Inn required it.

The Middle Temple has been compared to a beautiful woman with a plain husband—the Inner Temple being the husband. Although the Inner Temple has its own beauty, it is generally acknowledged that there is superior beauty, greater grace, better grouping in the Middle Temple. Its lawn is wider, its trees are higher, and its hall and courts are quainter than those of the Inner Temple. The Middle Temple has not been so fruitful in great lawyers as its companion Inn. One of the reasons is that Middle Temple contains only thirty-three separate houses as

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32 Loftie, The Inns of Court and Chancery, p. 106.
33 Id., p. 89.
compared with forty-two in the Inner Temple. Another reason is that many students used to come from Ireland and India to acquire their legal education but would go elsewhere to practice. It was rare to meet an Irish barrister who had read in the Inner Temple, because Lincoln’s Inn and the Middle Temple absorbed nearly all of them. Yet, the number of great lawyers is sufficient to afford the Middle Temple a good reputation as a law school. Some of them are Francis North, a member of the North family which produced so many great lawyers; Lord Chancellor Hyde, Earl of Clarendon; Sir William Blackstone, the author of *Blackstone’s Commentaries* which is used by lawyers throughout the world; and the Prince of Wales.

Other notables of Middle Temple are Oliver Goldsmith of literary fame, who lived at No. 2 Brick Court; Sir Walter Raleigh, the explorer and fighter; Sir Francis Drake, the explorer; Talfourd, a great judge and dramatist; Tom Moore, the poet; and John Evelyn, the diarist. Middle Temple made no small contribution of great men to the world.35

The Earl of Lincoln, being a person with a knowledge of law, brought professors of that honorable and necessary study to settle in his house about the beginning of Edward II’s reign. Henry DeLacy, the Earl of Lincoln, was one of Edward’s most trusted ministers. In 1286, Lacy purchased a house in Shoe Lane from the Black Friars. He sat as a royal justice for the trials of the judges and other officials in 1289-92, and apart from these duties Lacy transacted a vast amount of other legal business. After the Earl of Lincoln’s death in 1311, his son-in-law, the Earl of Lancaster, continued to conduct the house according to the wishes of his deceased father-in-law. Lacy desired the house to become a school for law students; his desire was carried out. Thus, this house or hostel came to be known as Lincoln’s Inn.36

Lincoln’s Inn is known for its picturesque beauty. The view out toward Lincoln’s Inns Fields from within the western boundary wall is not exceeded by any other in London. The contrast of red brick and green grass and trees makes in itself a charming picture, and the visitor finds it well worth his while, after emerging from the gate, to turn sharply to the right and walk up the slope northward until he is well within the narrow lane

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called Great Turnstile, and then turn back to look around at the group of trees and buildings framed into a picture by the tall houses on either hand.\textsuperscript{37}

The legal luminaries of Lincoln's Inn have been very numerous. The list of great chancellors and statesmen begins early in history. Some of them are Oliver Cromwell; Thurloe, Cromwell's Secretary of State; Sir Matthew Hale, Chief Justice; Sir Richard Egerton, famous lawyer and statesman; William Lambard, the Kentish antiquary; Prynne, the keeper of the records in the Tower; and Lenthall, Speaker of the House of Commons. Although the literary celebrities of Lincoln's Inn are fewer than those of the others, some of the noted ones are Horace Walpole, Mackintosh, and Sir Thomas More.\textsuperscript{38}

When Joseph Choate reached the end of his term of office in 1905 as U. S. Ambassador, there was a general desire to express appreciation of his services to both countries. The Bench and Bar of England gave him a dinner in Lincoln's Inn Hall. Only twice had there been a similar banquet for a foreigner. Mr. Choate received a further honor not before accorded. By electing him Honorary Bencher on May 9, the Middle Temple added in the words of the \textit{Times} (London newspaper), "a mark of respect never before conferred upon anyone not an Englishman since the middle of the seventeenth century." Since then, other American lawyers have been received in the same way.\textsuperscript{39}

Gray's Inn, the youngest of the four great Inns, was in existence as a legal society at least as early as 1330 and probably as early as 1311. The Dean of St. Paul let the site to Reginald de Gray, Chief Justice of Chester and the first Lord Gray of Wilton, in 1294. Judge Gray lived here with his clerks, other officers of his court, and law students.

There are not nearly so many eminent lawyers among the students as are to be found in the Temples or at Lincoln's Inn. On the other hand, the list, short as it is, contains some greater names than any to be seen elsewhere. Some of the notables are the two Bacons (father and son); Thomas Cromwell, Earl of Essex; Thomas Wriothesley, Lord Chancellor and Earl of Southampton; John Dudley, Duke of Northumberland; Sir Thomas

\textsuperscript{37} Loftie, \textit{The Inns of Court and Chancery}, p. 196.
\textsuperscript{38} Id., p. 198.
\textsuperscript{39} C. E. A. Bedwell, \textit{The Inns of Court}, \textit{Queen's Quarterly}, vol. LI (August, 1944), p. 283.
Gresham, founder of the Royal Exchange; and the great Lord Burghley. But the great glories of Gray's Inn are the two Bacons—father and son. The elder, Nicholas, rose to be Lord Keeper of the Great Seal; his son, Francis, commenced to study at the Inn at the age of fifteen and was called as a barrister at the age of twenty-one.

Authors Odgers, Underdown, Duke, relate this humorous incident about Judge Nicholas Bacon in their book:

... Francis Bacon records of his father that when he was going the Northern Circuit, and the time had come for the sentencing of felons, a prisoner named Hog, who had been convicted of felony, was called upon to show cause why sentence should not be passed on him. The prisoner pleaded as a plea that he was akin to the Judge. "How is that?" asked Nicholas. "If it please you, my lord, thy name is Bacon and mine is Hog, and in all ages Hog and Bacon have been so near kindred that they were not to be separated." so said the felon; and the reply which Francis attributes to his father is this; "Aye, but you and I cannot be kindred except you be hanged, for Hog is not Bacon until it be well hanged." 40

Gray's Inn, in common with other Inns of Court in London, suffered severely during the Second World War. Of the great hall, the chapel, and the library, only the walls are left. Fortunately, the old stained glass of the great hall and chapel had been removed before the bombs came. There will be no delay with the work of rebuilding Gray's Inn. Everything is going at a rapid pace and the time may be much shorter than is expected when the curfew will again toll forty times at 9:00 o'clock each evening, summoning students to their quarters.41