

WESTMINSTER HALL AND THE COURTS ADJACENT.

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1.—The MS. in the Bodleian Library,* by which the Saxon Chronicle is continued from 1080 to 1154, tells us, under the year 1097 (William Rufus), "This year was in all respects a very heavy time, and the weather was singularly bad at the seasons when men should till their lands and gather in the harvest; and the people had, nevertheless, no respite from unjust taxes. Many shires, moreover, which are bound to duty in works at London, were greatly oppressed in making the wall around the Tower, in repairing the bridge which had been almost washed away, and in building the King's Hall at Westminster. These hardships fell

* Laud [formerly in E. 80], tr. Giles.

upon many." This is the record written at the time, or at latest within a quarter of a century after, of the first building of Westminster Hall. It shows that there was then no Suitors' Fee Fund to draw upon, and that there was the same ignorant impatience of taxation which has been the trouble of all governments.*

2.—The Saxon Chronicle also informs us that King William held his Court for the first time in the new building at the Easter of 1099; so that it did not take quite so long in building as the new Law Courts of our time. At Christmas he held his Court in Gloucester; at Easter in Winchester; and not till the Whitsuntide of 1100 again at Westminster. At Lamas-tide he was slain, and Henry the First succeeded.

He held his Court at Westminster the Christmasses 1100, 1101, 1102, and 1103, and spent the succeeding Easters of each year at Winchester. He spent also the Michaelmas of 1102 and the Whitsuntide of 1104 at Westminster. The following Christmas, however, he held his Court at Windsor, not again holding one at Westminster till the Christmas of 1105. At Easter 1106 he was at Bath, at Whitsuntide at Salisbury. Soon after he had to go to Normandy, and did not hold a Court again at Westminster till the Whitsuntide

* Another monkish chronicler, Ranulph de Higden, puts it forcibly, that William Rufus "pylled and schaved the peple for tribut" (Trevisa's translation); but, for some reason, that king was so hated by the ecclesiastics of his day that one cannot help doubting their testimony, and suspecting that he was a better ruler than they would have us think.

of 1107. He was there again at Christmas, and at the Whitsuntide of 1108, and was then a whole year absent. He held a Court again at Westminster at the Christmas of 1109; but at Easter was at Marlborough, and at Whitsuntide for the first time held a Court at New Windsor. The following year it is said he "wore not his crown at Christmas, nor at Easter, nor at Pentecost" (1111). The whole of 1112 and 1113 he was in Normandy; and in 1114 he held only one Court, and that was at Windsor. The Christmas of 1115 he was at St. Alban's; and the Easter following at Odiham. The whole of several years following were spent in Normandy; and it is not till the Whitsuntide of 1121 that we find a great Court recorded as again held at Westminster.

3.—It is not necessary to continue these details, for enough has been said to show that it was a real grievance which existed when the Barons insisted, as one of the clauses of Magna Charta, that the Common Pleas should not follow the king's court, but should be held in a certain place. The original theory of the royal judicature in settling disputes between the king's subjects seems to have been derived from patriarchal times, and to have been akin to that when the king or the chief sat in the gate, in the sight of the people, ready to do justice to all comers. Something of the sort is shown by the opening of Shakespeare's play of *King John*. The scene is a room of state in the palace at Northampton, and the Sheriff of Northamptonshire whispering to Essex, who says:—

My liege, here is the strangest controversy
 Come from the country to be judged by you
 That e'er I heard. Shall I produce the men?

KING JOHN. Let them approach What men are you?

The men are Philip Falconbridge and Robert his younger brother, and the question at issue between them is as to the legitimacy of the elder. John, after hearing both parties, declares the law in unexceptionable terms, addressing the younger:—

Sirrah, your brother is legitimate ;
 Your father's wife did after wedlock bear him.
 Your father's heir must have your father's land.

He declines, very properly, to enter upon the question whether the late Sir Robert was *inter quatuor maria*, as modern lawyers would say ; but the matter ends, as *cadi* justice often does end, in a compromise—the elder brother resigning his right to the Falconbridge lands, on condition of being accepted as a left-handed connection of the royal family, and made a knight.

If causes like this were heard by the king himself and settled in this rough and ready manner, wherever his Court happened to be held, one can well understand that the uncertainty of where or when any redress of grievance could be had must have been a great denial of justice and injury to the suitor. If during the lengthened periods in which some of our kings had to be absent from this country no Courts were held at all, and no means existed of obtaining a remedy for civil wrongs between subject and subject, it is not surprising that this should have been insisted on as a matter requiring reform. Nothing can more

contribute to internal peace and prosperity in a country than settled laws and easy access to the tribunals.

4.—A glance at King John's "Itinerary," as published by the late Sir T. D. Hardy in the Rolls Series, will confirm the fact that this particular head of the Magna Charta embodied a much-needed legal reform. Indeed, with regard to nearly all the heads of the Great Charter, they seem to us, nowadays, to embody such truisms of justice, that we can hardly understand the importance that was attached to them at the time. But it is evident that this was great. Four times a year was the Magna Charta ordered to be read in the cathedrals. Not only was it a regular custom for several reigns to make the first act of every parliament a confirmation of Magna Charta, and of the other established statutes of the realm, so that, as William Penn tells us, it was thirty-two times ratified, but twice a year the bishops assembled in Westminster Hall to pronounce a solemn curse upon all who should contravene the provisions of the Great Charter. This extraordinary proceeding has struck the fancy of the American Quaker poet, Whittier, who writes :—

In Westminster's royal halls,
 Robed in their pontificals,
 England's ancient prelates stood
 For the people's right and good.
 * * * *
 Right of voice in framing laws,
 Right of peers to try each cause ;
 Peasant homestead, mean and small,
 Sacred as the monarch's hall --
 Whoso lays his hand on these,

England's ancient liberties—
 Whoso breaks, by word or deed,
 England's vow at Runnymede—
 Be he prince or belted knight,
 Whatso'er his rank or might :
 If the highest, then the worst :
 Let him live and die accurst.
 Thou who to thy Church hast given
 Keys alike of hell and heaven,
 Make our word and witness sure,
 Let the curse we speak endure."

* * * *

Gone, thank God, their wizard spell,
 Lost their keys of heaven and hell ;
 Yet I sigh for men as bold
 As those bearded priests of old.
 Now too oft the priesthood wait
 At the threshold of the State—
 Waiting for the beck and nod
 Of its power as law and God.

A print representing this scene is in the Gardner collection.

5—The 11th chapter of Magna Charta, as re-enacted in 1225 by Henry III., and again by 28 Edw. I. stat. 3, cap. 4, is in these well-known words, "*Communia placita non sequantur Curiam nostram sed teneantur in aliquo loco certo*,"—"Common Pleas shall not follow our Court, but shall be holden in some place certain."* The place so fixed was Westminster Hall, and it remained so fixed until the 4th December, 1882, when the First Commis-

* Co. Lit. 71a ; Plow. 244 ; 2 Inst. 21 ; 12 Co. 59 ; Regist. 187 ; 4 Inst. 99 ; 11 Co. 75.

sioner of Works, Mr. Shaw Lefevre, offered to Her Majesty the key of the new building called the Royal Courts of Justice, and addressed her in the following words:—"May it please your Majesty,—Your Commissioners of Works and Public Buildings have been charged with the erection of this building during the last eight years. It is now complete. It falls upon me to announce to your Majesty that it is ready to be constituted as 'the certain place' in which, in accordance with the ancient laws of your kingdom, justice shall be administered in the future by your Majesty's Courts." Her Majesty accepted the key and delivered it to the Lord Chancellor, expressing her "confidence that the independence and learning of the judges, supported by the integrity and ability of the other members of the profession of the law, will prove in the future, as they have been in times past, a chief security for the rights of her Crown and the liberties of her people." Lord Selborne, the Lord Chancellor, on receiving the key from the Queen, said: "These Royal Courts of Justice, stately enough to satisfy even those who are most accustomed to Westminster Hall, will not, like Westminster Hall, recall the memories of Norman or Plantagenet, or Tudor or Stuart kings; but they will be for ever associated with the name of your Majesty, and with the glories of a reign happy, beyond all which have preceded it, in those qualities of the Sovereign which have caused your Majesty to be so universally beloved and revered, in the advancement of all the arts of civilisation, and in the general peace and prosperity of the British people." It is the time between the interesting interview of John with

his barons at Runnymede in 1215, and this still more interesting interview of Victoria with her most distinguished subjects in 1882—666 years, just two-thirds of a millennium—that represents the time during which Westminster Hall has been the certain place where justice has been done between subject and subject, in the name of the Crown of England, by a succession of her greatest men.

6.—Of the great names which have been associated with the administration of justice in this hall and the courts adjacent during the 666 years, there is no time to speak,—but a grander roll no building in the world can boast. I have had the honour to address this Society on former occasions on the historical associations of Lincoln's Inn and of Serjeants' Inn.* All these, and more than all, belong to Westminster Hall. The Chancellors have sat there to administer equity; the justices to administer common law, for twenty generations of man's life; and it is curious to observe that with the removal of the "certain place" in which both branches of our jurisprudence have grown up there has come a complete revolution—no one, till the present generation of lawyers has passed away, will probably find out how complete—in the manner of administering the laws. In dealing, therefore, with this Hall, and the courts appended to it, now demolished, we are recording, as we did for Serjeants' Inn, what is virtually a closed chapter of our legal history.

* Trans. Lond. and Midd. Arch. Soc. iv. 425; v. 234.

7.—The best authority we have for the appearance of the Courts of Law, when they sat in Westminster Hall itself, is the four fine illuminations belonging to Mr. Lowndes, exhibited to this Society by the late Mr. G. R. Corner on 18th December, 1860, and illustrated by him in a paper in the *Archæologia* (xxxix. 357). Their date is of the time of Henry VI. (*circa* 1454). In the Court of Chancery the Chancellor sits in a scarlet robe trimmed with white, and wears a cap. On each side of him sit the Masters in Chancery, all priests. The senior master, that is the Master of the Rolls, has a scarlet robe trimmed with white, and the others are dressed in mustard de villers.* The clerks and registrars sit at a table below, covered with green cloth. One of them is impressing the great seal on a document with a roller, and in front of him are a number of writs folded up and labelled. Standing at the bar are serjeants and apprentices of the law (that is, barristers) in parti-coloured gowns.† In a row behind are five other persons, some of whom are probably solicitors.

In the Court of Queen's Bench sit five judges in scarlet lined with white, all wearing coifs. The masters and other officers sit at a green covered table similar to that in the Court of Chancery, and all wear parti-coloured robes. One stands on the table and is

* Mr. Corner originally suggested that this second judge might be the celebrated Fortescue; but the tonsure makes that impossible. The circumstance that the Master of the Rolls has his special judicial dress shows that his office had at this early date become one of importance and of a judicial character.

† *Trans. Lond. & Midd. Arch. Soc.* v. 240; *Proc. Soc. Antiq.* 2d S. iii. 414.

administering the oath to the jury. At the bar a prisoner in fetters is holding up his right hand, and a serjeant stands on each side of him. In a row behind are six more prisoners, all chained together by the legs, and some looking intensely miserable.

In the Court of Common Pleas seven judges are sitting, robed in scarlet and white, like the others, and wearing coifs. A bare-legged defendant, in custody of an officer, stands at the bar. The peculiarity of the Common Pleas is indicated by the circumstance that all the counsel, of whom five are visible in the picture, are serjeants; apprentices having no right of audience in this court then, nor for nearly four centuries after. The disposition of the Court is in other respects similar to those already noticed.

In the Court of Exchequer, the Lord High Treasurer (sitting as President) wears a scarlet robe lined with white, and a scarlet hat; the four barons sit in mustard-de-villers, and also wear high caps instead of the coif; for it was not necessary that the Barons of the Exchequer should be of the degree of serjeants. Serjeants and barristers are pleading before them. Upon the table are a number of gold coins which the officers of the Court are counting, and in the foreground of the picture is a strong cage, the inmates of which are two unlucky defaulters.

8.—In all the four Courts the judges seem to be sitting against the wall of the hall, which is decorated with escutcheons of the arms of England and of Edward the Confessor. At a later date the courts were screened off, and still later the Courts of Exchequer

and of Common Pleas were held in separate buildings. In 1570 seven chestnut pillars were erected in the Court of Exchequer upon stone bases, and a vellum document in the Gardner collection gives the inscriptions upon their bases as follows:—

Regni Elizabethæ Angliæ Franciæ et Hiberniæ Regine XII.	A.D. 1570.
Nicholaus Bacon Miles Dñs Custos Magne Sigilli Angliæ	A.D. 1570.
Robertus Dudley Comes Leicestriæ Magister Equitum .	A.D. 1570.
Gulielmus Cecilus Principalis Secretarius Regine . . .	A.D. 1570.
Gulielmus Paulet Marchio Wintō Thesaurarius Angliæ .	A.D. 1570.
Gualterus Myldmay Miles Cancellarius ac Thesaurar .	A.D. 1570.
Jacobus Dyer Miles Capitalis Justiciarium de Banco .	A.D. 1570.

On the newel of the staircase in the Hall were the arms of Boteler, Earl of Kent, as shown in a drawing in the same collection, made by John Carter, on 25th August, 1781. Mr. Gardner informs me that he recollects himself seeing them when a boy.

9.—We may now refer to one or two curious incidents affecting the fabric of the Hall.* On the 12th February, 1237, there was so great a flood arising from the overflow of the Thames that boats might have been rowed up and down in the Hall. On St. Edmund's day, 1242, the country was all drowned for six miles about Lambeth, so that Westminster Hall was only accessible on horseback.† On October 13, 1305, King Edward I. made a great feast at Westminster. Edward, his son, occupied the Hall for his father, but did not sit in the high seat.‡ On Sunday, the 20th April, 1315, Edward II. himself made a

* Holinshed.

† Ibid.

‡ Ann. Lond. p. 143.

great feast at Westminster to the Archbishop of Canterbury and many earls and barons. At 9 o'clock a fire broke out in the hall.* In 1377 Richard II. keeps his coronation feast in the Hall; and the crowd of spectators is so great that the guests can hardly reach their places.† But when, three years later, a duel is to be fought in the court between Annesley and Katrington the crowd is even greater still.‡ In 1382 the Earl of Suffolk died in the Hall.§

10.—In 1395 commenced the extensive repairs and alterations of Richard II., which give to the Hall very much of the appearance it now possesses. He increased the height of the walls by two feet, altered the windows, added a new roof and a stately porch. The contract for the works is printed in Rymer's *Fœdera*.|| Henry de Yeveley was the architect, with whose name we were made familiar by the learned paper communicated to this Society by Mr. J. G. Nichols, and published in the second volume of our Transactions.¶ He had then been thirty years in the royal service as director of the king's works at Westminster. The contract extends to facing the walls on both sides—called making well and faithfully the table of the walls—raising them, and inserting twenty-six corbels, according to the purport of a form and mould made by counsel of Master Henry Yeveley. Richard Wasshourn and John Swalwe were the masons who executed it. The twenty-six corbels were to support

* Ann. Parl. p. 279.

† Chron. M. St. Albans, p. 162.

‡ Ibid. p. 263.

§ Ibid. p. 333.

|| Vol. vii. p. 794.

¶ p. 259.

the new roof to be made by Nicholas Walton, the master carpenter, of which Sir Christopher Wren said, "We have the best oak timber in the world, yet the senseless artificers would work their own chestnuts from Normandy; it works finely, but soon decays."* Brayley and Britton describe this roof as "one of the noblest examples of scientific construction in carpentry that exists in any part of the world." To support it there were erected the six buttresses on the western side which have just now been again revealed, and the three buttresses on the eastern side in St. Stephen's Court.† Mr. Rickman seems to have ventured to suggest that it was also supported by a colonnade inside, and divided into a nave and aisles, but of that there is no evidence whatever. He founded the suggestion on the discovery of a triple doorway on the north side, when that front was renewed in 1820. The north front and the towers supporting it are of this period. Richard kept his last Christmas in it, with great festivities.

Whatever may have been the foundation for Wren's criticism of the roof, if we may trust Brayley and Britton, it is now all oak. For the repairs made prior to the coronation of George IV., when the last corona-

* Widmore, p. 49.

† It is to be remarked that the buttresses on the western side are for the most part more elegant in form than that on the eastern side, of which a drawing is given in Brayley and Britton's *Westminster*, and no traces of the crocket and finial with which the latter is furnished appear upon them. The fourth buttress on the western side, one of those which has been hollowed out to serve perhaps as a guard-chamber, seems to have required strengthening at a later period, and approaches the form of the eastern buttress.

tion feast was held there, forty loads of well-seasoned oak, obtained from old ships broken up in Portsmouth Dockyard, were used.

11.—The same authorities inform us that, before the erection of the Law Courts, the demolition of which we have just witnessed, the Courts of King's Bench and Chancery occupied a considerable space at the upper or south end of the Great Hall, and were separated from each other by a flight of steps and a passage communicating with a landing-place leading to the House of Commons. In the first half of the eighteenth century there was also a range of counters, book-cases, &c., on each side of the Hall, for the use of book and print sellers, mathematical instrument-makers, sempstresses, haberdashers, and other tradespeople, who were permitted to carry on their avocations there. A print representing it at this time is given in Brayley's *Londiniana*, and shows the side-bar at which the "side-bar motions," so profitable to the juniors of a past age, used to be made.

The same strange indifference to the outward effect of the great architectural work of a past age, which is not confined to our own country, but which we find evidence of in the surroundings of most of the great cathedrals and public buildings of the Continent, led to the erection outside of Westminster Hall of a number of mean buildings, completely hiding its best architectural features, some of them used for public purposes, but others occupied by tradesmen and victuallers.

12.—That some portions of William Rufus's building are still in existence is shown by two papers read before the Society of Antiquaries by Mr. Sidney Smirke, in 1835 and 1836, while his brother, Sir Robert Smirke, was engaged in the repair and restoration of the Hall. They found traces of the former existence of a kind of arcade or gallery, formed of Norman columns with round-headed arches, destroyed by the alterations made in the fourteenth century. One of these arches was left complete in its position adjoining the northern jambs of the south-east window, and considerable portions were also left, *in situ*, at the southern extremity of the west side. This arcade appears to have opened into a very narrow passage, running longitudinally, and obtained in the thickness of the walls. Evidence also of the original Norman windows was obtained. One of the ancient doorways was also found at the south-east angle, where it would have led into the lesser hall of the palace, called the white hall; another on the west side, a third at the north end of the west side, and indications of a fourth at the north end of the east side, opposite to it, which appears to have given access from the outer court of St. Stephen's. Mr. Smirke remarks, further, that the workmanship was of a rude character, and that its being so in a building of such importance indicates that, at this period, good and experienced masons were wanting. Moreover, he found that no two of the Norman windows were equidistant from the adjoining ones; that similar irregularity characterised the arcade or gallery, both in the width of the several openings and

their distances apart,* to such an extent as must have greatly disordered and deformed the work and injured its general effect. On removing the ashlar surface of the walls, several carved capitals of the original Norman work were found embedded in the masonry, with their faces much mutilated and set inwards; in fact, made use of as common ashlaring in the execution of the fourteenth-century alterations. The sculpture represent figures of men and animals curiously interwoven with foliage.

13.—These discoveries establish the fact that the walls of the Hall, in their substance, are the veritable walls erected by William Rufus. The removal of the modern buildings on the west side has developed further evidence of this; and we may rely upon the culture of the present distinguished First Commissioner of Works, Mr. Shaw Lefevre, and the learned architect, Mr. Pearson, to take care that these evidences are preserved. Indeed, it is noteworthy that in the walls and remains of adjacent buildings now disclosed are visible traces of the work of almost every century since the Hall was first built. There is work intermediate between the time of Rufus and that of Richard II.; there is evidence of modification in the buttresses and other portions during the century after Richard II.; there are considerable buildings of the Elizabethan period; a curious Caroline doorway; the erections of Sir John Soane; and finally the work

* Mr. Micklethwaite has since ingeniously shown that this statement is not correct as applied to the smaller row of arches.

of our own time. Thus the building, requiring constant adaptation to the varied exigencies of the high purposes to which it was applied, is in itself a continuous epitome of English history.*

14.—The restoration which Mr. Smirke ultimately made (and communicated to the Society of Antiquaries on 2nd February, 1837, *Archæologia*, xxvii. 135) shows on the east side twelve large windows, and smaller recesses between each of them. Certainly, if the monkish historians are to be believed, Rufus was utterly unreasonable when he said, “It was to lite by the halvendel, and therefore he had i-cast to ordeyne it for the chambre.” (R. Higden, tr. Treviso, *Rolls* ed. vol. vii.) Among the Norman capitals, which were found preserved by their straight backs having been used in the new work, and their carved faces having been turned inwards, was one apparently representing Æsop’s fable of the Dog and the Ass. At one side is a dog fawning on his master, who is leaning over and patting him, while two attendants are looking on; at the other side is an ass putting his fore-legs on his master’s shoulders, while he turns to escape from the unwelcome caress, and of his two attendants one is beating the ass with a stick.

* Dr. Edwin Freshfield has obtained a fine series of photographs of these ruins, which will preserve a record of their actual appearance, whatever may be the fate of the building. Mr. Somers Clarke has also made a thorough analysis of the present appearance of the fabric. The present writer is much indebted to Mr. J. T. Jones, clerk of the works at the Palace of Westminster, for his courtesy in enabling him on several occasions to visit the site and inspect the remains.

Interesting discoveries were also made in the course of the repairs effected by the Smirkes of the original appearance of the external portion of the hall. At the eastern angle of the outer south wall, which was, of course, altogether obliterated when the grand vestibule to the new House of Commons was made, were found indications of an arcade above the clerestory, the spaces between the columns forming it being made of reticulated work, composed of alternate Caen and Reigate stones, about seven inches square. The bright colour of the Caen stone, alternating with the grey of the Reigate stone, must have had a good effect. Mr. Buckler informed Mr. Sidney Smirke that, in 1822, he had observed similar reticulated work on the north wall, filling the heads of some large arches, fifteen feet across. A sketch of them, made by Mr. Buckler, illustrates Mr. Smirke's paper in the 27th volume of *Archaeologia*, p. 138.

Mr. Smirke's account of the condition of the Hall at the time his brother was employed to repair it is appalling:—"The side-walls were in some places considerably out of the perpendicular, and formidable fissures cleft the whole substance of the walls. Near the south end of the west side a hollow space was found to have been left in the masonry, capacious enough to admit several men, almost exactly over which was imposed one of the huge trusses of the roof. These defects, added to the indifferent execution of the original masonry throughout, had produced, and were producing, serious effects."

15.—Among the early statutes of the realm there are

three which are specially associated with this place, and are known as the Statutes of Westminster, the 1st, the 2nd, and the 3rd.* King Edward held his first Parliament here on the Monday of Easter utas or octave, in the third year of his reign, 25th April, 1275; and because the state of his kingdom and of the Holy Church had been evil kept, and the prelates and religious persons of the land grieved many ways, and the people otherwise entreated than they ought to be, and the peace less kept and the laws less used, and the offenders less punished than they ought to be, by reason whereof the people of the land feared the less to offend, he ordained and established the first of these statutes, directing that the peace of the Church and the land be maintained, that there shall be no disturbance of free elections, that amerçiements shall be reasonable, that all men shall be ready to pursue felons, what sort of men shall be coroners, that no waste shall be made in the lands of wards, that none shall commit champerty or extortion, that if a serjeant-counter commit deceit he shall be imprisoned for a year and a day, and from thenceforth shall not be heard to plead in the Court for anybody, and making other excellent provisions suited to the times.

The second of these statutes was made after Easter in the 13th year (1285), and is a statute of much greater length, relating mainly to matters of real estate, which have ceased to be now of more than technical interest, but contains at least one provision of great importance with regard to the liberty of the

* 3 Edw. 13 Edw. 18 Edw.

subject ; that forbidding the viscount to imprison a man except upon indictment by an inquest of twelve jurors. The third is otherwise known by the three first Latin words of its provisions as *Quia emptores terrarum*, and is the one by which the multiplication of manors was prohibited ; it is also one of a long series of statutes directed to prevent land coming into mortmain, and running *pari passu* with equally persistent efforts on the part of the Church and the real property lawyers to get it into that undesirable condition. “ It is to be understood that by the said sale or purchase of lands or tenements, or any parcels of them, such lands or tenements shall in nowise come into mortmain, either in part or in whole, neither by policy nor craft, contrary to the form of the statute made therefor of late.”

16.—We have referred to these three important statutes inasmuch as, being the Statutes of Westminster, our account of Westminster Hall would not have seemed complete without doing so ; but it will not be necessary to notice at any length other Parliaments held at Westminster, because as a rule they were not held in the Great Hall. Indeed, the Hall is evidently a building for the courts of law and for banqueting ; and its use as a Parliament house would in some sort be inconsistent with these purposes. Thus the Parliament of February 1308 was held in the refectory of the monastery ; and other Parliaments were held at times in various apartments of the palace. When the two Houses met separately, the Lords occupied now the Painted Chamber, now the smaller (or white) hall ;

the Commons first met in the Chapter House of Westminster Abbey, and afterwards in St. Stephen's Chapel.

One memorable Parliament, however, took place in the Great Hall; that at which Richard II. resigned his crown to Bolingbroke (1319). The scene is represented in a well-known miniature from the Harleian MSS., and is recorded with wonderful accuracy in Shakespere's play: "The Lords spiritual on the right side of the throne; the Lords temporal on the left; the Commons below." The Duke of York brings a message of resignation from Richard and invites Henry to ascend the throne, which he proceeds to do, but is intercepted by the bold protest of Richard Merks, Bishop of Carlisle, who is arrested for his pains. His speech is so far effectual, however, that it causes Bolingbroke to send for Richard, that in common view he may surrender, and then ensues the remarkable scene of acting with the crown, the paper of accusations, and the mirror, which Shakespere has transcribed from the chronicles with very slight alteration—just so much as sufficed in his hands to transmute a bald and jejune narration into one of thrilling interest:—

With mine own tears I wash away thy balm—
 With mine own hands I give away my crown—
 With mine own tongue deny my sacred state—
 With mine own breath release all duteous oaths—
 God save King Henry, unkinged Richard says,
 And send him many years of sunshine days.

17.—The coronation of the new king followed shortly

afterwards; and the feast in Westminster Hall, with which it ended, is described in the graphic words of Froissart:—"At the first table sat the king; at the second the five peers of the realm; at the third the valiant men of London; at the fourth the new-made knights (forty-six in number); at the fifth the knights and squires of honour; and by the king stood the Prince of Wales, holding the Sword of the Church, and on the other side the Constable with the Sword of Justice, and a little above the Marshal with the sceptre; and at the king's borde sat the two archbishops and seventeen bishops; and in the midst of the dinner there came in the Champion of England, all armed, upon a good horse richly apparalled, and had a knight before him bearing his spear, and his sword by his side, and his dagger. The knights took the king a libel, the which was read [containing the challenge]. That bill was cried by the herald in six places of the hall, and in the town. There was none that would challenge him. When the king had dined, he took wine and spices in the hall, and then went into his chamber. Then every man departed."

Henry V. also held his coronation feast in the Hall; and in 1416 he entertained in it the Emperor Sigismund with great festivity. Indeed, it was the scene of coronation dinners and other high festivals until the time of William IV. Cromwell himself inaugurated his Protectorate with a feast in the Hall, having had the colours taken at Dunbar hung up in it, pursuant to an order of the Parliament, dated 10th September, 1650. The coronation solemnities since that date are recorded in an interesting series of volumes in

the library of Westminster Abbey. The great authority for the ceremonies by which the earlier ones were regulated is the famous *Liber Regalis* of Abbot Litlington, which Lord Beauchamp some years ago edited for the Roxburghe Club. One feature has always been the great feast in the Hall; that held on the coronation of Richard I. (*Cœur de Lion*) is said to have been kept up for three days.* Poor Richard II. himself kept his coronation feast amid great public rejoicings.

18.—It will not come within the scope of this paper or the time at my disposal to refer at length to the great State Trials of which Westminster Hall has been the theatre; but some of them have special claims on our attention: that, for instance, of William Wallace, which took place on 23rd August, 1305. It appears to have proceeded before a commission constituted by a writ of Privy Seal, dated 18th August, and addressed to Sir John Segrave, Peter Maluree, justicier, Ralph de Sandwych, John de Boswell, and John le Blound, mayor of the city of London. This commission ordered them to deliver the prison of London, that is, the Tower, of this one prisoner, William Wallace. It was not, therefore, a general commission of gaol delivery, but a commission of gaol delivery limited to one prisoner. But there is this remarkable fact, that it does not appear from the narration in the *Chronicles* (*Annales Londini*, ed. Stubbs, pp. 139-142) that Wallace was in prison at all. He was being hospitably enter-

* *Itin. Ric.* 143 (R.S.)

tained at the house of William de Leyre, citizen of London, in the parish of Allhallows "ad fenum," and was taken on horseback thence to Westminster Hall to his trial. He was there placed *super scamnum australe*, and, as is well known, crowned in derision with laurel leaves. But there is another extraordinary circumstance about this alleged trial, the discovery of which we owe to my learned friend, Mr. Luke Owen Pike, who has investigated the facts in the preface to his edition of the Year Book of the Period, published within these last few days in the Rolls Series. While the public document directs that Wallace be tried according to the law and customs of the country, the private commission directs the judges to try him according to the instructions previously given to them. It would seem that, upon this, all the trial that took place was an accusation by Justice Maluree, a denial of treason, but qualified admission of other offences by the prisoner, and a sentence of guilty. The formal record is given at length in the Chronicle already quoted; and, divested of the verbiage, it seems to amount to this, that being accused of sedition, homicide, depredation, incendiarism, and other diverse felonies, he was for such manifest sedition sentenced to be taken to the Tower of London, then to the Tower at Aldgate, and thence through the midst of the city to Elmes, there hanged, beheaded, mutilated, and quartered. The expression "manifest sedition," and the suspicious circumstances attending the texts of the Commission, seem to show that this Scottish hero was put to death by a most flagrant perversion of the

forms of justice to carry out the arbitrary orders of the king.

19.—Mr. Pike in the same learned work draws attention to the discovery which he made many years ago among the Pleas of the King's Bench of an even worse case—that of Andrew de Harcla, Earl of Carlisle, about twenty years later, the 18th of Edward II. There was some semblance of regularity, he says, in the commission of gaol delivery in Wallace's case, though the commission was of an exceptional kind. The only commission that issued in the case of Harcla was far more remarkable. It may be translated “for degrading Andrew de Harcla, Earl of Carlisle, an enemy and traitor to us and to our kingdom, whom formerly we girded with the sword of an earl, and for pronouncing and returning judgment upon him after degradation for his said enmity and sedition, according to the tenour of a certain schedule which we have sent to you, or any five, four, three, or two of you, under the foot of our seal.” The schedule is in French, and, after reciting the various misdeeds of Harcla, proceeds thus: “which are notorious, and known in the kingdom, and our lord the king records it,” wherefore the horrible sentence of drawing, hanging, mutilation, and quartering was to be passed. In yet another case in the same reign the same proceeding was repeated, with the variation that the words were, “and our lord the king of his sole power records it.” Thus (as Mr. Pike remarks) King Edward II. claimed the power of converting into a legal record

of conviction anything of the nature of treason that he held to be notorious, and his commission was not to try the accused but to pass a sentence prepared by himself. The manner of this judgment might never have been known to us had not the king sent to Geoffrey le Scrope, Chief Justice, and the other judges of the King's Bench, his command that the said record and process before us should be recited and enrolled. This was an arbitrary denial of justice, and misuse of the forms of law, to destroy an individual at the mere will of the king, without affording him opportunity of defence or of a fair trial, which shows that at the times in which it happened ideas of national justice were indeed at a low ebb.

20.—Of other great state trials held in Westminster Hall, it is sufficient to name those of Charles I., of the Seven Bishops, of Warren Hastings, of the Scottish lords, of Lord Ferrers, and of Queen Caroline, to remind you of the many ways in which Westminster Hall has had to do with the making of history. It would seem that in most cases when these extraordinary trials were going on the whole Hall was occupied by them, and the ordinary courts must therefore have been unable to sit.

21.—We find in the Year Books some interesting records, which throw light on the origin of the relation between the Courts of Common Law and the Chancery. Thus, as early as 1292 (20 Edw. I.), the Viscount (if I may be permitted to follow Sir Travers Twiss's ex-

ample in the restoration of this ancient title for the official now called Sheriff) returns a writ of *recordari*, making an endorsement upon it that the cause was false. Hyham, the serjeant, argued to the judge: "Sir, we will aver that he has made a false return, and we pray a writ of *sicut alias*, and that the Viscount may be punished." Metingham, the judge, says, bluntly, "You shall not have it." "But," says Hyham (with the weak argument of a man when principle is against him, and he has to rely upon precedent), "we had it in the plea between So-and-so and So-and-so." Metingham: "It was badly granted in that case; so go to the Chancery and there pray your *sicut alias*, for we have no warrant to grant it." The reporter, however, makes the curious remark that Justice Metingham "did grant the writ himself after all." The same judge is credited, in another case, with the pithy remark, "Felony is such a venomous thing that it spreads its venom on all sides." (Year Book, ed. Horwood, pp. 352, 358, R.S.) The times, however, were not those of great lawyers; indeed Edward I. had had to take severe measures against his judges for their venality.

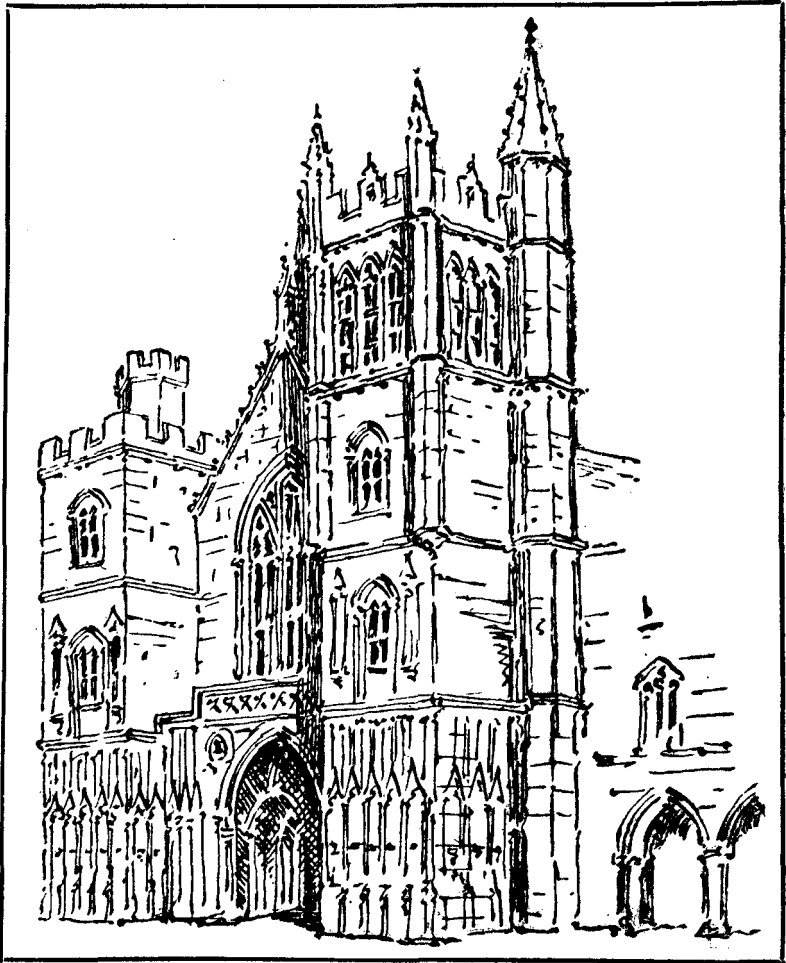
In 1305 some interesting cases are recorded. John de Poketot, clerk, is taken from the Tower to Westminster and judged there, notwithstanding his clergy, but it was for the crime of robbing the Treasury. The same day we get a record of a very early instance of punishment for contempt of court. Sir W. de Breus, for his opprobrious answer before the justices of the king at Westminster, was sent to the Tower for one

night, and the next morning came before the same justices with six soldiers, bareheaded and in tunics, as prisoners, and made his apology. (Ann. Lond. p. 143.)

On 28th October, 1312, we get a curious case of the biter being bit. J. de Redinge, a clerk, made a false charge against Sir Edmund de Maule, steward of the king, of forgery of the king's little seal, before the justices sitting in the great hall, and they condemned Redinge to be drawn and hanged. (Ann. Parl. p. 273.)

In 1332 two clerks of the Chancery fought together in the Great Hall, the king being there actually in the Parliament chamber, with the prelates and magnates. One killed the other, and was immediately hanged. These two cases seem to show that in those days there was a more ready means of dealing with red-handed criminals, and that in flagrant cases of offence very little respect was paid to the outrageous claims made on behalf of criminous clerks.

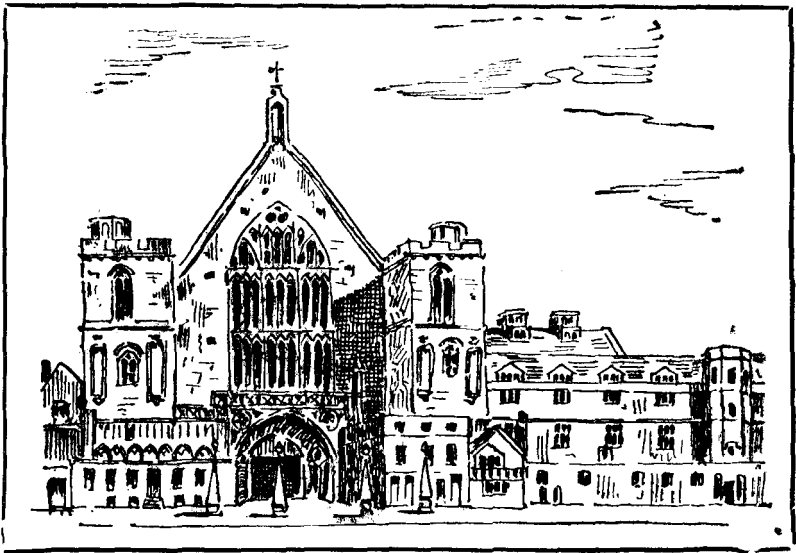
22.—It is one of the most useful functions of this Society to take note of those changes in the outward aspect of our cities which tend to break off from the past, and of these the present generation has not seen one so significant or so important as that which has removed the courts of law from Westminster. The tribunals which all might approach, and which made familiar to the meanest the processes of law and justice, are now exchanged for a stately palace, with janitors to keep the public from its doors, and soldiers in sentry boxes all around it. The same laws will be administered, and the judges will earn the same veneration; but we as archæologists must be permitted



THE NORTH END OF WESTMINSTER HALL WITH ONE TOWER AS NOW AND
THE OTHER ELEVATED AS PROPOSED BY MR. PEARSON.

to bestow our tribute of respect upon the spot where for 666 years the subtlest intellects of each succeeding generation have striven to elicit principles of right, which, by the happy instinct of English law, have broadened, settled, and secured, step by step, from precedent to precedent, the freedoms of Englishmen.

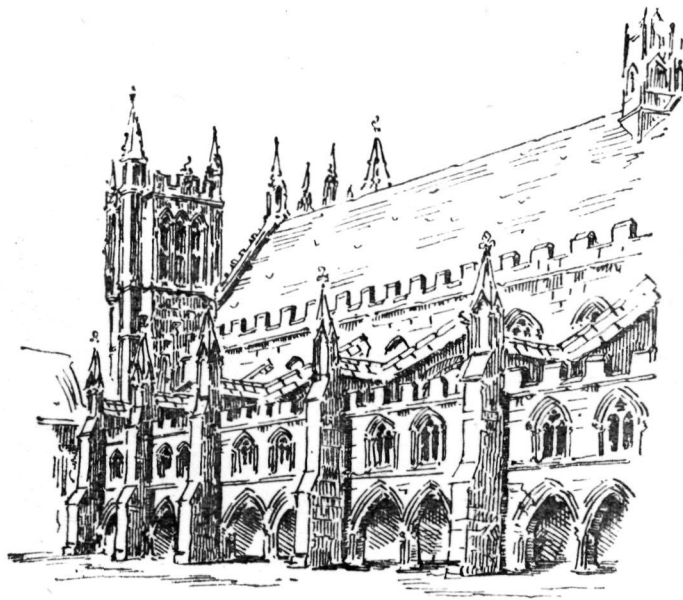
NOTE.—By the courtesy of the proprietors of the "Pall Mall Gazette" the Society is enabled to illustrate this paper by views of Westminster Hall at three stages of its history—1st, as it appeared in 1800; 2nd, as at present; 3rd, as proposed to be restored by J. L. Pearson, R.A., F.S.A. The Society has taken the opportunity to put on record its sense of the careful study which Mr. Pearson has devoted to this memorable building, and of its general approval of the plans for preserving the west side of it. These illustrations will assist the judgment of the members with regard to the new features which are proposed by Mr. Pearson.



WESTMINSTER HALL IN 1800.



THE WEST SIDE OF THE HALL, FACING ST. MARGARET'S CHURCH, AS IT NOW APPEARS, 1885.



THE WEST SIDE OF THE HALL WITH THE NEW CLOISTER AS PROPOSED.