

## THE INNS OF CHANCERY AND STAPLE INN.

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BY

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THE organisations for the study and practice of the law in this country have a great analogy to those for the study and acquirement of knowledge of various kinds in the Universities. In the remote times when the clergy constituted the educated class of the population, and accordingly were the practitioners in the several learned professions, there was one of those professions from which they were excluded by their own act—for the authorities of the Church would not allow them to practise the Common Law of England. The Parliament at Merton Abbey met this obstacle with the proud rejoinder, “*Nolumus leges Angliæ mutari.*” The ancient problem of what is to happen when an irresistible force is brought against an immovable object had thus to be dealt with, and the wisest heads of the time had to find means for circumventing the difficulty. Among them was Henry Lacy, the great Earl of Lincoln. Commissioned by the King to devise a remedy, he sought in other countries for competent teachers, and invited students to reside in his manor-house of Holborn and listen to those teachers. So came into existence Lincoln’s Inn; and thus it is that the Inns of Court, the Inns of Chancery, and the Inns of the Serjeants acquired the University status they hold. On the expulsion of the Templars from England, their property in London was granted to two bodies of

teachers and students, and yet another body acquired lands a little to the north; so we get the four Inns of Court, Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn.

Then, as now, the profession of the law was a remunerative one, and attracted to the Inns great numbers of students, so that the chambers provided for them were too few, and, as their wealth increased, they sought for better accommodation. It seems likely that the curious old Inn in which Dickens placed the residence of Mrs. Jellyby, Thavies Inn, which I recollect as a place of unqualified dinginess, was the site of Henry de Lacy's first settlement, and that after a while its older and more prosperous members removed the Lincoln's Inn to Furnival's Inn, where the same processes began to operate, until in time the older and more prosperous members at that site removed their business and their chambers to the place still called Lincoln's Inn, though Henry de Lacy had then long been dead, and had never had any connection with that site, which the Society of Lincoln's Inn had rented and afterwards bought of the Bishop of Chichester, whose town house had been there. The younger and poorer members of the Society had the two smaller Inns to themselves, and formed a Society in each after the model of the Society which had migrated. Thus we get, as it seems, the origin of the Inns of Chancery. Something of the same kind probably happened when the royal grant of the Templars' house was made to the Societies, thence called Societies of the Temple. The Inns in which they had previously resided may have been left to those for whom room could not be found at the Temple and became Inns of Chancery.

Why Inns of Chancery? I think it was because the Chancery was in ancient times the *officina justitiæ*, the workshop of justice, from which writs were issued, as indeed they still are. The jurisdiction of the chancellors in equity gradually grew up, till it was systematised by Sir Heneage

Finch, afterwards Earl of Nottingham, called by some the father of equity, who flourished in 1673. The serjeants and barristers of standing had hearing in Court and filled the Inns of Court. May it not have been allowed to the juniors in the Inns of Chancery to deal with the business of taking out writs from the Chancery and to become solicitors to the Chancellor for the equitable relief which it rested with him to administer? It is a coincidence that the four Inns of Chancery which survived as organised Societies up to our own time were mainly composed of solicitors. May not this have something to do with the earlier history of those Inns? Before the Judicature Act there was a distinction in what has been called the lower branch of the legal profession between the attorney and the solicitor, though both qualifications were in general held by the same individual; he was an attorney because he represented his clients in the Courts of Law, a solicitor because he asked relief on their behalf from the stringency of the Common Law in the Courts of Equity. In the early days, before all these distinctions became crystallised, it may possibly have been that such an arrangement as I have indicated might have existed.

However that may be, the Inns of Chancery had their place in the system of the Law University. They were each associated with one of the Inns of Court, which sent its teachers and its readers to instruct the members in the intricacies of the Common Law. Early in the fifteenth century the Inns of Chancery were, like the Inns of Court, a sort of academy or gymnasium, in which sacred and profane history and other branches of a liberal education were studied. That is the testimony of Fortescue, who had been Chief Justice of England until the varying fortunes of the War of the Roses made him a banished man. He used his enforced leisure to write a treatise on "The Praises of the Laws of England"; and his observation of the French Universities, famous as they were in his day, when they

were resorted to by students from all countries, was that the *Law University of London*, which admitted only the natives of the kingdom, was more largely attended and more efficiently organised for pleasant study and proficiency in learning than Orleans or Angiers or Caen, where both the canon and civil laws were professed. Paris, indeed, had a larger number of students, but I do not gather that Fortescue awarded it a *higher degree of efficiency than he claimed for his own beloved institutions.*

Staple Inn became an Inn of Chancery in 1529, and was a dependency of Gray's Inn. In those early days, every student passed several years in an Inn of Chancery before he was admitted to one of the Inns of Court. At one time Staple Inn had 145 students; but after a while an era of decadence began in the history of the Inns of Chancery. Some of them ceased to be associated with their Inn of Court; some were alienated to private persons. One of them, Lyon's Inn, I well recollect in my early days. It stood behind St. Mary-le-Strand Church, in a kind of Middle Row that extended towards Temple Bar. It was let out or sold in sets of chambers to various people, more or less connected with the law, and one of them was astute enough to buy up the whole lot of chambers and become thus the sole proprietor of the Inn. As its site was shortly afterwards required for the building of a new theatre, it is quite probable that he did not make a bad bargain. Theatre, as well as Inn, has now disappeared, and the site is cleared. This and other circumstances show that the ideal of a University life in which the various Inns originated was becoming neglected. When I joined the Honourable Society of Lincoln's Inn in the year 1863, *no membership of an Inn of Chancery, no examination, either preliminary in the nature of matriculation, or ultimate as preparatory to the call to the Bar—in a word, no test of knowledge of the law which the Inn was authorising me to practise—was required from a student of law.*

I think it was the very next term after my call to the Bar that the new system of examinations came into operation, and I do not congratulate myself on my exemption from it, for it is to the advantage of the student as well of his future clients that the extent of his knowledge and his proficiency should be ascertained before he is set free to advise them. The disuse of examinations was one sign of a neglect that has crept over many ancient customs that were good in their origin, but, ceasing to be of value, have left only residual organs behind them. Sir William Flower once showed me in the skeleton of a whale a small bone which was all that was left of a steering organ that had once been valuable to the animal. So, at Lincoln's Inn, the second butler, after dinner, raps on one of the wagons with his hammer and calls in a loud voice, "Now, gentlemen, to your exercises." Anciently, when he did that, the students would come up to the Bar table and submit to the senior mess some point of law, which would then be solemnly discussed. After a while, this was thought to be a needless ceremony, and the ingenuity of the senior Bar devised a remarkable substitute. Instead of listening to the hesitating or too confident utterances composed by the juniors out of their own heads, they framed a stock exercise on uses to bar dower, had it printed on a card, and read by the student when he came to his "exercises." This was in time seen to be the farce that it was, and now the only exercise the student takes is that of his feet in walking between the Bar tables, after signing his name in a book kept at the senior Bar mess.

All this is but a parable of the uncertainty of human affairs, and of the decay which is inherent in all human enterprise. It may be that some day the venerable Societies of the Inns of Court will follow those of the Inns of the Serjeants and the Inns of the Chancery into history, and be either diverted to alien uses or left to oblivion. Meanwhile it is not unsatisfactory to note that there is a movement, not indeed to restore to those Inns of Chancery their

ancient functions in connection with legal education, but to adapt their interesting and in some respects beautiful halls to cognate purposes for which they have a certain fitness. Thus it is that Clifford's Inn Hall has become the home of the Imperial Society of Knights Bachelor and Staple Inn the home of the Institute of Actuaries. If I may be permitted to say so, I feel a personal interest in both these cases. I am a member of the one Society, and was on December 27th, 1864, elected a Fellow of this Institute. We then held our meetings at 12, St. James's Square. My appointment in the Civil Service in 1869 led to my relinquishing my actuarial ambition and resigning my fellowship, otherwise I suppose I should have been by this time enrolled among the senior Fellows of the Institute. I will take leave to offer my congratulations to the Institute and its President on their library and archives being housed and their meetings being held in so appropriate a hall and other chambers, well worthy of the dignity and usefulness of the learned profession that they adorn. I need hardly add that I have always watched with interest and delight their scientific progress, which has left my old actuarial knowledge far behind, and that I am proud to have many friends among them.

I have spoken of the middle row that formerly stood in the Strand. There used to be a Middle Row, known by that name and standing in Holborn between Staple Inn and the site on which the fine building of the Prudential Assurance Company now stands. The removal of Middle Row disclosed the front of Staple Inn, which is a striking and almost unique specimen of the architecture of Old London. We have to congratulate ourselves that the Prudential Company have become the owners of the Inn, and to congratulate them on the public spirit they have shown in keeping that fine front intact and in inviting the Institute of Actuaries to occupy the Hall. Staple Inn has indeed fallen into good hands.

The question may be asked, how is it that these various Inns of Court and of Chancery are found outside of the boundary of the City of London? One would have thought that they should rather have sought its protection. The answer is that King Henry III, in 1235, issued an order to the Mayor and Sheriffs of London that no regent of any schools of law within the City should for the future teach law therein. Stow enumerates Staple Inn as third of the fourteen Inns of Chancery that existed in his day, the two prior ones being New Inn, in the Strand, in which Sir Thomas More was a student, and Barnard's Inn, in Holborn. The Society of Staple Inn was governed by a Principal and twelve ancients, and the Principals are handed down to posterity by their initials carved on the doorposts and by Charles Dickens in his "Mystery of Edwin Drood."