

SCALES INN, MAIDEN LANE

By L. B. ELLIS, M.A.

THE FIRE DECREE.

A curious combination of circumstances has resulted in the addition to Middle Temple Library of a copy of the Fire Decree on rebuilding Scales Inn.¹ There is a note on it dated 25th June, 1773, which reads: "Examined this copy with the original decree in the Town Clerk's Office (London) of which it appears to be an exact copy. Edward Bloxley, Clerk in the said Office, and William King."

The first page of this document is reproduced at Fig. 1. The heading reads:

At the Court of Judicature for determination
of differences touching Houses burned or
demolished by reason of the late which
happened in London Held in Cliffords Inn Hall on Tuesday
the first day of December in the twentieth Year of the
reigne of our Sovereign Lord King Charles the Second
Annoque Dni 1668.

The omission of the word "Fire" in the original is indicated by a horizontal stroke in the third line of the copy. The top left-hand corner is occupied by the bracketed names of the three judges:

Mr. Justice Tyrrill }
Mr. Baron Turnor } p^rsent
Mr. Justice Archer }

Then follow the names of the surviving trustees for and on the behalf of the Honourable Society of the Middle Temple, petitioners against several persons named,² including one John Cox Esqr., who had interests in "all that capital messuage or inn called Scales Inn and of a messuage or tenement to the same adjoining with the appurtenances situate and being in Maiden Lane in the parish of St. Michael Paternoster in the ward of Vintry London." The said petitioners and other trustees of the said Society were seized of the fee or inheritance of this property by virtue of a conveyance made to them by Charles

W. Justice Tynley
 W. Justice Tynnor } Just. of Peace
 W. Justice Tynley }

All the Court of Admirals for determination
 of differences touching spoils heretofore
 so demoltured by reason of the late warre
 happened in London Spite in Cliffords Inn Spite on Tuesday
 the first Day of December in the twentieth Year of the
 reigne of our Sovereign Lord King Edward the second
 Anno Regni sui 1165.

S. John Maguard Esq. Secy. at Law, Robert Wall, Robt. William
 Hapoy Esq. R. Bradstred Esq. John the Clerke Esq. Esq.
 Esq. Esq. Esq. Esq. Thomas Courtmer and Bonnell Hordnes
 Esq. the surviving Trustees for and in the behalf of the Honorable
 Society of the Middle Temple persons ag. John Gifford Edward
 Colton Esq. and Elizabeth his wife Thomas Hales and Margaret
 his wife William Howle Esq. and Edward Esq. and Elizabeth
 wife Edward Esq. Edward Esq. John Esq. and John Esq.

Whereas a person hath in equitate into the said Court
 taking forth in effect that the said persons and their Trustees for the
 said Society being seized by virtue of a Court in the said Court
 by Charles Esq. Esq. Esq. and the above named John Esq. Esq.
 of the said Capital of the said or jurisdiction of full that Capital
 Michmags or full called Spales Inn and of a Michmags or full
 to the same adjoining with the appropriate houses and being
 in London and in the parish of St. Michael parochial in the
 ward of Beabry and on the first day of September in the second
 hundredth year and three hundredth into the above named John
 persons the said Capital Michmags called Spales Inn for and
 forty years beginning from the time that the said person
 of forty pounds and by another purchase of Spales having into
 the first month day of June in the year of our Lord 1200 the said
 in a hundredth year and five in the purchase of the said
 and forty pounds to be paid out in six years and the other of the
 said Michmags into the above named William Esq. To hold
 from Michael or then next ensuing for three and twenty years
 and a quarter at the yearly rent of ten pounds in both which
 cases are Conditions on the Towns part to support up and
 repair the premises during the said term and respective terms
 and to be received the said of the said term that the said Spales and

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[Photo by Edward Yates]

Fig. 1.

Cox Esqr. deceased and his nephew, the above-named John Cox. The Middle Temple had subsequently demised these premises to two tenants by two indentures of lease dated 1653 and 1665 respectively. The premises had been burnt down in the time of the late dreadful Fire and no rent had since been paid to the petitioners, nor had the said tenants made any proposals to rebuild the said premises, though the petitioners were willing to grant just and reasonable terms.

A deed was produced in Court bearing date 24th June, 1650, and inrolled in the High Court of Chancery, whereby it appeared that these houses had heretofore been in the freehold of Charles Cox, late of the Middle Temple Esqr. deceased, and that he and his nephew, John Cox, had conveyed the same to the petitioners and others named in the said deed upon trust that they should receive out of the same yearly £40 clear with all expenses and charges incident to the management and recovery thereof, for the maintenance of a charitable use in the said deed expressed, and that the said trust being first satisfied they should suffer the said John Cox and his heirs to have the residue of the profits thereof over and above the said £40 a year and charges, and the said John Cox by the said deed covenanted to repair the said premises at his own charge as need required.

The final decision of the Court, which adds further testimony to the reasonableness of their judgments, is as follows: as Mr. John Cox had undertaken in Court to pay £200 so that the various interests might be determined, and as he was to have the whole profits of the premises over and above the £40 per annum and charges and expenses incident as aforesaid, it was decided that he should be the builder and have a term of ninety-nine years at the yearly rent of £40; also that he should have the recompense from the City to be allowed for the ground which had been staked out to enlarge the street. In this way his uncle's charitable use might be supported and Mr. John Cox himself would benefit according to the intention of his said uncle.

THE "CHARITABLE USE."

The following account of the "charitable use" mentioned above is taken from *Master Worsley's Book*, where it is stated that there is vested in the Benchers of the Middle Temple a parcel of ground and the buildings thereon, which before the Fire of London was situate in Maiden Lane in the parish of St. Michael Royal in the ward of Vintry, formerly called Scales

Inn (probably because it was sometime the mansion house of the Lord Scales) in trust to secure £40 per annum to be paid to two Referees.³ These Referees are two barristers appointed by Charles Cox by deed bearing date 30th September, 1637, and chosen by the Treasurer of the Middle Temple, who are to attend in the Hall of the Inn on certain specified occasions, for the purpose of settling disputes between members.⁴ Cox's Referees, as they are termed, are still appointed by the Benchers of the Inn and, although they have not for many years been called upon to settle disputes, the proceeds of the fund are paid to them each year.⁵

THE SITE OF SCALES INN.

According to the 1896 edition of *Master Worsley's Book*, some part of the ground of Scales Inn was taken after the Fire to make a new street called Queen Street and the range of the streets was so far altered that the remaining part was then separated from Maiden Lane, three houses being situate on one side of Queen Street and three on the other, and a sugar-house on each side between them and Maiden Lane.⁶ More exact details are given in the 1910 edition of this manuscript, where it is stated that on the re-edification of the City, part was taken from the west side of the ground whereon Scales Inn stood to make the new street, for which the heir of Mr. Cox received a recompense from the City, pursuant to the decree of the Court of Judicature, and a lease of the remainder granted to him by the trustees for 99 years to commence from Christmas, 1668; reserving only the £40 per annum for the Referees, which remainder lies in the angle between Queen Street and Maiden Lane, having Queen Street on the west and Maiden Lane on the south.⁷ Nos. 62 and 63, on the east side of Queen Street, formed part of the "Scales Inn" property⁸ in the middle of the 19th century, when they were required by the City of London for the purpose of widening Queen Street and the western extension of Cannon Street, under the London (City) Improvement Act of 1847. From their position, No. 60, Queen Street,⁹ at the corner of Maiden Lane, and No. 59, Queen Street, formerly 3, Maiden Lane,¹⁰ must also have been on the site of Scales Inn; they too were required for the purposes of the Act of 1847.

Scales Inn was bought by the Corporation of London in about the year 1850 under this Act and the later Act of 1850 for the further extension of Cannon Street west of Queen Street.¹¹

THE NAME OF SCALES INN.

A century before the Great Fire, Scales Inn was one of the London tenements which were left to St. John's College, Oxford, by Sir Thomas White,¹² and it had belonged previously to Henry Grey, Marquess of Dorset,¹³ father of Lady Jane Grey. Scales Hall, Middleton, Norfolk, was the family seat of the Barons Scales,¹⁴ and Scales Hall at Hockwold, Norfolk, was part of Sir William Tyndall's share in the partition of the Scales estates¹⁵ when, at the accession of Henry VII, he and John de Vere, 13th Earl of Oxford, were recognized as the two co-heirs of the barony.¹⁶ It seems likely, therefore, that Scales Inn, Maiden Lane, in the Vintry, was the town house of the Barons Scales, and took its name from them (see *ante*). This suggestion is strikingly confirmed by comparing two passages in the last will of Sir Anthony Woodville, 2nd Earl Rivers, who was 8th Baron Scales by right of his wife.

Thomas, 7th Lord Scales, writer of several of the Paston Letters, was the last baron of his line. He left a sole surviving child, Elizabeth, who married as her second husband Sir Anthony Woodville, a brother of Elizabeth Woodville, Queen Consort to Edward IV. Elizabeth Lady Scales was childless; she died before her husband, when all her estates remained in his possession. Anthony Woodville, Earl Rivers and Baron Scales, made his last will on 23rd June, 1483, the day before his execution.¹⁷ His main concern was the enrichment of his father's family, for "I will that all such land as was my lord my father's remain wholly to his right heirs . . . and such lands as were the Lady Scales' my first wife be unto my brother Sir Edward¹⁸ and to his heirs male for fault of such heirs male unto the right heirs of my said lord my father. This is my will and intent to take effect as far as conscience and law will."¹⁹ As for his debts, "I knowlege that I owe a sum of money to Lomner mercer of London as it well appeareth both by his bills and by my book in my closet at London." The house is more precisely located in a passage concerning the disposition of his household goods, for he left his second wife certain household effects, "and (except that stuff) all other stuff of household in the Mote and at my place in the Vyntree to be to my said lord my father's heirs." This distinction and the wording in the two passages suggest irresistibly that the house in the Vintry had belonged to the testator's first wife and that it was, indeed, Scales Inn.

Yet another possibility is suggested by this will. The testator's desire to endow his father's heirs with his wife's inheritance may even account for the sometime possession of Scales Inn by Henry Grey, Marquess of Dorset. For if Scales Inn and "my place in the Vintry" were truly one and the same house, the Marquess may have inherited it by virtue of his Woodville blood: he was a great-grandson of Elizabeth Woodville by her first husband, Sir John Grey, Lord Ferrers, and all the queen's brothers had died by 5th March, 1490-1.²⁰ It must, however, be remembered that Richard III set aside the claims of the Woodvilles by granting the Scales possessions to John Howard, Duke of Norfolk,²¹ though the testator had humbly beseeched him as "Lord of Gloucester" that "mine executors may with his pleasure fulfil this my last will."

NOTES

1. This document was found in a collection of deeds which had been received by Mr. G. W. Willis, Curator of Basingstoke Museum and Chairman of the Basingstoke Estates Committee, from a local solicitor's office. As a result of some correspondence between Mr. Edward Yates, F.S.A., and Mr. Willis about Basingstoke property marks in George Alley, Upper Thames Street (see "Boundary and Property Marks in London," by the writer of this article, in *J.B.A.A.*, third series, Vol. VIII, 1943), Mr. Willis sent all the documents in this collection which concerned property in London to Mr. Yates, asking him to find suitable homes for them. The document which is summarized here was accordingly offered to the librarian of the Middle Temple and was accepted as "a most interesting addition to our records."

The original document is fol. 161 in Vol. V of the *Five Decrees* (Guildhall Records Office). It is indexed at the end of the volume as "Middle Temple vsus Parsons & Cox & al."
2. Sr. John Maynard Knt. Serjt. at Law Sr. Peter Ball Knt. William Hussey Esqr. Sir Boulstrode Whitlock Knt. Bartholomew Hall Esqr. Sr. Robert Reynolds Knt. Thomas Whitmore and Bennett Hoskins Esqrs. the Surviving Trustees for and on the behalf of the Honble Society of the Middle Temple petõners agt. John Parsons Edward Acton Esqr. and Elizabeth his wife Thomas Hales and Margaret his wife William Powle Robert Randall Gent and Martha his wife Edward Proby Richard Hodges and John Cox Esqr.
3. *Master Worsley's Book*, edited by Master C. H. Hopwood, 1896, p. 29.
4. *Ibid.*, p. 184.
5. Information from Mr. H. A. C. Sturgess, Librarian and Keeper of the Records of the Middle Temple.
6. Pp. 29-30.
7. *Master Worsley's Book*, edited by Arthur Robert Ingpen, K.C., 1910, p. 200.
8. See *Middle Temple Minutes of Parliament*, 24th May, 1850, and 3rd June, 1853, on the release of these houses from the rent charge of £40 per annum, as "the other part of 'Scales Inn' is an ample security" for it.
9. See *Improvements* (Guildhall Records Office), Vol. II, 29th January, 1849, for claims for compensation for freehold interest and leasehold interest in premises situate No. 60, Queen Street, a "brick built substantial warehouse . . . with stable and chaise house attached in Maiden Lane."
10. *Ibid.*, 15th January, 1849.
11. *Master Worsley's Book*, 1910, p. 110, note 2.
12. Rev. H. E. Salter, F.B.A., "Particulars of properties in the City of London belonging to St. John's College, Oxford," in *London Topographical Record*, XV, pp. 92, 107.
13. *Ibid.*, p. 99.

14. *D.N.B.*
15. Robert Edmond Chester Waters, *Genealogical Memoirs of the Extinct Family of Chester of Chicheley*, 1878, Vol. I, p. 255.
16. *Ibid.*, p. 253, and G.E.C., *Complete Peerage*, Scales.
 Both these co-heirs were descended from Robert, 3rd Baron Scales, as Sir William Tyndall was the great-great-grandson of his younger daughter, Elizabeth, by her marriage with Sir Roger de Felbrigg, and as John de Vere, Earl of Oxford, was the great-great-grandson of Robert's elder daughter, Margaret, wife of Sir Robert Howard. The Earl of Oxford obtained the larger share of the Scales estates as the senior co-heir and added the title "Lord Scales" to his other titles. On the death in 1526 of his nephew and successor, the 14th earl, the representation of the co-heirship devolved upon his three sisters and their descendants; it was in right of his descent from one of these ladies that Sir Charles Robert Tempest petitioned in 1856 for the determination of the barony of Scales in his favour, proving that he had vested in him one seventy-second part of one moiety.
17. This will is printed by Bentley in *Excerpta Historica*, I, pp. 246-8. See also Chester Waters, *op. cit.* The spelling has been modernized above.
18. His next brother and heir.
19. The testator was evidently not easy in mind about his will, for it was "to be seen and determined by two doctors of London and two of Oxford and of Cambridge or doctors at the least with two of the chief judges and two of the eldest serjeants of the law." The Scales family was not, however, forgotten completely, for "he that shall have the land to pay, or he have possession, 500 marks that to be employed for the souls of my last wife Lady Scales . . . and the souls of all the Scales blood in helping and refreshing hospitals and other deeds charitable."
20. Sir Anthony Woodville, 2nd Earl Rivers, was executed in 1483; Sir John shared his father's fate in 1469; Lionel was Bishop of Salisbury; Sir Edward fell in battle in 1488; Sir Richard, the youngest, succeeded his brother Anthony as 3rd and last Earl Rivers (*D.N.B.*) but died unmarried 5th March, 1490-1, when the peerage became extinct.
21. John Howard, Duke of Norfolk, was, indeed, descended from Margaret, elder daughter and co-heir of Robert, 3rd Lord Scales, as he was the grandson of her son, Sir John Howard, by his second wife. He was not, however, her representative, as the claim to the barony of Scales was transmitted by Elizabeth, daughter of Sir John's first wife, to her own great-grandson, John de Vere, 13th Earl of Oxford. (See p. 1, note 16.)