

An arched window with a black wrought-iron grille. The grille features a decorative top section with pointed finials and a lower section with a grid of circles. Through the window, lush green foliage and a brick building are visible.

# HISTORY OF THE MIDDLE TEMPLE

Edited by Richard O Havery



• HART •  
PUBLISHING

# History of the Middle Temple

Edited by

Richard O Havery



• HART •  
PUBLISHING

OXFORD AND PORTLAND, OREGON  
2011

Published in the United Kingdom by Hart Publishing Ltd  
16C Worcester Place, Oxford, OX1 2JW  
Telephone: +44 (0)1865 517530  
Fax: +44 (0)1865 510710  
E-mail: [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk)  
Website: <http://www.hartpub.co.uk>

Published in North America (US and Canada) by  
Hart Publishing  
c/o International Specialized Book Services  
920 NE 58th Avenue, Suite 300  
Portland, OR 97213-3786  
USA  
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190  
Fax: +1 503 280 8832  
E-mail: [orders@isbs.com](mailto:orders@isbs.com)  
Website: <http://www.isbs.com>

© The Honourable Society of the Middle Temple 2011

The Honourable Society of the Middle Temple has asserted its right under the Copyright, Designs and Patents Act 1988, to be identified as the author of this work.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission of Hart Publishing, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Hart Publishing Ltd at the address above.

British Library Cataloguing in Publication Data  
Data Available

ISBN: 978-1-84113-421-5

Typeset by Columns Design XML Ltd, Reading  
Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

While every care has been taken to establish and acknowledge copyright, and to contact copyright owners, the publishers apologise for any accidental infringement and would be pleased to come to a suitable agreement with the rightful copyright owners in each case.

## HISTORY OF THE MIDDLE TEMPLE

The history of the Middle Temple is a long and fascinating one. Templars held the estate of the Temple from the twelfth century until their suppression in the early fourteenth century; thereafter the lawyers came. The magnificent Tudor Hall of the Middle Temple was completed in 1574. By Elizabethan times the Inns of Court were known colloquially as the Third University of England. Many persons other than lawyers became members of Middle Temple—among them Sir Walter Raleigh, Elias Ashmole, Edward Hyde (Earl of Clarendon), William Congreve, Henry Fielding, Edmund Burke, William Cowper and William Makepeace Thackeray. Another Middle Templar and explorer was Bartholomew Gosnold, discoverer of Cape Cod, who named a nearby island Martha's Vineyard in honour of his six-year-old daughter. From those beginnings grew the thirteen American colonies, and in due course five Middle Templars signed the American Declaration of Independence on 4 July 1776. Moreover, the US Constitution was drafted by a committee chaired by yet another Middle Templar, John Rutledge, who, along with six other Middle Templars, was among its 39 original signatories.

The story of the Inn in modern times has seen it become one of the world's pre-eminent centres for legal education and practice.

This history of the Middle Temple, written by a team of eminent lawyers and legal historians, is the product of original research in the archives of the Middle Temple and will be a treasure trove of information about the Inn, its diverse history and influence.

**This book is dedicated to the memory of  
Sir David Calcutt, QC, whose idea it was**

---

## Editor's Note

---

Lesley Whitelaw, the Archivist of the Middle Temple, has made a signal contribution to this book. Her familiarity and facility with the archives of the Inn, coupled with her historical and palaeographical knowledge, have been of invaluable help to me in the preparation of the book. She has made a particular contribution to the passages on the Molyneux Globes, and has been the source of numerous ideas in relation to the writing and illustration of the book.

Lesley's assistant, Hannah Baker, has used her skills in making up CDs of many of the illustrations. Celia Pilkington, the Archivist of the Inner Temple, has given freely of her time in helping me to find documents relating to the fate and replacement of the old Purbeck marble columns in the Temple church. Christopher Morcom Q.C. has advised me on copyright questions. Ian Garwood, the Director of Estates, and Ian Smith, the Surveyor of the Middle Temple, produced the diagrams relating to the construction of the double hammerbeam roof of Middle Temple Hall. One of the authors, Sir John Baker, has suggested, read and translated ancient documents. The opinion of Peter Barber, MA, FSA, FRHistSoc, Head of Map Collections at the British Library, that Ashley is a more likely source than James I for Middle Temple's Molyneux Globes, finds expression in the book. Kristine McGlothlin, head of bench administration at Middle Temple, has prepared publicity material for the book, in conjunction with Jo Ledger of Hart Publishing. Rachel Pydiah, the secretary of the Under-Treasurer of the Middle Temple, provided the typescript of the American appendix. I have had the pleasure of dealing with Richard Hart in many respects relating to the publication of the book, in particular in relation to the finding of authors and to the design of the book. Rachel Turner, his assistant, has been infinitely patient and businesslike in receiving the various drafts. Mel Hamill has tirelessly helped in the administration of the copy editing. The copy editor herself, Catherine Minahan, has proposed some felicitous amendments. Tom Adams has smoothed the way to the production of the printed copy. And it was Sir Louis Blom-Cooper, QC, who made the happy suggestion that I approach Hart Publishing to publish the book. To all of these people I am deeply grateful.

Dates given in the text are NS. References to Parliament are generally references to the Middle Temple Parliament, which is a general meeting of benchers of the Inn held regularly during the year as part of the governance of the Inn.

Finally, two small points. I have used the spelling Raleigh for Sir Walter notwithstanding that his name is spelt Rawley in the Middle Temple Admissions Register and is spelt Raleigh in the DNB and the ODNB. Raleigh is the common spelling and any other is likely to be distracting to the general reader. If necessary, I pray in aid Cardinal Wolsey, who, the DNB tells us, invariably signed his name Wolcy. And I use the plural Knights Templar in deference to modern usage.

---

## Author Biographies

---

### BAKER

Professor Sir John Baker QC, FBA, has since 1998 been Downing Professor of the Laws of England at Cambridge, where he is a Fellow of St Catharine's College. He is an Honorary Bencher of the Inner Temple, where he was called to the Bar in 1966, and an Honorary Queen's Counsel. For 30 years he has been Literary Director of the Selden Society. His books include *The Order of Serjeants at Law* (1984); *The Legal Profession and the Common Law* (1986); *Readers and Readings in the Inns of Court and Chancery* (2000); *The Common Law Tradition* (2000); *An Introduction to English Legal History* (4th edn, 2002); *volume VI of the Oxford History of the Laws of England*, covering the period 1483–1558 (2003), and *An Inner Temple Miscellany* (2004). In 2003 he was knighted for services to English legal history.

### COCKS

Ray Cocks is a member of the Middle Temple and has taught law at various universities including the University of Keele where he was Head of the Law School and a Pro-Vice-Chancellor. Now a Professor Emeritus, he continues to teach and engage in research. In addition to articles in legal journals, his publications include *Foundations of the Modern Bar*, (1982); *Sir Henry Maine: a Study in Victorian Jurisprudence* (1988 and 2004); with F Cownie, 'A Great and Noble Occupation!': *The History of the Society of Legal Scholars* (2009); and an analysis of Victorian statutory reforms in *The Oxford History of the Laws of England* (2010).

### COLYER

John Colyer (His Honour John Colyer QC) was an Open History Scholar at Worcester College Oxford. Admitted to the Middle Temple in 1957, and called to the bar in 1959, he took silk in 1976 and was made a bencher in 1983. He lived in the USA 1959–1961 when he was an Assistant Professor at the University of Pennsylvania Law School. He is an Honorary Member of the Luzerne County Bar Association, Pennsylvania. Now that he has retired from the Circuit Bench he has several times returned to the United States to talk upon legal history topics. He was a Reader at the Inns of Court School of Law, is a past Chairman of Middle Temple Estates and



Library Committees and a former Master of the Archives. For 15 years he was Chairman of Middle Temple Historical Society.

#### HAVERY

Barrister of Middle Temple 1962; QC 1980; Master of the Bench of the Middle Temple 1989; Official Referee 1993–1998; Judge of the Technology and Construction Court 1998–2007.

#### HILL

Richard Hill served for 40 years in the Royal Navy, including four tours in the Ministry of Defence, retiring in 1983 in the rank of rear admiral. He was Under Treasurer of the Middle Temple from 1983 to 1994 and is an Honorary Master of the Bench. He wrote and lectured on maritime subjects from 1970 onwards. His ten books include *Maritime Strategy for Medium Powers*, *The Prizes of War* and the *Oxford Illustrated History of the Royal Navy*, of which he is General Editor. He was Editor of *The Naval Review* from 1983 to 2002.

#### PREST

Wilfred Prest was born in Melbourne, where he took his first degree, followed by an Oxford D.Phil. Wilfrid Prest has spent most of his career teaching history at the University of Adelaide, where he is now Professor Emeritus in History and Law. His publications include books on the early modern bar and Inns of Court, an outline history of England 1660–1815, an historical encyclopaedia of South Australia, a biography of Sir William Blackstone and an anthology of essays *Blackstone and his Commentaries: Biography, Law, History* (2009).

#### RILEY-SMITH

Jonathan Riley-Smith was educated at Eton and Cambridge. His first university post was in the Department of Medieval History at the University of St Andrews in Scotland. In 1972 he returned to the Faculty of History in the University of Cambridge before being appointed Professor of History at Royal Holloway College, University of London in 1978. From 1994 to 2005 he was Dixie Professor of Ecclesiastical History in Cambridge. He is a Knight of Justice of The Most Venerable Order of St John and a Knight Grand Cross of Grace and Devotion of the Sovereign Military Order of Malta. His books include *The Knights of St John in Jerusalem and Cyprus, c1050–1310* (1967), *The Feudal Nobility and the Kingdom of Jerusalem, 1174–1277* (1973), *What Were the Crusades?* (1977, 4th edn 2009), *The First Crusade and the Idea of Crusading* (1986), *The Crusades: A History* (1987, 2nd edn 2005), *The First Crusaders, 1095–1131* (1997), *The Crusades, Christianity and Islam* (2008) and *Templars and Hospitallers as Professed Religious in the Holy Land* (2010).

## STOCKDALE

Eric Stockdale, who is a Benchler, joined the Inn at the age of 17 in 1946 and was called to the Bar in 1950. From 1972 to 1994 he served as a Circuit judge. He obtained a PhD at the London School of Economics and has written, among others, four historical books. The last one, with Justice Randy Holland of the Supreme Court of Delaware as co-author, was *Middle Temple Lawyers and the American Revolution* (2007).

## TOULMIN

His Honour John Toulmin CMG QC FKC. Called to the Bar, Middle Temple, 1965. QC 1980. Benchler 1986. Master Reader Lent 2008. Member of the Church Committee 1991–2010 (Chairman 2003). Trustee of Temple Music Trust 1991–, (Chairman 2002–). Worshipped at Temple Church with wife Carolyn since married there in 1967. Full time judge as Official Referee and Judge of the Technology and Construction Court 1997–2011, now independent mediator and arbitrator. President of CCBE (European Bar Council) 1993. Chairman of Trustees, European Law Academy (ERA) 1997–2010, now Honorary President. Council of King's College London 1997–2009. Fellow (FKC) 2006. Visiting Professor at King's College London teaching Dispute Resolution. Many legal publications in national and international journals. For his services to European Law he was made a Companion of the Order of St Michael and St George (CMG) and an Honorary Life Member of the Law Society of England and Wales in 1994 and, in 1995, he was awarded the decoration Das Grosse Ehrenzeichen für Verdienste (Great Decoration of Merit (Austria)).

## WHITELAW

Lesley Whitelaw was born in 1958 and educated in South Africa and at St Andrews University (MA Hons 1981). Archivist to Royal College of Surgeons of Edinburgh and to Lothian Health Board 1981–1985. Held curatorial posts at The Scottish Record Office (now The National Archives of Scotland) until appointed Middle Temple Archivist in 1990.

## WINSTON

Jessica Winston is an associate professor of English at Idaho State University. Her research interests focus on the literary culture of the Inns of Court, 1500–1640. Her recent publications include 'Lyric Poetry at the Inns of Court: Forming a Professional Community' in *The Intellectual and Cultural World of the Early Modern Inns of Court* (2010) and 'Drama of the Inns of Court' (with Alan H Nelson, first author) in *A New Companion to Renaissance Literature and Culture* (2010).

**WOOLLEY**

David Woolley was educated at Winchester College and Trinity Hall, Cambridge. Called to the Bar, 1962. Silk 1980. Benchers 1987. Practice specialising in Town Planning and Local Government. Member of the MCC and Swiss Alpine Club. Trials with Tottenham Hotspur FC 1962. His publications include *Town Hall and the Property Owner* (1967); (with others) *Environmental Law* (2000, 2nd edn 2009); articles in legal journals.

---

## List of plates and illustrations

---

*(All references are to records in Middle Temple Archive and to pictures in the Middle Temple collection unless otherwise stated)*

### PLATES 1 (BETWEEN PAGES 36 AND 37)

- 1-1 Copy on paper recording the demi-lune 1185 dedication inscription formerly over a doorway of the Temple Church (Temporary ref Box cxxii, bundle 6, No.11)
- 1-2 Photograph of bust of Richard Hooker destroyed in the Blitz (MT.19/PHO/5/7)
- 1-3 Copy of a drawing of of Sir Thomas Elyot by Holbein courtesy of Sir John Baker.
- 1-4 Photographic image of James I's letters patent of 1608. (F.A. Inderwick: *A Calendar of Inner Temple Records* published by order of the Masters of the Bench, 1898, Vol. 2)
- 1-5 Extract from Year Book of 1388 recording the appointment of serjeants from Gray's Inn, Inner Temple and Middle Temple (Bodleian Library, University of Oxford: MS Bodl. 189, fol. 32v)
- 1-6 First surviving record of Middle Temple's parliament, 1501 (MT.1/MPA/1)
- 1-7 Extract from Parliament book recording Sir Francis Drake's visit to Middle Temple Hall, 1586 (MT.1/MPA/3)
- 1-8 Effigy of Edmund Plowden in Temple Church (Photograph by C. Christodoulou)
- 1-9 Grant of the Temple by the Knights Hospitaller to Hugh le Despenser, 1324. (The National Archives, E40/1469)
- 1-10 Temple Church by C. Knight showing interior decoration following the Victorian restoration. (MT.19/ILL/5/8)

## PLATES 2 (BETWEEN PAGES 68 AND 69)

- 2-1 View of the Temple as it appeared in 1671, re-engraved at the expense of the Inner Temple, 1770 (*Master Worsley's Book*)
- 2-2 View of the Temple as it appeared in 1722, re-engraved in 1831 (MT.19/ILL/2/7)
- 2-3 Lamb Building with names of occupants before the Great Fire of 1666 (Temporary ref Box lx, bundle 1, No. 1)
- 2-4 The north side of Middle Temple Hall c.1698 by William Emmet (MT.19/ILL/1/4)
- 2-5 Middle Temple Hall showing Savage's recently completed Plowden Buildings (1831) and entrance tower (1832) from a lithograph by F. Mackenzie (MT.19/ILL/1/3)
- 2-6 Inquisition of 1336 (The National Archives, C145/129/11(3))
- 2-7 Map, *Civitas Londinum*, c.1562, attributed to Ralph Agas (edition of 1634) (detail) (City of London, London Metropolitan Archives, RC23, folios 17 and 19)
- 2-8 Leake's Survey of the Post-Fire City, 1667 (detail) (City of London, London Metropolitan Archives RC23)
- 2-9 Plan of the Temple from John Ogilby's Map of London, 1677 (*From Master Worsley's Book* with additions by Richard Havery showing the extent of the 1679 fire)
- 2-10 Site plan of the Temple pre-1940 (reproduced, with amendments, from *The Temple Church in London* by David Lewer and Robert Dark by kind permission of Robert Dark on behalf of himself and of the late David Lewer)
- 2-11 Middle Temple site plan, 2008 (Middle Temple Estates Department)
- 2-12 Plan on deed of partition, 1732 (Image from *Master Worsley's Book*; original MT.4/PAR/1)
- 2-13 The Temple from Wyld's plan of the City, 1845 (From *The Temple Church in London* by David Lewer and Robert Dark by kind permission of Robert Dark on behalf of himself and of the late David Lewer)

- 2-14 Middle Temple Hall in the 1820s after Shepherd (MT.19/ILL/1/1)
- 2-15 Diary of John Manningham describing the performance of Twelfth Night in Middle Temple Hall, 2 February 1602 (British Library, Harl. MS 5353 fol. 12v)
- 2-16 Molyneux's terrestrial globe: view of North America with arms of Elizabeth I (photograph by C. Christodoulou)
- 2-17 Detail of Solomon Islands, terrestrial globe (Todd-White Art Photography)
- 2-18 William Sanderson's arms and address to the Gentle Reader, terrestrial globe (Todd-White Art Photography)
- 2-19 Plasterer's bill for work in Temple Church, adjusted by Sir Christopher Wren, 1682 (MT.6/RBW/18)
- 2-20 Page from the eleven volume library catalogue of 1684 (MT.9/LCA/11)
- 2-21 Receipt for music on Candlemas Day 1612 signed by John Dowland, William Corkine and Richard Goofey (MT.7/GDE/3)

PLATES 3 (BETWEEN PAGES 324 AND 325)

- 3-1 American Declaration of Independence facsimile subscribed by Richard Rush, Acting Secretary of State, 1817 (MT.18/USA)
- 3-2 Middle Temple Library: Henry R. Abraham, Architect, from *The Building News*, 15 February 1861 (MT.19/ILL/1/12)
- 3-3 'Fountain in the Temple' 1738 by Joseph Nicholls
- 3-4 William Blackstone, after Gainsborough (MT.19/POR)
- 3-5 Michael Sherrard CBE, QC by Israel Zohar
- 3-6 Armorial window of Sir Walter Raleigh in Middle Temple Hall (Photograph by C. Christodoulou)
- 3-7 Pump Court showing bomb damage (MT.19/PHO/4/3, *Planet News*)
- 3-8 John G. Roberts, Chief Justice of the United States, standing at the cupboard on the occasion of his Call to the Bench, 2007 (Photograph by Miranda Parry)

- 3-9 Lamb Building before the Second World War (MT.19/PHO/4/4)
- 3-10 Middle Temple Garden from the Embankment (MT.19/PHO/4/12)
- 3-11 The Princess of Wales meeting students and Master Babington after dinner in Hall, 1990 (MT.7/ROY/92)
- 3-12 Middle Temple Hall, c. 1800 (MT.19/ILL/1/4)
- 3-13 Taking commons in Middle Temple Hall, 1840 (MT.19/ILL/1/4)
- 3-14 Masters of the Bench, including the Prince of Wales, in the Parliament Chamber, 1880, from a painting destroyed in the blitz. (Photograph by C. Christodoulou)
- 3-15 Key to above picture (Photograph by C. Christodoulou)
- 3-16 Wren's Cloisters before the war (MT.19/PHO/5/1)
- 3-17 Cloisters as rebuilt by Edward Maufe (MT.19/PHO/5/1)
- 3-18 'Armistice Day 1940' by Frank Beresford
- 3-19 Call to the Bar in the bombed Hall, Trinity term 1941 (MT.19/ILL/1/3)
- 3-20 Damage to Brick Court, 12 May 1941 (MT.19/PHO/4/2)
- 3-21 Drawing by Harold Nelson of bomb damage to the Temple, not published for fear of giving information to the enemy (MT.19/ILL/2/9)
- 3-22 Detail of joint Bench dinner of Inner and Middle Temple in the restored Middle Temple Hall presided over by King George VI and Queen Elizabeth, July 1949, by Terence Cuneo.
- 3-23 Sir Banastre Tarleton by Sir Joshua Reynolds (By kind permission of the National Gallery)
- 3-24 Copy of posthumous portrait of Colonel John Laurens by Charles Fraser (Kindly given to the Middle Temple by Thomas Ashe Lockhart)
- 3-25 John Scott, first Earl of Eldon by Henry Perronet Briggs RA
- 3-26 Richard Bethell, Lord Westbury by Sir Francis Grant PRA

- 3-27 Rufus Isaacs, first Marquess of Reading in the robes of Viceroy of India (detail) by Sir Oswald Birley

ILLUSTRATIONS

- p 170 Petition of Charles Dickens to withdraw from the Inn (MT.3/MEM)
- p 224 Foundling poster offering reward, 1801 (MT.18/FOU/13)
- p 310 Goldsmith's tomb, 1860 (MT.19/ILL/5/17)
- p 390 Diagram showing repairs to double hammerbeam ceiling in Hall (Ian Garwood and Ian Smith)
- p 400 Excerpt from letter of Queen Elizabeth to Serjeant Sullivan following her call to the Bench, 1944 (MT.7/ROY/31)



---

## List of Abbreviations

---

A-G	Attorney-General
CB	Chief Baron [of the exchequer]
CJ	Chief Justice
CP	Common Pleas
GI	Gray's Inn
IT	Inner Temple
KB	King's Bench
LI	Lincoln's Inn
MT	Middle Temple
QB	Queen's Bench