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978-1-108-84538-0 — The Inns of Court under Elizabeth I and the Early Stuarts

2nd Edition

Wilfrid R. Prest

Frontmatter

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THE INNS OF COURT UNDER ELIZABETH I AND THE EARLY STUARTS

SECOND EDITION

The Tudor and Stuart inns of court were major centres of learning and literature, as well as professional associations of practising lawyers. This book sketches the evolution of the inns from their medieval origins and traces the dramatic impact of the societies' rapid expansion through the Elizabethan era and beyond. Wilfrid Prest's comprehensive study, based on original sources, surveys the structure and functions of the inns, outlining key aspects, from tensions between junior and senior members to the nature and effectiveness of their educational role. Its lively prose locates the inns within the cultural, political, religious and social context of Shakespearean and pre-civil war England.

This corrected and revised second edition of a classic work addresses recent scholarship on the early modern inns of court and includes a new chapter introducing the book to a new generation of readers.

WILFRID R. PREST is Professor Emeritus of History and of Law at the University of Adelaide, a senior fellow of Queen's College in the University of Melbourne, and a member of the Council of the Selden Society. He has published widely on the social history of law and lawyers in early modern England.

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PREFACE TO THE FIRST EDITION

Of the nature and order of the inns of court . . . I must profess my unhappiness not to be able to write as I would, and they deserve . . . I humbly crave the learneds' pardon for it . . .

Edward Waterhous, *Fortescutus Illustratus* (1663), 526.

A really good book on the inns of court has yet to be written . . .

Sir Frederick Pollock to Mr Justice Holmes, 1931:

The Pollock-Holmes Letters, ed. M. De Howe (Cambridge, 1942), ii. 285–6.

The inns of court still occupy an historical no-man's land, the domain of antiquaries and domestic chroniclers. This book attempts a rescue operation, on a small but strategically important front. It aims to provide a reasonably comprehensive account of the composition, structure and functions of the late-Tudor and early-Stuart inns, relating developments within their walls to the wider world outside and covering a period long enough to highlight significant changes through time. Institutions are more than the sum of their human parts, and this is not primarily a prosopographical study, although Chapters 1 and 2 rely heavily on mass-biographical data. Some attempt has been made to take account of the activities and interests of the inns' common lawyer members but without in any way reducing our need for a general history of the early seventeenth-century legal profession.

I am most grateful for the help given by the staff of the following institutions: the Barr Smith Library of Adelaide University, the South Australian Public Library and the Victorian Public Library; the Bodleian Library, British Museum, Cambridge University Library, Essex and Northamptonshire County Record Offices and the Institute of Historical Research; the Folger Library, the Milton S. Eisenhower Library of the Johns Hopkins University, the Harvard Law School Library and the Henry E. Huntington Library.

The Masters of the Bench of the Honourable Societies of Gray's Inn, the Inner Temple, Lincoln's Inn and the Middle Temple kindly permitted me to consult the archives of the societies. I am particularly indebted to the librarians of the four inns, who eased my task in many ways; I hope their doyen, Mr A. W. Ringrose of Lincoln's Inn, will accept my thanks on behalf of his colleagues.

I gratefully acknowledge support for research in England from the Myer Foundation, the Australian Research Grants Committee and the Faculty Grants fund of the Johns Hopkins University. The editors of the *Journal of the Society of Public Teachers of Law and Past & Present* have kindly enabled me to reprint parts of articles which first appeared in their publications. I also thank Sir Francis Wogan Festing for allowing me to consult the diary of his ancestor, John Greene. I owe a particular debt of gratitude to Miss Irene Cassidy, my research assistant in London from 1968 to 1970, whose expert help did much to lessen the difficulties of working at a distance from the sources.

I cannot mention by name all those who have contributed to the emergence of this book from an Oxford DPhil thesis presented in 1965, but I thank them nevertheless. Christopher Brooks, Jim Main, Frank McGregor, Walter Richardson, George Rudé, Hugh Stretton, Lawrence Stone, Nicholas Tyacke and Robin Walker kindly read and commented upon various drafts; needless to say, the responsibility for errors of fact and interpretation which remain is entirely my own. I am also most grateful to the late H. E. Bell, Mrs Patricia Crawford, Dr D. E. Kennedy, Professor S. E. Thome and the examiners of my thesis, Mr J. P. Cooper and Dr E. W. Ives, for their helpful suggestions; to my parents, for their moral and material support; and to all the friends and colleagues in Adelaide and Baltimore who urged me on. That has been the least of the kindnesses performed by my former supervisor, Christopher Hill; I only wish this book were more adequate recompense for his encouragement and inspiration.

ACKNOWLEDGEMENTS

Preparing in the midst of a global pandemic a new edition of a book first published half a century ago was never going to be easy. It has been impossible to visit archives and libraries outside Australia, sometimes even to access resources within my own city. But the kind assistance of archivists, librarians, scholars, colleagues and friends here and afar has done much to overcome these difficulties. I am painfully conscious that I have not always taken advantage of their kind advice, comments, images, references and suggestions and also that I shall inevitably manage to omit some names that should be there from the following list. But they know who they are, and I hope they will also accept this general expression of thanks, which is divided into three parts: first, at the inns of court, especially for help in updating references to sources re-catalogued since the first edition – Barnaby Bryan, Megan Dunmall, Michael Frost, Katherine Gwyn, Celia Pilkington, Renae Satterley and Leigh Trefny; second, more dispersed, including readers of text, respondents to miscellaneous queries and generous sharers of scholarly expertise – John Baker, David Cressy, Timothy Crowley, Louise Harrison, Lorna Hutson, Emily Ireland, David Lemmings, Sarah MacLean, Alan Nelson, Sophie Pitman, Emma Rhatigan, John Reeve, Johann Sommerville, Tim Stretton, Andrew Thrush, Nicholas Tyacke, Sarah Tyacke and Claire Walker; third, closest to home – Paula Everett, Ursula Henderson, Robin Secomb and their much put-upon colleagues at the Barr Smith Library and the Sir John Salmond Law Library of the University of Adelaide, Mark Neuendorf, who has gone far beyond the call of duty in many ways, and Sabina Flanagan, who managed to keep smiling throughout.

ABBREVIATIONS

Additional	Additional MSS, British Library
AJLH	<i>American Journal of Legal History</i>
<i>Al. Cant.</i>	<i>Alumni Cantabrigienses . . . from the Earliest Times to 1900</i> , comp. J. and J. A. Venn (Cambridge, 1922)
<i>Al. Ox.</i>	<i>Alumni Oxonienses: The Members of the University of Oxford, 1500–1714</i> , comp. Joseph Foster (1891–2)
APC	<i>Acts of the Privy Council of England</i> , ed. J. R. Dasent (1890–)
<i>Ath. Ox.</i>	Anthony Wood, <i>Athenae Oxonienses</i> , ed. P. Bliss (1813–20)
<i>Barristers</i>	Wilfrid R. Prest, <i>The Rise of the Barristers: A Social History of the English Bar 1590–1640</i> (Oxford, 1986, 1991)
BB	<i>The Records of the Honourable Society of Lincoln's Inn. The Black Books</i> , ed. W. P. Baildon and R. F. Roxburgh (1897–1969)
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BL	British Library, London
Bodl.	Bodleian Library, Oxford
Brerewood	Middle Temple Library, MS 95
<i>Cal. Com. Comp.</i>	<i>Calendar of the Proceedings of the Committee for Compounding, &c., 1643–1660</i> , ed. M. A. Green (1889–92)
CLJ	<i>Cambridge Law Journal</i>
CMTR	<i>Calendar of Middle Temple Records</i> , ed. C. H. Hopwood (1903)
Cottonian	Cottonian MSS, British Library
CPELH	J. H. Baker, <i>Collected Papers on English Legal History</i> (Cambridge, 2008)
CRS	Catholic Record Society Publication
CS	Camden Society Publication or Camden Series, Royal Historical Society Publications
CSPD	<i>Calendar of State Papers Domestic</i>
CSPVen	<i>Calendar of State Papers Venetian</i>
CUL	Cambridge University Library
DBC	Report to Henry VIII on the state of the inns of court c. 1540 by Thomas Denton, Nicholas Bacon and Robert Carey, printed Edward Waterhous, <i>Fortescutus Illustratus</i> (1663), 543–6

LIST OF ABBREVIATIONS

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D'Ewes, <i>Autobiography</i>	<i>The Autobiography and Correspondence of Sir Simonds D'Ewes, Bart. during the Reigns of James I and Charles I</i> , ed. J. O. Halliwell (1845)
D'Ewes, <i>Diary</i>	<i>The Diary of Sir Simonds D'Ewes 1622–1624</i> , ed. Elisabeth Bourcier (Paris, 1974)
DLA	John Fortescue's <i>De Laudibus Legum Angliae</i> , ed. S. B. Chrimes (Cambridge, 1942)
DWB	<i>The Dictionary of Welsh Biography</i> , ed. J. E. Lloyd and R. T. Jenkins (1959)
<i>EconHR</i>	<i>Economic History Review</i>
<i>EHR</i>	<i>English Historical Review</i>
Ellesmere	Ellesmere MSS, Huntington Library, San Marino
Foss, <i>Judges</i>	Edward Foss, <i>The Judges of England</i> (1848–69)
GEC	G. E. C[okayne], <i>Complete Peerage of England . . . and the United Kingdom</i> (1910–)
GI	Gray's Inn
<i>GI Adm. Reg.</i>	<i>Register of Admissions to Gray's Inn, 1521–1889</i> , ed. Joseph Foster (1889)
<i>GIPB</i>	<i>The Pension Book of Gray's Inn</i> , ed. R. J. Fletcher (1901–10)
Hargrave	Hargrave MSS, British Library
Harleian	Harleian MSS, British Library
Havery	<i>History of the Middle Temple</i> , ed. Richard Havery (Oxford, 2011)
<i>HEL</i>	Sir William Holdsworth, <i>A History of English Law</i> (1922–1952)
<i>HLQ</i>	<i>Huntington Library Quarterly</i>
HLS	Harvard Law School Library
HMC	Historical Manuscripts Commission
Hutson, <i>Handbook</i>	<i>The Oxford Handbook of English Law and Literature, 1500–1700</i> , ed. Lorna Hutson (Oxford, 2017)
ICWEMIC	<i>The Intellectual and Cultural World of the Early Modern Inns of Court</i> , ed. Jayne E. Archer, Elizabeth Goldring and Sarah Knight (Manchester, 2011)
IT	Inner Temple
<i>ITR</i>	<i>A Calendar of the Inner Temple Records</i> , ed. F. A. Inderwick (1896–1936)
<i>JLH</i>	<i>Journal of Legal History</i>
Lansdowne	Lansdowne MSS, British Library
LI	Lincoln's Inn
<i>LI Adm. Reg.</i>	<i>The Records of the Honourable Society of Lincoln's Inn. Admissions . . . 1420 to A.D. 1799</i> , ed. Joseph Foster (1896)
<i>LQR</i>	<i>Law Quarterly Review</i>
<i>LRH</i>	<i>Legal Records and the Historian</i> , ed. J. H. Baker (1978)

Manningham	<i>The Diary of John Manningham of the Middle Temple, 1602–1603</i> , ed. R. P. Sorlien (Hanover NH, 1976)
MT	Middle Temple
<i>MT Adm. Reg.</i>	<i>Register of Admissions to the Honourable Society of the Middle Temple, from the Fifteenth Century to the Year 1944</i> , ed. H. A. C. Sturges (1949), vol. 1
<i>MT Bench Book</i>	<i>The Middle Temple Bench Book</i> , ed. J. B. Williamson, 2nd ed. (1937)
<i>MTR</i>	<i>Minutes of Parliament of the Middle Temple</i> , ed. C. T. Martin (1904–5)
<i>N&Q</i>	<i>Notes and Queries</i>
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
<i>OHLE</i>	<i>Oxford History of the Laws of England</i>
<i>OJ</i>	William Dugdale, <i>Origines Juridicales</i> (1666)
<i>P&P</i>	<i>Past and Present</i>
<i>REED</i>	<i>Records of Early English Drama: Inns of Court</i> , ed. Alan H. Nelson and John R. Elliott (Cambridge, 2010)
Sloane	Sloane MSS, British Library
SP	State Papers, The National Archives
Stowe	Stowe MSS, British Library
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>

Note. Dates are given in New Style, with the year commencing on January 1. Abbreviations, capitalisation and punctuation have been modernised in quotations from primary sources but not in the titles of books. Unless otherwise indicated, all books cited were published in London. Where not otherwise indicated, biographical information is derived from the *ODNB*.