

REVELS IN THE INNS OF COURT.

Presidential Address Delivered to the Law Students' Society of Victoria,
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Although little is known of the origin and early history of the Inns of Court, in the sixteenth century they had become long established institutions. The training and exercises of the students and the organisation of the Inns in this period and in the early part of seventeenth century have been exhaustively investigated by legal historians. Less has been written of the feasts, games and masques which at that time would appear to have been just as distinctive a part of the life of the student at law in the Inns.

For any account of the Inns of Court Fortescue is the earliest authority.¹ In his day the four present Inns—The Middle Temple, Inner Temple, Gray's Inn and Lincoln's Inn—were well established and each had about two hundred students. There were, in addition, ten smaller Inns of Chancery, each subsidiary to one of the Inns of Court, the governing body of which supervised its management and appointed its Reader. The students were drawn almost exclusively from the nobility, mainly because of the great expense of maintenance at the Inns. Indeed an order of the judges in 1603 provided that "none from henceforth be admitted into the society of any House of Court that is not a gentleman by descent."² And the Inns of Court were so called because "the students in them did there not only study the laws, but use much other exercises as might make them the more serviceable to the King's Court."³

The nature of the education provided was such as to attract to the Inns of Court not only those who hoped to earn their living or gain advancement by the law, but also those elder sons of the nobility for whose future station a liberal education was desirable. "There is in both the Inns of Court and of Chancery a sort of an academy, or gymnasium, fit for persons of their station, where they learn singing and all kinds of music, dancing and such other accomplishments and diversions (which are called revels) as are suitable to their quality, and such as are usually practised at Court at other times; out of term the greater part apply themselves to the study of the law . . . Here everything which is good and virtuous is to be learned; all vice is discouraged and banished."⁴

Fortescue concludes that the discipline of the students in the Inns was so excellent "that there is scarce ever known to be any picques or differences, any bickerings or disturbances amongst them. The only way they have of punishing delinquents is by expelling them the society; which punishment they dread more than criminals do imprisonment and irons, for he who is expelled out of one society, is never taken in by any other."⁵ If such an account is in itself too glowing to carry conviction, a reference to the original records of the Inns leaves no doubt that it

1. Fortescue "*De Laudibus Legum Angliæ*" Cap. 49.

2. Dugdale "*Origines Juridicales*" (1671) 316.

3. *Ibid.* 141.

4. Fortescue "*De Laudibus Legum Angliæ*" 1825 edition, Cap. 49.

5. *Ibid.*

is far too favourable. Manners in the Inns during the medieval period seem to have been indeed rough. It was necessary to prevent the students from wearing their hats, swords and spurs in church and in the Hall during meal times.⁶ A statute of Gray's Inn in 1597 provided that "to avoid disturbance and confusion of service, every gentleman of this House . . . who should, henceforth, go down to the dresser either to fetch his own meat or change the same; or not presently to sit down to meat when the servants have messed him, or take meat by through and from such as should serve them, to be put out of Commons *ipso facto*."⁷ To satisfy those who had no friends among the most junior students whose duty at one time it was to serve the others, the statute proceeded to set up an "order of rank or course," from which the servers were enjoined not to depart.⁸ Drinking in the cellars had to be prohibited, and access to the buttery bar was permitted only to the "ancients" (those who were qualified to assume the office of Reader, but had declined the dignity on the ground of its expense).⁹ Up till the reign of Elizabeth, the members of the Inner Temple "did use to drink in cups of ashen wood . . . but then those were laid aside and green earthen pots introduced . . ."¹⁰ A statute of Gray's Inn provided "that no laundress nor women called victuallers, should ever come into the gentleman's chambers of this society unless they were full forty years of age."¹¹

Gambling was as prevalent in the Inns as it was elsewhere in the days of Elizabeth and Charles. There were numerous attempts to prohibit playing at dice and cards, but as the butler received part of the profits of the games conducted in the buttery, that officer insisted on the privileges of his office until he was granted a salary in compensation. In 1568, when a lottery was held in the City of London, the gentlemen of Lincoln's Inn and two of the Inns of Chancery pooled their resources, the governors contributing, in addition, 28/4 out of the funds of the Inn. The entry in "The Black Books of Lincoln's Inn" mentions that "the speculation was not successful, as the winnings only realized on division 4/3 for each lot of 10/-."

The comprehensiveness of the Regulations dealing with all conduct frowned upon suggests that, perhaps, conditions were not as bad as would at first appear. Thus the "Ancient standing orders and constitutions" of Gray's Inn provided (*inter alia*) that the members show civility and due respect to the Readers and Ancients," "that no fellow of the Society pass up or down the Hall with his hat on his head, when the Society is met at meals or exercises, or other public occasions; that no fellow of the Society stand with his back to the fire; that no fellow of the Society make any rude noise in the Hall at exercises, or at meal times."¹²

This passion for regulation led the governing bodies into great difficulties when an attempt was made to prohibit the wearing of beards. The orders varied from prohibition of beards simply, to regulations, such as

6. Dugdale 148.

7. The Pension Book, 9 Gray's Inn (Fletcher) (i) 136.

8. *Ibid.*

9. *Ibid.*

10. Dugdale 148.

11. 23 Elizabeth. Dugdale 286.

12. Dugdale 291.

that of the judges in 1543, providing that no "fellow of the Societies should wear any beard above a fortnight's growth."¹³ The difficulty of ascertaining, much less enforcing, such standards can well be imagined. That these orders touching beards should have been repealed is not surprising, although the ostensible reason given was the increase in the fashion of wearing beards.¹⁴

There can be no doubt that the tendency to disorder was increased by the presence in the Inns of the sons of nobility who never intended to practice law. The preamble to an order of the Judges in 1630 wherein they declared that "the Inns of Court were ordained chiefly for the profession of the law, and in a second degree for the education of the sons and youth of riper years of the nobility and gentry of this realm,"¹⁵ showed a welcome turn in the right direction.

The Christmas Revels were usually very boisterous occasions. The records of the Inns abound with orders, most providing for their strict supervision, others going so far as to prohibit their future observance. These latter orders were invariably repealed after a few years following, no doubt, upon pressure by the students. Thus "for keeping good rule in Christmas time and for preventing of quarrels within the House and that general scandal and obloquy which the House both heretofore incurred in time of Christmas" orders of the Inner Temple in 1631 provided that "there shall be no drinking of healths nor any knocking with boxes or calling aloud for gamesters" in the Christmas week.¹⁶ On the other hand there is evidence that these revels "were not merely permitted but thought very necessary (as it seems) and much conducing to the making of gentlemen more fit for their books at other times" for by an order of 1610 the utter barristers of Lincoln's Inn "were by decimation put out of Commons, for example's sake, because the whole bar offended by not dancing on Candlemas day preceding" according to the ancient order of the Society.¹⁷

If the governing body of the Inn decided that a grand Christmas should be held, the officers to lead the revels were appointed as early as in Trinity Term beforehand, so that the most thorough preparation could be made. These officers were variously named the Constable-Marshal, Master of the Game, Master of the Revels, Lord of Misrule and, in Lincoln's Inn, King of the Cockneys and Jack Straw. Dugdale's account of the revels on St. Stephen's Day, in the Inner Temple is worth quoting in full.¹⁸

"After the first course served in, the Constable-Marshal cometh into the Hall, arrayed with a fair rich complete Harneys, white and bright, and gilt, with a nest of feathers of all colours upon his crest or helm, and a gilt poleaxe in his hand; to whom is associate the Lieutenant of the Tower, armed with a fair white armour, a nest of feathers in his helm, and a like poleaxe in his hand; and with them sixteen trumpeters; four drums and fifes going before them; and with them attendeth four men

13. *Ibid.* 344.

14. *Ibid.* 345.

15. *Ibid.* 320.

16. Dugdale 149.

17. *Ibid.* 246.

18. *Ibid.* 136.

in white Harneys, from the middle upwards, and halberds in their hands, bearing on the shoulders the tower; which persons, with the drums, trumpets and music go three times about the fire, then the Constable-Marshal, after two or three curtesies, kneeleth down before the Lord Chancellor; behind him the Lieutenant; and they kneeling, the Constable-Marshal pronounceth an oration of a quarter of an hour's length keenly declaring . . . that his purpose is to be admitted into his Lordship's service.

"The Lord Chancellor saith, he will take further advice therein.

"Then the Constable-Marshal, standing up, in submissive manner, delivereth his naked sword to the Steward; who giveth it to the Lord Chancellor; and thereupon the Lord Chancellor willeth the Marshal to place the Constable-Marshal in his seat; and so he doth, with the Lieutenant also in his seat or place. During this ceremony the Tower¹⁹ is placed beneath the fire.

"Then cometh in the Master of the Game apparelled in Green Velvet; and the Ranger of the Forest also, in a Green suit of Sateen; bearing in his hand a green bow, and divers arrows, with either of them a Hunting Horn about their necks; blowing together three blasts of Venery, they pace around the fire three times. Then the Master of the Game maketh three curtesies, and kneeleth down before the Lord Chancellor, declaring the cause of his coming and desireth to be admitted into his service. Then the Master of the Game standeth up.

"This ceremony also performed, a Huntsman cometh into the Hall, with a fox and a purse-net; with a cat, both bound at the end of a staff; and with them nine or ten couple of hounds, with the blowing of hunting horns. And the fox and cat are by the hounds set upon, and killed beneath the fire. This sport finished, the Marshal placeth them in the several appointed places.

"Then proceedeth the second course; which done and served out, the Common Sergeant delivereth a plausible speech to the Lord Chancellor, and his company, at the Highest table, how necessary a thing it is to have officers at this present; the Constable-Marshal and Master of the Game, for the better honour and reputation of this Commonwealth; and wisheth them to be received.

"Then the King's Sergeant at Law, declareth and inferreth the necessity; which heard, the Lord Chancellor desireth respite of further advice. Then the Ancientist of the Master of the Revels singeth a song, with assistance of others there present.

"Supper ended, the Constable-Marshal presenteth himself with drums afore him, mounted upon a scaffold born by four men; and goeth three times round about the Hearth, crying out aloud: "A Lord, A Lord." Then he descendeth and goeth to dance, one after he calleth his Court, every one by name, one by one in this manner:

"Sir Randle Rackabite of Rascall Hall in the County of Rakehell.

19. Those who incurred the displeasure of the Constable Marshal were committed to the "tower." However, this punishment could be avoided. "If any offender escape from the Lieutenant into the Buttery, and bring into the Hall a manchet upon the point of a knife he is pardoned, for the Buttery in that case is a sanctuary." Dugdale, 156.

"Sir Bartholmew Baldbrech of Buttocke Bury in the County of Brekenek."

"This done, the Lord of Misrule addresseth himself to the Banquet; which ended with some Minstrelsy, Mirth and Dancing, every man departeth to rest."

On a scale even more lavish than the grand Christmasses, were the less frequent masques. By the time of Elizabeth "the revelry and festivity, which during the Wars of the Roses and under the first of the Tudors had been confined to eating, drinking and dancing, with an occasional show of jugglery or an interlude, and a strain of minstrelsy, had gradually developed into performances characterized by literary and artistic excellence."²⁰ Thus Bacon assisted in the Revels when a grand Christmas was held at Gray's Inn in 1594. "Twelfth Night" was played in the Temple in 1602.

The masques were "amateur histrionic entertainments popular at Court and amongst the nobility in England during the latter part of the sixteenth and first half of the seventeenth century."²¹ For the most part they were held only on important State occasions. Thus the members of the Inner Temple and Gray's Inn performed a masque at Court at the marriage of Elizabeth, daughter of James I., to the Prince Elector Palatine of the Rhine.²²

The grand masque of the four societies performed at Court in 1633 was undoubtedly one of the most spectacular of all the masques.²³ The idea was conceived "by the outward and splendid visible testimony of a Royal Masque of all the four societies joining together, to be by them brought to the Court as an expression of their love and duty to their Majesties." The plan was considered "seasonable because this action would manifest the difference of their opinion from Mr. Prynne's new learning, and serve to confute his "Histrio Mastix" against Interludes." In this work, published in 1632, Prynne had endeavoured to show that masques were sinful, conducive to immorality, and forbidden by the law of God and the fathers of the Church. One of the most extreme puritans, Prynne had been able to demonstate in an earlier work that it was sinful for men to wear their hair long and as unnatural for women to wear their hair short.

The Committee appointed to produce the Masque was composed of such eminent lawyers as Hyde, Whitelocke, Sir Edward Herbert, Selden, Noy and Sir John Finch. The play was Shirley's "The Triumph of Peace" but the feature of most interest to those who took part in the proceedings was the procession from Ely House to Whitehall.

"The first that marched were twenty footmen, in scarlet liveries with silver lace, each one having a sword by his side, a baton in one hand, and a torch lighted in the other; these were the Marshal's men, who cleared the streets, made way, and were all about the Marshal waiting his commands." Then followed one hundred gentlemen of the Inns of Court, mounted on the best horses that the King's Stable and the stables of the

20. Holdsworth, H.E.L. ii 495.

21. Oxford Dictionary.

22. Dugdale 150.

23. For the whole account see Whitelocke's "Memorials," page 19, et seq.

nobility could afford, "and they were forward on this occasion to lend them to the Inns of Court . . . Everyone of these hundred gentlemen were in very fine clothes, scarce anything but gold and silver lace to be seen of them; and each gentleman had a page and two lacquies waiting on him in his livery by his horse's side. The lacquies carried torches and the page his master's cloak.

"After the horsemen came the antimasquers,²⁴ and as the horsemen had their music, about a dozen of the best trumpeters proper for them, so the first antimasquers being of cripples and beggars on horseback, had their music of keys and tongs and the like, snapping and yet playing in a consort before them.

"These beggars were also mounted, but on the poorest leanest jades, that could be gotten out of the dirt carts or elsewhere, and the variety and change from such noble musick and gallant horses as went before them into their proper²⁵ musick and pitiful horses, made both of them the more pleasing.

"After the beggars antimasque, came men on horseback playing on pipes, whistles and instruments sounding notes like those of birds of all sorts and in excellent consort and were followed by the antimasque of birds: This was an owl in an ivy bush, with many several sorts of other birds, in a clustre about the owl, gazing as it were upon her. These were little boys put into covers of the shapes of those birds, rarely fitted and sitting on small horses, with footmen going by them, with torches in their hands; and here were some besides to look into the children, and this was very pleasant to the beholders.

"Next rode a fellow upon a little horse, with a great bit in his mouth, and upon the man's head was a bit, with Headstall and reins fastened, and signified a projector, who begged a patent, that none in the kingdom might ride their horses but with such bits as they should buy of him.

"Then came another fellow with a bunch of carrots upon his head, and a cap on upon his fist, describing a projector who begged a patent of monopoly, as the first inventor of the art to feed capons fat with carrots."

These projectors pleased the spectators because thereby "an information was covertly given to the King, of the unfitness and ridiculousness of these projects against the law." After the antimasques, followed musicians and then the "Grand Masquers," four from each Inn in a chariot painted with distinctive colours. Lots were drawn for the order of precedence. The chariot of Gray's Inn, which drew the first lot, was drawn by four horses, all abreast, and they were covered to their heels all over with cloak of tissue, of the colours of crimson and silver." The masquers were similarly clothed, in red and white. Musicians preceded each of the other chariots, which were each attended by four footmen "carrying huge flamboys in their hands, which with the torches gave such a lustre to the paintings, spangles and habits, not hardly anything could be invented to appear more glorious.

24. "A grotesque interlude between the acts of a masque, to which it served as a foil, and of which it was at first often a burlesque."—Oxford Dictionary.

25. I.e., "appropriate."

"In the meantime the banqueting house at Whitehall was so crowded with fair ladies, glittering with their rich clothes and richer jewels, and with lords and gentlemen of just quality, that there was scarce room for the King and Queen to enter in. The King and Queen stood at a window looking forward into the street, to see the masquers come by and being delighted with the noble bravery of it, they sent to the Marshal to desire that the whole show might fetch a turn about the tilt yard, that their Majesties might have a double view of them, which was done accordingly.

"The King and Queen and all their noble train being come in, the masque began, and was incomparably performed in the dancing, speeches, musick and scenes."

After the masque there was dancing, the queen deigning to dance with some of the masquers herself. "Thus they continued in their sports until it was almost morning, and then the King and Queen retiring to their chamber, the masquers and Inns of Court gentlemen were brought to a stately banquet.

"Thus," concludes Whitelocke, "was this earthly pomp and glory, if not vanity, soon fast over and gone, as if it had never been." However, the great expense incurred left the funds of the Inns in a precarious state for some time. The costumes cost 10,000 marks, the musicians received about 1,000 marks, so that Whitelocke's estimate of the total cost of the masque, at 21,000 marks would not be exaggerated. The statutes of Gray's Inn for the twelve months succeeding the performance of the masque are concerned with getting in the levies that were made on the members. Indeed the Pension finally decided that those masquers who failed to return their costumes should be put out of Commons.²⁶

Altogether the impression gained of these grand occasions in the Inns of Court is one of pageantry even more splendid than that of the more formal ceremonies of the Courts. Certainly it provides clear evidence that in those days the "dry as dust" lawyer was indeed a fiction.

26. The Pension Book of Gray's Inn (Fletcher) i. 207.