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Inns of Court Definition:

The several professional associations of barristers, to which all barristers in England or Wales must belong to one, to wit, Lincoln's Inn, Middle Temple, Gray's Inn or Inner Temple.

Related Terms: Middle Temple, Gray's Inn, Lincoln's Inn, Chancery Lane, Inns of Chancery, Inner Temple

Each Inn of Court has a right to supervise and discipline its membership; thus, it is self-regulating.

The four Inns of Court are:

- **Gray's Inn;**
- **Lincoln's Inn;**
- **Inner Temple; and**
- **Middle Temple.**

Historically, as set out below, the Inns of Court served as one-stop-shop law schools, bringing a young man through 7-12 years of teaching in a law-dedicated boarding school environment, from teenage years to call to bar.

As to the word *Inn*:

"As well as applying to the houses used by travellers and pilgrims - the usage (*Inn*) that usually comes to mind - the term, or its Latin equivalent *hospitium*, also applied to the large houses of magnates of all kinds, such as statesmen, bishops, civil servants, and lawyers, whose business brought them to town, especially when Parliament and the courts were in session. The area in which many were situated were then suburbs, salubrious but convenient for both Westminster and the City. This type of inn was often not simply an individual residence but provided accommodation for a whole retinue of guests, and typically included, both as a focus for medieval living arrangements and as a status symbol, a hall (indeed, the bishops' inns were also called palaces). Law students, or "apprentices" of law, who at the period learnt their craft largely by attending court, sought shared accommodation during the legal terms, sometimes in part of an inn of a magnate who did not need it."¹

The Inns of Court have lost the responsibility to act as law schools; this now devolves upon the universities of England and Wales: Cardiff, Oxford, London, Cambridge, Liverpool, etc. But the Inns of Court have cleverly re-invented themselves and now serve exclusively as bar entrance portals and purveyors of continuing professional development for English and Welsh barristers. The other traditional feature of each Inn of Court, that of an exclusive fraternity and club, remains including, in most cases, accommodation.

As trade guilds and lawyer fraternities, the Inns of Court evolved from the medieval period subsequent to the Norman Conquest of England in 1066. William the Conqueror had convened a national law court to meet at his palace. These eventually branched out into three divisions: King's Bench, Common Pleas and Exchequer. The Norman king often travelled with his courts, judges and lawyers part of his entourage. He and his judges heard and judged pleas brought to him on these pilgrimages. The first lawyers were members of the clergy but by the time of Henry III (1207-1272), there were calls for secular lawyers. In fact, the true spark of the English bar could be said to be the decision made by the clergy in 1209 to prohibit their members from practising in the secular courts - the sudden void proved once again that necessity is the

mother of invention.



The roving court practise of the Norman King William was changed by his successors. London or, more precisely, Westminster was chosen as a permanent venue of these courts (the Magna Carta refers to the Court of Common Pleas as requiring a permanent home).

The word "*Temple*" as in **Middle Temple** or **Inner Temple**, is taken from the structure which housed England's first law schools, sponsored by the Knights Templar (an order of knights established in 1118). The Templars needed a base near London and they chose land adjacent to the small suburb known as Holburn. Built just on the outside the effective boundaries of the City of London between 1161 and 1185, their Temple became the historic launching ground for the Crusades.

The placement of the Temple outside the historic gates of the City of London was no accident. The medieval Knights Templar considered it a badge of honour that they would place their Temple outside the walls of the city's protection, the remnants of the Roman wall known as the Liberty of the City. The Liberty line was marked by a chain gate which became known as the *Temple Bar*, now a stone gateway of the same name. Along with London Bridge, the gateway became a prime public location used to display the heads of traitors and rebels as a warning to others. Below the gateway was a well-used pillory.

In 1234, Henry III prohibited legal education "within the City". Law teachers, all clergy, naturally flocked to the Temple to continue their law schools.

In 1292, Edward I proclaimed into law an obligation upon his courts to select and appoint some 140 attorneys and their apprentices to follow the court and to assist litigants.

On the inside of the Temple Bar but next to the Temple, another castle was built and it became known as the **Middle Temple**, to distinguish it from the Temple which was outside the gate, which became known as the **Inner Temple**.

The Order of the Knights Templar was formally dissolved in 1312. The property was given, by King Edward III (1312-1377), to the religious Order of St. John in 1340. The earliest historical record which refers to the Inns of Court and the apprenticeship of lawyers at the Temple, is dated 1344.

The Order of St. John's took over the buildings which were used as monasteries and schools. Missionaries were trained but separate quarters were set aside, as secular monastery, to support the specialized training of lawyers, a calling then considered to be just short of the priesthood.

It was a symbiotic relationship. There, inside the Temple, from the mid-1300s on, students have studied law, then a mix of **canon law**, **Roman law** and a slowly developing body of home-made **English common law**.

In the academic food chain, below the Temple, were **Inns of Chancery**, especially Thavies's Inn, which served as a pre-law school for young men. Eventually the **Inns of Chancery** were absorbed by the Inns of Court but when these first law schools of the common law began, various **Inns of Chancery** were just as numerous.

Geoffrey Chaucer wrote in the prologue to *Canterbury Tales* (1387):

"A manciple there was of a Temple
Of masters had he more than thrice ten
That were of law expert and curious
Of which there was a dozen in that house
Worthy to been stewards of rent and land
Of any Lord that is in England..."

By these events, the Inns of Court served as a residence for students of law during their period of pre-practise education, especially the articling period which every **barrister** goes through as a form of apprenticeship as a prerequisite to being called to the bar; i.e. given a license to practice law - to give legal advice and especially as regards barristers, to represent others in courts of law.

Like any medieval guild, the graduates of the Inns of Court, once called to the bar, held a monopoly in the practise of law (English lawyers still resent comparisons to the other trade guilds of medieval England).

Each Inn typically had a chapel, a library, a dining hall and accommodation for members upon their occasional attendance upon professional business in London. There was often fierce competition between them especially in attracting the attention of the monarch.

Each dining hall had a long wooden bar used to separate the governors (benchers) from the rest.

The term "barrister" was originally a purely internal or domestic rank - a graduate of the Inn who had successfully negotiated the elaborate legal exercises set in Hall, which was laid out for moots like a court, with a bar. Although there were various attempts to regulate those who appeared in court, any requirement that they be barristers of an Inn of Court emerged at first only as a matter of practice - a case in 1590 finally confirmed it as a matter of law. And once that happened the process of excluding mere attorneys from membership of the Inns of Court was accelerated.²

The word "barrister" comes from this barrier.

Those students near graduation were called *Utter* or *Outer Barristers* and given places next to the bar. The rest of the student body was called *Inner Barristers* or *Mootmen*. *Readers* were chosen and assigned to help the newer students.

Outer barristers were able to plead cases before the court but they could not go past a bar set inside the courtroom, that bar reserved for senior lawyers only.

Once called to the bar, the new lawyers lost their place in residence at their Inn and had to lodge elsewhere, their former premises surrendered for younger aspirants to the title *Apprentice at the Law*, although they were entitled to accommodation at the Inn upon their occasional business in London courts, presumably on a first-come, first-served basis.

Joint and severally, the Inns of the Court formed proud and distinct guilds (a trade union) and fraternities of lawyers which adopted many of the university practices of Oxford and Cambridge. Initially, those universities were hotbeds of canon law and not the developing body of the common law. The universities deferred to Latin, the Inns of the Court first to law French and by about 1650, to English.

Cecil Headlam writes:

"In the reign of Henry VI (1461-1470), the four Inns of Court contained 200 persons each and the ten Inns of Chancery 100 each."

In 1540, Henry VIII abolished the Order of St. John, which had taken over the assets of the previous Knights Templar and acted as landlords to the small law schools.

Only the sons of the rich could afford attendance at the Inns of Court. James I made "a gentleman by descent" a pre-requisite to admission. King James also referred to the *Inns of Court* in a charter dated August 13, 1608 as "those four colleges, the most famous in all Europe".

The history of the Inns of Court is the subject of numerous books, a certain sign of the sense of self-importance of the "gentlemen graduates". Those voluminous histories contain little coverage of events that really mattered such as the **Wat Tyler Rebellion of 1381** or the Great Fires of London, both of which threatened to destroy all the Inns. Instead, the histories record for posterity mundane anecdotal facts hardly worth remembering.

In the ownership vacuum created by the dissolution of the Order of St. John, at least upon English soil, the lawyers of the Inner Temple and of the Middle Temple took over the Temple buildings and have asserted ownership rights over the properties ever since, especially by King James' *Inns of the Court Charter* of 1608, and then by an outright purchase in 1673 for £78.

The title document is locked inside a chest hidden under the communion table at the Inner Temple, a chest which can only be opened by two different keys, one held by each of the **Inner Temple** and the **Middle Temple**.

Over a larger area of present-day London are now four non-profit societies, all clustered together but proudly distinct:

- the Honourable Society of Gray's Inn (**Gray's Inn**);
- the Honourable Society of Lincoln's Inn (**Lincoln's Inn**);
- the Honourable Society of the Inner Temple (**Inner Temple**); and
- the Honourable Society of the Middle Temple (**Middle Temple**).

Edward Coke, not always the best source of historical facts, suggested that the full course of study lasted 12 years. In 1596, the duration of the apprenticeship period was made standard for all Inns of Court to seven years.

The Inns of Court were very much a private school, complete with residence, chapel, and rules and lessons in subjects not academic. Weapons were prohibited on the premises. Dress, hair length and facial hair were regulated. Singing and dancing formed part of the curriculum.

Eventually, the Inns of the Court lost much of their teaching responsibilities especially as the general universities opened their own law schools, and the individual Inns became more of a formal men's club and later, accommodation and dining club open to both genders.

Inside the Temple Church are buried famous crusaders such as William Marshall, as well as famous jurists including John Selden (d. 1645).

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- NOTES 1 and 2: From the [Lincoln's Inn website](http://www.lincolnsinn.org.uk/) , retrieved 31 JAN 2012 from <http://www.lincolnsinn.org.uk/>

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Top