

# The King's Inns

By

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It is said that the first Irish Inn of Court was established in the reign of Edward I., about the year 1300; it was a purely voluntary association, and comprised both Judges and Barristers. Every member of the body was also a member of one of the English Inns of Court, and there was a right of appeal from the decisions of the authorities of the Irish Inn to the Judges at Westminster. The Inn had its habitation at a place called "Collett's Inn", in S. George's Lane outside the eastern gate of the city, about where Exchequer Street now stands. The Court of Exchequer was also held in Collett's Inn until about the year 1300, when the O'Byrnes and O'Tooles, taking advantage of the absence of the Lord Deputy and Garrison, made an attack on the city in which the Exchequer was plundered and the records burnt. In consequence of this the Exchequer was moved to a place of greater security in the Castle.

In 1384 Sir Robert Preston, Chief Justice of the Common Pleas, assigned his house (which occupied the position of the present City Hall) to the legal body for use as an Inns of Court, and in "Preston's Inn" the lawyers remained for nearly 200 years. Early in the sixteenth century the Preston family in some unexplained manner recovered their ancestor's property from the legal body, and, consequently, it became necessary for them to obtain a new habitation.

Accordingly in 1541, the Judges and Law Officers of Ireland presented a memorial to the Privy Council in England.

This memorial shows that the legal body went into occupation of the buildings of the Friary immediately upon its dissolution. It makes no mention of "Preston's Inn" or of any residence as formerly belonging to the lawyers, and it seems probable that prior to 1539 when they established themselves in the Friary buildings there was no institution in Ireland of the nature of an Inn of Court.

The memorial of the Bench with reference to the King's Inn found favour with the Privy Council in England, and in 1541 the king demised "to John Allen, Chancellor, Sir Gerard Aylmer, Chief Justice of the King's Bench, Sir Thomas Luttrell, Chief Justice of the Common Pleas, Patrick Whyte, Secon Baron of the Exchequer, Patrick Barnewall, Sarjeant of the King, Robert Dillon, Attorney General, Walter Cowley, Solicitor of the King, and to the other Professor of the Law, the monastery or house of the Friars Preachers near Dublin, and the site, circuit, ambit and precinct of the said monastery and church with the steeple and cemetery of the same, etc., likewise 15 messuages in the Parish of S. Michan within the franchises of the City of Dublin; one messuage with appurtenances in the street called Patrick Street; one messuage in the street called New Street and the moiety of a certain meadow called Ellen Hore's mead otherwise Gibbet's mead with appurtenances in the City of Dublin and all other profits possession and hereditaments whatsoever in Dublin and the suburbs of the said city."

This lease was only for twenty-one years, as was also an Act passed in 1537, which declared it to be the law that no person was entitled to practice at the Irish Bar unless he had previously resided at an English

Inn of Court for five years. This regulation about residence did not please the English Inns and, on September 1st, 1542, the Lord Deputy and Council wrote to the Privy Council to complain that "divers gentlemen minding to study at the Inns of Court were by the Ancients of the said Inns restrained". Henry VIII then gave orders that all gentlemen of Ireland might be admitted to the Inns of Court as other of the King's subjects be. The complaint about the refusal of the English Inns of Court to receive Irishmen was an old one.

In Queen Elizabeth's reign the Government became anxious to remove the Law Courts from the Castle, and in May 1578, the English Privy Council directed the Privy Council in Ireland that the Courts of Law were not to be kept at the Castle on account of the danger caused by the mass of gunpowder which was stored under the rooms used by the Courts. This direction was not carried out for in August, 1582, the Lord Deputy, Lord Grey de Wilton, was instructed by the Queen to remove the Courts of Law from the Castle to the King's Inns.

The lease made by Henry VIII to the Society of the King's Inns expired in 1562, and on 26th January, 1566/7, Queen Elizabeth made a lease to Sir Robert Dillon, Chief Justice of the Common Pleas and other members of the Bench and Bar of "the monastery of friars preachers or black friars by Dublin, 15 messuages in the parish of S. Michan in the franchises of Dublin, one in S. Patrick's Street, one in the New Street, and half of Helen Hore's mead or Gibbet's mead, County Dublin, to hold for 21 years, at a rent of £7.12.10". The term created by the lease must have commenced in 1562, as in February, 1583/4, the Bench did not make any claim that they had any existing interest in the premises as otherwise they might have done. On 29th January, 1572/3, the Queen made another lease of the same premises, amongst others, to Anthony Lowe, gent., to hold for forty years from the determination of the lease to the lawyers. However, on 24th February, 1577/8, without taking any notice of existing interests, the Queen granted to her favourite, Thomas, 10th Earl of Ormonde, "the Black Earl", the site of the house of friars preachers, with divers gardens and orchards surrounded with stone walls, within the franchises of Dublin", to hold for ever in free socage at a rent of 20s. Ormonde immediately sold his interest under the grant to a third party, and the rival claim thus created was a source of trouble to the Society of the King's Inns for over one hundred years.

Owing probably to the confusion of the incessant Irish wars the Society seems to have fallen into abeyance during the latter part of the sixteenth century, and accordingly in the year 1607, it was determined to reconstitute it. On January 18, 1607, the Deputy, Sir Arthur Chichester, signed the Book of Admittances, as did the heads of the various Courts. On the 21st of the same month the puisne Judges signed, on the 22nd several barristers, and at the first Council, held on June 24, 1607, the following order was made:—"Imprimis, it is ordered that for as much as the present restoration of the Society of the King's Inns doth require an admission of the Practisers, Officers, Attorneys, and others of the several Courts, whose auncientye is not yet sufficiently known: it is therefore this day ordered, that the admittances shall be received and entered in a Book of Admittances, as they shall appear and desire the same: yet notwithstanding that each of the several Practisers at Law, Officers, Attorneys, and others, shall enjoy the precedence of their antiquity, their several admittances in the said book notwithstanding". On the same day several

barristers and attorneys joined the association which is shown by the above order to have been a voluntary one. Indeed many lawyers of eminence in the profession at this period were never members of the Society — e.g., Henry Gosnold, second justice of the Presidency Court of Munster, and M.P. for Clonakilty; Thomas Hibbotts, Recorder of and M.P. for Carrickfergus, who was afterwards Chancellor of the Exchequer; George Cary, Recorder of Derry; Domyan Peck, M.P. for Tuam and Attorney General for the Province of Connacht. At the same meeting orders were made with reference to the repairing of the hall and the purchasing of furniture, wood and coal, and an election was held at which Baron Ellyot was appointed Treasurer and Jacob Newman, a Six Clerk in Chancery, and Deputy Master of the Rolls, under-Treasurer, each to remain until further order.

The Society of the King's Inns having thus re-established itself in its buildings, the Four Courts were transferred in Easter, 1608, to the range of buildings in Christ Church Lane, now S. Michael's Hill, lying west of the Cloister yard of the Cathedral at the southern corner of which was the Deanery House on the site of S. Laurence O'Toole's palace. About Easter, 1620, the Court of Wards was transferred to the same precincts. In February, 1627, the Dean and Chapter petitioned the Crown for seventeen years' arrears of rent of the Four Courts at £10, and five years' arrears of the rent of the Court of Wards at £2. On 9th June, 1629, a new lease of the Four Courts was made to the Crown from 29th September, 1627. The rent of the Four Courts seems to have been usually in arrears and there are many papers with reference to it in the Cathedral records.

There are no entries at all from 20th October, 1654, to November, 1656, when Commons recommenced, and the Society appears to have resumed its normal routine. In that month the following orders were made:—"That Sir John Temple, Master of the Rolls, shall be the Treasurer for one year next ensuing". "That the Treasurer for the time being shall acquaint the Bench with the names of all such persons as desire to be admitted into the Society, and have their consent before the admission be entered". The attempt to make membership of the Society obligatory on the Bar was evidently abandoned. "That every admission entered in the book be subscribed by the Treasurer. (The entries had up to this been in Latin.) That all officers belonging to the Four Courts, all that plead at the Bar, and all attorneys that practice, shall be admitted.

Sir John Temple was a friend of Swift and Swift's father held a position as a Steward or Attendant at the Inns.

The next entry of interest contains an echo of the Penal Laws; in May, 1704, it was ordered — "That no person be admitted to the Bar, and practice as Barrister, until he shall produce an authentic certificate of his receiving the Sacrament, according to the usage of the Church of Ireland, as by law established, before his said admittance pursuant to the late Act". There is in existence in the Inns a copy of an oath of abjuration ordered by Act of 6th George 3rd for amending an Act passed in the seventh year of Queen Anne. On 15th June, 1710, it was ordered — "That every Barrister, Six Clerk, or Attorney, admitted to practice, be obliged previously to give bonds in twenty pounds, with sufficient sureties, to the Treasurer for the time being, to perform and observe the rules, orders, and directions of the Society". This order was a quite illegal attempt to encroach upon the liberty of the profession. In Easter term, 1715, an order

appears to the effect that gentlemen are to appear in their gowns on circuit. This regulation was allowed to become obsolete, as Duhigg relates that in 1782 Chief Baron Burgh and Hely Hutchinson had a long conversation with him in which they expressed their wish that such a practice should be adopted. In Easter term, 1716, Charles Baldwin, Deputy Keeper of the Records, was required to pay rent, or remove the Records and give up possession to the Society. At this period the Records were in a very scattered and neglected state, some being kept in the Castle, others in the King's Inns' Buildings.

During the middle of the eighteenth century the Society became almost moribund, commons came to an end in 1742 during the Treasurership of Henry Singleton and all the functions of the Society except the power of admitting Barristers were allowed to sink into oblivion. The property of the Society was left in the control of the Treasurer and Steward, both of whose offices had become permanent. Lord Bowes, Lord Chancellor, was Treasurer from 1745 until his death in July, 1767. In 1749, an application was made to Parliament for an Act to settle the King's Inns, and in 1752 a private Act was passed whereby the Inns were vested in certain officers of the Court and their successors. About this time the Government proposed to erect Public Offices on the remaining ground belonging to the Inns, and accordingly on 27th November, 1760, the Benchers ordered: "That a Committee report what answer should be given to Mr. John Morrison, Crown Solicitor and to prepare a draft of a proper lease to his Majesty". Again, on 27th November, 1762, the "old Committee were directed to review the proceedings relative to the building of public offices, and to consider what was proper to be done about them. On 3rd June, 1762, "The King's Inns Committee are ordered to report what buildings are necessary for the use of this Society, and the expense thereof, and report their opinion thereon to the Board". None of the Inns' buildings appear to have been in a habitable state and Duhigg relates the following anecdote with a reference to Richard Clayton, who was sent over from England as Chief Justice of the Common Pleas in 1765, "having taken a house, and dined with most of his brethren, he was much surprised at his admission to Chambers, and instantly told the attending Members, that as he was a bachelor, his house should be immediately disposed of, for the Chambers were even more agreeable to him; nor was his disappointment inconsiderable, when convinced that such accommodation existed only by King's Inns' intendment and Irish fiction of Law". Clayton resigned in 1770.

Meanwhile the project of building public offices on the Inns' ground had not been dropped, although its progress was somewhat slow. On 3rd July, 1770, we find that the "old committee" were still considering "the building of a Repository for the public Records on the site of the King's Inns", and on 23rd June, 1771, they reported to the Lord Lieutenant that in the opinion of the Society such a Repository was much wanted, and they offered the Inns' ground as an appropriate situation for the same. Nothing further was done until the building of the Four Courts was commenced in 1786.

On 12th February, 1779, it was ordered that gentlemen should have their names in an English Inn of Court for five years and should keep eight Terms Commons therein before admission. By this order it became possible to be called to the Irish Bar after two years attendance at Commons, although in England three were necessary. This was soon changed, and by an Act of 1782 persons desirous of being called to the Irish Bar

must have been five years entered in an English Inn of Court, and have attended twelve terms Commons, four of which were to be attended in Dublin (a great innovation). The only difficulty was that there were no Commons to attend! And, accordingly, the payment of a guinea a term was substituted for them.

On the death of Lord Lifford in April, 1789, the Society made a new and more successful effort to reduce their affairs to order. On 23rd May, 1789, it was ordered, "That the Treasurer, for the time being, do lay before the Society, on the first day of every issuable Term, an account of the receipts, disbursements, and balance due to the Society, remaining in his hands". "That the said balance be paid into the Bank of Ireland, on account of this Society". "That it is expedient to appoint a Committee to inspect the Treasurer's account on the first day of every issuable Term". "That William Caldbeck, Esq., be elected Treasurer for one year ending the last day of Easter Term next". The members of the Society seem at least to have realised that by appointing a person of high official position as Treasurer and allowing him to retain that office for life, as had been done in the past, they had lost all control of their property. William Caldbeck was the first person not on the Judicial Bench who had been appointed Treasurer for over a century.

In 1792, without the knowledge of either branch of the profession, a Royal Charter was obtained, and confirmed by an Act, which gave the Society plenary authority over both the Bar and the Attorneys. The Outer Bar petitioned against the Charter, and it was abrogated, and the Act repealed in 1793. In the same year Roman Catholics were, by the Catholic Relief Act, re-admitted to the Outer Bar, the ranks of the King's Counsel remaining closed to them until the Catholic Emancipation Act of 1829. Duhigg states that prior to 1793, they occasionally became qualified for conveyancing or chamber practice, and were even admitted members of the King's Inns.

The Rebellion of 1798 had an echo in the Inns, and in the Michaelmas Term of that year five members of the Society were struck off the Rolls, their offence being stated in the following words:—"They and each of them being of a seditious and traitorous society of men, styling themselves United Irishmen, and having confessed themselves guilty of high treason". In the same year the Treasurer was directed to pay £5,000 to the teller of the Exchequer "as the voluntary contribution of this Society, to the defence of the country at this important crisis".

In the meanwhile the building of the Four Courts on the ground formerly occupied by the King's Inns had been commenced, the foundation stone having been laid by Charles Duke of Rutland on March 13th, 1786, and accordingly the question of a site for the new Inns of Court became a burning one. The new buildings were to contain sets of chambers, and from 1792, a deposit of £22.15.0 was required from each barrister, and of £11.7.6 from each attorney, upon call or admission; these deposits were to be allowed when the depositor should purchase chambers from the Society, or group upon which to build chambers. Duhigg states that up to Trinity Term, 1803, £19,000 had been received on foot of these deposits although no chambers had been built. He also says that when the widow of a deceased barrister applied to have the deposit paid by her husband returned, the Society decided that the depositor must live until the chambers were built or else forfeit his deposit! On 21st July, 1792, a site at "Galway's Walk" was approved of by the Committee and the Treasurer

was ordered to purchase it, but nothing was done, as in October, 1793, the Treasurer was first shown the present site, and on 17th November, 1793, he was ordered to treat for the same, and on 14th December, 1793, he took in the Society's name a lease of part of the present site from Richard Trench as trustee of Lord Mountjoy at the annual rent of £514. Duhigg considers that the piece of ground comprised in this lease would have been over-rented at £30! In February, 1794, a lease of the Primate's garden which was adjoining, was taken at an annual rent of £650. The plot leased from Lord Mountjoy is the northern part of the present grounds, the northern wing of the present buildings covers the site of his house. The western boundary of this plot was Glassmainoge Road, now called Constitution Hill. Then, as now, Henrietta Street was a cul de sac. The ground leased from the Primate was bounded on the south by the Linen Hall and on the east by the Primate's House, where the Registry of Deeds and Library now stand.

In July, 1794, a plan and elevation of a Dining Hall and Library prepared by the Treasurer, who was an amateur architect, was approved of in Committee, but shortly before the date which had been fixed for the laying of the foundation stone the plan was rejected. In the following year the opposition to the scheme of buildings on the present site for the first time raised doubts as to the soundness of the title conferred by the lease from Lord Mountjoy, and accordingly the Society offered to surrender the site and pay compensation. But Lord Mountjoy evidently considering that he had made an excellent bargain refused to accept a surrender. In this state of affairs the Society in 1796 advertised the site to be let for building ground, but no one would take it. While the scheme of building on the present site was thus in suspension, a situation for a Hall and Library was chosen at the rear of the Four Courts, and all idea of building chambers was for the time abandoned. In 1796 the Hall in Townsend Street was flooded and became utterly unfit for use. Commons were interrupted and students were ordered to pay one guinea each term for composition until they were resumed.

Early in 1798 some barristers presented a memorial to the Benchers asking that their deposits for chambers should be refunded, as they understood that the building of Inns of Court was abandoned or suspended for an indefinite period. This roused the Benchers to resolve—"That the Bench will immediately endeavour to obtain an Act of Parliament, empowering the proper parties to demise the present site, now in the possession of the Society, for ever, and that the same being obtained, the Society will proceed to build on the same ground". In the same year the premises in Townsend Street were surrendered and a temporary building for the accommodation of the Society was erected on the present site.

On 23rd January, 1800, a Committee of six Benchers were appointed, and the Treasurer was ordered to write to two architects who were said to have made designs for a Hall and Library requesting them to send them to his office. A third architect also sent in designs. On the 13th of the following June the Committee reported that they had examined certain plans and elevations laid before them by James Gandon, Architect, that they approved of the same, and recommended that the buildings should be put into execution with all convenient speed. This report was confirmed and agreed to by the Benchers, and the foundation stone of the present buildings was laid on 1st August, 1800. There is a reference in the

Freemans Journal of 12th January, 1792, to the building of the King's Inns and the laying of the foundation stone on 1st August, 1800, is reported in the Freemans Journal on 2nd August, 1800. The new wing is referred to in Faulkner's Dublin Journal on October 30th, 1806.

Duhigg hints that one of the difficulties in the way of the scheme of building chambers in connection with the other King's Inns Buildings was the hostility of the Chancellor, Lord Clare, and that on his death in January, 1802, the supporters of the scheme became active, and accordingly, on 18th June, 1802, a new Committee was appointed "to report what buildings may be made for the purposes of Chambers, and how far it will be necessary to purchase the ground of tenants", and on 7th July, the Committee reported that "the plan laid down includes ground of which the Society is not seized or possessed, and the Committee do not recommend the Society to purchase it, but to lay out so much of the ground as is convenient according thereto, and give notice to persons willing to build conformably to said plan and elevation, to be prepared by Mr. Gandon".

There is no evidence that the King's Inns ever possessed a library until on the death of Mr. Justice Robinson in 1787, his professional library, which was very large, was bought by the Society. By the Copyright Act of 1710 (8 Anne, c.19 (Eng.)), printers had been required to give a copy of each book published to the Royal Library, the Bodleian Library, Oxford, Cambridge, the Advocates Library, Edinburgh; Sion College, London, and to the four Scottish Universities. By the Copyright Act, 1801 (41 Geo. III., c.107), the Libraries of Trinity College, Dublin, and (on Duhigg's request to the Speaker), of the King's Inns, were added to the list. By the Copyright Act, 1814 (54 Geo. III., c.156) the above provision was repealed, and printers were directed to send copies of each of the above Libraries on a written demand being made for the same. Finally by the Copyright Act, 1836, (6 & 7 Will. IV., c.110), the provisions of the Act of 1814 were repealed in so far as Sion College, the four Scottish Universities and the King's Inns were concerned, and it was enacted that compensation was to be given to the said Libraries out of the Consolidated Fund, equal in amount to the average value of books actually received by them during the three previous years. They were required to spend the compensation received on the purchase of books, and no payment was to be made to them until they had given proof that the amount of the compensation money had been so spent.

The present Library building was erected in 1827 at a cost of £20,000 and enlarged in 1892 by the addition of an annex to the north end. The Library contains over 100,000 volumes and is growing steadily. The annual purchase of books amounts to between five hundred and six hundred volumes. The income limited under the Copyright Act of 1801 to a sum of £433.6.8 which in value equals the books received under an earlier act. Under Section 58 of the Copyright Act, 1963, the benchers of the Honourable Society of King's Inns may sell or exchange any books of the King's Inns Library notwithstanding anything contained in the Copyright Act, 1801, or the Copyright Act, 1836, or the King's Inns Library Act, 1945. The books in the Library deal of course mainly with legal matters but there are also many books of general and historic interest including a set of Dublin Almanacs.

In Saunders Newsletter in June, 1798, appears a notice to the members of the Society of the King's Inns—"The members of this Society are



informed that a Dining Hall and Library have been erected on their ground between Henrietta Street and Constitution Hill and that Commons will commence on Thursday the 14th instant". The Library here referred to is the room now used as the Benchers Room. The original cost of the Dining Hall was £45,000. In recent years very considerable sums have been spent on reconstructing and repairing as well as decorating the Dining Hall and other rooms in the King's Inns.

Work is almost completed on repairs to the Library in Henrietta Street. While the benchers have been true to the motto of the King's Inns "Nolumus Mutari" we do not wish to change. The fact that so much effort has been put into reconstructing and repairing the building is evidence of their desire to ensure that these fine buildings will be kept in a proper state of repair and be available for lawyers and students in the years to come. The records of the King's Inns show that the benchers have always resisted any attempt to control or regulate their affairs by statute and in 1838, a Committee appointed by the benchers met on the 23rd April to oppose legislation in the British House of Commons. The benchers also successfully refused a Charter which it was sought to impose on the benchers.

Since the establishment of the State, of course certain Acts have been passed to the mutual advantage of the profession, the benchers and the public. Under the Legal Practitioners (Qualification) Act, 1927, no person shall be admitted by the Chief Justice to practice as a Barrister in the Courts unless before such a person is so admitted he satisfies the Chief Justice that he possesses a competent knowledge of the Irish language. Under this Act, a Barrister must pass an examination in Irish before being called to the Bar.

In the past, it was said that a student ate his way to the Bar. Keeping of Commons has always been an important part of a student's education and of course in earlier years the description of a student eating his way to the Bar may have been largely true, but in modern times a high standard of education is required. The course laid down for students is now a comprehensive one and the standard high. The Final Examination consists of papers covering the whole course of legal study and students who qualify have to pass this Examination before being admitted to the Bar.

Sources and documents I have consulted for the purpose of giving this talk are :—

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