Friendship & Revolution: Middle Temple and America

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The Honourable Society of the Middle Temple is one of the four Inns of Court in London, societies of lawyers whose history stretches back to the fourteenth century. The Inns of Court are responsible for Calling their students to the Bar, that is to say to say for conferring on them the right to practice as a barrister in the courts of England and Wales. They also serve as a professional home for their members throughout their working lives (and often beyond), providing many opportunities for continuing professional development, socialising and entertainment.

Of the four Inns, Middle Temple has always had particularly strong links with America. In this talk, I will trace those connections and focus particularly on the involvement of members of the Middle Temple in the American Revolution.

The Middle Temple is one of two Inns of Court occupying a part of London known as the Temple. The area was previously the English headquarters of the Knights Templar, an order of religious knights who moved here in the twelfth century and built the Temple Church, which was consecrated over 800 years ago, in 1185. Thirty years later, the Temple Church was the venue for several key meetings which led to the sealing of Magna Carta in 1215. In a sense, this is the first of many links between the Inn and the United States, long before either existed.

The Middle Temple was established as a society of lawyers, occupying old Knights Templar lands and buildings, by 1388. The students arrived by the early 1400s and the Inn has been a centre of legal education ever since. By the reign of Elizabeth I, the Inn had grown into a flourishing, prestigious institution, taking on students from the highest echelons of society and providing a broad, 'liberal' education. In addition to the detailed legal curriculum, a young man would learn about politics, history, diplomacy, geography and astronomy, and acquire the necessary skills to get on in society such as dancing, fencing and general self-promotion. Members of the Middle Temple went on to great things, becoming politicians, courtiers, diplomats, military officers and, importantly, navigators.

Several key figures in what became known as the Age of Discovery were members or associates of the Middle Temple. Sir Walter Raleigh, who was admitted as a student in 1575, became a favourite of Queen Elizabeth I and personally oversaw and financed the early Roanoke settlement in Virginia in the 1580s. One of the ships dispatched by Raleigh to Roanoke was commanded by Philip Amadas, who was also a Middle Templar and was in fact fined 20s for his absence from the Inn while crossing the Atlantic.

Sir Francis Drake, who made numerous journeys to the Americas and circumnavigated the globe, is described in the Inn's records as 'one of the fellowship of the Middle Temple'. This occurs in a memorandum which records a visit he made to the Inn, turning up unannounced during dinner after an expedition against the Spanish, in the course of which he had also rescued the survivors of Raleigh's colony at Roanoke. There is a table in Middle Temple Hall known as the 'cup-board' – the top of this table is said to be the hatch cover from Francis Drake's Golden Hind, the ship in which he circumnavigated the globe. This voyage is traced on the magnificent Molyneux Terrestrial Globe, one of a pair of globes dating from the 1590s which are displayed in Middle Temple Library.

One of the key events in the colonisation of America was the foundation of the Virginia Company, an enterprise in which many Middle Templars were involved. John Popham, Chief Justice of the King's Bench and Treasurer of the Middle Temple from 1580-1587, was one of the prime movers in the Company's eventual establishment in 1606, with a charter drafted by fellow Middle Templar Sir Edwin Sandys and investment from many other members of the Inn. As an aside - a couple of years earlier Popham had presided over the trial of Sir Walter Raleigh (which led ultimately to his execution in 1618), and – with some irony – their coats of arms can be seen beside each other in stained glass in the Hall today.

Starting in the late 17th century, young men from the colonies in America began to cross the Atlantic and enrol at the Inns of Court in London, and particularly at the Middle Temple, where they would study the law (and, no doubt, absorb and enjoy the rich culture on offer in London). The first member of the Middle Temple whose admission record states an American origin was Benjamin Lynde, of 'Boston in nova Anglia', who joined in 1692 and was Called to the Bar in [?], going on to serve as Chief Justice of the Province of Massachusetts Bay.

Revolution

From Lynde onwards, this continued throughout the 18th century, with over two hundred young men joining the Inn from America to acquire a legal education. It can be challenging to establish with certainty what formal teaching students was on offer here at the Inn during this period. The great William Blackstone, a Middle Templar himself, described his time as a student here in the 1740s as 'a tedious lonely process', and few records survive. However, we are fortunate to hold in the Inn's archive a collection of 'Candlelight Exercises' from the 1760s – legal cases accompanied by specific problems to be answered – two of which bear the signatures of a pair of young Americans who would go on to contribute to the revolutionary events to come, Charles Cotesworth Pinckney and Thomas Heyward.

Surviving records elsewhere help to expand our understanding of student life in those days. The Inn was home to a growing library of legal texts (including published Acts from

the colonies in America) as well as volumes on a range of other subjects, from history to astronomy. The Founding Father John Dickinson, a student here in the 1750s, recorded that he would spend many hours a day reading. Several booksellers could be found operating within the Temple, so further reading material was never far.

Practical education was on offer too. Just a short journey down the river, students would spend long hours attending the courts at Westminster Hall, listening to speeches and taking copious notes. John Dickinson recorded that "I now have an opportunity of seeing and hearing the most learned lawyers and the finest speeches… I have heard some of the greatest men in England, perhaps the world." He and his fellow students would also sit in on the debates in Parliament, expanding their knowledge of the law and of law-making.

All they had learned they could then discuss and debate while dining in Middle Temple Hall most nights during term time. The social aspect of the Inn was as central then as it is now, with the opportunity to mix with fellow lawyers at all levels offering a unique chance to sharpen one's conversation and understanding. Records from the time can give us a picture of who was dining when – for example one page from the 'Buttery Books' indicates that John Dickinson dined in Hall in June 1754. The bill of fare would have been simple and hearty – with boiled mutton and oysters a particular favourite.

London also offered, more broadly, the chance for the students from America to widen their horizons. They could build their social networks, including making useful contacts to enhance their prospects back in the colonies, while enjoying the many cultural stimulations available. Theatres, Coffee Houses and taverns were all within a stone's throw of the Temple, and indeed one student's father wrote of his anxieties regarding the 'Many temptations youths are exposed to in our city, and the vice and luxury that is too predominant…'

Their education complete, and a rich collection of contacts and experiences under the belt, the young Americans would generally return home, in many cases to continue the study and the practice of law. The writer and Parliamentarian Edmund Burke (a Middle Templar himself) noted that as many copies of William Blackstone's *Commentaries on the Common Law of England* had been sold in America as in England, and stated that this immersion in the great man's work made Americans 'acute, inquisitive, dexterous prompt in attack, ready in defence, full of resources'. Armed in such a way, many of the American Middle Templars moved from law to politics, and in many cases, and notably, to revolution.

Many of their names are well known to history, fighting in the War of American Independence and involved in the political, legal and constitutional agitation and wrangling which preceded, accompanied and followed it.

The Stamp Act of 1765 imposed direct taxes on the colonies for the first time, with enforcement under the jurisdiction of the Admiralty Courts, which operated without trial by jury. Middle Templars were among those who responded with consternation, including Daniel Dulany Sr of Maryland and John Dickinson. Dickinson was among the five Middle Templars took part in the Stamp Act Congress which met in New York in October of that year, and played a key role in drafting the Declaration of Rights and Grievances which that Congress approved.

A decade later, many of these same Middle Templars were present at the First Continental Congress, convened in 1774, and the first President of the Congress, Peyton Randolph, was also a Middle Temple man, who had joined as a student back in 1739. Dickinson, earning his nickname 'the Penman of the Revolution', drafted a petition to the King on behalf of the Congress, and in 1775, at the Second Continental Congress, went on to draft the Declaration of the Causes and Necessity of Taking up Arms, and the Olive Branch Petition.

In July 1776, with the war underway, Congress met climactically to consider a motion for Independence, and a unanimous vote in its favour took place on the 2nd. This unanimity was in part owed to the work of Middle Templars, such as Edward Rutledge who swayed his fellow South Carolinan delegates, and Dickinson who – not yet feeling that the moment for Independence had come – absented himself. When the Declaration of Independence was approved, five of its fifty-five signatories were Middle Temple men – Rutledge, Heyward, McKean, Lynch and Middleton. Members of the Inn were also involved in the drafting of the new constitutions for the states, such as McKean in Delaware and john Blair in South Carolina.

Members of the Middle Temple were also involved on the military side in various capacities. Joseph Reed had been educated here in the 1760s, later establishing himself as a lawyer in Trenton, New Jersey. He was appointed Lieutenant Colonel in the Pennsylvania Militia following the Battles of Lexington and Concord, and was shortly after appointed aide-de-camp to the new commander-in-chief, his personal friend George Washington. He saw action in many engagements in the early phase of the war, planning the Battle of Trenton, and fighting at Brandywine, Germantown and Monmouth.

The aforementioned Charles Cotesworth Pinckney served as an officer in the Continental Army, fighting in the defence of Charleston against Henry Clinton in 1776, and commanding a regiment at the battles of Brandywine and Germantown. He later participated in the 1780 defence of Charleston, but was taken prisoner by the British when the city fell.

John Laurens, son of Henry Laurens, President of the Second Continental Congress, had been admitted to the Inn as a student in 1772, but following the outbreak of war had hastened home to fight for the cause of independence, soon becoming one of

Washington's aides-de-camp and becoming close to Hamilton and Lafayette. He saw significant action throughout the war, advocated for the emancipation of enslaved people, and was sent in 1781 to France to seek aid in the form of money and supplies. Following his successful return he played a key role in the victory at Yorktown, which effectively ended the war, and negotiated the British surrender on behalf of Washington. He was not, however, around to see the signing of the Peace Treaty, as he was killed shortly before the war's conclusion at the Battle of the Combahee River, a scene movingly depicted in the musical *Hamilton*. A painting of Laurens hangs in the Middle Temple Library today.

It should also be noted that the Inn was represented on the other side of the revolutionary struggle too – Sir Banastre Tarleton, admitted to the Inn in the early 1770s, was one of the most prominent – and most hated – British commanders during the war, becoming known for the alleged atrocities by his men.

Following the British defeat, the former colonies began to build up their own institutions, and – you've guessed it – there were several Middle Templars at the forefront of this process, not least in the drafting of the United States Constitution. Seven Middle Templars attended the convention as delegates – John Rutledge, Charles Pinckney and Charles Cotesworth Pinckney from South Carolina, Dickinson for Delaware, Jared Ingersoll from Pennsylvania, John Blair from Virginia, and William Livingston from New Jersey. Dickinson, as one might have expected, made significant contributions, and Rutledge has been credited with the opening words, 'We the people…'. After it had been completed and signed, they and other Middle Temple colleagues played an important role in the ratification by the states.

It seems unarguable that the immersion of these various men in the English Common Law here in London, their time spent debating and socialising with, and learning from, British lawyers at the Inn and in the courts, and reading the works of Middle Temple men such as William Blackstone, must have shaped their thinking as they built a new republic.

After Revolution

Between 1812 (when war between the USA and Britain broke out once again) and 1900 there were just 17 admissions from America. One of these was a remarkable figure – Thomas Morris Chester, born in Harrisburg, Pennsylvania in 1834. His mother, Jane Marie Morris, escaped from enslavement in Maryland and travelled to Harrisburg where she met George Chester. Together, they operated a restaurant which became a hub of abolitionist activity.

Their son, Thomas, was educated in Pittsburgh and Vermont, before spending time working as a lawyer in Liberia. Ou the outbreak of the American Civil War in 1861, he returned to the US to serve as a recruiter of Black troops and as a war correspondent.

Touring Europe after the war, he represented Liberia at court of Tsar Alexander II in St Petersburg, before arriving in London and being admitted to the Middle Temple in 1867. Called to the Bar in 1870, he became the first African American to practice at the English Bar, before returning to the US the following year.

A new transatlantic connection began to be forged in the early twentieth century. Joseph Choate was an American lawyer who served as the US Ambassador to the Court of St James's from 1899. In 1905, he was made an Honorary Bencher of the Inn. The Benchers, or Masters of the Bench, are the senior members and governing body of the Middle Temple, and from time to time they honour individuals whose notable achievements in other jurisdictions or beyond the law mark them out. Choate was the first American, and indeed the first foreigner, to be so honoured by any of the Inns of Court.

Also Called as an Honorary Bencher was Chief Justice Taft, formerly President of the United States (to this date the only person to have served in both offices), who remarked on the occasion of his Call in 1922 that he felt 'strangely moved, finding myself sitting here in the home of Blackstone, in the very cradle of the Common Law of England and America'.

Throughout the twentieth century, we have entertained groups of American lawyers here on several notable occasions. 1924 saw the first of many annual meetings of the American Bar Association to be held here in London, and the visitors were hosted by the four Inns at a grand dinner in Middle Temple Hall. Proceedings also included a special service in Temple Church and a reception in Westminster Hall at which the English and Canadian Bar Associations welcomed their 'American Brethren'. The ABA were entertained at the Inn during their annual meetings in 1957, 1971, 1985, 2000 and, most recently, in 2024, to mark the centenary of that first, memorable visit.

During the Second World War, the Inn and its buildings suffered badly from German bombing in the Blitz and in later raids. Middle Temple Hall – the building in which so many of those revolutionaries had learned, debated and dined – suffered major damage to its east end, the library was rendered unstable and unsafe for use, and many other chambers buildings were utterly flattened. Government contributions were insufficient to fund the necessary restoration of these buildings vital to the functioning of the law, and the American and Canadian Bar Associations stepped in, generously providing funds.

The restoration of Middle Temple Hall was completed in 1949, and formally re-opened by the then Queen, later Queen Elizabeth the Queen Mother, and a grand dinner held to celebrate the occasion. To commemorate the significant contribution to this restoration by the American Bar Association, a plaque was installed in Hall, and this transatlantic support and friendship is gratefully remembered to this day.

Since then, each US Ambassador to London has been Called as an Honorary Bencher, including Anne Armstrong, Called in 1976, making her the Inn's first female Honorary Bencher. We have also Called several Chief Justices, including Warren Burger, who also spearheaded the establishment of the American Inns of Court. At a ceremony in Washington DC in 1988, Burger signed a Declaration to commemorate and celebrate the friendship between the London and American Inns.

We continue to foster that friendship, hosting regular visits from delegations of American lawyers and students, and undertaking Amity Visits of our own, including one to Washington DC in 2017, and regular trips to the University of North Carolina at Chapel Hill, including a mooting expedition in September of this year.

In the programme notes for a 2006 performance to mark the 400th anniversary of the Virginia Company, the actor, director and Honorary Bencher wrote the following: 'Long live the friendship between America and the Middle Temple… may that friendship continue to be a force for liberty, justice and good government between all people'. This sentiment continues to ring through the years and seems an appropriate note on which to conclude this talk. Thank you.