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LEGAL CELEBRITIES OF KENT.

BY EDWARD FOSS, F.S.A.

No one, I think, will deny that Law is as much connected with Archæology as any subject upon which our members are in the habit of treating. If the history of our ancient edifices, the time of their erection, the principle of their construction, and the order of their architecture, are interesting to trace, it still more concerns us to know something about the builders, the inventors, and the occupiers of them. The same remark may be made as to the dress and utensils, the habits and customs, of our forefathers;—especially when we are able to prove the continuance of them, or, at all events, their connection with what we see around us at the present day. Amidst all the changes which time has produced in vestments, in ornaments, in habits and customs, the annals of the law afford the fewest variations, and we still find among the lawyers the same practices in existence, and nearly the same attire used, as were adopted in the time of the Conquest;—and if that is not a period sufficiently distant to satisfy the cravings of the most rigid archæologist, our modern Law Terms, Hilary, Easter, and Trinity, have an origin more ancient still.

I have already shown in a previous work¹ that these three Terms were introduced into this country so long ago as the reign of Edward the Elder; and that they were confirmed by William the Conqueror; and I explained

¹ 'Judges of England,' vol. i. p. 2 *et seq.*

how they became necessarily extended to four, as at present; the last of the three Terms being divided for the purpose of collecting the summer and autumn harvests, till the latter half was permanently established as Michaelmas Term. This division took place certainly as early as the reign of Edward I., as is apparent from the first of our Year Books.

Again, our modern Courts, though they do not claim quite so great an antiquity, are still sufficiently ancient to be regarded with reverence by all antiquaries. The judicial character of the Court of Exchequer commenced about the time of Henry II.; that of the Chancery, a short time after; and the division of the Courts of King's Bench and Common Pleas from the one Court called the Curia or Aula Regis, which had existed from the Conquest, was not completely effected till late in the reign of Henry III.

Then, the half-yearly circuits of the Judges, too, are a continuation of the Itinera originally appointed to relieve the Curia Regis, by trying causes and criminals in the counties where the differences or the crimes arose. And the word Assize bears the same meaning now that it did then.

That magnificent edifice also, Westminster Hall, commenced by William II., must be regarded with veneration by all antiquaries, as one of our earliest specimens of palatial architecture;—not only for the beauty of its structure, but as the arena of judicial contests, the cradle of our legal worthies, and the honoured spot which has given to the law itself a local habitation and a name.

No one will dispute the antiquity of the Serjeants-at-Law. In William the Conqueror's time the pleaders in the Curia Regis were called Conteurs or Narratores, and that King, and all his successors, exercised the right of appointing them. They at first treated the office as a "Serjeanty in gross,"—a species of royal service;—from

whence they took the designation "Serjeant:"—being originally always called "Serviens ad Regem;" which in process of time became a distinction from the simple "Serviens ad Legem."

Fortescue, whose work, 'De Laudibus Legum Angliæ,' was written 400 years ago, gives the first account of the making of Serjeants, which he speaks of as then of great antiquity. One of the customs was to "give gold," in the form of rings, presented to the Sovereign, and to all grades, from the prince to the meanest clerk of the Courts,—the expense of which alone to the author, he says, amounted to £50; a sum considerably exceeding £200 of our present money. Whether in Fortescue's time posies were inscribed on these rings he does not mention; and I do not find any instance till about twenty years after, when Sir John Fineux's rings, in 1485, one of which is in the possession of Lord Viscount Strangford, his descendant, bore the inscription of "Suæ quisque fortunæ faber." The ancient custom of giving rings is still preserved, and invariably with posies; but the number of them is considerably limited, and the other attendant expenses very properly diminished.

As these Serjeants had originally a monopoly of practice, the Judges were of course appointed from among them: a custom which still exists, for in these days no Barrister is raised to the Bench without first taking the degree of a Serjeant.

The dress, too, of both Judges and Serjeants preserves much of its ancient form; and on the modern bench of Westminster Hall in Term time, we see a representation of the same scene in the earliest ages; excepting indeed in respect of the wigs; but the black patch with which they are now always surmounted is intended to represent the coif, with which the ancient Serjeants and Judges, who were commonly clergy, used formerly to cover their shaven crowns.

Having thus, I trust, satisfactorily proved that there is a strict alliance between Law and Archæology; and what is much more interesting, that many of our ancient legal reliques are still preserved in the forms and practices of the present day, I presume it will be allowed that the legal incidents that have occurred in our county form a legitimate subject of inquiry in connection with the judicial celebrities who have been born or resided in it.

The county of Kent is peculiarly remarkable. It is the scene of one of our first recorded trials. On Penenden Heath, in the neighbourhood of Maidstone, the great cause between Archbishop Lanfranc and Odo, Bishop of Bayeux and Earl of Kent, relating to certain lands and privileges belonging to the Church of Canterbury, which had been seized by Odo, was tried with great solemnity; and after lasting three days, resulted in the defeat of the Earl and the triumph of the Archbishop. Geoffrey, Bishop of Coutance, presided over the prelates and barons who were the Judges, and King William sent Agelric, the venerable Bishop of Chichester, in a chariot, to instruct them in the ancient laws and customs of the land. Our county may therefore boast of affording the earliest instance of the ancient *Itinera* and the modern Circuits.

The plaintiff and defendant in the above suit were both also legal celebrities, having both filled the high office of Chief Justiciary. Of Lanfranc, or the other Archbishops of Canterbury whom I shall have occasion to mention, I shall venture to notice little more than their names, their history being fully detailed in the learned and interesting Memoirs of the Very Reverend Dr. Hook, Dean of Chichester.

In the early ages the highest offices of the law were usually held by ecclesiastics, and up to the reign of Elizabeth the great majority of Chancellors were of the

episcopal order. The last Bishop who filled that office was John Williams, afterwards Archbishop of York, at the end of the reign of James I., upon the disgrace of Lord Bacon.

In Kent we have no less than fifteen Archbishops of Canterbury, and seven Bishops of Rochester, besides some minor clergy. But to return to our history. Besides Odo, Earl of Kent, the King's uterine brother, the defendant in the suit I have mentioned, who was rather a bullying Bishop and a savage Judge, we have another Chief Justiciary in the same reign, named Richard Fitz Gilbert, a Norman, who was connected with this county by the possession of the town and castle of Tunbridge, his bargain for which was of a somewhat curious nature. He had it in exchange for the castle of Brion in Normandy, which he inherited with the domains around it; the extent of which was measured by a rope which, being applied to the circuit round Tunbridge Castle, comprehended three miles from every part of its walls.

In the reign of Henry I. the only name connected with this county that occurs, is that of Henry de Port, a Justice Itinerant, who possessed the manor of Hageley, in Hawley, near Dartford.

During part of the short interval when the Empress Maud exercised sovereignty over this kingdom, Theobald, Archbishop of Canterbury, filled the office of her Chancellor.

In the next half-century there were several judicial characters connected with the county of Kent. Among the Chief Justiciaries, who were the principal officers of justice, we have Geoffrey Ridel, Archdeacon of Canterbury, who, taking an active part for King Henry II. against Archbishop Becket, was excommunicated by that prelate under the designation of "*Archidiabolum et Antichristi membrum*;" he afterwards became Bishop of Ely. Another was the wise Hubert Walter, Archbishop of

Canterbury. The untractable Archbishop Becket himself was Chancellor for eight years. And among the Justices of that century, this county may reckon William de Auberville, who founded an Abbey at West Langdon; Gervase de Cornhill and his son Reginald, both of whom held the then very responsible office of Sheriff of Kent; —the seat of the latter, in the Isle of Thanet, acquiring the name of “Sheriff’s Court,” which it still retains; Henry de Chastillon, Archdeacon of Canterbury; Gilbert de Glanville, a rather litigious Bishop of Rochester, who, however, founded and amply endowed the Hospital at Stroud; and though it is said that funeral rites were refused to his body, his tomb is within the rails of the altar of Rochester Cathedral; and William Fitz-Stephen, originally a monk of Canterbury, who, there is great reason to believe, was the author of the ‘Life and Passion of Archbishop Becket,’ and was present at his murder. Among the Justices Itinerant were William de Abrincis, who had twenty-four knights’-fees in Kent; Clarembald, Abbot of St. Augustine’s, Canterbury, an equivocal character; John de Dover, Lord of Chilham; Robert Fitz-Bernard, and William Fitz-Nigel, successively Sheriffs of Kent; William Fitz-Helton, and Robert de Hardres, both possessing Kentish property.

In the thirteenth century, one of the Chancellors was a native of Kent, namely, William de Wingham, Bishop of London; another was Walter de Merton, the founder of Merton College, Oxford, who became Bishop of Rochester, and whose elegant monument ornaments that cathedral; and a third Chancellor was the resolute John de Langton, Archdeacon of Canterbury, afterwards promoted to the bishopric of Chichester.

About the middle of this thirteenth century, the division, which I have already mentioned, of the old Curia Regis into the three Courts, as at present existing, took place, but before that arrangement was completed that

distinguished Earl of Kent, Hubert de Burgh, whose refusal to obey King John's cruel mandate against Prince Arthur is the subject of one of the most beautiful of Shakspeare's scenes, was Chief Justiciary to that King, and his successor, Henry III. And among the Justiciars were another Bishop of Rochester, Benedict de Sansetun, also buried there; and Henry, the founder, with four of the house of Cobbeham, a manor in the neighbourhood of Rochester,—a family which through the female line is still represented in the dukedom of Buckingham. To these I must add a Justice Itinerant who was born in and named from the city of Rochester, Solomon de Rochester, and was one of the Judges whom Edward I. fined and imprisoned for corruption in their office. He was shortly after poisoned by the Parson of Snodland, the parish in which he resided.

After the division of the Courts, we have two Barons of the Exchequer, Nicholas de Criol, and Roger de Northwood, Sheriff of Kent, Warden of the Cinque Ports, and Governor of Rochester Castle, of Northwood-Chasteners, a manor near Milton; and one Judge of the Common Pleas, Stephen de Penecestre, the possessor of Penshurst, who was also Sheriff of Kent, Constable of Dover Castle, and Warden of the Cinque Ports.

The fourteenth century takes us to the end of the reign of Richard II. During that period there were no less than seven Archbishops of Canterbury, and one Archdeacon of Canterbury, who are recorded as Chancellors, viz. Walter Reginald; John de Stratford, and his brother Robert, the Archdeacon, who became Bishop of Chichester; John de Offord; Simon de Langham, who became a Cardinal; the unfortunate Simon de Sudbury, who was murdered by the populace in the riots headed by Wat Tyler; William de Courteneye, who succeeded Sudbury, both in his clerical and temporal offices; and Thomas de Arundel, who filled the office

of Chancellor five times, but is held up to our reprobation, as having been the first who brought the followers of Wickliffe to the stake. Besides these Chancellors, we have in this century one Chief Justice, Robert de Bealknap, who was condemned for high treason in the troublous times of Richard II., and banished to Ireland; and also two Barons of the Exchequer, John Abel, who had large estates at Footscray and Lewisham; and John de Bankwell, whose estate near Lee is still called Bankers.

The fifteenth century finishes in the beginning of the reign of Henry VIII. During the preceding reigns that belong to it four more successive Archbishops of Canterbury flourished as Chancellors. The first, John Stafford, who held the office for eighteen years, and is famous for his long Latin speeches on the opening of Parliament. The second was John Kempe, who having been previously Bishop of Rochester, Chichester, and Lincoln, and also Archbishop of York; and ultimately both Cardinal Priest and Cardinal Bishop, had this hexameter penned upon him:—

“ Bis primas, ter præsul erat, bis Cardine functus.”

He was a native of Wye, near Canterbury, and endowed the college there. The third Archbishop was Thomas Bouchier, and the fourth John Morton, both of whom also received the Cardinal's cap. Archbishop Bouchier must have had an easy political conscience, for though he was Chancellor to Henry VI. he did not object to assist at the coronation, first of Edward IV., then of Richard III., and lastly of Henry VII. Notwithstanding, his memory claims our respect for having been an active instrument in introducing the art of printing into England. Archbishop Morton was remarkable for his loyalty in assisting to dethrone the usurper, Richard III., and placing the crown on the head of Henry VII.

Three Bishops of Rochester also held the office of Chancellor during this century: Thomas Rotheram, *alias* Scot, afterwards Archbishop of York; and John Alcock, afterwards translated to Worcester and Ely; both devoted to the family of Edward IV.; and the learned John Russell, raised eventually to Lincoln, the Chancellor to Richard III.

One Archdeacon of Canterbury, John Wakering, promoted to the Bishopric of Norwich, was Master of the Rolls to Henry IV. and V. Chief Justice John Prisot, in the reign of Henry VI., was of this county, his manor being Westberries, in the parish of Rucking; and Chief Baron Humphrey Starkey, who gave his own name to the manor of Littlehall, in the parish of Wouldham, where the house which he built is still standing. William Brenchesley, Lord of the Manor of Benenden, near Dartford; William Rickhill, Lord of the Manor of Ridley; John Colepeper, of a very ancient Kentish family, seated at Preston Hall, near Aylesford; and John Martyn, of Graveney, where he was buried; were Judges of the Common Pleas: and William Hesell, of Northfleet, and John Clerke, of Ford, near Wrotham, were Barons of the Exchequer.

In the reign of Henry VIII. the family of Hales makes its first appearance among our Judges. Sir Christopher Hales, of Halden, near Tenterden, was Master of the Rolls, and was buried at St. Stephen's, Canterbury; his cousin, or uncle, John, of the "Dane John" in that city, was a Baron of the Exchequer; and *his* son, the unfortunate Sir James Hales, was a Justice of the Common Pleas at the end of the succeeding reign, who, though strongly attached to the doctrines of the Reformation, was the only Judge who firmly refused to affix his signature to the instrument placing the crown on the head of the Protestant Lady Jane Grey, declaring that the attempt to exclude Mary was both unlawful

and unjust. Notwithstanding this proof of loyalty, he was persecuted by Bishop Gardiner to embrace the Popish religion, and was imprisoned so long, and threatened so much, that he at last was induced to recant. He almost immediately repented his weakness, and in a fit of despair drowned himself in the river near Thanington. The hair-splitting subtleties which were urged in the lawsuits arising out of the verdict of *felo de se*, are supposed to have suggested to Shakespeare the arguments which he puts into the grave-digger's mouth in Hamlet:—"Here lies the water, good: here stands the man, good: if the man goes to this water and drown himself, it is, will he, nill he, he goes; mark you that: but if the water come to him, and drown him, he drowns not himself: Argal, he that is not guilty of his own death shortens not his own life."

Another Master of the Rolls was Sir Robert Southwell, of Jote's Place, Mereworth, who was afterwards sheriff of this county, and was rewarded with the manor of Aylesford, for his exertions in the suppression of Wyatt's rebellion.

Two Chief Justices, and one Chief Baron who afterwards became Chief Justice, flourished in this reign. Sir John Fineux, of Swingfield, was the first, who filled the office for thirty years with unblemished reputation. He is doubly represented in the House of Lords, by Lord Teynham, who is descended from one of his daughters, who married John Roper, the Attorney-General; and by Lord Viscount Strangford and Baron Penshurst, through a female descendant of his son. The second Chief Justice was Sir Robert Read, who resided at Bore Place, in Chiddingstone, which he left to his daughter Bridget, who married Sir Thomas Willoughby, a Judge of the Common Pleas in the same reign, who lies buried in the church of that parish. The Chief Baron is Sir Roger Cholmley (the distinguished Recorder of London), who

possessed several manors in this county, which were dis-
gavelled by a statute in the thirty-first year of this reign.
Edward VI. promoted him to the Chief Justiceship of
the King's Bench; but he was not continued in the of-
fice by Queen Mary or her successor, though he lived
till 1565.

One Baron of the Exchequer of this reign, Robert
Blagge, had considerable property in the county, among
which was Horseman's Place, in Dartford; and another
Baron, John Petit, was a native of Boughton-under-
Blean, and was a Justice of the Peace in the county long
before he was raised to the Bench at Westminster.

Sir Roger Manwood, a native of Sandwich, where he
established and liberally endowed the Free School, still
called by his name, is the only Kentish judicial charac-
ter that figures in Queen Elizabeth's reign. He was
first made a Judge of the Common Pleas, and then
Chief Baron of the Exchequer; and the inhabitants of
Rochester have reason to remember him with gratitude,
for his exertions towards upholding their bridge, and
regulating the estates which had been originally devoted
to its repair. Though there are many proofs of his being
of a charitable disposition, there is little doubt that he
was a corrupt judge. Some instances of bribery and op-
pression are recorded of him, and there were at last so
many complaints against him, that he was removed from
his place. On his death, soon after, he was buried under
a superb monument, erected by himself, and still to be
seen in the Church of Hackington, or St. Stephen's, near
Canterbury, the manor of which had been granted to him
by the Queen.¹

In the reign of James I. the county of Kent did not
supply a single judge, unless the office of Cursitor Baron,
which had been lately instituted, may be so considered.

¹ Reference is made to this monument in the first volume of this work,
p. 73.

Sir Thomas Cæsar was the second person who held that appointment. He was the brother of the more famous Sir Julius Cæsar, who was Master of the Rolls for twenty-two years; and his connection with this county arose from his marriage with a daughter of Sir William Ryther, an opulent Alderman of London, by which he came into possession, among other estates in the county, of the Mote, near Maidstone, now the seat of the Earl of Romney. This lady survived him, and afterwards married Sir John Philpot, of Compton Wascelin, in Hampshire.

We now come to characters of whom we have a more intimate knowledge. They who have seen the monument of Sir Dudley Digges in Chilham Church will have remarked that his family was established in Kent so long ago as the reign of Henry III. Sir Dudley was born at Digges Court, near Barham, and after an active life, in which he successively figured as a Member of Parliament, a voyager in quest of the North-west Passage, a Gentleman of the Privy Chamber, an Ambassador to Russia, and a prisoner in the Fleet and in the Tower, he at last, in 1636, obtained the office of Master of the Rolls, although he was entirely ignorant of law,—one of the many instances of the corruption of the times. He died three years after, and was buried at Chilham, the manor and castle of which he acquired by his marriage with a daughter of Sir Thomas Kempe, of Ollantigh.

The reign of Charles I. also introduces us to a family, established in Kent ever since the reign of Edward I., which was most intimately connected with the law. Sir Thomas Finch, who married one of the coheirs of Sir Thomas Moyle, of Eastwell, in the reign of Queen Mary, had one son, two grandsons, one great-grandson, and one great-great-grandson, all eminent in Westminster Hall; besides two female descendants, connected by marriage

with lawyers equally illustrious. The *son* was Sir Henry, an eminent Serjeant-at-Law to James I. The *two grandsons* were, (1) Sir John Finch, the son of Sir Henry, who was Lord Keeper to Charles I., and became Lord Finch of Fordwich; and (2) Heneage, the son of Sir Moyle Finch, the eldest son of Sir Thomas. He was also a Serjeant, was elected Recorder of London, and became Speaker in the first Parliament of Charles I. The *great-grandson* was also named Heneage, and was the son of the Recorder and Speaker. He was the illustrious Lord Chancellor to Charles II., who created him Earl of Nottingham, a title which is enjoyed by his descendant, with the addition of that of Winchelsea, the Earldom of which had been granted to the Lord Chancellor's grandmother, the wife of Sir Moyle Finch. The *great-great-grandson* was another Heneage, the son of the Lord Chancellor, who, after being Solicitor-General to Charles II., and distinguishing himself greatly in the two following reigns, was created Earl of Aylesford by George I. And the *two female descendants* were, (1) the Lord Chancellor's daughter, who married the son and heir of Sir Harbottle Grimston, Master of the Rolls to King Charles II., and (2) his grand-daughter, who became the wife of William Murray, the first Earl of Mansfield, whose name, as Chief Justice of England, will never be forgotten.

Of this goodly legal assemblage we have only now to deal with the least worthy, Sir John Finch, who was Recorder of Canterbury from 1617 to 1621, was elected several times member for that city, and in the Parliament of 1628 was chosen Speaker. He incurred the censure of the House for his pusillanimous conduct, and was forcibly held in the chair while the Commons passed the resolutions against Tonnage and Poundage. A dissolution immediately followed, and no other Parliament was called for eleven years. In the interval Finch, in 1634, was suddenly promoted to the Chief Justiceship

of the Common Pleas on the dismissal of Sir Robert Heath; and Sir John Banks at the same time succeeding Noy, as Attorney-General, the following specimen of bar-wit was circulated:—

“ *Noy's* flood is gone,
The *Banks* appear;
Heath is shorn down,
And *Finch* sings here.”

He strenuously supported the King's demand of Ship-money, and induced the other Judges, except two, to decide the case against Hampden, who resisted the payment of the obnoxious impost. In January, 1640, he was made Lord Keeper of the Great Seal, and soon after, being created Lord Finch of Fordwich, presided over the Parliament that met on April 13, and was hastily dismissed on May 5. The King was obliged, however, to call another in November, the famous Long Parliament, which assumed the government of the kingdom, and eventually murdered the King. One of its first acts was to attack the Lord Keeper, who, finding that his artful speech in vindication of his offences did not prevent it from impeaching him, contrived to escape to Holland. There he entered into a composition of £7000; but he does not appear to have returned to England till the Restoration. He then took an active part in the trials of the Regicides, but died before the end of the year, and was buried in the ancient church of St. Martin's, Canterbury, where his splendid monument may still be seen. He left no male issue.

His predecessor as Chief Justice of the Common Pleas, Sir Robert Heath, was also a native of Kent, being born at Brasted. He was a favourite of the favourite Buckingham, by whose influence he was first elected Recorder of London, then appointed Solicitor-General, and afterwards Attorney-General. In performing the functions of this latter office he was a zealous and active partisan

of the Court, and was consequently rewarded with the Chief Justiceship on the death of Sir Thomas Richardson, in 1631. In three years, however, he was discharged from his place, to make way for Sir John Finch, "noe cause," he himself says in a memoir he left, "being then or at any time shewed for my removal." His disinclination to the extreme views of Archbishop Laud, and a suspicion that he was adverse to the imposition of Ship-money, may have operated in his disfavour; and his replacement on the King's Bench six years after, and his subsequent advancement to the Chief Justiceship of that court, sufficiently refute the charge of bribery which Anthony Wood says occasioned his dismissal;—a charge which Lord Campbell repeats without any other authority. By joining the King at Oxford and obeying the royal behests, he, of course, incurred the anger of the Commons, who impeached him and sequestered his estate. He fled to France, and died at Calais in 1649. His body, being brought to England, was buried under a stately monument in Brasted Church.

The only other Kentish Judge in the reign of Charles I. was Edward Henden, a Baron of the Exchequer, of an old family originally settled at Henden, near Woodchurch, subsequently at Bassenden, and lastly at Biddenham Place, in the same locality. The occupation followed by his ancestors was that of clothiers. He, however, entered the legal arena, and after successfully pursuing his profession for two-and-twenty years he was promoted to the Bench and knighted in 1639. In the subsequent troubles he was fined for not contributing to the expenses of the Parliament army, the assessment imposed upon him being £2000, as a twentieth part of his estate. Refusing to pay this sum, proceedings were directed against him, which were prevented being taken by his death, in 1644. His remains lie in Biddenham church.

Henry Grey, the tenth Earl of Kent, is the only person connected with this county who bore a judicial character during the Rebellion. He was several times a Parliamentary Commissioner of the Great Seal; but strongly disapproving the murder of King Charles, he quitted his office when that tragic event occurred.

On the return of Charles II. he was accompanied by John, Lord Colepeper, Master of the Rolls, who was of the Pepenbury branch of that old Kentish family, to which the Judge of Henry IV. and V., already mentioned, belonged. After spending some years abroad as a soldier he settled down in this county, for which he was chosen member in the Long Parliament. In it he took at first the side of the people, and advocated a redress of their grievances. He was a rough and powerful speaker, as may be seen in the following specimen:—

“One grievance more, . . . which compriseth many;—it is a nest of wasps, or swarm of vermin, which have overcrept the land, I mean the monopolies and polers of the people. These, like the frogs of Egypt, have gotten possession of our dwellings, and we scarce have a room free from them. They sup in our cup. They dip in our dish. They sit by our fire. We find them in the dye-vat, wash-bowl, and powdering-tub. They share with the butler in his box. They have marked and sealed us from head to foot. Mr. Speaker, they will not bate us a pin. We may not buy our own cloaths without their brokage. These are the leeches that have sucked the commonwealth so hard that it is almost become hectic.” He was, however, essentially loyal, and in the same speech he expresses a full reliance on the King’s desire to open his ears to the complaints of his people. He did what he could, in conjunction with Falkland and Hyde, to serve his Majesty; and acquiring great influence in the royal councils, he, by his intemperance, led the King into some of his most imprudent

measures. Though bred up as a soldier, the King, in 1643, in reward for his services, appointed him Master of the Rolls, as a place of dignity and profit, according to the vicious practice of the time, which did not regard a man's aptitude for any office. He was however superseded by William Lenthall, who received the profits and performed the duties for the next sixteen years, under the appointment of the Parliament. In October, 1644, he was created Lord Colepeper, and in all the King's troubles was ever by his side, assisting by his counsel and fighting with most distinguished bravery. From 1646 he was the constant companion of Prince Charles in his wanderings, and after the King's decapitation the Prince sent him to Russia for aid, which he succeeded in procuring to the amount of £50,000. At the Restoration he resumed his judicial office, but did not enjoy it above two months, as he died in the following July, and was buried at Hollingbourn. The county may well be proud of him for his wit and understanding, and for his courage and fidelity. The title became extinct in 1725.

One of the greatest of our lawyers distinguished the reign of Charles II. This was Heneage Finch, Earl of Nottingham, who amply redeemed whatever discredit was sustained by the family to which he belonged from the equivocal character of the Lord Keeper of Charles I. Though no friend to the republican party, the reports of Siderfin prove that he had a very considerable practice during the Commonwealth, and was remarkable both for his legal acquirements and his extraordinary eloquence. For his persuasive powers he acquired the titles of the "silver-tongued lawyer," and the "English Cicero;" and for his graceful action, of the "English Roscius." At the Restoration, he was at once made Solicitor-General, and rewarded with a baronetcy. In ten years he succeeded to the Attorney-Generalship, and in 1673, on the removal of the Earl of Shaftesbury, the

Great Seal was placed in his hands as Lord Keeper, a title which two years afterwards was exchanged for that of Lord Chancellor. He was elevated to the peerage by the title of Lord Finch of Daventry, but was advanced in 1681 to the Earldom of Nottingham.

He held the seal till his death, a period of nine years, during which he conducted himself with so much wisdom and steadiness, that though party animosities were most violent and the whole kingdom was divided into factions, he not only retained the good opinion of his Sovereign, but escaped even the assaults, if not the censures of his political opponents, from which few were exempt. By his contemporaries he was universally respected, and subsequent writers of both sides of politics have, in their estimate of his character, united in his general eulogy as a man, tempering their portrait of him as a politician, of course, according to their Whig or Tory tendencies.

In the second part of 'Absalom and Achitophel,' he is thus described, under the character of Amri:—

"Our list of nobles next let Amri grace,
Whose merits claim'd the Abethdin's high place;
Who, with a loyalty that did excel,
Brought all th' endowments of Achitophel.
Sincere was Amri, and not only knew,
But Israel's sanctions into practice drew:
Our laws, that did a boundless ocean seem,
Were coasted all, and fathom'd all by him.
No rabbin speaks like him, with mystic sense,
So just, and with such charms of eloquence;
To whom the double blessing does belong,
With Moses' inspiration, Aaron's tongue."

Blackstone gives him the highest praise as a constitutional lawyer, and as building a system of jurisprudence and jurisdiction upon wide and rational foundations. Burnet even calls him "a man of probity, and an incorrupt judge;" and as a law reformer he must be ever remembered, for to him we owe the most important and

the most useful Act of the reign,—the Statute of Frauds. Amidst the cloud of political corruption, he shone with distinguished light, and his private life was untainted with the wanton vices of the age.

He died on December 18, 1682, at the age of 61, and was buried in the Church of Ravenstone, in Bucks, where his monument may be seen.

His second son, Heneage, though not a judge, was a legal celebrity. He held the office of Solicitor-General before his father's death, but was removed by James II., and greatly distinguished himself in the defence of the seven Bishops. Queen Anne made him Lord Guernsey, to which George I. added the Earldom of Aylesford.

Another of our most ancient families gave one of its members to grace the judicial bench in the reign of Charles II. This was Sir Thomas Twysden, of Bradbourn, whose ancestors can be traced from the reign of Edward I., when they possessed a manor of their name in the parish of Sandhurst in this county. In the reign of Henry VIII. one of them acquired Royden Hall, in East Peckham, which gave the title to one of the earliest baronets created in 1611 by James I. This was Sir William Twysden, whose second son Thomas was our Judge. Called to the Bar in 1625, his name will be found as a well-employed lawyer throughout the reign of Charles I., in all the Reports then published; and Siderfin, the Reporter of the Commonwealth, makes frequent mention of him. His eminence was such that, though he was considered a royalist, Cromwell forced upon him the degree of a Serjeant-at-Law,—a promotion which he declares he accepted "*animo reluctante*." He soon however had a taste of the Protector's tyranny, for he was cast into the Tower for presuming to undertake, as an advocate, the case of Cony, illegally imprisoned for refusing to pay certain customs imposed without any authority except Cromwell's dictum.

His learning and his loyalty were so well known, that at the Restoration he was immediately decorated with the judicial ermine as a Judge of the King's Bench, in which court he exercised his functions for the next eighteen years with high reputation both for ability and integrity.

Roger North tells an amusing story about an accident that befell him in Hilary Term, 1673. Lord Shaftesbury, the new Chancellor, "had a freak to make his procession on the first day of the Term on horseback, as in old time the way was when coaches were not so rife. Upon notice in town of this cavalcade, all the shew company took their places at windows and balconies, with the foot-guard in the streets, to partake of the fine sight, and being once settled for the march it moved statelily along. But when they came to straights and interruptions, for want of gravity in the beasts, or too much in the riders, there happened some curvetting, which made a little disorder. Judge Twisden, to his great affright, and the consternation of his grave brethren, was laid along in the dirt, but all at length arrived safe, without loss of life or limb in the service."

Roger North is not quite correct in speaking of this as the revival of an ancient custom. It had not been long left off, for Pepys mentions the procession on horseback in October, 1660; and Aubrey fixes its discontinuance so recently as 1665. But this accident put a stop to all attempts at renewal.

In 1666 the King conferred a Baronetcy on our Judge, and granted him his *quietus* in October, 1678, with a pension of £500 for his life, and allowing him, though ceasing to act, to retain his title of Judge till his death. This occurred on January 2nd, 1683, at the age of eighty-one. He was buried under a monument in the church of his parish of Bradbourn.

His only blemish was being a little passionate; the

Law Reporters in recording his judgments sometimes beginning, "Twisden, *in furore*, observed," etc.

His wife was as staunch a loyalist as he. She was the sister of Colonel Matthew Tomlinson, who had the charge of Charles I. at the time of his trial, and on the day of his execution; but, unlike the others, treated him with kindness and respect. A letter exists in the family from Charles II. to her, in which he gives her directions as to the delivery of "the George and Seales," which his father had entrusted to the care of her brother.

One other Kentish Judge belongs to Charles's reign, who continued on the Bench in that of James II., but of him we have not much reason to be proud. He was Sir Francis Wythens, of Southend, in Eltham, who received his knighthood on presenting an address from Westminster expressing an abhorrence of the practices of those who petitioned for the meeting of Parliament, as interfering with the King's prerogative. For this offence against the rights of the people he was expelled from the Parliament as soon as it met. He was a time-server, and supported all the arbitrary acts of both Kings. In 1683 he was created a Judge of the King's Bench, and under King James he accompanied Chief Justice Jeffreys in his bloody campaign in the West. After acting with his accustomed pliancy for four years, a sudden boldness, or perhaps a prophetic policy, prompted him to unite with Chief Justice Herbert in denying that the King could exercise martial law in time of peace without an Act of Parliament. This sole instance of insubordination was too great to be overlooked by James, who removed him forthwith in April, 1687; but it was too little to plead in his favour in the next reign. He was excepted from the Act of Indemnity, many of his judgments and decisions being declared arbitrary and illegal, and his concurrence in favour of the King's dis-

pensing power being the principal matter urged against him. He was however left untouched till his death, which occurred in 1704, when he was buried at Eltham.

His wife is the subject of some scandal in Mrs. Manley's '*New Atalantis*.' She afterwards married Sir Thomas Colepeper, of Aylesford, Baronet.

Then came the Revolution, at which it is time for me to pause, it being an appropriate barrier between ancient and modern history.

The Georgian period will be more appropriately illustrated when this Society is a hundred years older. There may then be sufficient rust over its remains to need the labour of the antiquary, and sufficient change in manners and opinions to require the investigation of the archæological critic. In this Georgian period the county of Kent will exhibit no deficiency in the list of legal worthies. In such a list must be found Chief Baron Sir Sidney Stafford Smythe, of the Bounds, near Tunbridge, connected with the noble house of Strangford; in such a list must be found Philip Yorke, Earl of Hardwicke, who filled the office of Lord Chancellor close upon twenty years; in such a list must be found the amiable and learned Charles Abbott, Lord Tenterden, Chief Justice of England, whose career will prove to future generations that in this country the most lowly born may attain the highest honours, by the exercise of industry, application, patience, and intelligence; and, above all, in such a list must be found another nobleman, whose name and that of his descendants will ever stand conspicuous in our annals,—his for the patriotic and constitutional principles he advocated, and the just popularity he acquired,—and theirs as the inheritors and the emulators of his virtues. I need scarcely name Charles Pratt, Lord Camden, Lord Chancellor of England in the early years of George III., the grandfather of our noble President,—whom to know is to esteem and honour.