

THE CITY AND THE TEMPLES

I first became interested in the position of the Temples, particularly vis-à-vis the City, when the Chamberlain submitted a report to the Coal, Corn & Rates Finance Committee in November 1973. In this he recommended that he should open negotiations with the Temple Authorities to find a fair method of re-imbusement for the further responsibilities undertaken by the City on their behalf under The Temples Order 1971.

But this is to start at the end of the story, so let us go back to the beginning. The Order of Knights Templars (the Templars) was founded in Jerusalem in 1118 and in England and Scotland ten years later in 1128. London was chosen for the headquarters of the Order and the Knights built their first house and church in the parish of Saint Andrew, Holborn, near the north end of Chancery Lane and named it the Temple. They soon outgrew their needs in their first home and moved to the present Temple after only some thirty years, probably about 1162. At this time there was no agreed definition of any local government jurisdiction north of the Temple. A dispute between the Abbot of Westminster and the City of London existed. This was not settled until 1222 when civic jurisdiction was granted to the City as far west as Temple Bar over Abbey lands, but the Temple was not affected by this dispute or its settlement. However there was an area lying to the west of the City walls and up to a line very approximately north from Temple Bar which included the Old Temple and the New Temple. Parts of this area became debated territory, being claimed by the City as being within its municipal and city boundaries. This dispute with the Temples simmered on for nearly seven and a half centuries until it was finally resolved in 1907.

In 1308 Pope Clement V persuaded Edward II to assist him in abolishing the Order of Knights Templars who by then had reached a position of great power and influence in the country. The King instructed the Sheriffs of the City to make an inventory of the buildings and goods of the Templars which had been escheated to the Crown. There is no doubt that the choice of the Sheriffs from the City for this duty led their successors and other officers of the City two or three hundred years later to consider the Temple to be under city jurisdiction.

In 1324, however, Parliament decided, on the advice of the judges that, while the lands could be legally escheated, they should be assigned and

delivered "to other men of most holy religion and disposed to godly use" so they were given to the Hospital of St. John of Jerusalem - commonly called the Hospitallers. It was shortly after this that it is thought the "Apprentices of the Law" came into the Temple and the two Societies of the Inner and Middle Temple became tenants at will, but at a rent, of the Hospitallers in the Temple. The Hospitallers remained in the Temple for over two hundred years until they in their turn were dissolved in 1540 by Henry VIII and the Temple became vested in the Sovereign. Although the Act of 1540 dissolved the Order it preserved the tenancies of the two Inns and enacted that the Master and the two chaplains of the Temple should keep their posts and salaries for life. The then Master of the Temple, William Ermestede, lived until 1559. He was ordained a Catholic priest and continued in office under Henry VIII. However he became a Protestant Chaplain to Edward VI but a catholic again in Queen Mary's reign. He died a Protestant as one of Queen Elizabeth's chaplains. Talk about the Vicar of Bray!

The next date to note is the granting by James I of the Temple Charter in August 1608 and the City of London Charter five weeks later. The two Charters were clearly intended to tidy up the position. A number of formerly exempt properties, mostly ecclesiastical, fell within the municipal City such as the Priory of Holy Trinity, Aldgate: the Priory of St. Bartholomew, Smithfield: the dissolved Hospital of St. Bartholomew in Smithfield: Blackfriars: Whitefriars and the Inn or Liberty of Coldharbour. Neither the Inner nor Middle Temple were mentioned in the City Charter as was pointed out sixty years later when the City and the Inner Temple petitioned the Privy Council presided over by Charles II in 1669 to decide whether the Temple came within the City's jurisdiction. No doubt the City was greatly disappointed at not being given the Temple and this led to claim after claim of jurisdiction only finally ended up by an agreed injunction of the Courts in 1900 and by Parliament in 1907.

During the Commonwealth the City continued to try and prove the Temple was within the City both for municipal and county purposes. They started with a county tax in 1653 and assessed the two Societies in one sum for "Army" taxes at £100 per month. It was not paid and the arrears by 1656 amounted to £2,325. At this stage the City brought the arrears before Parliament but after debate Parliament decided by large majorities not only that the arrears be discharged but the sums involved be paid by the City.

In 1669 the Lord Mayor, who had been invited to dine as a private guest of the Reader of the Inner Temple, let it be known he was intending to come

with his Swordbearer and the "point-up". The Benchers tried to persuade him to leave the sword at home, but they failed to do so and he was firmly ejected when he arrived. Samuel Pepys tells the story in his Diary and he was present in the Council Chamber "and there heard the great complaint of the City tried against the Gentlemen of the Temple for the late riot, as they (the City) would have it".

About ten years later when a serious fire occurred in the Temple, the Lord Mayor and the Sheriffs arrived on the scene in full panoply with the Swordbearer holding the sword "point-up". One of the witnesses wrote: "The Young Templars not owning his authority there accordingly beat the sword down and would not suffer it to be borne erect".

We now pass on to 1774 when the first of the London Building Acts was passed, providing for the appointment of building surveyors "to better regulate buildings and party walls and prevent mischiefs by fire in the City of London and its Liberties". The word "Liberties" again caused trouble and after correspondence lasting sixty years the City finally gave up trying to include the Temples in the surveyors' terms of reference.

In 1818 the City tried their best to get contributions from the two Societies to pay for damage caused by a riot the previous year, but again after protracted negotiations lasting some six years failed in their efforts.

They were more successful under the City of London Police Act 1839 and although there were some initial difficulties the Temples have now been policed by the City Police for well over a hundred years and relations have been excellent.

In 1867 an Act promoted by the City was passed called the City of London Municipal Elections Amendment Act which regulated the voting at City elections. Before this Act was passed the Temples made it clear that they did not want occupiers of property in the Temples to take part in the City elections. In their reply the City agreed unequivocally that persons occupying chambers in the Temple would not acquire the right to vote under the Act. It appears however that, despite this definite statement, persons occupying residential or professional chambers in the Temple were, sometime later, put on the Ward List of Farringdon Without.

This continued until 1959 when a ratepayer challenged the legality of the inclusion in the Provisional Ward List for Farringdon Without of the names of 1,584 persons who appeared in the List by virtue of residence or

occupation of premises situated within the Inner and Middle Temples. The ratepayer who produced this challenge was the then Deputy of Farringdon Without, Mr. Woodbridge Biggs, although in this matter he was acting, of course, in a personal capacity. The grounds of his objection were that the Temples were not within the jurisdiction of the City authorities but were in "the suburbs of our City of London". The Secondary, who at that date was responsible for preparing the Ward Lists and was empowered by statute to hear and determine objections, dismissed Mr. Biggs' objection and Mr. Biggs gave notice of appeal to the Mayor's and City of London Court.

The Corporation took legal opinion and amassed a considerable amount of evidence in support of the contention that, although exempt from the Corporation's jurisdiction, the Temples were within the boundaries of the City and so within the ward of Farringdon Without, the suburbs being those areas outside the walls but within the bounds of the City as defined by the bars which had been established from time immemorial.

In the event the appeal failed on technical procedural grounds. The Judge stated that he was not in any way shirking the issue but when action was taken to disenfranchise a large number of people, the courts would look with a high degree of care to see that the rules of procedure were complied with. Meantime the Common Council, on a report of the Special Committee, had determined to take steps to place beyond question the legality of the practice, which had gone on for nearly a hundred years, of including the Temples as part of the City for municipal and county elections, and a clause to this effect was inserted in the City of London (Various Powers) Act, 1960.

Legislation about sewers in the City started with the City of London Sewers Act 1848 which applied to the area of the City and its Liberties. No express mention of the Temple was made in the Act nor in the Amending Acts passed in 1851 and 1897. Despite the fact that there are no public sewers in the Temple, the City decided to charge the Temple with the full sewer rate under the three Acts but no claim seems to have been made until the passing of the third of these Acts. As a result the Societies decided to test in the Courts once and for all whether the Temple was or was not in the City, including its Liberties. A writ was issued on 24th May 1900 and four Q.C.s. representing themselves and all others using holding or occupying property within the Temples sued the Mayor, Commonalty and Citizens of the City of London. The plaintiffs claimed declarations that the Inner and Middle Temples were not within the City of London or its Liberties and that the defendants were not entitled to demand or levy any rate under the

three Sewers Acts. The action was settled, without trial, on agreed terms which were made an Order of Court dated 16th January 1904. As the first named plaintiff was William Patchett, Q.C., this order is always referred to as the "Patchett Order" and under it, so long as the two Societies made a voluntary payment of £600 per annum to the City, the City would not attempt to enforce the three Acts within the Temples. The Order only ran for some three years as the City of London (Union of Parishes) Act 1907 replaced it in similar terms and also finally settled by legislation that the Temples were not within the City or its Liberties. It is also laid down that for police purposes the rate charged should be a proportionate rate based on the total rateable value of the Temples as compared with the total rateable value of the City.

We now return to where we started - the Temples Order 1971 - which came into operation in November of that year.

The Temples provide a considerable range of services for themselves, e.g. street paving, maintenance, cleaning, lighting and drainage and the collection of refuse, but under the London Government Act 1963 (when local government in London was completely reorganised) the City and the London Boroughs were made responsible for the provision of a number of important services which had previously been dealt with at county level. Following this reorganisation the Temples retained their independence (they have always acted as their own local authority with power to levy rates) but there were certain services, e.g. Health and Social Services which it was recognised that they could not furnish and which, under the Act, therefore became the responsibility of the Common Council. The resultant Order in Council clarified which responsibilities were to be undertaken by the City but directed that payments made for services should be negotiated between the Temples and the City.

As a result of the Chamberlain's report to the Finance Committee in November 1973, it was agreed that he should open negotiations with the Temple authorities with a view to seeking a fair method of reimbursement for the new responsibilities undertaken and a recognition of the decline in the value of the pound since the sum under the Patchett Order was fixed. Although it had been increased from £600 to £680, this only took effect from 1926 in respect of certain lands fronting the Thames that were previously exempt and it had remained at this figure ever since.

As a result of these negotiations the amount payable under the Patchett Order was increased to £3,408 as from 1973/4 and it was agreed that the

amount would be reviewed every five years in future, the next revision taking place in 1979/80. For 1977/78 the total sum reimbursed to the City in respect of services undertaken for the Temples amounted to £31,142, made up as follows:-

Under the Patchett Order	£ 3,408
Services including Police, Library, Housing, Health and Social Services, etc., and contingencies for inflation and wage awards	£27,734

	£31,142
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J.M.K.
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