

*Moreana*, no. 14 (May 1967): 15-22

SIR THOMAS MORE AND DOCTORS COMMONS

It seems highly probable that Sir Thomas More had a working knowledge of both civil and canon law, since he possessed a far-ranging intellectual curiosity and was also involved in offices and embassies where such knowledge would be useful and might be furthered. The probability has been moved toward certainty by R.J. Schoeck in two articles, "Sir Thomas More : Humanist and Lawyer," and "Canon Law in England on the Eve of the Reformation." (See detailed bibliography at the close.) In the latter article Professor Schoeck says :

... more than ten years ago I asked "Was Sir Thomas More a Roman lawyer?" wanting to point out the stiff requirements for admission to Doctors Commons, which More did not at that time meet, and to strike a cautionary note by indicating that there were other Thomas Mores in the legal profession at that time... I still feel that we cannot be absolutely certain that More was admitted to Doctors Commons in 1514 : indeed his plea of ignorance of Roman law in 1534 is much harder to accept if he had been admitted to Doctors Commons. But I am now convinced that More had more than a smattering of Roman law and that his admittance was probable.

Professor Schoeck is assuming, it seems, that the rigid rules for that body -- rules summarized by W.H. Holdsworth from evidence about a later period -- were operating from the beginning. In his discussion of the organization as it functioned in later years Holdsworth says :

We do not know what were in early days the conditions of admission to Doctors Commons.

They possibly varied from time to time according to the regulations for the admission of advocates made by the archbishop of Canterbury. But it is probable that the conditions laid down in the charter of 1768 represented an old-established practice. They certainly represented in substance the conditions prescribed by the bills of 1550 which failed to win legislative sanction.

These conditions, he adds, were that a candidate must have been admitted as an advocate of the Court of Arches by a majority vote of his fellows, that earlier he must have had the degree of doctor of civil law from Oxford or Cambridge, that he must have secured a rescript or fiat from the Archbishop of Canterbury, that he must have been admitted during term time by the Dean of the Arches and have attended court for a year. Holdsworth's view may be wrong in this instance, since it is based only upon the conjecture that the early rules were like the later ones.

Among those who have argued in favor of More's membership in Doctors Commons are E.W. Brabrook (1882), T.E. Bridgett in the 1924 edition of the *Life*, and Russell Ames, *Citizen Thomas More and his Utopia* (1949). These are their reasons: a master of English common law had to know some civil and canon law to be a member of embassies and to handle international problems; no other Thomas More, although there were several in legal work at this time, qualifies as well for membership in Doctors Commons; and the handwriting of a Thomas More in a Latin autograph statement of admission to the society is the same as that of the well-known Thomas More in his Latin writings.

Other evidence about membership in Doctors Commons is available in printed form, but it has not usually been applied to the discussion of More's membership by either skeptics or believers. In the earliest years, according to this evidence, membership was flexible, and More might have been a member even if he had lacked knowledge of Roman law. Two sources of this evidence exist. One source is an eighteenth-century history of the

origins, written by Andrew Coltee Ducarel, an eminent antiquarian and also a member of Doctors Commons. The other is the early official Treasurer's Register.

Ducarel seems to have been well qualified for writing a history of the organization to which he belonged. He received the B.C.L. degree from Oxford and from Cambridge in the same year, 1738, and the D.C.L. from Oxford in 1742; and he became a member of the College of Advocates, Doctors Commons, in 1743. In 1737 he was elected a fellow of the Society of Antiquaries in London and a fellow of the Royal Society in 1762. In 1760 he was given membership in the Society of Antiquaries at Cortona, and later he became an honorary member of the Society of Antiquaries at Cassel and also at Edinburgh. Hence his statements have some validity. His hand-written material (MS 958, Lambeth Library) was also a basis for the articles in the *London Topographical Record*, 1931.

The other source, the Treasurer's Register, was listed in Hodgson's Sale Catalogue for 1861, withdrawn for some reason, and placed in the Lambeth Library in 1869. Though I have not seen the Register, others describe it as having 272 vellum pages enclosed in the original binding. Given to the society in 1511 by Dr. Robert Spenser, it was handed down for many years from treasurer to treasurer. It is said to have about a thousand signatures of the early members, the first 110 being without year dates. Perhaps Ducarel was correct when he said in his Preface, p.2, that it might "probably be the largest collection of autographs in England." With a few exceptions the dated entries begin in 1511, the year when Spenser presented his vellum book.

Ducarel, who had certainly made full use of the Treasurer's Register, lists, along with many other names without dates, John Colet, Cuthbert Tunstal, Polydore Vergil, and William Grocyn. (See pp. 8, 9, 11, 12, in "Some Account of the Members..."). Under date of September 2, 1515, he lists Andreas Ammonius -- an Italian, a naturalized Englishman, an intimate friend of Erasmus,

and from July, 1511, Latin secretary to Henry VIII. In November, 1511, Ammonius, who seems to have been as critical of English food and lodging as Erasmus himself, had written his friend: "About St. Paul's there is as you know, a college of some learned men, who are said to fare well; I reckon it living in a sewer." (Nichols, *The Epistles of Erasmus*, II (1904), p.46). When he was admitted, perhaps he took only meals there, like many others in the early years.

In citing names from the Treasurer's Register in MS 958 Ducarel starred the name of any man whom he believed to be an advocate of the Court of Arches. Many early names are unstarred. About 1570 the starred names begin to outnumber the others, but from 1570 through 1616 ten or eleven unstarred names are listed. From 1735 to 1750, the last year of Ducarel's listing, all names are starred.

In his manuscript Ducarel named a Thomas More, admitted December 3, 1514. Following the Latinized name he added two Latin words, apparently *laicus generosus*. Further down, on the same page 27, he named William Carew and added the same pair of words after his name. He was admitted on December 3 also. Perhaps these two laymen had made unusual gifts to the society. After More's name Ducarel said also: "Whether this was the Thomas More who was born in 1480 or not I cannot say." Clearly he was not trying to prove that Sir Thomas More, Chancellor of England, had once been a member of Doctors Commons, though indirectly he makes a real contribution to the idea.

The entry about Thomas More as cited by Brabrook and by Bridgett, apparently taken from the Treasurer's Register, is this: "Ego T. Morus 3<sup>o</sup> die Decembris A<sup>o</sup> a Christo nato 1514<sup>to</sup> admissus sum in hanc societatem et polliceor me soluturum in annos singulos, s.6, d.8." Ducarel names this sum in his discussion as the standard fee every person bound himself to pay when he was admitted. When a member was in the city he might choose to pay for whole commons or half commons, depending on the number of dinners and suppers

that he wished to have, and Ducarel seems to indicate that advocates paid other fees, perhaps for lodging or perhaps for other privileges. (See pp. V-IX, "Some Account of the Court of Arches.") It is also said that the Register has two lists, one containing the names of advocates, commensals, and other members, and the other list advocates only. When Thomas Coote published the list of advocates only, in *English Civilians*, 1804, he furthered the erroneous idea that the members had always been only doctors of law.

In the Preface to his material, p.2, Ducarel, the careful antiquarian and member of the society, said: "And such was the credit of this society that there were... many eminent persons of the clergy and laity at their special request admitted into it as honorary members. But I find none that have been such since 1634." Discussing early years he says that advocates of the Court of Arches had been living dispersed in the city and the suburbs of London. In the reign of Henry VII they united themselves together in a collegiate manner, dining and supping together. About this time a plan was under discussion to found and endow a college, with Dr. Richard Blodwell as the first president. Since this plan was not carried out, the society "continued free and voluntary and was supported by the contributions of its members." Under the heading "Some Account of the Court of Arches," p.VI, Ducarel says also that many, "induced either by this agreeable manner of living or by convenience or both, procured themselves to be admitted to Commons therein. The like did several abbots, bishops, and some even of the laity, either for the sake of the company or for the support of the house. These were called contributors."

Basing her conclusions largely on Ducarel's account, Eliza J. Davis concludes: "At first the Commons was a sort of club of learned men, including many divines as well as lawyers, apparently founded before 1509." She says also that the early autograph signatures and subscriptions include priors, abbots, bishops, doctors, and "other

learned men" from the time of Henry VIII.

In 1567, according to Ducarel's narrative, Dr. Henry Harvey, an advocate of the Court of Arches and also the master of Trinity Hall, Cambridge, secured a lease on a great stone house situated on the south side of Knight-riding Street and known as Mountjoy House. The house was to be rebuilt "for the use of the advocates and proctors of the Arches or other graduates of the universities who should be admitted into the Doctors Company and Commons..." These words suggest that membership was not yet restricted to advocates in the Court of Arches. This stone house was near a house that Thomas Linacre owned but, while he was still living, gave to the College of Physicians; and there the first meetings of the medical society were held. (See article by Pretor W. Chandler, pp.5-6)

On May 6, 1570, Ducarel tells us, it was decided that in future none but advocates were to be admitted to Doctors Commons. But exceptions were still made. In June 6, 1572, William Lewin, who had studied civil law at Cambridge, was admitted at the urgent request of Lord Burghley. On November 24, 1573, Archbishop Parker was successful in securing the admission of a John Herbert who was not an advocate. But after 1570 perhaps they were usually advocates. From seventy-one names beginning with 1570 and continuing through 1600, Ducarel starred sixty; and he starred every name he listed from 1735 to 1750.

Perhaps it is safe to conclude from these details that Sir Thomas More who became the chancellor of England was a member of Doctors Commons - a contributing or an honorary member. His membership did not depend on his knowledge of civil or Roman law or an admission as an advocate to the Court of Arches. But his knowledge of canon and of Roman law remains a topic for further research.

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### BIBLIOGRAPHY

- R.J. Schoeck, "Was More a Roman lawyer?" *Notes and Queries*, 194 (May 14, 1949), 203;  
"Canon Law in England on the Eve of the Reformation", *Mediaeval Studies*, XXV (1963), 125-147;  
"Sir Thomas More: Humanist and Lawyer," *University of Toronto Quarterly*, XXXIV (Oct., 1964), 1-14;  
W.H. Holdsworth, *A History of English Law*, IV (London, 1924), 235-237;  
E.W. Brabrook, "On an Unrecorded Event in the Life of Sir Thomas More," *Transactions of the Royal Society of Literature of the United Kingdom*, XII, sec. ser. (London, 1882), 160-172;  
T.E. Bridgett, *The Life of Blessed Thomas More* (London, 1924), p.77, Note;  
Russell Ames, *Citizen Thomas More and his Utopia* (Princeton, 1949), 10-11, 46-47;  
Articles in *London Topographical Record*, XV (1931)  
-Pretor W. Chandler, "Doctors Commons," 4-20;  
-Appendix I. Andrew Coltee Ducarel, "A Summary Account of the Society of Doctors Commons," 21-34;  
-Appendix III. Eliza J. Davis, "Doctors Commons, its Title and Topography," 36-50;  
*DNB*, Andrew Coltee Ducarel;  
*MS 958*, Lambeth Library (a photograph, by courtesy of the librarian, E.G.W. Bill);

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Miss Pearl Hogrefe's latest book, *The Life and Times of Sir Thomas Elyot, Englishman*, - Iowa State University Press, X-410 pp., \$6.50, - has reached us, and will be reviewed for Moreana by Sr Noëlle-Marie.

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