



GEORGE JAMES TURNER, 1932

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1867-1946

GEORGE JAMES TURNER, 'interested' (as he modestly described himself in the summary pages of *Who's Who*) 'in ancient and medieval history, legal and institutional', was born in Kensington on 2 November 1867, the second of the four sons of Anselm Turner, a clerk in the House of Commons, by his marriage to Miss Catharine Kempson. Earlier generations of Norfolk Turners had produced mayors and ministers of Great Yarmouth, fellows of the Royal Society, and men of varied distinction recorded in the *Dictionary of National Biography*. His grandfather (after whom he was named), Sir George James Turner, successively M.P. for Coventry, Vice-Chancellor and Lord Justice of Appeal, was directly descended on the maternal side from Sir Robert Naunton, James the First's Secretary of State, whose wife was a granddaughter of Sir Edward Coke. His great-grandfather, the Rev. Richard Turner, perpetual curate of Great Yarmouth, was a friend of George Canning, Dr. Parr, and Dr. Paley. A great-great-uncle, Joseph Turner, was the senior tutor at Pembroke College, Cambridge (afterwards master of the college and dean of Norwich), to whose care Chatham confided William Pitt in 1783. Through Dawson Turner, banker, botanist, and antiquary, a brother of Joseph, there was a family link with Sir Francis Palgrave, first deputy keeper of Her Majesty's Records, one of whose sons, Francis Turner Palgrave, was professor of poetry at Oxford and compiler of the *Golden Treasury*; another son, Sir Reginald Palgrave, was Clerk of the House of Commons from 1886 to 1900.

After two years as a day-boy at Tonbridge, two more as a boarder at King's School, Canterbury, and another two under private tuition, G. J. Turner was admitted to St. John's College, Cambridge, in 1886. Placed among the senior optimes in the mathematical tripos in his last year at the university, he thought at first, it is said, of becoming a chartered accountant. In June 1891, however, he was entered at Lincoln's Inn where his grandfather had been Treasurer; two years later he was called to the bar. The medieval background of the law had quickly attracted him. He soon came under the spell of F. W. Maitland's inspiring example. Professor H. D. Hazeltine vividly remembers an

occasion, long after Maitland's death, when he chanced upon Turner at the circle of book catalogues in the British Museum reading-room. Having greeted one another, they fell to talking of the man whom both of them had known intimately. With a warmth of emotion which he seldom displayed Turner spoke of Maitland as the best friend he ever had: it was Maitland, he said, who had directed his attention to the manuscripts of the Year Books; without Maitland's encouragement he would never have taken up those studies. As early as 1892, it seems, while still reading for the bar, Turner was entrusted by the Selden Society with the preparation of an edition of *Brevia Placitata*, a thirteenth-century tract consisting of precedents of pleading in the King's courts, though the task (as we shall presently see) was still unfinished at his death more than fifty years afterwards. As soon as his name appears in the Law List, it is marked with the asterisk denoting an equity draftsman and conveyancer; but he would have had ample leisure to step across from Lincoln's Inn to the Round Room of the Record Office, where he became a familiar figure. In 1895 he began his long membership of the Selden Society which in that year appointed Maitland to be its literary director. Two years later, with Fossett Lock its secretary, Turner was examining on the Society's behalf the Marquess of Ailesbury's manuscripts at Savernake, where four missing Chancery rolls were brought to light.¹ Other scholars' publications, especially those edited for the Selden Society, bore witness to his co-operation. He was thanked by Charles Gross in 1896 for having collated the text which formed a volume of *Coroners' Rolls*, and by J. M. Rigg in 1902 for assistance with a volume of *Select Pleas, Starrs and Other Records of the Jewish Exchequer*. The prefaces to the Year Book volumes which Maitland published in 1903, 1904, and 1905 speak of Turner's skill and industry.

Maitland had persuaded the Selden Society to undertake a new edition of the Year Books, the old Anglo-French reports which throw light not only upon the common law but also upon the judicial practice and the social history of the Middle Ages. The printed text, careless and corrupt, needed critical treatment; besides the translating and collating of manuscripts and plea rolls, there were to be introductory essays in which an editor could find space for his conclusions. Maitland himself initiated the project, choosing the period of Edward II as that

¹ See 'An Addition to the Rotuli Scotiae', by E. L. G. Stones, *Scottish Historical Review* (1950), vol. xxix, p. 23.

of the oldest and perhaps the least satisfactory of the seventeenth-century folios. In 1899, after a severe illness, Maitland was advised to winter abroad; thereafter for the months which are colder in England he took his family yearly to Grand Canary or, on one occasion, to Madeira. Turner joined him on more than one of these migrations; he collaborated also by examining original documents in England. The preface to Maitland's 1905 volume shows that his help was appreciated.

If I could have had my way, the name of Mr G. J. Turner would have appeared along with mine upon the title-page of this volume. As, however, this is not what he desires, and as he cannot be held responsible for anything that is here published, I am bound to say the more explicitly that whatever merits this book may possess should in large measure be ascribed to the help that he has given me. On the present occasion the work of searching the rolls of court in order to identify reported with recorded cases has been done wholly, or almost wholly, by him. . . . Mr Turner has found some cases that in all likelihood I should have missed, and I have good reason to be grateful to him for the generosity with which he has placed at my disposal his singularly accurate knowledge of our ancient forms of action.

Turner was appropriately selected to bring out Maitland's posthumous volume in the Year Book series in 1907. In the following year he was thanked once more by Gross, this time for assistance with a Selden Society volume of *Select Cases of the Law Merchant*. Meanwhile his output under his own name was by no means negligible. In 1896 the *Law Quarterly Review* had published two notes over his signature. One reported a newly discovered ordinance which he had found on the Close Roll of 40 Henry III, clarifying the 32nd chapter of the Magna Carta of 1217. The other said the final word on the true name of what was formerly cited as Taltarum's Case. It was, Turner declared, Talcarne's or Talcarn's Case; there were two places called Tolcarn in Cornwall, and Tolcarn was a Cornish family name. Talcarn occurred frequently on the De Banco Rolls in the time of Edward IV; 'one litigant was Talcarn of Talcarn; surely he was not Talcarum of Talcarum!' He wrote two articles on 'Some Thirteenth Century Statutes' which the *Law Magazine and Review* printed in 1896 and 1897, and another of notable importance on 'The Sheriff's Farm' which appeared in the *Transactions of the Royal Historical Society* in 1898. In the same year an instalment of the *Dictionary of National Biography* contained the lives of two thirteenth-century judges, Gilbert de Thornton and Roger de Thurkilbi, which were his work, and at about this time

the *Encyclopaedia of the Laws of England* included some dozen articles by him on such subjects as Attestation, Bailiff, Barony, Circuits, and Common. His first volume for the Selden Society, *Select Pleas of the Forest*, came out in 1901, two years behind time. In 1903 he published his *Lincoln's Inn*, dissenting from the account of its site presented by W. Paley Baildon in a recent volume of the *Black Books of Lincoln's Inn*, and printing some fresh material. Turner contended that the old tradition identifying the Inn as the inn of the Earls of Lincoln had not been discredited. If Henry III granted the site to the Bishop of Chichester in 1227 as had been suggested, the tradition must be false; but he sought to show that the site was not so granted in that year, and also that the north part of the Inn (formerly Coterell's Garden) was acquired by Robert of Stratford, Bishop of Chichester, from the Hospitallers. His preface stated that he hoped at a future date to publish some brief notes on the early history of the legal profession, when he might have more to say about the Inn. He was to discuss the history of the profession in some of his introductions to Year Book volumes, especially in regard to the serjeants' 'monopoly'. To the origins of Lincoln's Inn he returned in 1906.¹ Examining the chartulary of the Abbey of Malmesbury in the Cotton collection in the British Museum, he had been surprised, he said, to find the abbot's mansion in Holborn described as Lincoln's Inn in letters patent of 1380 assigning some recently acquired property on the south side of Holborn, immediately east of Staple Inn. It had, he maintained, got the name of Lincoln's Inn from Thomas of Lincoln, one of the former owners. This Thomas, a counter (*narrator*) or serjeant practising in the Court of Common Pleas, whose name appeared in the Year Books of Edward III, might well have gathered round him a body of apprentices at law; might he not, on selling his inn to the Abbot of Malmesbury, have migrated with his apprentices to the Lincoln's Inn of today which then belonged to the Bishop of Chichester? 'We may easily conceive the younger apprentices of a few generations later receiving instruction from their seniors instead of from a resident serjeant, while those serjeants who had once been members of the Inn exercised a general supervision over the whole learned society.' Holdsworth thought this suggestion a 'not improbable explanation' of both the origin and the name of Lincoln's Inn.

An idiosyncrasy, which was to exasperate his editors and

¹ In the *Athenaeum* of 22 September 1906.

publishers, as well as the secretaries and treasurers of learned societies, was manifested early in Turner's career. It is revealed in some letters from Maitland to R. L. Poole the editor of the *English Historical Review*.¹ 'I think highly of Turner,' wrote Maitland in 1901; 'his introduction to the Forest Pleas is a really good piece of work in the style of Madox. Unfortunately he is the most dilatory of men and has tried the patience of the Selden Society to breaking point. The American subscriber is in full revolt and threatens a Declaration of Independence.' A year later Maitland, in asking for the name of some young man who would be willing to help with Year Books, remarks, 'Baildon finds more profitable work; Rigg's eyesight is, I fear, failing, and I cannot rely on Turner except for brief spurts'. A third letter, written in 1906, speaks for itself.

Our good Turner said without invitation that he would greatly like to help in making a volume of Miss Bateson's papers; and I much hope that a place may be found for him—but he knows and I know and you had better know that his name cannot be mentioned at the Press Syndicate. At the last moment his name might be put in its proper place, but he will not be treated as a responsible person. As I say he knows this, and is not the least offended. When I tell him of it, he only laughs. That is the worst of it; but I need not say more to you, for I saw that you love the little man. I love him very much. Some of the most determined men that I know, including Romer and Ingle Joyce, have failed to hurry 'little T.'

Those intimate extracts bring out two characteristics of Turner; he was lovable, but he was dilatory. The reference to the Syndics of the Cambridge University Press takes us back to the Selden Society's projected edition of the *Brevia Placitata*. Turner's procrastination led the Society to withdraw its sponsorship; he was left to take over the project as his own independent venture, for publication by the Press. The rest of the long story can be studied in the account given by Professor T. F. T. Plucknett when he brought the book out in 1951. Turner's dilatoriness became notorious. He could not be relied upon to answer letters; even invitations tended to be treated as matters which would in Bacon's phrase, 'resolve of themselves'. He seemed to regard a set of proofs as an opportunity for completely recasting his thoughts. The articles he contributed to the *Encyclopaedia of English Law* apparently go no further than the first five letters of the alphabet; someone's patience was presumably exhausted.

¹ Published in the *Cambridge Historical Journal* of 1952 (vol. x, no. 3); extracts are reproduced here with permission.

When he was writing other articles for the 1910 edition of the *Encyclopaedia Britannica*, a friend who encountered him in the Reading Room of the British Museum inquired about their progress. By way of answer Turner produced from his pocket a sheaf of reply-paid telegram forms, all unused. If pressed too hard, he could counter-attack. There is an Oxford legend that Professor Vinogradoff, anxious to expedite some volume heavily in arrear, sent him a formal card such as dons might address to undergraduates, presenting his compliments and summoning him to a meeting at Paddington Station. Turner with equal formality presented his compliments in return and regretted his inability to attend at Paddington, adding (it is said) a request for permission to remind Professor Vinogradoff that Professor Vinogradoff was not Mr. Turner's tutor nor was Mr. Turner Professor Vinogradoff's pupil. There is a parthian shot in the concluding part of the preface of Turner's *Calendar of the Feet of Fines of the County of Huntingdon*. He had wisely chosen a small county so as to find room for an introduction which is a masterpiece of erudition concerning early agriculture in England, the measurement of land, hides and virgates, carucates and bovates, the whole system of final concords, and the use of Christian names and surnames in the period covered. This lavishing of learned effort naturally took time and the members of the Cambridge Antiquarian Society, for whom it was destined, grew clamorous. The Society's annual reports in 1899, 1901, and 1903 stated that the book would be 'issued shortly'; in 1902 it was mentioned among works which might, it was hoped, be issued before Christmas; in 1904 it was 'very nearly ready'. When it appeared at last in 1913, Turner's preface, after expressing his debt to others, ended by naming gratefully one of the experts of the Record Office who had verified certain references for him—'kindness which I value the more because the assistance was rendered on his own initiative and without my knowledge'. The truth was that his helper, the honorary secretary of the Society, being aware that the author had passed the proofs completely except that he was delaying to check certain references to the De Banco rolls, took the matter into his own hands, verified the doubtful points himself, and sent the proofs off to press. He was never quite forgiven.

His unpunctuality was not mere laziness. Turner was a diligent man who did not mind rising early to get in a couple of hours' work before breakfast and who would take nothing on trust from previous editors or translators. He seldom discussed

his work and his critics could not know the extent of his other preoccupations. So widely dispersed were his writings that no final bibliography can be compiled. Few of us knew till after his death that he had found the missing rolls at Savernake in 1897, or that he had shared with some eminent contemporaries in the furnishing of material for episodes of the Pageant of 1911 which London called its 'Festival of Empire'. In this latter connexion he was the 'historical referee' responsible for the accurate re-enactment of such scenes as the entry of William the Conqueror and the granting of his charter to London, the return of Richard Coeur de Lion from captivity, the presentation by Edward I of his son Edward of Carnarvon, and the bringing to Westminster of the Coronation Stone and the regalia of Scotland. For further evidence of his interest as medieval historian rather than medieval lawyer, there are his two contributions to the Royal Historical Society's *Transactions* in 1904 and 1907 on 'The Minority of Henry III', throwing new light on that reign some years before Miss Kate Norgate had published her book; there is also a substantial article in the *English Historical Review* of 1912 in which Turner argues that, after Senlac, William's crossing of the Thames took place at Kew and offers reasons for the subsequent march to Wallingford. Instances of the diversity of Turner's activities, however, are no defence to the proven charges of procrastination, nor would he himself have pleaded them as an excuse for a dilatoriness from which he seemed to extract an impish entertainment. His generation belonged to a more leisurely age when a man who enjoyed a modest competence could carry out his chosen tasks in his own good time. Turner, in Professor Plucknett's phrase, would brood patiently over his materials until the mass of separate instances came at last to life. 'If Maitland's work leaves the impression of light coming in a sudden flash of intuition, Turner's seems to show the almost imperceptible dawn breaking after a night of contemplation.'

When the First World War came, Turner was one of the many barristers who were temporarily employed in Whitehall. He found himself in the Home Office, dealing mainly with the naturalization of aliens. Personal problems always aroused his interest and curiosity. His colleagues of that period, who grew very fond of him, recall his keen attention to the cases that came his way, though they hint that he showed ingenuity in finding reasons for deferring action. This wartime experience of prescribed routine cannot have been wholly distasteful, for, when

he left Whitehall, he let his name go forward for a post in the library of the House of Lords. The candidature was unsuccessful; the family link with the Palace of Westminster was not renewed. His scholarship would not have disgraced the standards set by his predecessors, but neither training nor temperament had fashioned him to the pattern to which orthodox librarians and public servants conform. Maybe his most congenial environment would have been the high table of a college at the Oxford or Cambridge of an earlier day. Be that as it may, he returned to his old interests without discontent. Instalments of the *Brevia Placitata* reached the patient printers. In 1924, along with his friend H. E. Salter, he produced the second and final part of the *Black Book of St. Augustine, Canterbury*, in the series of Records of the Social and Economic History of England and Wales sponsored by the British Academy. The first part had appeared in 1915; in this instance, however, the delay in completion was not due to Turner; there had been a war-time suspension of the government grant on which the series was based. This publication disappointed those who looked for new light on the legal and agrarian institutions of Kent; Turner devoted his introduction instead to the historicity of the charters of the abbey; moreover the index, being confined to proper names, was found unhelpful.

He produced another Year Book volume for the Selden Society in 1923, and yet another, with William Craddock Bolland, in 1929, apologizing in the latter for delay due to 'indisposition and other causes'. In 1933 the *Historical Essays in Honour of James Tait* included his 'Bookland and Folkland' which may have fostered the impression that he was less sure-footed in his approach to Anglo-Saxon times. Over-simplifying perhaps these technical mysteries, he saw bookland as merely land capable of transfer by book or charter with livery of seisin—just ordinary freehold land. As for folkland, he favoured, in spite of Vinogradoff, the older view of it as the land owned by the folk, the ancient demesne of Domesday Book. Meanwhile he had for a time been turning from the printed to the spoken word. A suggestion by G. H. J. Hurst at an annual meeting of the Society of Public Teachers of Law had led to the creation of a fund for courses of lectures at centres of legal study to stimulate interest in the Year Books. When Bolland, the first lecturer, died in 1927, Turner succeeded him. Turner began with three lectures at Cambridge on the Year Books, their origin and purpose and their value as sources of legal history, and on the

circumstances of the production of the printed texts. He had thought of including advice on the transcribing of manuscripts, but decided that too little could be taught in an hour's talk. He gave similar addresses at Birmingham and later in other centres—Southampton, Nottingham, and Newcastle-on-Tyne, Exeter, Bristol, Cardiff, and Aberystwyth. He was able to report that the audiences, partly students and articled clerks and partly legal practitioners, were reasonably large and attentive; but, in spite of the missionary zeal with which he carried on Maitland's campaign to make the Year Books better known and to recruit younger men for editorial work, the movement and the lecture-ship languished and lapsed.

His first years in Lincoln's Inn brought him some practice in conveyancing. He once appeared, led by Haldane, before the Judicial Committee of the Privy Council. Late in life he told a friend how he had once held a brief in the Southend county court, but the reminiscence was part of a confession that, when after another thirty years the same clients sent him a second brief for the same court, he had declined it, much to the indignation of the clerk in his chambers whom he tried to persuade that the papers were intended for some other Turner. He had by this time renounced such professional ambitions as he might once have cherished. Probably his last contact with litigation was during 1934 when Sir Frank MacKinnon, a King's Bench judge with appropriate antiquarian enthusiasm, was invited to decide in a replevin action whether *les Estatus del Eschekere* (traditionally cited as 51 Hen. III, stat. 4) could be deemed a statute and what was the meaning of *bestes ke gaignent sa terre*.¹ Turner was retained to advise one of the parties but was not called as a witness.

During 1933 and 1934 he spent at Oxford what may well have been the happiest months of his life, having had the honour to be elected a 'distinguished senior student' of All Souls College. He was at All Souls again in 1937 when he delivered the Ford Lectures, taking as his topic 'The Conquest and Settlement of Britain'. Perhaps he painted better on a smaller canvas; perhaps his lecturing lacked self-confidence; perhaps his attack upon some of the opinions held by archaeologists and place-name experts seemed too directly to disparage the study of those subjects. Whatever the reason, his Ford Lectures were not his most successful work. He made no effort to publish them; all trace of his script or notes has disappeared.

¹ *Swaffer v. Mulcahy* (1934) 1 K.B. 608.

If Turner owed much to Maitland, he was no mere copyist disciple. His zest in historical scholarship was, as he once remarked, the discovery of 'problems'. He found them for himself. He used to say he had felt no special attraction towards the Year Books but had begun to edit them in order to be of service to Maitland and the Selden Society. Yet he soon made his own mark with his 'pamphlet theory', widely adopted as an explanation of the method by which these mysterious reports were assembled and transmitted. His note on Talcarn's Case followed an earlier note by Maitland. Similarly Maitland's pioneer article on the pseudo-statute *Prerogativa Regis* led Turner to investigate other statutes of uncertain date and doubtful origin; with his wide reading among still unprinted plea rolls he went on to establish the date and authenticity of several of them. If the *Pleas of the Forest* is his most finished and permanent contribution to English legal history, it is *Brevia Placitata* which best shows his boldness and originality in opening up a new field of study. He was the first to see the significance of the writs of *justicies* and viscontiel proceedings generally. The vision enabled him to reveal the real importance of the county court in the thirteenth century and, by a minute scrutiny of the arid details of procedure, to carry back to the twelfth century his search for the genesis of the common law writ. He can be criticized at minor points, but the flood of new light thrown upon the early common law makes it his most stimulating work.

Turner never married. Entirely at his ease in mixed company, he nevertheless pretended, when among men, a celibate's suspicions of the other sex. Any who did not share this mistrust were liable to be dubbed 'feminist'. Once, when challenged by friends in Lincoln's Inn to declare his political faith, he proclaimed himself a Liberal Misogynist. Professor Hollond recalls a characteristic remark at Cambridge. He had taken Turner to call upon the then Vice-Master of Trinity, R. V. Laurence, himself a confirmed bachelor, who happened in the course of the evening to concede that the writings of Dr. Eileen Power on economic history were entitled to respect. As they came away, Turner, after a shocked silence, ejaculated 'Dangerous man, that!' It was an amusing pose, quite inconsistent with his regard for the scholarship of Miss Mary Bateson or with his choice of Professor Helen Cam as his literary executor.

He lived alone, for many years in a top-floor flat in Clement's Inn and later in a house at Surbiton where he had the company of his books (many of them in choice bindings) and the enjoy-

ment of a small garden. He had been a fellow of the Society of Antiquaries since 1900. He was elected a fellow of the British Academy in 1931 and became a member of its council and chairman of Section VIII in 1937. Such contacts meant much to one who was by nature or circumstance a solitary. He would jealously scrutinize the qualifications and the sponsorship of candidates for election to these societies or to his club. He had indeed a weakness for gossip, conducting his share subaudibly as if fearful of being overheard.

Towards the end of his life he came into possession of a house at Salcombe, a neighbourhood in which Lord Justice Turner and his children and grandchildren had spent many summer holidays. He was at heart a countryman, with an eye for wild birds, but he was not destined often to revisit the familiar south Devon scene. His sight suffered suddenly a rapid deterioration. His recreations had hitherto been recorded in *Who's Who* as 'walking and gardening'; the edition of 1945 replaced these words with the pathetic parenthesis '(is now blind)'. His elegantly simple handwriting became illegible. He still came up to London from Surbiton to attend meetings of the British Academy and the Selden Society and sometimes to lunch at his favourite table in a corner of the Athenaeum coffee-room, but he was now a sad figure, dependent upon the guidance of friends. On 14 July 1946 he died.

He had presented to the Inner Temple the Pension Book of Clement's Inn (acquired he could not remember when or how), the manuscript minutes of the proceedings of this old Inn of Chancery for the years from 1714 to 1748. By his will he left a legacy and a piece of plate to All Souls, and, in token of the family connexion, a legacy, some silver, and some oriental china to Pembroke College, Cambridge. Crayon portraits of his grandparents, by George Richmond, he bequeathed to Harvard University. Two unfinished works (apparently all that survived of his unpublished papers) formed his final service to the Selden Society; both of them were completed and edited for publication by his friend Professor Plucknett with whom he had been associated from 1937 onwards as joint literary director. The first, his Year Book of 5 Edward II, contained a sympathetic memoir by the late Sir Percy Winfield, with a portrait which, with the Society's permission, is here reproduced. The second was the *Brevia Placitata*, restored to the Society's list sixty years after it had been originally commissioned. To his editor, who in the preface to the latter volume wrote of Turner

with penetration and understanding, the present notice is especially indebted.

CECIL CARR

NOTE: In addition to those already named I wish to thank for their help Miss Ermengard Maitland, Mr. K. Howard Drake, Sir Ernest Holderness, Bt., Mr. Denis Turner, and Mr. F. Puryer White, and, within the fellowship of the British Academy, Sir G. N. Clark, Mr. Charles Clay, Sir Cyril Flower, Professor E. F. Jacob, and Mr. Charles Johnson.