

Speech to Serjeant Hutton, when he was called to be one of the Judges of the Common Pleas (1617)

Francis Bacon

Transcript

British Library, Sloane MS 3522, ff. 27r–28v

27r

S[*i*]r Frances Bacon Lord Keeper of the great seale of England his speech to Mr Serieant Hutton when he receaued his Pattent to be one of the Iustices of the Com[*m*]on Pleas./.

Mr Serieant Hutton the kinges most Exelent Ma[jes]tie beinge truelie Informed of yo[*u*]r learninge, honesty, and Integritye, Experience, meanes, and reputac[i]on in yo[*u*]r Country hath thought fitt not to leaue you theis Talentes to be Employed upon yo[*u*]r self onely, but to call you to serue himself, and his people in the place of One of his Iustices of the Courte of Com[*m*]on Pleas./.

This Courte where you are to serue is the locull Center, and hearte of the lawes of this Realme, heere the subiect hath his Assurance by Fyne, and Recoueryes, heere he hath his fixed, and Inuariale Remedyes by Preceptes, and writts of Right, heere Iustice opens not by a blinde gate of Priuiledge, but by

the great

27v

the great gate of the Kings Originall writts out of the Chauncerye, heere runnes Processe of Outlawrye, if men will not answere lawe in this Center of lawe they shalbe cast out of the Circle of the Lawe and therefore it is proper for you with your wisdom and fortitude to mainteyne the Lawes of the Realme, wherein neuertheles I would not haue you headstronge, but to, weigh, and remember with your selfe that [*Left margin*:=] the xij Iudges of the Realme are as the xii Lyons under Solomans throane they must shew their stoutnes in Eleuatinge, and bearinge up the throane/

To Represent vnto you the liues and Portratures of a good Iudge./

[*Left margin*:.1.] That you shall drawe your learninge out of yo[*u*]r bookes, and not out of yo[*u*]r Braines./

[*Left margin*:.2.] That you should mixe well the Freedome of yo[*u*]r owne opinion with the Reuerence of the opinion of yo[*u*]r fellowes./.

[*Left margin*:.3.] That you should continue the reuoluinge of yo[*u*]r bookes, and not to spend upon the stock./

[*Left margin*:.4.] That you should feare noe mans face, and

yet

28r

yet not turne stoutnes into Brauery./.

[*Right margin*:(5)] That you shalbe truelie Impartiall and not see, as men affect one
[thorough] fyne Carriage./.

[*Right margin*:(6)] That you be a light to Iurors, and open their Eyes, But not a guide to lead
them by the = Noses./

[*Right margin*:6(7)] That you affect not the opinion of Pregnancy and Expedic[i]on by an
Impatient, and Catch:inge hearinge of the Councillors att the barre./.

[*Right margin*:(8)] That your speech be rather with grauitie as one of the Sages of the lawe,
and not talkatiue, and with Impertinencie flyinge out to shew learninge./.

[*Right margin*:(9)] That yo[u]r hands, and the hand of your hands I meane those about you be
cleane, and vncorrupt in guifts from medlinge in tytles, and seruinge of turnes be they of great
ones, or smale ones./.

[*Right margin*:(10)] That you Contayne the Iurisdicc[i]on of yo[u]r Courte within the antient
Meerstones without remouinge the markes./.

[*Right margin*:(11)] And that you carry such an hand ouer yo[u]r Ministers, and Clerkes, ^{as}
that they may rather be in awe of you then presume upon you./.

Theis and

28v

Theise, and other like pointes of the duetie of a Iudge, I forbear to Inlarge for the longer
I haue liued with you, the shorter shall my speech be to you, knowinge that you Come soe
furnished, and prepared with theis good virtues, as whatsoeuer I say Cannot be new vnto you:
And therefore I will saye noe more att this tyme, But deliuer unto you yo[u]r pattent./.

Other manuscript witnesses

- Alnwick Castle, MS 526, ff. 3r–4v
- British Library, Additional MS 22591, ff. 259r–v
- British Library, Harley MS 39, ff. 280v–281v
- Beinecke Library, Osborn Shelves Gordounstoun Box 5, ff. 60r–62r
- Beinecke Library, Osborn fb59
- Folger Shakespeare Library, MS V.a.206, ff. 17r–18r
- Lambeth Palace Library, MS 936, item 229
- Northamptonshire Record Office, FH83, ff. 6r–7v
- Senate House, University of London, MS 20, ff. 191v–193v
- Senate House, University of London, MS 300, ff. 65x–79x
- The National Archives, SP 14/92, /7 [ff.62v–63r]
- Woburn Abbey, MS 192, pp140–142