
LORD BACON'S ADVICE

Extract from Lord Campbell's work on the life of Lord Bacon.

While Lord Bacon was Chancellor he regularly twice a year before the commencement of each of the two circuits — assembled all the Judges and all the Justices of the Peace, that happened to be in London in the Exchequer Chamber, and lectured them upon their duties — above all admonishing them to uphold the prerogative “the twelve Judges of the realm being the twelve lions under Solomon's throne, stoutly to bear it up, and Judges going circuit being like planets, revolving round the Sovereign as their sun.” He warned them against hunting for popularity, saying, “A popular Judge is a deformed thing, and *plaudites* are fitter for players than magistrates.” The Justices he roundly threatened with dismissal if they did not effectually repress faction, “of which ensue infinite inconveniences and perturbations of all good order, and crossing of all good service in court and country.” And he told them he should follow a fine remedy devised by Cicero when consul, a mild one but an apt one: *Eos qui otium perturbant reddam otiosos.*

In swearing in new Judges, he delivered most excellent advice to them. Thus he counsels Justice Hutton, when called to be a Judge of the Common Pleas:—

“Draw your learning out of your books, not out of your brain.”

“Mix well the freedom of your own opinion with the reverence of the opinion of your fellows.”

“Continue the studying of your books, and do not spend on upon the old stock.”

“Fear no man's face, yet turn not stoutness into bravery.”

“Be a light to jurors to open their eyes, not a guide to lead them by the noses.”

“Affect not the opinion of pregnancy and expedition by an impatient and catching hearing of the counsellors at the bar.”

“Let your speech be with gravity, as one of the sages of the law, and not talkative, nor with impertinent flying out to show learning.*”

“Contain the jurisdiction of your court within the ancient mere-stones, without removing the mark.”

* “An overspeaking Judge is no well-timed cymbal. It is no grace to a Judge first to find that which he might have heard in due time from the bar, or to show quickness of conceit in cutting off evidence or counsel too short, or to prevent (anticipate) information by questions, though pertinent.” — Essay on Judicature.