

**LIVES OF EMINENT
BRITISH LAWYERS, IN
TWO VOLUMES, VOL. I**

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Lives of eminent British lawyers, in two volumes, Vol. I by Henry Roscoe

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HENRY ROSCOE

**LIVES OF EMINENT
BRITISH LAWYERS, IN
TWO VOLUMES, VOL. I**

LIVES
OF
EMINENT BRITISH LAWYERS.

BY
HENRY ROSCOE, ESQ.,

BARRISTER AT LAW.

IN TWO VOLUMES.
VOL. I.

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BIOGRAPHY.

BRITISH LAWYERS.

SIR EDWARD COKE.

1550—1634.

EDWARD COKE, afterward solicitor and attorney-general, and successively lord chief justice of the courts of common pleas and of the king's bench, was descended from an ancient family in the county of Norfolk. He was the son of Robert Coke, Esq., of Mileham, in that county, a barrister of great practice, and a bencher of Lincoln's Inn, by Winifred, daughter and coheirress of William Knightley, of Morgrave Knightley, in the same county. He was born at Mileham in the year 1550; and at the age of ten years was sent to the free-school at Norwich; whence he was removed to Trinity College, Cambridge, where he remained for four years. At the expiration of that period he became a member of Clifford's Inn; and in the course of the next year of the Inner Temple. While a student of the latter society, he is said to have exhibited proofs of the high legal talents by which he was afterward so greatly distinguished. At the end of six years he was called to the bar; a very short probation, the usual period being at that time eight years.*

The first case in which he appeared in the king's bench was the Lord Cromwell's case, in Trinity term,

* Dugdale's Origines, p. 159.

1578.* About the same period he was appointed reader of Lyon's Inn, where the excellence of his lectures attracted much attention. A few years after he was called to the bar he married Bridget, daughter and coheiress of John Paston, Esq., of Norfolk; an alliance which not only brought him a very considerable fortune, but connected him with several of the noblest families in the kingdom. His practice now began to increase rapidly; he was chosen recorder of Coventry and of Norwich; in 1592 he was appointed solicitor-general, and was soon afterward advanced to the post of attorney-general. Having been returned to parliament as the representative of his native county, he was chosen speaker in the thirty-fifth of Queen Elizabeth.

One of the most celebrated cases in which Coke appeared, while he held the office of attorney-general, was that of the Earls of Essex and Southampton; who, on the 19th of February, 1600, were tried before the lords for high treason. In the conduct of the charge against the accused, the attorney-general displayed some of that acerbity of temper and coarseness of feeling which have stained a character, in other respects deserving of the highest esteem. "Now, in God's most just judgment," said he, "he of his earldom shall be Robert the last, that of the kingdom thought to be Robert the first."† Essex indignantly answered him, "Will your lordships give us our turns to speak? for he playeth the orator, and abuseth our ears and us with slanders; but they are but fashions of orators in corrupt states." But it was during the trial of Sir Walter Raleigh, which took place three years subsequently to that of Essex, that the full violence of Coke's temper displayed itself. It is difficult to assign any adequate cause for the indecent eagerness with which he pressed the

* 4 Rep. 126.

† State Trials, vol. i. p. 1330.

case against the prisoner, and for the harsh and cruel language with which he assailed him. In the course of the attorney-general's address, Raleigh interrupted him. "To whom speak you this? you tell me news I never heard of." To which Coke replied: "Oh, sir, do I? I will prove you the notorious traitor that ever came to the bar. After you have taken away the king, you would alter religion, as you, Sir Walter Raleigh, have followed them of the bye in imitation, for I will charge you with the words." "Your words cannot condemn me," said Raleigh: "my innocency is my defence. Prove one of those things wherewith you have charged me, and I will confess the whole indictment, and that I am the horriblest traitor that ever lived, and worthy to be crucified with a thousand cruel torments." "Nay," answered Coke, "I will prove all. Thou art a monster; thou hast an English face, but a Spanish heart. Now, you must have money. Arenberg was no sooner in England, (I charge thee, Raleigh,) but thou incitest Cobham to go unto him, and to deal with him for money, to bestow on discontented persons to raise rebellion in the kingdom." "Let me answer for myself," said Raleigh. "Thou shalt not," was the fierce and brutal reply of Coke. Again, on Raleigh observing that the guilt of Lord Cobham was no evidence against himself, Coke replied, "All that he did was by thy instigation, thou viper! for I *thou* thee, thou traitor." "It becometh not a man of quality and virtue to call me so," was Raleigh's dignified rebuke; "but I take comfort in it, it is all you can do." "Have I angered you?" said Coke. "I am in no case to be angry," was Raleigh's answer. In other instances, during the trial, similar language was held by Coke toward the prisoner, till at length Cecil observed, "Be not so impatient, Mr. Attorney-General: give him leave to speak." On

this rebuke Coke sat down in anger, and was with difficulty persuaded to proceed. When, at length, he resumed, he burst forth into a fresh torrent of invective, accusing Raleigh, not only of the darkest treasons, but applying to him the epithet of "Damnable atheist." Nor was it merely by the intemperance of his language that Coke on this occasion disgraced himself. He adduced evidence against the prisoner, which, even in the then lax practice in the case of trials for treason, was obviously illegal. The declarations of living witnesses were brought forward; and it was very principally upon this proof that the prisoner was convicted. Many years after this conviction, and notwithstanding the implied pardon upon which Raleigh insisted, arising out of his subsequent employment under the crown, he was brought before the court of king's bench to have execution awarded against him; and upon this occasion Sir Edward Coke, who presided as chief justice, retracted the slander which he had cast on the religious opinions of the prisoner. "I know," said he, addressing Raleigh, "you have been valiant and wise, and I doubt not but you retain both these virtues; for now you shall have occasion to use them. Your faith hath heretofore been questioned; but I am resolved you are a good Christian; for your book, which is an admirable work, doth testify as much."*

In the year 1606, Sir Edward Coke, as attorney-general, conducted the prosecution against the parties implicated in the gunpowder conspiracy. His speech on this occasion exhibited a considerable portion of the same acrimony which had distinguished him on the trials of Essex and Raleigh. The violence which had before been directed against individuals, was now extended to the whole body of the jesuits, against whom he declaimed with the utmost vehemence.

* State Trials, vol. ii. p. 35.