

**LANE'S EXCHEQUER REPORTS
BEING A REPRINT OF REPORTS
OF CASES IN THE COURT OF
EXCHEQUER FROM 1605 TO 1612**

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Lane's Exchequer Reports Being a Reprint of Reports of Cases in the Court of Exchequer from 1605 to 1612 by Richard Lane & Charles Francies Morrell

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RICHARD LANE & CHARLES FRANCIES MORRELL

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LANE'S
EXCHEQUER REPORTS

BEING A REPRINT OF

Reports of Cases in the Court of Exchequer

FROM 1608 TO 1612

BY THE HON. RICHARD LANE.

WITH

NOTES and a LIFE of the REPORTER

BY

CHARLES FRANCIS MORRELL,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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THE LIFE OF SIR RICHARD LANE.

RICHARD LANE, to whose early industry at the Bar the following Reports are due, was, it is said, a son of Richard Lane, of Courtenhall, near Northampton, at which place he was born in the year 1584, his mother being Elizabeth, the daughter of Clement Vincent, of Harpole, in the same county. (See Baker's Northamptonshire, vol. 1, p. 181.)

A sketch of this Reporter is given by Lord Campbell in his Lives of the Chancellors, in vol. 2, at page 608, and the author there regrets that his own inquiry into his personal history had not been attended with much success. Even that critical biographer is compelled to add, however, "all I have discovered of him is to his honour."

At an early age he was called to the Bar at the Middle Temple, and it would seem practised in the Exchequer, the cases in which, as appears by the present Volume, he reported from 1605 to 1612.

Although there is no account that he ever sought to enter Parliament, sufficient proof is given that during his earlier years at the Bar his career was not without honour.

In 1630 he was elected Reader to his Inn, and was Treasurer in 1637, while two years later, viz., in 1639, he was appointed Attorney-General to the Prince of Wales (see Clarendon's Life, vol. 1, p. 67), a fact which is also recorded on the title page of his Reports.

It was during the troublous years which followed shortly upon this appointment that Richard Lane succeeded in establishing a reputation for honesty and courage in his profession which has drawn from Lord Campbell the highest commendation.

The famous Long Parliament met, and Strafford was impeached for high treason. However much King Charles might wish to protect him, neither Banks nor Herbert, the Attorney and Solicitor-General, could well appear in the defence. That task was entrusted to Lane, to whom were given as coadjutors, Gardiner, Loe and Lightfoot.

It was a task of no little difficulty. "A greater and more universal hatred," says Northumberland in a letter to Leicester, November 19th, 1640 (Sidney Papers, vol. 2, p. 663), "was never contracted by any person than he (Lord Strafford) has drawn upon himself." Attempts were made by the House of Commons to intimidate the counsel for the defence, and one member, it is said, even went so far as to suggest that they should be sent for and proceeded against.

Under these trying circumstances, Lane preserved that calmness and courage for which English lawyers have for the most part been pre-eminently conspicuous. For seventeen days, during which the trial was extended in dealing with the questions of fact, the accused was allowed no assistance from his counsel, but on April 14th, 1641, Lane rose to argue the questions of law on behalf of his noble client.

The ability with which the defence was conducted is universally admitted. Lord Campbell says simply, "Lane surpassed all expectation." Lord Clarendon, after dealing at length with the speech, adds that it was urged "with such confidence as a man uses who believes himself." But the greatest tribute to its worth is given by the House of Commons itself, who, while declining to make any reply to it under the pretence that it was "beneath their dignity to contend with a private lawyer," were yet so conscious of the great probability of the Earl's acquittal by the Lords, that they desisted from the trial, and effected their malicious purpose by a Bill of Attainder. (See *State Trials*, vol. 3, p. 1472.)

After Strafford's conviction Lane remained in London, quietly pursuing his profession, and privately advising the Royalists, until the King, having ordered all the Law Courts to be adjourned to Oxford, and the Parliament having required them to continue sitting at Westminster, Cavaliers

thought they could no longer publicly practise in the metropolis, without acknowledging the authority of the usurpation.

While some of them, like Bridgman and Vaughan, took to conveyancing and chamber business, Lane, with a more lofty spirit, resolved to follow the person as well as the fortunes of his King. To this step, also, it is only fair to say, his official connection with the Court may in some measure have contributed.

On his arrival at Oxford the first reward of his loyalty was the honour of knighthood, and this was quickly followed in January, 1644, by his appointment to the office of Lord Chief Baron of the Exchequer.

One of the first duties that Sir Richard Lane had to perform after this promotion was to act with Lord Clarendon and the other lawyers as one of the King's Commissioners in the celebrated negotiations at Uxbridge. This treaty was opened in January, 1645, and Lane is said to have there "faithfully maintained the Royal rights," and to have been conspicuous "in resisting the demand of the Parliament to have the militia entirely vested in them." It is more than probable, however, that neither the King nor his adversaries entered on it with minds sincerely bent on peace: they, on the one hand, resolute not to swerve from the utmost rigour of a conqueror's terms, without having conquered: and he, though more secretly, cherishing illusive hopes of a more triumphant restoration to power than any treaty could be expected to effect. (See Hallam's Constitutional History, vol. 2, p. 171.) At any rate, the failure of the negotiations is matter of history. The Commissioners returned to Oxford, and the war proceeded.

It was in August of the same year, 1645, that Lane obtained his highest honours. Lord Keeper Littleton, who had carried the Great Seal to Oxford, and thus retained it in the possession of the Royal party, died; and on August 30th it was placed in the hands of Sir Richard, who thus became Lord Keeper.

The position as a position was one of the highest eminence, though Lord Campbell says "his honours were valuable

chiefly as marks of his fidelity to his Royal master; for his Courts were without suitors, counsel or emoluments; and, indeed, had little more than an existence in form, being held in one corner of the philosophy rooms of the University." This statement that he was without emolument, however, appears not altogether accurate, as there exists amongst the State Papers of the time of Charles the First a document expressly providing a salary for him as Lord Keeper.

As is well known, the King, whose difficulties increased daily, was at length obliged to escape from Oxford, which, after being for a short time defended, was finally surrendered to the Parliamentary army under General Fairfax on June 24th, 1646.

In negotiating the terms of the surrender the Lord Keeper was a principal party, and he is said to have struggled hard to insert an article in the Capitulation, that he should have leave to carry away with him the Great Seal, together with the seals of the other Courts of Justice, and the swords of state, which had been brought to Oxford. To this, however, Fairfax peremptorily objected, under the express orders of the Parliament, by whom they were considered the emblems of sovereignty. The Great Seal was accordingly left to the victors, and was soon afterwards broken by a Parliamentary blacksmith, amidst the cheering of the Roundheads, and the fragments divided equally between the Speakers of the two Houses. (See Lord Campbell's *Lives of the Chancellors*, vol. 2, p. 619; and Whitelocke, p. 210.)

Thus deprived of the insignia of his office, nothing remained to the Lord Keeper but its name, which he retained during the remainder of the King's life: and it would also appear from the epitaph on his wife's tomb at Kingsthorpe, that his patent was renewed by Charles the Second after his father's execution.

This fact is not mentioned by Lord Campbell, however, who, after dealing with the surrender of Oxford, goes on to say, "I should have been delighted to relate that Charles's last Lord Keeper lived in an honourable retirement during the rule of those whom he considered rebels and usurpers,

and survived to see the restoration of the monarchy under the son of his sainted master; but I regret to say I can find no authentic trace of him after the capitulation of Oxford. From the language of Lord Clarendon, it might be inferred that he expired soon after that misfortune; while others represent that he followed Prince Charles to the continent and died in exile."

If reliance is to be placed on a Commission dated April 22nd, 1651, directed to his wife, the Lady Margaret, to administer to his personalty, the latter supposition is the correct one, as from it we learn that Sir Richard Lane died in France, an exile, in 1650.

With the political principles of him whom Lord Campbell has termed "Charles's last Lord Keeper," the writer of the present day has not to deal. The lapse of two centuries has blotted out the feelings of antagonism which the terms Royalist and Puritan once roused. Loyalty even to a bad cause can now be appreciated, and the honest loyalty of Sir Richard Lane no one has ventured to impeach. "Undoubtedly," says Mr. Wallace in his history of the Reporters, "there is something very engaging in the history of a man like Lane. Every generous mind, in contemplating such characters, wherever found, will acknowledge that the capacity thus to be loyal to dethroned truth, to feel this enthusiasm of reverence for right in captivity, belongs to those spirits only which Nature has touched with her most ennobling influences; that the mental ability to be thus freshly and earnestly interested in each new scene of a most discouraging strife; to rise from defeat with the flushed energy of triumph, shows a large measure of the divine power of genius, and a spirit, the fountains of whose being are copiously refreshed from the eternal sources of strength and hope."

