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THE COURT OF STAR CHAMBER
1593 - 1603

by

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The Court of Star Chamber in the last decade of the reign of Elizabeth had great prominence in the life of Tudor England. It was an efficient model of a typical Tudor institution, yet, its uniqueness was recognized as early as the 1570's by Sir Thomas Smith. In later years, it abused its power and became a symbol of Stuart tyranny, but, during this period, it was a necessary and a respected body.

A distinction should be made between the Star Chamber and the Privy Council. Besides the slight difference in its membership, the Star Chamber was an exclusively judicial body which sat only at certain times and in public. Although it is difficult to date the separation of these two bodies, Tanner suggested the year 1570, stating that it became more complete in later years.

Used by the Tudors to maintain law and order in the realm, it was the instrument of the monarchy to punish those who created anarchy and to oppose the barons who challenged the authority of the crown. The Star Chamber also corrected deficiencies in the common law. As Lambarde stated, in a work written in 1591, the barons who rioted against the king had too much influence in their own areas to be justly convicted. The Court of Star Chamber provided a means to punish these offenders and as a result of this practical attempt by the monarchy to establish peace and quell opposition, less prominent persons in the counties
could obtain justice.

There were two schools of thought regarding the origin of the Star Chamber. Those men who were attacking it stated that it was organized and begun by statute, in the Act of 1487, but its defenders said that the Court’s origins were lost in antiquity.

The popular party spoke of it as a court set up by Act of Parliament in 1487, which had shamefully out-run its legal powers, ignored its statutory limitations, and distained the regulations fixing its composition and limiting its sphere of action; the prerogative party spoke of it with reverence, as a court existing from immemorial activity and deriving its authority from the king and his council....

The popular party who claimed that the Star Chamber was founded upon the passing of the Act of 1487 and thus could be abolished by action of Parliament won the argument and the Court was done away with in July, 1641.

According to the view of most historians, the Star Chamber did exist before 1487. Tanner wrote that documents before 1500 "...refer to the Lords of the Council in the Starred Chamber...." and the theory that it began with the Act of 1487 did not arise until the reign of Elizabeth. Bradford traced the Court back to the time of Edward IV and Richard III. Dicey stated that its jurisdiction was increased in the reign of the first Tudor monarch.

The opinions of contemporary writers bear out these more recent views. Lambarde felt that the Statute merely enlarged the jurisdiction of the Council because the Act in no way prohibited it from its previous proceedings. William Hudson, in his lengthy treatise on the Star Chamber, stated simply that "...the court subsisteth by antient prescription and hath neither essence or
subsistence by act of Parliament. He cited a reference in the fortieth year of the reign of Edward III as proof of its prior existence, "James Studley to appear before his chancellor, ...assembled in la chambre des estioles pris de la receipt at Westminster." John Hawarde who observed cases in the Court of Star Chamber for about sixteen years did not believe the Court to have been founded by statute.

The controversy over a seemingly trivial subject, the name of the Star Chamber, was used to prove the age of the Court and it reflected opinions about the institution in that era. The most logical explanation was that the Star Chamber was so named because the ceiling of the room was covered with stars. Hudson was aware of this explanation but ignored it in his zeal to praise the high court. He stated that:

...I doubt not but Camera Stella...is most aptly named; not because the Star Chamber where the Court is kept, is so adorned with stars gilded as some would have it; for surely the chamber is so adorned...and it is so fitly called because the stars have no light but what is cast upon them...from the sun by reflection,... So in the presence of his great majesty the which is the sun of honour and glory, the shining of those stars is put out.

Sir Edward Coke agreed with the theory that it was named because of its ceiling, but he also recounted other prevalent theories such as the one which said that it was called the Star Chamber from the Saxon word steeran meaning to steer or rule or the one which said that it derived its name from the many windows in the room. Lambarde thought that it was so entitled because it was a higher court than any of the others. Blackstone wrote later
that Jewish contracts called "starra" were kept there, thus it was called the Star Chamber.18

The Court of Star Chamber met at the same times as the other courts at Westminster. It had four terms; the first three each lasting three weeks and the last, for seven weeks. The first term began on January 23. Easter term was next and Trinity term followed in June or July. Michaelmas term began on October 9.19 In the period 1593-1603, the Star Chamber sat every Wednesday and Friday in term time.20 which was less frequent than in Henry VII's time when it convened at least three times in every week.21 If the first day of a term fell on a Wednesday or Friday, the Court did not meet, but it usually sat the next day after the end of the term. The Court would continue a case after the term had ended in order to pronounce sentence.22

Court was held from nine to eleven o'clock in the morning.23 Occasionally, it would sit longer as it did on July 4, 1595 when the judges stayed from nine o'clock until six o'clock.24 Sometimes, people who attended the Court had to come by three A. M., according to Rushworth.25

The room in which the Court sat was built in 1347.26 by King Edward III who had built a chamber for the Council to the east of the Palace Yard. The Star Chamber may have been either repaired or rebuilt in 1602.27 Paneled and of Gothic design, it had huge fireplaces and an elaborate ceiling.28 This ceiling was said to have been "...golden stars on a sky-blue background...."29 The Lord Keeper ordered, in 1595, that an empty room near the chamber "...be reserved for men of good account in the country and for
gentlemen 'towards the lawe' and shall not be plagued...with 'base fellows' and women or other suitors as it has been.⁴⁰

The Star Chamber was torn down in 1836.⁴¹

After the business of the Court was finished each Star Chamber day, an elaborate dinner was served at great expense to the state. The price of a meal rose from twenty pounds in November, 1590 to about eighty-five pounds in June, 1602.³²

They were served beer, ale, claret, and sack which was considered the most fashionable wine of the day.³³ The judges ate white bread, butter, and eggs. Honey was used for sweetening. Various kinds of fruit were offered such as apples, pears, barberries, and even oranges and lemons.³⁴ Cod was served on every fish day, it being the staple fish of Tudor and Stuart England. Herrings, smelts and oysters were also very popular.³⁵ In 1563, William Cecil added Wednesday as a fish day to the previous days of Friday, Saturday, and certain religious holidays. This was done, not from a religious motive, but in order to encourage a greater consumption of fish.³⁶ The judges ate more beef than any other meat and rarely had pork. Partridges were provided on meat days.³⁷

Vegetables were not mentioned as such, but were grouped under herbs and were most likely consumed.³⁸

The members of the Star Chamber were the privy councillors and the chief justices of the King's Bench and the Common Pleas, or perhaps, two other justices of the law courts.³⁹ The monarch was considered to be present at all times in theory whether or not he attended in person. This meant that the rulings of the Court were issued with the authority of the crown.⁴⁰
chair was kept with the mace and Great Seal of England in it. 41 Actually, Richard III sat twice while Henry VII attended many times. 42 According to extant records, Henry VIII only sat once. James I did attend often 43 while the monarch who ruled England the longest, Elizabeth, never attended. 44

There were some men who served as judges who were not privy councillors, having been sworn in for the occasion. 45 One instance of this was on May 18, 1599. 46 The number of members sitting between 1593 and 1609 varied from five to nineteen. 47

The lord chancellor or lord keeper of the great seal served as the president or presiding judge of the court. 48 If the lord keeper were not present, the lord treasurer took his place. 49

The lord keeper entered the chamber first with the great seal and mace carried in front of him. 50 Often, many of the important lords of the kingdom came to wait on the lord keeper's procession to the Star Chamber. 51 This officer had many duties and much power. In determining which attorneys could practice before the court, the lord keepers of that period came under fire for dealing favors to their relatives. The presiding judge delivered the orders of the Court and when necessary, required the attendance of the other justices. He sent cases to other courts and directed the cases which proceeded in the Star Chamber. Whenever the Court's opinion was split, he delivered the tie-breaking vote as well as deciding the costs in all cases. The king addressed all letters to him whenever he wished to communicate with the high court. 52 This justice was the only person allowed to keep his head covered when the Court was in session. 53
The outstanding prominence of the Star Chamber during the last years of the sixteenth century was due not only to the inherent power of the court itself, but also to the prestige of the able men associated with it in various capacities. William Cecil Lord Burghley, the Queen's close advisor was Lord High Treasurer and served on the Court. Although he was in his seventies and in bad health, he attended the Star Chamber when he could. Gradually becoming more deaf, his mental faculties were still alert. Burghley wrote, on April 29, 1594, that he was suffering much pain and hoped that he would not have to go to the Star Chamber. He died in August, 1598. His son Robert Cecil served on the Star Chamber, having been appointed to the Privy Council in 1591. He was later appointed secretary of state in 1596, and was re-appointed in 1603.

Thomas Egerton Lord Ellesmere exercised much influence on the Star Chamber. Known for his grave demeanour, he never allowed himself to be swayed by the oratorical ability of counsel but only by the merits of the case. He disliked unnecessarily long arguments. He was very quick to censure counsel for their shortcomings. Ellesmere was attorney-general in the early part of 1593 and in May, 1596, he was made Lord Keeper of the great seal, becoming the presiding officer of the Court. He succeeded John Puckering in this high position.

One of the more controversial figures in English history, Sir Edward Coke, was associated with the Court at this time, having been appointed attorney-general in 1593. The Earl of Essex unsuccessfully promoted Francis Bacon for this position. Coke,
as attorney-general was as zealous in his defense of the crown as he would be later in protecting the common law. Some of Coke's change in opinion may be attributed to his shift from a prosecuting officer of the Star Chamber to that of chief justice of the Common Pleas, but undoubtedly, most of it was due to a growing conviction on his part that the monarchy was becoming more despotic.

On a typical day in January, 1594, the following men set on the Star Chamber: Sir John Puckering, lord keeper of the great seal; Archbishop Whitgift; the Earl of Essex, the master of the horse; the Lord Admiral; Lord Buckhurst; Sir Thomas Heneage, vice-chamberlain; Sir John Fortescue; Sir Robert Cecil; the Queen's secretary; Chief Justice Popham; and Chief Justice Peryam.

John Whitgift, as archbishop of Canterbury, served on the Court during this entire period.

The right to appear before the Court as counsel was in the power of the lord chancellor. On February 4, 1595/6, "...it was ordered that no one but a Reader of an Inn of Court should put his hand to any bill in this court." Each attorney had to take this oath drawn under Hatton with the advice of Egerton:

You shall swear that you shall well and truly, according to your best discretion, execute and perform the office, and place of an attorney, in his majesty's most honourable Court of Star Chamber, whereunto you are now admitted, and shall bear and behave yourself towards his majesty, and all his highness's loving subjects and suitors to the same court, So help you God.

The Court kept a close watch upon the behavior of the attorneys and admonished those who were negligent in any way. In 1596,
"Hitchcooke was sharply rebuked all day by the Lord Keeper with such wordes as these—'you muste goe to schoole to learn more wytte, you are not well advysed, you forgette yo\textsuperscript{e} place & to be plaine, it is a lye,..."\textsuperscript{67} Two days later, another barrister Fuller was rebuked by all the members of the Star Chamber and was said by Egerton to have been the worst of all lawyers in a case in which the lord admiral was slandered. Fuller was guilty of signing articles he had not read. The justices told him that both the Queen and the Lord Admiral would be informed of his activity and that must appear again after dinner.\textsuperscript{68} Two years later, Ellesmere was again setting standards for the attorneys to follow. He moved that the counselors should be discreet for he is called, "...Counsellor, not onlye to give Counsellle, but alseoe to kepe Counsellle."\textsuperscript{69}

The Court, at times, went beyond verbal rebukement and disbarred or imprisoned attorneys. One lawyer was put in the Fleet for suborning witnesses and another counselor was both fined ten pounds and disbarred from practice before the Star Chamber by the Lord Keeper.\textsuperscript{70} A severe punishment was given one Mathewes who was disbarred and expelled from Davies Inn.\textsuperscript{71} The Court exhorted those who in charge of admitting men to the bar, to only admit those who were "literate, honest and religious."\textsuperscript{72}

The clerk of the Court was appointed by the king.\textsuperscript{73} In charge of making the entry of all rules, orders, decrees and certifying copies and appearances, the clerk also appointed the examiners to question the defendants and witnesses. This practice was partly reformed by Egerton who stopped any payment to the clerk
for this, but Hudson still deplored it, saying that the examiners possessed the power to "...acquit offenders and condemn the innocent." 74

William Mill was the clerk of the Star Chamber during much of this period. He was imprisoned for unknown offenses and released by the Queen's order of February 1, 1600, telling the Court to make void any proceedings. 75 Mill was blamed for neglect in not keeping the records, 76 many of which were lost.

The Court always had an usher, but added four attorneys instead of the original two, and a deputy clerk. 77 The usher kept the records safe, attended the clerk, and called the people to the Court. For his services, he received a house and a fee from the king plus one shilling for everyone who appeared. A sergeant carried the mace and searched for anyone who failed to answer summonses. 78 Henry Lidd was serving as the keeper of the Star Chamber in June, 1603. 79

Although Dicey contended that the Court's sphere of jurisdiction was nearly unlimited and that it interfered in many cases, 80 this view cannot be substantiated by the evidence. A paper, written in 1600 and probably by Dr. John Herbert, outlined the jurisdiction of the Court. All cases must have been begun by the crown, or have been between two private individuals or have been between some party (either English or foreign) and the Queen. Any breach of the peace meant that the lords would either "...imprison the guilty or commit the cases to the Court of Star Chamber." 81

Hudson was well aware of the two previously discussed schools
of thought regarding the origin and function of the court:

"Therefore to avoid all offense to either side I will not dispute de jure et de facto and declare, as briefly as I can, what matters are there usually determined." The group who clamored for the abolition of the Star Chamber believed that it had unlawfully enlarged its jurisdiction beyond that given it in the Act of 1487. The Act listed seven offenses to be tried in the high court. They were maintenance, the giving of liveries, having retainers, imbracery, bribing jurors, untrue demeanors of sheriffs in false returns and panels, riots and routs.

Coke stated that the Court had more jurisdiction than that given it by the Act of 1487. The only limit he placed on the scope of the Star Chamber's jurisdiction was that it could not handle cases that were not either malum in se or malum prohibitum. This meant that all crimes handled by the Court must be against the common law or against some statute. Since every offense must fall under one of these two categories, this criterion placed no boundary on the jurisdiction of the Court whatsoever.

Hudson, not arguing the legal right of the Star Chamber to try any cases, merely listed the cases which the Court actually heard. Some of these were cases between foreign governments and England, and those involving monopolies, trade, unlawfully seized goods and ships, titles and interests, deodands, goods and debts. Other cases he included were forgery of deeds, seized possessions, perjury, corruption of officers, fraud, conspiracy and libel. Waylaying and assaults on privilege were also tried in the Star Chamber. Cases which could only be tried in the Star Chamber and
in no other court involved attempts to coin money, to commit murder or burglary, gambling and fraudulent marriage. Unlawful building in London was tried there. 88 The men of Guernsey and Jersey always sued in this court. 89 There was a statute of limitations on maintenance of two years. 89A Murder could not be tried as a capital offense because the Court could not impose the death penalty. 90 The first instance of forgery could be tried, but not the second because a second offense was considered a felony. 91

The jurisdiction might be divided into two well defined divisions as Cheyney grouped them. In the first class were placed cases which were breaches of public order such as riots, assaults, fraud, perjury, forgery, and threats. The second group included violating monopolies, encroasing grain, ignoring building controls, forestalling the market, and issuing unlicensed books. By far, the three most commonly tried crimes were riot, forgery, and libel. 92

Cases between foreign merchants and Englishmen as well as cases between foreigners were tried there. 93 Illegal hunting was punishable in the Star Chamber. 94

The Court not only acted as an arbitrator, it also instituted proceedings on its own. On February 25, 1593/9, the Privy Council sent a letter to the justices of assize in Lancaster asking that those who had assaulted the Queen's messengers be brought to the Star Chamber, if necessary. 95 In 1593, a book was sent to the Lord Keeper with certain treasonous pages noted so that the culprit could be brought to trial. 96 That same year, the lords sent a paper to Richard Yonge for him to examine and report back to them. 97 The Star Chamber was active in prosecuting corrupt officers. Two
deputy-lieutenants were before the Court for taking armor, munitions, and for levying an unnecessary tax on the inhabitants of their county.

At this time, the Court clearly stated that it did not have any jurisdiction over religious matters. In 1596, it turned over a case involving heresy to the Archbishop and later that year, it said it had no jurisdiction in cases of doctrine and religion.

Proceedings were begun by the attorney-general or by private individuals. Theoretically, anyone from a "king to a beggar" could enter suit. However, there were certain restrictions. Anyone who could not be made to pay costs or anyone who had been outlawed, excommunicated, convicted of a felony or recusancy could not be a plaintiff. The king could not be sued, but was petitioned for right. Corporations and political bodies could be sued, but not idiots or those under fourteen years of age. In 1593, the Court ordered that "...no man of base condition, such as an apprentice, horse-keeper or such-like, should be a plaintiff in this Court before he had found sufficient surety to perform the order of the Court." The Lord Keeper ruled, in 1603, that no woman could be a suitor in her own person.

The cases were instituted by a bill written on parchment, signed by counsel, and filed with the clerk. The Star Chamber was not as strict about the bills as were the common law courts. If the conclusion of the bill did not "...pray process against all the defendants, and ...name them by their right names.", the bill was thrown out.

The defendant was sent a writ of subpoena telling him to appear
before the Court, the Council, or the lord chancellor.\textsuperscript{107} If he did not obey the subpoena, a writ of attachment was given to the sheriff of his county.\textsuperscript{108} If this were not successful, a proclamation of rebellion was issued, forming a commission of rebellion which consisted of six men named by the plaintiff.\textsuperscript{109} In case the commission failed to apprehend the accused, the Court sent out a sergeant-at-arms with powers of search.\textsuperscript{110}

The defendant appeared and retained counsel who received a copy of the bill.\textsuperscript{111} The accused had eight days to answer it.\textsuperscript{112} In the event he refused to answer it, the defendant was imprisoned. Another refusal to answer was held by the Court to be a confession.\textsuperscript{113}

The defendant could enter a plea, a demurrer, or an answer. The plea took one of three forms. It could question the jurisdiction of the Court, the disability of the plaintiff, or plead that the matter had been determined or was pending in another court. The defendant could enter a demurrer, citing insufficiency of matter or an error in the form of the bill. If the plea or the demurrer were proved, the bill was dismissed with cost. In case it were not proved, the defendant had to answer by confessing, denying or justifying his guilt. The answer was written on parchment, and copies given to the clerk and to the plaintiff's attorney.\textsuperscript{114}

After being examined by an official of the Court and without the help of counsel, the defendant signed his answers.\textsuperscript{115} An alternate way for the accused to be questioned without the aid of counsel, by four commissioners, two chosen from a list of six by each party.\textsuperscript{116} Egerton told the examiners "...not to allow
either the defendant or the witness the help of writing to refresh their memories." The plaintiff read the answers and could reply. At this point, the defendant might rejoin. Sur-rejoinder, rebuttal, and surrebuttal were allowed, but seldom filed.

The witnesses were then questioned by a court appointed examiner or by commissioners sent to the country. These commissioners were appointed by the Court or by the parties. The witnesses, who were all sworn, were protected by the Court if they volunteered to testify. Even though the witness did not have to incriminate himself, he could be imprisoned for refusing to be questioned.

After the publication of the answers of the defendants and witnesses, no more witnesses could be sworn except under special circumstances. These bills and answers sometimes reached great length. In 1593, the Lord Keeper ordered that "...if any bill contains more than sixteen sheets of paper, then the plaintiff shall pay for the copying of all beyond the sixteen sheets." and the defendant would pay if his answer were longer than sixteen sheets. In fact, if the judges decided there was unnecessary material within the allotted sixteen sheets, they could order that party to pay. This rule did not seem to be very effective as shown by a bill, in 1597, which measured nine feet. Once the answers were made public, the plaintiff had to have the case put on the docket within three terms, according to a rule made in 1576.

The case was entered in a book kept by the clerk and the lord keeper chose the order in which the cases were taken, putting
those prosecuted by the attorney-general and those demanding immediate relief before the others. When the case came up, the defendant was summoned, again by a writ of subpoena, to appear on court day. According to Bradford, the defendant had to appear every day until he was dismissed by the Court, but perhaps a later innovation was to have the defendant appear only at the end.

Finally, the case was before the judges. On this occasion, attorneys for each side spoke and answered any questions put to them. After the evidence was in, and counsel had finished their arguments, the lords gave their sentence.

The Court of Star Chamber used a different form of procedure in the event the accused was caught in the act and admitted his guilt. This method of extraordinary procedure was known as proceeding ore tenus. The defendant was arrested without a bill of complaint. If, upon being questioned in private, the defendant admitted his guilt, he was subject to be sentenced immediately, "ex ore suo," on his confession. On June 17, 1601, the attorney-general, Coke, proceeded against John Daniell, and John and Thomas Tyffeny in this manner.

The influence of the European system of justice was seen in both the ordinary and extraordinary procedure of the Star Chamber. The obligation of the defendant to answer, the submission to interrogatories on oath, the secrecy of the examinations and the use of this written evidence were all adopted from the continent. However, certain of the safeguards contained in the English common law protected the defendant's rights. His right to plead, the openness of the hearing, and the permission to use counsel gave
the defendant a means of protecting himself against oppressive prosecution.

Evidence was found of abuses commonly associated with the Star Chamber when the Court used extraordinary procedure. The use of torture to obtain confessions and a disregard for the ordinary rules of law sometimes occurred, bringing to the Court great criticism. It was admitted that the Star Chamber used torture to extract confessions. Sir Thomas Smith was an eyewitness to some of the torture, and Fortescue and Coke admitted it, justifying it by the power of the monarchy. Holdsworth cited the Acts of the Privy Council as proof although these records do not show the use of torture in the period 1593 to 1603. One source excused the action of the Star Chamber by saying that it merely reflected the condition of the time and of the law.

Prominent men were involved in cases in the Star Chamber or in incidents which drew the attention of the judges. On June 22, 1600, the privy councillors issued an order to arrest the Earl of Lincoln for his failure to pay a fine in the Star Chamber. A week later, the earl had not been apprehended. Still another order was issued for his capture on July 6, 1600. The Court, in 1594, had done the earl a favor by sparing him the indignity of being tried in the Star Chamber by hearing his case in private. Sir Walter Ralegh in his position as lord of the stanneries was mentioned in several petitions to the Star Chamber.

The Earl of Essex who sat on the Court drew comment from the justices for his activity. Devereux had been ordered to Ireland
as lieutenant and governor-general to put down a rebellion led by O'Neil, the Earl of Tyrone. He made a truce with Tyrone and returned to England. The Star Chamber issued a list of offenses on November 29, 1599 which Essex had committed. They were:

1. Wrong use of treasure committed to him
2. Staying in England two months after being ordered to Ireland
3. Not following up the Earl of Tyrone on his arrival
4. Committing the army to the Earl of Wormwood (Ormond?) without license
5. Giving the sword to the deputy's hand without license
6. Leaving his charge and coming to England when forbidden

There were speeches in the Court by the Lord Keeper, the Lord Admiral, and the Secretary of State against Essex with the Lord Treasurer attempting to defend him. Essex was not tried in the Star Chamber due to his bad health and to a letter asking not to be tried there. After Essex led his rebellion, there were again speeches condemning him in the Court in February, 1601. This time Essex was tried by a special commission and sentenced to death.

Sentences in the Star Chamber were delivered in absolute silence with each judge reading his opinion beginning with the man of lowest rank and proceeding to the presiding judge. The sentence was determined by majority consensus. In case of a tie, the presiding judge cast the tie-breaking vote. If there were any doubt about a judge's opinion, he would clarify it later to the clerk.

The theory under which the Star Chamber operated in sentencing was to fit the sentence to the crime and to deter others
from committing the same acts. Coke, in the Fourth Institute, stated that the Court sentenced so that the "...medicine may be according to the disease and the punishment according to the offence... without respect of persons be they public or private, great or small." The Star Chamber judges sentenced men of noble rank as well as poor men.

The punishments administered by the Court included imprisonment, fines, whippings, mutilation, public confession and humiliation. Fines were paid to the Exchequer. Sometimes, the cases would be tried at common law and sentenced in the Star Chamber. In a forgery case, the guilty man was fined five hundred pounds, imprisoned for an indefinite period, and had his ears cut off. For forging the names of the privy councillors, a man was sentenced to lose his ears, be branded with the letter F, and be sent to the galleys.

The Court used imagination in sentencing in a riot case. The women were sentenced to be punished with the 'kuckinge stoole' and the men were sentenced "...to stand on the pillory 'bareheaded & in woman's apperrell'. One common punishment was for the guilty one to wear papers with his crime written on them. For slander, the plaintiff was sentenced to be imprisoned, to wear papers, and to be whipped. In another forgery case, the accused was sentenced to the pillory, lost his ears and was whipped through London.

Two men were sentenced to the galley for their second offense of counterfeiting warrants and were not to be released until the Lord Admiral gave his permission. The public acknowledgment
of guilt was often used as it was in the case of one Robert Taylarde who was to be jailed until the assize court met. Then he had to confess his guilt and ask forgiveness from those whom he had falsely accused.159

Corrupt officers were usually dismissed from their positions. One instance of dismissal was of a justice of the peace who had allowed his servant to commit battery.160 When two men failed to deliver to the Star Chamber an allegedly forged deed, they were ordered to be imprisoned with chains and to be put on as "...strict diet as can be used for any prisoner." if they did not bring the document by the next day.161

The Court, contrary to what they often said, did take under consideration, the ability of the guilty to pay and did mitigate the fine either at the time of sentencing or later. Sentences were reduced due to the poverty of the convicted.162 A stiff sentence would have been even more severe, "but for... the [man's] baseness, being a peasant & a boye."163 A warrant was once issued to lessen the fines for thirteen rioters.164 A pardon was given to a Roger Booth because of his good record.165

The Court was almost unaffected by the death of Elizabeth in March, 1603 and the accession of James I. During the remainder of 1603, there was virtually no change in the Star Chamber. Key members were re-appointed and there was no obvious deviation from normal activities. The new monarch promised justice to all, but said he would continue to prosecute those who had libelled the Queen. He also warned those who would jeopardize his position that they would be punished.166

In an evaluation of the Star Chamber, opinions held by
various individuals must be considered. Sir Francis Bacon regarded it as "...one of the sagest and noblest institutions of ... the kingdom." Sir Edward Coke stated that, "It is the most honourable Court (our Parliament excepted) that is in the Christian world...." Hudson was a staunch defender of the Court, although he recognized many of its shortcomings. He knew that there were many who were saying that the Star Chamber was a "usurpation of monerchy upon common law..." and that it abrogated the rights of Englishmen. His defense was England had always had such an institution to preserve law and order and the king must have this power. William Hudson also felt that the Star Chamber did not take away any rights granted by the Charter.

Rushworth, in vivid terms, accused the Court of vicious punishments and of separating families. Francis Osborne, writing in 1658, termed the Court a "den of arbitrary justice." One critic, Dicey, stated that it was the most powerful "instrument of depotism" as well as "the greatest institution produced by the fifteenth and sixteenth century...." The problem of this conflicting testimony may possibly be resolved by the knowledge that these men were commenting on the Court as it was at different times. This answer is suggested by Bradford in her statement that the "...punishments inflicted by the Court become increasingly severe when depotism passed from its climax under the Tudors to its decline under the Stuarts."

The fact that the Star Chamber could not handle capital offenses meant that the people were more likely to accept the Court. Holdsworth believed that any attempt to increase the Court's jurisdiction to include those crimes would have resulted in a rebellion.
To the English, at this time, it was an effective arm of a strong government and it provided peace and security for the realm. Its faults were that the prisoner could not call witnesses, the prisoners were deprived of counsel during questioning, the questioning was repeated, and torture was used. These faults were balanced by certain safeguards such as public trials and open statements by the accused.

The Court of Star Chamber made many valuable contributions to English law. It created "new branches of criminal law" and much of its success with the populace was due to its streamlined procedure which was faster and cheaper. The Star Chamber began the principle that there must be at least three persons present in riot and rout cases. Riots were defined as a gathering of three men who commit an unlawful act. The definition of rout was three men assembled to perpetrate an illegal action, but who do not do it. The Court enforced laws concerning forcible entry, seizure of goods, and aggravated assaults. Under common law, preparations for a duel were not punishable, but in the Star Chamber, they were, as long as both men were of equal rank. The Court made the attempt to commit a crime punishable and it dealt with the defamation of public and private individuals. One of the advantages of conducting a trial in the Star Chamber was that there were no jurors to be bribed or scared as there were in the county trials. The Court summoned juries before it to answer for their verdicts.

The tribunal made a number of minor rulings which may have had a slight effect on the law. It was decided in criminal cases...
that one witness was not enough to convict\textsuperscript{186} and the Lord Keeper ruled "...that when contempt is committed, no dedimus potestatem \textsuperscript{[commission]} shall be granted before the contempt be purged and removed."\textsuperscript{187} One man was allowed to prosecute for a town without its being ruled maintenance.\textsuperscript{188} The Court stated that impropriations could be made by no other body than Parliament.\textsuperscript{189}

Careful of the danger of false arrest, the Court threatened to imprison and punish anyone who arrested men without a process from the Star Chamber.\textsuperscript{190} Another ruling was in the event the principle were not convicted, the accessory could not be indicted.\textsuperscript{191}

Other business was conducted in the Star Chamber on court days which did not concern legal cases. On Friday, October 15, 1596, two knights were requested by letter to meet with the privy councillors on the following Wednesday after dinner.\textsuperscript{192} Petitions were sometimes presented to the lord keeper in the Star Chamber after the meal.\textsuperscript{193} When Richard Martin wanted to mint coinage for the kingdom, the lords set up a trial by assay to be held in the Star Chamber where such trials were usually held or in the Tower.\textsuperscript{194} The Court read various orders of the crown to officers. One example was an order of Queen Elizabeth to the justices of the peace, charging them to watch over the selling of grain because of a shortage.\textsuperscript{195}

The Court became more formal as it developed. Holdsworth stated that its staff was increasing and that its procedure was becoming more standard.\textsuperscript{196} The Court did not feel it had to be precedent\textsuperscript{197} and this realization along with its efficient procedure were the reasons it was able to contribute so much to
English law. For instance, it changed its procedure because it did not feel obligated to use the older methods of action and it wished to institute a quicker form.

In the end, the very factors which had contributed to its greatness, when abused, led to its downfall. Yet, as long as public opinion upheld the actions of the Court, it remained a venerated institution and symbol of the powerful and esteemed Tudor monarchy.
FOOTNOTES


4Ibid.

5Ibid., p. 287.


7Tanner, p. 250

8Bradford, p. 4.


10Tanner, p. 286.


14Ibid., p. xlvi.

15Hudson, p. 8.


17Tanner, p. 286.

18Hawarde, p. xlviii.

19E. P. Cheyney, "The Court of Star Chamber," American Historical Review, XVIII (July, 1913), 728.
20 Hawarde, *passim*; Cheyney, p. 728; Tanner, p. 255.
21 Bradford, p. 17.
22 Tanner, p. 292.
23 Smith, p. 116.
24 Hawarde, p. 17.
25 Tanner, p. 297.
26 Cheyney, p. 727.
27 Hawarde, pp. xl11-xl111.
30 Hawarde, p. 39.
31 Cheyney, p. 728.
32 Simon, pp. 55, 61.
39 Cheyney, p. 729.
41 Tanner, p. 254.
42 Hudson, p. 16.
43 Bradford, p. 17.
44 Cheyney, p. 730.
45 Hudson, p. 25; Bradford, p. 17.
46 Hawarde, p. 104.
47 Ibid., p. llv.
48 Hawarde, p. liv; Hudson, p. 26; Cheyney, p. 730; Tanner, p. 254.
50 Hudson, p. 26; Cheyney, p. 730.
51 Hudson, p. 25.
52 Ibid., pp. 25-34.
53 Hudson, p. 26; Tanner, p. 254; Cheyney, p. 730.
56 Calendar of State Papers, Domestic Series, of the Reign of Elizabeth, 1591-1594...M. A. E. Green, ed. (London, 1887), III, 493.
58 Hudson, p. 18.
60 "Thomas Egerton," DNB, VI, 578.
61 Beckingsale, p. 181.
63 Cheyney, p. 729.
65 Hawarde, p. 32.
66 Hudson, pp. 44-45.
67 Hawarde, p. 43.
68 Hawarde, pp. 44-45.
69 Ibid., p. 95.
70 Ibid., pp. 62, 90.
71 Ibid., p. 60.
72 Ibid., p. 133.
73 Hudson, p. 29.
74 Ibid., pp. 37-38.
76 Hudson, p. 6.
77 Ibid., pp. 37, 45.
78 Ibid., pp. 37, 48-49.
80 Dicey, p. 105.
81 Calendar of State Papers, V, 426.
82 Hudson, p. 49.
83 Ibid., p. 51.
84 Tanner, p. 29.
85 Ibid., p. 291.
86 Hudson, pp. 52, 55, 57-59, 71, 93, 100.
87 Ibid., p. 88.
88 Ibid., pp. 107-109.
89 Ibid., p. 62.
89A Hawarde, p. 12.
90 Hudson, p. 64.
91 Ibid., p. 65.
92 Cheyney, pp. 733-737.
93 Hawarde, p. 1vii.
95 Ibid., XXIX, 605-607.
96 Calendar of State Papers, III, 304.
98 Ibid., XXVIII, 463.
99 Hawarde, p. 42.
100 Ibid., p. 54.
101 Hudson, p. 127.
103 Hawarde, p. 8.
104 Ibid., p. 161.
105 Holdsworth, p. 178.
106 Ibid., p. 179.
107 Cheyney, p. 737.
108 Bradford, p. 11; Tanner, p. 255.
109 Bradford, p. 11.
110 Tanner, p. 255.
111 Holdsworth, p. 179.
112 Cheyney, p. 738.
113 Hawarde, pp. 46, 74, 90; Tanner, p. 255.
114 Holdsworth, p. 179.
115 Cheyney, p. 738.
116 Hawarde, p. 11; Holdsworth, p. 181; Cheyney, p. 738.
118 Cheyney, p. 738; Holdsworth, p. 181.
119 Holdsworth, pp. 181-182.
120 Ibid., p. 183.
121 Hawarde, p. 11.
122 Ibid., p. 91.
123 Holdsworth, p. 184.
124 Cheyney, p. 739.
125 Bradford, p. 11.
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127 Ibid., p. 739.
128 Holdsworth, p. 184.
129 Hawarde, p. 116; Cheynce, p. 740.
130 Tanner, p. 256.
131 Ibid.
132 Hawarde, pp. 119, 124.
133 Holdsworth, p. 184.
134 Ibid., pp. 184-185.
135 Dicey, p. 114.
136 Holdsworth, pp. 185-186.
137 Ibid., p. 185.
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Council, XXIV, pp. 228-229.
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143 Calendar of state Papers, **V, 353-354**
144 **Ibid.,** pp. 547-551
145 **Ibid.,** pp. 553-555
146 "Robert Devereux, **DNB, V, 882-883.**
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148 Hudson, p. 223.
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150 Bowen, p. 107.
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151A Hudson, p. 228.
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158 Acts of the Privy Council, XXIV, 487.
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160 Hawarde, pp. 68-69.
161 **Ibid.,** p. 94.
162 **Ibid.,** pp. 61, 157.
163 **Ibid.,** p. 40.
164 Calendar of state Papers, IV, 48.
165 **Ibid.,** p. 137.
166 Hawarde, pp. 161-163.
167 Tanner, p. 288.
168 Ibid., p. 292.
169 Hudscn, p. 5.
170 Tanner, p. 298.
171 Ibid., p. 296.
172 Dicey, 95-94.
174 Holdsworth, p. 188.
175 Ibid., p. 189.
176 Ibid., p. 195.
177 Ibid., p. 156.
178 Bradford, p. 8.
179 Holdsworth, p. 198.
180 Hudson, p. 82.
181 Holdsworth, p. 199.
182 Hudson, p. 87.
183 Holdsworth, pp. 201, 208.
184 Ibid., pp. 204-205.
185 Dicey, p. 113.
186 Hawarde, p. 186.
187 Ibid., p. 98.
188 Ibid., p. 43.
189 Ibid., p. 92.
190 Ibid., p. 87.
191 Ibid., p. 135.
193 Ibid., p. 479.
194 Calendar of State Papers, IV, 334.
196 Holdsworth, p. 156.
197 Hawarde, p. 144.
Primary Sources


Some references concerning action taken by the privy councilors in Star Chamber matters


Although the cases in the book are from the period, 1487-1547, the introduction contains valuable information on the Star Chamber during its entire history.


A few widely scattered, but interesting descriptions of papers on the Star Chamber, including reports of speeches made in the Court about Essex.
(Printed for the Camden Society, Vol. XIII)

Contains a copy of the Queen's order to release William Mill, clerk of the Star Chamber from prison.

Hawarde, John. Las Reportes del Cases in Camera Stellata

A rare book, but the most important primary source used in this paper. The earlier part is considered to have been edited more carefully by Hawarde. Eyewitness reports of cases made by a lawyer and concisely summarized. The Latin and law French in the original manuscript have been translated, with the English passages left as they were written.

Hudson, William. "A Treatise on the Court of Star Chamber."
Collectanea Juridica. Edited by Francis Hergrave. Vol. II.
London, n. d.

An account of the Court by a man who wrote in the 1620's. Hudson was a defender of the star Chamber, but most of the treatise is objective. Well-organized and thorough. Emphasizes the Court as it was under James but much of the data true under Elizabeth, also. Uses sources not now extant.


Only one reference to the Star Chamber, but has some information concerning the behavior of Essex.


Two valuable passages from Camden and Crompton, as well as a good introduction.


A delight for the social historian. It has information concerning the food eaten by the upper classes in Tudor and Stuart England.

Only a few pages pertaining to the Star Chamber, but good for an early opinion of the Court.


An excellent collection of documents with a large section on the Star Chamber. It has extensive commentary. Selected excerpts from Coke, Lambard, Osborne, Bacon and others.

**Secondary Sources**


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Cheyney, Edward P. "The Court of Star Chamber." *American Historical Review*, XVIII (July, 1913), 727-750.

Many bibliographical entries and good interpretation.


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