

**STAR CHAMBER CASES:
SHOWING WHAT CASES
PROPERLY BELONG TO THE
COGNIZANCE OF THAT COURT**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649352258

Star Chamber Cases: Showing what Cases Properly Belong to the Cognizance of that Court by
Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

**STAR CHAMBER CASES:
SHOWING WHAT CASES
PROPERLY BELONG TO THE
COGNIZANCE OF THAT COURT**

STAR CHAMBER
CASES

STAR CHAMBER CASES

SHOWING WHAT CASES PROPERLY BELONG TO THE
COGNIZANCE OF THAT COURT

Reprinted from the Edition of

1630 OR 1641

BOSTON
SOULE AND BUGBEE
1881



INTRODUCTION.

THE Court of Star Chamber "is now," says Lord Coke, "and of ancient time hath been called the Chamber of the Stars, the Star Chamber, the Starred Chamber, in respect the roof of the court is garnished with golden stars. In all records in Latin it is called *camera stellata*."

The Council itself, whether Parliament was assembled or not, held its sittings in the "Starred Chamber," situated in the outermost quadrangle of the Palace, next the bank of the river, and consequently easily accessible to the suitors, and which at length was permanently appropriated to the use of the Council. "The Lords sitting in the Starre Chamber" became a phrase.

Palgrave, Authority of the King's Council, p. 38.

Works, Vol. VI.
p. 85, ed. Ellis
& Spedding.

3 Hen. VII. cap.
I; post, p. 15.
Bacon, Max.
XXIII.

Lord Bacon, in his "History of King Henry VII.," thus writes of the origin, authority, composition, and jurisdiction of this court: "The authority of the Star Chamber, which before subsisted by the ancient common laws of the realm, was confirmed in certain cases by Act of Parliament. This Court is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice (besides the High Court of Parliament) in which distribution the King's Bench holdeth the pleas of the crown; the Common Place,¹ pleas civil; the Exchequer, pleas concerning the King's revenue; and the Chancery, the Pretorian power for mitigating the rigour of law, in case of extremity, by the conscience of a good man;² there was nevertheless always

Court of Common Pleas.

¹ It was, before the passing of the Judicature Acts, frequently called Common Bench, as the former is called King's Bench, but its most usual name is Court of Common Pleas.

The Lord Chancellor.

² The High Court of Chancery is presided over by the Lord Chancellor. He mitigates the severity or supplies the defects of the judgments pronounced in the courts of law on weighing the circumstances of the case, or, as Bacon says in the text, "by the conscience of a good man." Among the Romans a like power was given to one of their magistrates,

reserved a high and pre-eminent power to the King's Council in causes that might in example or consequence concern the state of the Commonwealth; which, if they were criminal, the Council used to sit in the chamber called the Star Chamber; if civil, in the White Chamber, or White Hall.¹ And as the Chancery had the Pretorian power for equity, so the Star Chamber had the Censorian² power

Lord Bacon,
History of King
Henry VII.

called Prætor, and the jus prætorium, or the decisions given by this magistrate, were distinct from the standing laws of the nation. This is the distinction to which Bacon alludes. *History of King Henry VII.* p. 257, ed. Lumby.

¹ The present House of Lords is situated on the site of the "White Chamber," or "White Hall." The ancient Hall was nearly demolished in the reign of Queen Anne; but on the east side of the present robing chamber are two circular-headed windows with indented mouldings, apparently of the time of Henry II. — PALGRAVE, *Authority of the King's Council*, p. 38 note.

The "White
Chamber."

² Among the Romans an officer called Censor was appointed every five years, and his office was considered the highest dignity in the Republic. Among other functions, the Censors exercised a moral jurisdiction and superintendence which extended itself in time over the whole public and private life of the citizens. We have instances where the Censors punished people for not marrying, for breaking a promise of marriage, for divorce, for bad conduct during marriage, for improper education of children, for extravagance, and for other irregularities of private life. They also punished magistrates for bribery or neglect of duty, and persons who had

Censor.

for offences under the degree of capital.¹ This Court of Star Chamber is compounded of good elements; for it consisteth of four kinds of persons;² counsellors, peers, prelates, and chief judges: it discerneth also principally of four kinds of causes; forces,³ frauds, crimes various of stellionate,⁴ and the

"What Causes properly belong to the Cognizance of the Court."

committed perjury, or were neglectful of their civil or military duties. Bacon compares the jurisdiction of the Star Chamber to the court of the Roman Censor. *History of King Henry VII.* p. 257, ed. Lumby.

"Court of Criminal Equity."

¹ In *Attorney-General v. Sillem*, 2 H. & C. 509, Chief Baron Pollock observed: "We have had in this country no Court of Criminal Equity since the Star Chamber was abolished, as Lord Campbell called it, in a case which was tried before him." *Emperor of Austria v. Day*, 3 De G. F. & J. 239.

Judges.

² That is, by the provisions of the Statute of Henry VII. The first kind was the Lord Chancellor, the Lord Treasurer and the Lord Privy Seal, as Judges; then (2) one Bishop; (3) one Temporal Lord; and (4) the two Chief Justices, or, in their absence, two other Justices.

"Force," meaning of.

³ The unlawful use of force, as it is explained below, the combination of multitudes for unlawful purposes, and the patronage bestowed by great men and men of influence on such combinations. All the laws which relate to the keeping of a large number of retainers have in view the suppression of illegal outbreaks and faction fights. The Latin explains this by *suppressio turbarum illicitarum*.

"Stellionate."

⁴ The crimes of "stellionate" are any cozening or counterfeiting of merchandise, any unjust or deceitful gaining, a malicious or fraudulent bereaving another of his money, wares, due provision or bargain. *Coigrave, Dict. ad voc. Post*, p. 10.

inchoations¹ or middle acts towards crimes capital or heinous not actually committed or perpetrated. But that which was principally aimed at by this act was force, and the two chief supports of force, combinations of multitudes, and maintenance or headship of great persons."

"It is the most honourable Court," says Lord Coke, "our Parliament alone excepted, ^{4th Inst. 65.} that is in the Christian world, both in respect of the Judges of the Court and of their honourable proceeding according to their just jurisdiction, and the ancient and just orders of the Court. For the Judges of the same are (as you have heard) the grandees of ^{Judges of the Court.} the realm, the Lord Chancellor, the Lord Treasurer, the Lord President of the King's Council, the Lord Privy Seal, all the Lords spiritual, temporal, and others of the King's most honourable Privy Council, and the principal Judges of the realm, and such other lords of Parliament as the King shall name. And it is truly said, Curia cameræ stellatæ,

¹ That is, the prompting, aiding, and abetting; the being an accessory before the fact.