

THE COURT OF STAR CHAMBER.

G. Gibbs was ordered to pay damages and costs. Mr. Willis, however, did not return to Australia. He was twice married, first in 1824, to Lady Mary Isabella, eldest daughter of Thomas, eleventh Earl of Strathmore, which marriage was dissolved in 1833, following a verdict for £1,000, in a suit of Willis v. Bernard, in the Common Pleas in England. He afterwards married, in 1836, Ann Susannah Kent, daughter of the late Colonel Thomas Bund, by whom he has left a family.

SELECTIONS.

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Few things are more intimately associated with the despotism of the times of the Tudors and the Stuarts, in the history of England, than the name and transactions of the *Star Chamber Court*. It has become a generic term to denote a system of arbitrary measures, where the forms of judicial proceedings are made the means of perpetrating acts of injustice, or of consummating schemes of oppression and wrong. And yet comparatively few, at this day, have ever taken the trouble to trace the history of this court, or to inquire why its very name has excited the odium of successive ages.

It is proposed in the following pages to attempt to sketch, as briefly as the nature of the subject admits, an outline of the history, character, and powers of this court, commencing, as it did, with no bad purposes, and, after being perverted to an instrument of despotic power through a succession of administrations, being extinguished at last as one of the acts of concession made by Charles to the demands of an injured and indignant nation.

In order to understand the history of this court, and the grounds upon which it became so odious to the English people, through its acts of cruelty and injustice, we must go back to a condition of the government whose very history is but little better than traditional.

From a very early period there were certain high officers in the State, and men of influence and power, who were called upon by the king to act as his council or advisers in matters of government. One

of these bodies, which seems to have stood in more confidential relation to the crown than the others, was known as the Privy Council, including a portion, if not all, of the peers of the realm, with the Chancellor and other civil and judicial officers of the State. The king being considered the fountain of justice, it was a common thing for persons who felt themselves aggrieved by others to apply to him for redress by way of petition. In this way matters of judicial inquiry, as well as those of royal discretion, came to be submitted to the action of this council, and a jurisdiction was thus exercised which properly belonged to the courts of justice only.

The forms of proceeding in such cases were such as were in use in the Court of Chancery, the Chancellor being the principal officer in the council, and questions were determined without the intervention of a jury. In this, however, the sense of the people was disregarded, if not actually outraged, since trial by jury was one of those traditional rights to which they resolutely clung through all the changes in their government. Attempts were accordingly made, from time to time, to retain the administration of justice within the known and defined channels of the common law and the principles of *Magna Charta*. In the 25th of Edw. III., an act of Parliament, which, among other things, defined the crime of treason, forbade that any should "be taken by petition or suggestion to the king or his council, unless it be by indictment or presentment, or by writ original at the common law; nor shall be put out of his franchise or freehold, unless he be duly put to answer, and forejudged of the same by due course of law." But in the unsettled state of the government, and the inability of the people to contend against combinations of men in power, these efforts to restrain the exercise of judicial functions by the Privy Council not only proved unavailing, but it was deemed politic to clothe them with greater and more defined powers under a somewhat modified form of organization.

The reason for this, and for departing so far from the genius and prevailing spirit of the common law, as to create an irresponsible court with such powers, in which the common-law forms of proceedings, and above all the right of trial by jury, were discarded, is to be sought in