

## THE COURT OF STAR CHAMBER.

certain oath. For this he was, at Bancroft's instigation, imprisoned by the Star Chamber, and lay in jail till his death. Whitelock, a barrister, and afterwards a judge, having given a private opinion to a client, that a certain commission issued by the crown was illegal, was brought before this court for contempt and slandering the king's prerogative, and was only let off upon making a humble submission.

Such, in general terms, were the constitution and powers of this famous court; and, when we come to examine its proceedings in particular cases, we shall find that they were such as might naturally be expected under a corrupt and despotic government, from judges acting directly under the eye of the monarch. But, before considering these, it is proper to say a few words upon the *name* of the court itself. A great deal has been written upon this subject, and writers are, to this day, divided upon the question. The more commonly received notion has been, what is probably true, that it took its name from the chamber in which its sittings were held, the ceiling of which, it is said, was ornamented with stars. Hence the name *camera stellata*. Blackstone, however, states that there were no stars remaining there in the time of Elizabeth. Others have found the origin of the term in the fact that, by a law prior to Edward I., the contracts of the Jews, called "*starrs*," were deposited in the exchequer of the king, in Westminster, in chests or boxes, in the chamber or apartment in which this court used to assemble. Others trace it to the Saxon word *steran*, to steer or rule, "as doth the pilot," in the words of Coke, "because this court doth steer and govern the ship of the commonwealth." Others still applied the term because the chamber was full of windows; and the kind of crimes, *stellianata*, of which the court had cognizance, supplied to others the etymology of the name.

There is nothing in these speculations to violate probabilities or offend good taste. But the awe with which some writers contemplated this court, and the base and truckling spirit with which they treat even of its name, can hardly be read, in the light of history, without positive disgust. Hudson, of Gray's Inn, who was a practitioner in this court, wrote quite an extended treatise upon its powers and

duties, in the time of James I. In speculating upon its name, he remarks, in language which a school-boy now would know better than to adopt: "Stars have no light but what is cast upon them from the sun by reflection, being his representative body." "So in the presence of his great majesty, the which is the sun of honor and glory, the shining of those stars is put out, they not having any power to pronounce any sentence in this court, for the judgment is the king's only; but, by way of advice, they deliver their opinions, which his wisdom alloweth or disalloweth, increaseth or moderateth, at his royal pleasure." And he gives an instance, by the way of illustration of this, where the king, "during the dignity of that court, sat five continual days in a chair of state elevated above the table, about which his lords sat, and after that long and patient hearing, and the opinions, particularly given by his great council, he pronounced a sentence more accurately eloquent, judiciously grave, and honorably just, to the satisfaction of all hearers and all the lovers of justice, than all the records extant in this kingdom can declare to have been, at any former time, by any of his royal progenitors."

The fulsome flattery of this fanciful etymology of the name of this court is quite equalled by another writer, whose work, West's *Symboleography*, was published in the same reign, about the time of the settlement of this court: "The dignity of this court is such and so great as no other kingdom hath ever created the like, being without pair or equal." He refers to the hours of the day when its sittings are held, ordinarily from nine to eleven o'clock, and speaks also of the windows and stars in the roof as giving rise to its name, and then adds: "Yet, emblematically, they resemble the body of the judges of that court, consisting of persons of great eminence, being the principal men of the two great estates of this kingdom, the lords spiritual and temporal, the head of which bodie is our sovereign lord the king, who, when he pleaseth, sitteth there in his own person. But in his absence these judges doe censure and determine all causes there depending, by majority of voices, deriving their light and authority from his majesty, as the stars from the sun." Nonsense like this