history to the present day. The Lord Chancellor usually presided at its meetings, though instances occurred, especially during the reign of James, when the king himself sat and presided at the trials of cases.

One of the strangest circumstances that gave to the crown a hold and control over the action of this court was, that all its principal officers received their appointment and held their place by the power of the king, while the odium of an unjust judgment before the public was divided among a large and numerous body of judges. Nor were the proceedings of the court so far public as to render the action of any particular member obnoxious to public censure.

The mode of its proceedings, moreover, was particularly well adapted to the purposes of injustice and unfair advantage. One of the most important rights secured to an Englishman by the common law was, that he should not be obliged to accuse himself in a court of justice, if charged with the commission of a crime. Torture, which was in its very nature repugnant to the spirit of the common law, and only to a limited extent obtained a place in the administration of justice in England, was often resorted to to compel confession in the courts of the Continent. But, in utter violation of this cherished right, the Star Chamber required the party charged with an offence to answer fully in relation to the same, upon oath, to interrogatories the most searching and inquisitorial. In the account which we have of the prosecution of Lilburne, a famous Puritan in the time of Charles I., the proceedings seem to have commenced with interrogatories designed to extort from him a confession of the very matters upon which they intended to found the charges upon which he was to be tried. When called before this body, though but a young man, hardly twenty years of age, he was set upon by all manner of threats and suggestions by the various members of the court, to induce him to submit to the oath. He resolutely refused to answer; and was whipped, branded, and committed to close prison, and denied all access to his friends, upon the ground that, by such refusal, he had been guilty of a *contempt* of court.

We may have occasion to recur to this case again, and have referred to it here as illustrating this part of the mode of prosecuting offenders in this court. Another objectionable feature in its mode of investigating causes was in the form of examining witnesses. In carrying out the spirit of trial by jury, all proceedings are in open court, including the examination of witnesses in the presence of the parties and of the jurors, who are to weigh the degree of credit to which they are entitled. Every one familiar at all with the trial of causes knows how vastly superior in eliciting the truth is such an oral examination of witnesses in the presence of the court to an *ex parte* one taken in the form of depositions. And yet the latter was the mode in which all evidence was taken which was submitted to this court. Indeed, so open is such a course of proceeding to censure and reproach, that a writer who was himself a practitioner in this court, and sufficiently disposed to eulogize it wherever it could claim any advantage or superiority over others, remarks: "Now, concerning the persons of witnesses examined in court, it is a great imputation to our English courts that witnesses are privately produced, and how base or simple soever they be, although they be tested *diabolases*, yet they make a good sound, being read out of paper, as the best. Yea, though a lewd and beggarly fellow take upon him the name and person of an honest man, and he be privately examined, this may be easily overpassed, and not easily found out." This obvious violation of the first principle of justice seems to have been tolerated to its full extent for more than a hundred years, when Lord Ellesmere, as chancellor, passed an order by which every witness who was to be examined in court was to be *showed* to the attorney of the other side, and his name and place of abode delivered, to the end that he might be known to be the person, and that the other side might examine him if he pleased. But he might not, at any time, examine as to the *credit* of the witnesses offered against him, or notify the court what their condition was as to credibility; "for that causes being for the king, if witnesses' lives should be so ripped up, no man would willingly be produced to testify." And so far was this principle carried in favor of the crown, that it was held by "many of the circuits of judges," that "a witness for the king, upon an indictment, shall not be questioned for perjury; yea, this court hath