

THE COURT OF STAR CHAMBER.

the troubled state of the times, and the undue preponderance which factions and unprincipled nobles and men in power were able to bring to bear upon the administration of justice. There were early laws against champerty and maintenance through unlawful combinations to obstruct the course of justice and deprive suitors in court of their rights by corruption or intimidation, but these were openly violated with impunity. Men dared not to pursue their rights in the ordinary courts of justice. The security of a juror's oath was denied them, in the unblushing manner in which bribes and threats were resorted to by such as had power and influence over the proceedings of these courts. Coke, speaking of this court and the reason of its creation, says: "Seeing the proceeding according to the laws and customs of this realm cannot by one rule of law suffice to punish in every case the exorbitancy and enormity of some great and horrible crimes and offences, and especially of great men, this court dealeth with them, to the end that the medicine may be according to the disease, and the punishment according to the offence; *ut pœna ad paucos, metus ad omnes perveniat*, without respect of persons, be they publick or private, great or small."

To reach a mischief which had grown so intolerable, and to cope with the power and influence of the offenders in high places, with whom it was necessary to contend, a court was created by the act of 3 Henry VII. (about A.D. 1500), made up of the highest officers in the kingdom, embracing theoretically the king himself, who was deemed to be the fountain of justice, to which was confided almost unlimited power and discretion over a large and undefined class of offences of a public, and many of them of a political character, without the check of a jury, and subject to no revision by way of appeal. It was, however, rather the grafting of new powers upon those before exercised by the Privy Council, than the creation of a new court. It was not, in terms, designated the Star Chamber, nor was it spoken of under that name in any act of Parliament until the 19 Henry VII. The preamble of the act creating this court recites, among the causes for such a measure, the combinations which had been formed for the obstruction of justice, the partiality of sheriffs in making panels, and in untrue

returns, the taking money by jurors, and the great riots and unlawful assemblies which served to defeat the fair administration of justice. It then proceeds to name the Lord Chancellor, the Treasurer, the Keeper of the Privy Seal, or any two of them, with a bishop and temporal lord of the council, and the Chief Justices of the King's Bench and Common Pleas, or two other justices in their absence; and empowers them to call before them such as offended in the foregoing respects, and to punish them, after examination, in such manner as if they had been convicted by course of law.

A court thus constituted, with powers so broad, and a discretion unlimited by prescribed rules, though called into existence for wise and salutary purposes, was, in the end, like the evoking the spirit of mischief without a corresponding power in reserve to lay it, or check its excesses if inclined to abuse its authority. Instead, therefore, of its power becoming weaker, as the occasion which called it into being passed away, it continued to draw to itself new elements of strength, while it enlarged the extent of its jurisdiction and the sphere of its action. It is not easy at this day to trace the steps through which it attained the summit of its power, though it is not difficult to understand how it could be made a most potent engine of despotic rule and bigoted intolerance in the hands of ambitious leaders and unscrupulous prelates, such as flourished during the reigns of Henry VIII., Elizabeth, and the first two Stuarts. In the 21st of Henry VII., the President of the Council was added to this court, showing that hitherto the two bodies had been kept distinct in their action. It underwent changes during the administration of Wolsey, and in the time of James, we are told, all the peers had acquired a right somehow to sit as members of this court; and Barrington states the number of its judges at from twenty-six to forty-two. Sir Thomas Smith also states that Cardinal Wolsey greatly extended its powers, in order to curb some of the nobility in the north of England, and that in his time those who were prosecuted in this court were generally too *stout* for the ordinary course of justice. It was not, however, a court of exclusively criminal jurisdiction, though it was chiefly in the exercise of its criminal powers that it has come down in