

THE COURT OF STAR CHAMBER.

half in that condition, but in no measure subdued or disposed to compromise, but, on the contrary, manifested his feelings by stamping and gesticulations. The Star Chamber then, in order to subdue him, ordered him to be shut up in solitary confinement, with irons on his hands and legs, in the wards of the Fleet, where the basest and meanest sort of prisoners were placed. Here a severe fever seized him; but no physician was permitted to visit him till late the next day, even to dress his wounds. His sickness continued for six months, during which he was still kept in close prison; and, as soon as able to bear them, was again put in irons, and denied any communication with his friends, suffering every indignity the court could inflict upon him. After enduring this for nearly three years, he petitioned Parliament, and was liberated, and became a lieutenant-colonel in the parliamentary army. It will be recollected that this was not in pursuance of a sentence for any crime, since he had never been called to answer to any charge, but for simply refusing to answer interrogatories tending to criminate himself, and that under oath. It was, moreover, "commanded to be executed," in the words of the narrator, "by an eminent court of justice professing Christianity *pessima est injustitia, quæ sit sub colore justitiæ.*"

Want of space forbids extending this account or that of Mr. Prynne, and we have only room to add that the ridding of the body politic of such a plague-spot as this infamous tribunal had grown to be, was one of the early acts of the Long Parliament, so famed in the history of England. A bill for abolishing this court was moved by Lord Andover in the House of Lords, March 5, 1641. It contains a long preamble, referring to the Magna Charta, the act of Edward III., already mentioned, and sundry other acts designed to secure to parties charged with crimes a full and fair trial, together with the act of 3 Henry VII., creating the officers of this court, and recites: "But the said judges have not kept themselves to the points limited by said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted;" and for-

asmuch, among other things, as "the proceedings, censures, and decrees of that court have, by experience, been found to be an intolerable burden to the subjects, and the means to introduce an arbitrary power and government," it proceeds to declare that the Court of Star Chamber should be clearly and absolutely dissolved from the 1st August, 1641, and all power and authority thereof absolutely revoked and made void. Almost concurrent with this was an act repealing the Court of High Commission, and one declaring the proceedings touching ship-money void, for which Hampden had suffered.

An English writer, Carr, has embodied this act abolishing the Star Chamber with the Magna Charta, the Act of Treasons of 25 Edward III., the Habeas Corpus, and some other acts of a like character, in what he calls "English Liberties;" and, in commenting upon this act, remarks: "Whatever pretences there were for setting this court at first, 'tis certain it was made use of as a property of arbitrary power, to crush any whom the ruling minister and favorites had a mind to destroy." It violated, as he maintains, the English Constitution in three things: 1st, In proceeding without a jury; 2nd, in examining men upon oath touching crimes by them supposed to be committed, whereas no man is bound to accuse himself; and, 3rd, the judges proceeded by no known rule or law, but acted arbitrarily, according to their own pleasure.

This summary, it will be perceived, justifies every thing which has been said of the character of this court in the preceding pages; and, in view of its history, one can hardly forbear indulging a reflection upon the aims and functions of the common law, as compared with any other system known to modern civilization, and how unsafe it is for a people who have once enjoyed its safeguards and protection to exchange these for any other form of justice, however plausible it may appear, or however seemingly recommended by present expediency. The same men who, as judges of the common law, while surrounded by the checks and limitations which usage and tradition had gathered within the precincts of their courts, had conducted themselves in a manner to escape censure or odium, removing thence into the murky and corrupted air of the Star Chamber, were the first to violate