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Learning the ‘New Law of the Star Chamber’: Legal Education and Legal Literature in Early-Stuart England

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ABSTRACT

How did early-modern lawyers learn about the law and practice of courts which were under-served in printed legal literature? This article investigates this question through an examination of the dissemination of professional knowledge about the court of Star Chamber. It considers the role of the readings in the Inns of Court, as well as the extensive circulation of manuscript treatises about the court and law reports of cases heard in the court.

KEYWORDS Star Chamber; legal literature; legal education; law reports; legal treatises; manuscript culture

I. Introduction

By around 1600, printed books were seen as a main method by which lawyers learned the law. A ‘preparative’ for law students printed in 1600 presented a course of study which was entirely based on material in print.¹ In the years around 1610, an unknown common lawyer claimed that members of his peculiarly English profession learned their knowledge from printed books.² As a law student in the early 1620s, Simonds D’Ewes stressed his reading of printed material in his legal studies, albeit as a task which he found ‘difficult and unpleasant’.³ There was also a clear shift to the citation of printed texts in legal argument.⁴

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¹William Fulbecke, *A Direction or Preparative to the Study of the Lawe*, London, 1600.

²Henry E. Huntington Library [hereafter HEH] MS Ellesmere 2011, fo.3v, discussed in Ian Williams, ‘“He Creditted More the Printed Booke”: Common Lawyers’ Receptivity to Print, c.1550–1640’, *28 Law and History Review* (2010), 39.

³James Orchard Halliwell, ed., *The Autobiography and Correspondence of Sir Simonds D’Ewes*, 2 vols., London, 1845, vol.1, 216, 278 and 220.

⁴Williams, ‘He Creditted More the Printed Booke’, 46–49.

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However, the coverage of printed law books was in many important ways inadequate for those seeking to learn the law. That inadequacy had two major elements: contemporaneity and coverage. The sixteenth and early seventeenth centuries were a period of dramatic legal change, with very significant developments in many legal fields. Some areas of law hardly existed at the start of the sixteenth century but were important in practice by the outbreak of the civil war, such as defamation or the laws of mortgages and trusts.⁵ Other fields were not new, but nonetheless saw significant change. The laws of treason and contract provide good examples of that phenomenon.⁶ Some areas of law, such as defamation, were underserved in the printed materials.⁷ Only five volumes of reports including cases from the reign of Elizabeth were published during it. Two of those, by Plowden and Dyer, also included earlier material.⁸ After the publication of Dyer's reports in 1585, no cases from later than 1581⁹ were printed until 1600, with the publication of the first volume of Coke's *Reports*.¹⁰ Lawyers and law students recognized this issue. Francis Bacon observed that 'the cases of modern experience are fled from those that are adjudged and ruled in former time', with a need for up to date reports. Bacon then acknowledged, probably somewhat grudgingly, that Edward Coke's printed *Reports* had served a valuable purpose in this regard, as without them 'the law by this time had been almost like a ship without ballast'.¹¹ Lawyers were even warned that they should not use some of the older books in the common law tradition, which were printed, if doing so would 'impugn the common experience and allowance in judicial proceedings at this

⁵On defamation, see David Ibbetson, *A Historical Introduction to The Law of Obligations*, Oxford, 1999, 112–125. On trusts, see, e.g., N.G. Jones, 'Wills, Trusts and Trusting from the Statute of Uses to Lord Nottingham', 31 *Journal of Legal History* (2010), 273. On mortgages, see David P. Waddilove, 'Mortgages in the Early-Modern Court of Chancery', thesis submitted for the degree of Doctor of Philosophy, University of Cambridge, Cambridge, 2015.

⁶On treason, see Ian Williams, 'A Medieval Book and Early-Modern Law: *Bracton's Authority and Application in the Common Law c. 1550–1640*', 79 *Tijdschrift voor Rechtsgeschiedenis* (2011), 47, at 70–77. On contract, see Ibbetson, *Historical Introduction*, 126–151.

⁷See, e.g., Williams, 'He Creditted More the Printed Booke', 47, discussing the paucity of coverage of defamation cases. This issue remained even in the era of official reporting, with Peter Millett describing the inadequate coverage of reports of important first instance Chancery Division cases in the second half of the twentieth century as 'little short of a scandal': P.J. Millett, 'The Quistclose Trust: Who Can Enforce It?', 101 *Law Quarterly Review* (1985), 269, at 269 n.1.

⁸Edmund Plowden, *Les Comentaries, ou les Reportes de Edmund Plowden*, London, 1571; Edmund Plowden, *Cy ensuont Certeyne Cases Reportes per Edmund Plowden un Apprentice de le Commen Ley puis le Primer Imprimier de ses Commentaries*, London, 1579; and James Dyer, *Cy ensuont ascuns Nouel Cases, Collectes per le lades Tresreuerend Iudge, Mounsieur lasques Dyer*, London, 1585.

⁹Anon. (1581) Dyer 377v; 73 ER 846.

¹⁰Edward Coke, *Les Reports de Edward Coke*, London, 1600.

¹¹Francis Bacon, 'A Proposition to his Majesty ... touching the Compiling and Amendment of the Laws of England', in James Spedding, Robert L. Ellis and Douglas D. Heath, eds., *The Works of Francis Bacon*, 14 vols., London, 1872, vol.13, 61, at 65. For Bacon and Coke's difficult relationship, see, e.g., Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England*, Chicago, 1992, 73–74.

day'.¹² Contemporary and recent practice and knowledge was to be preferred and prized, but was not printed.

Furthermore, and the focus for this article, there was also a disparity in the coverage of particular courts. Significant central courts such as the Chancery, Exchequer and Star Chamber were included only occasionally in printed collections. Lawyers and law students who needed to know about practice in those courts were therefore unable to use printed texts to learn the law and practice they would need to know.

This article will focus on the dissemination of professional knowledge about the court of Star Chamber. This court was an important part of the early-modern English legal system until its abolition early in the Long Parliament. It was not simply the arbitrary enforcer of the prerogative of constitutional mythology, instead taking an important role in a wider range of cases.¹³ The Star Chamber had an important role in the development of early-modern criminal law and other courts followed its lead in relation to the substance of various misdemeanours.¹⁴ Its jurisdiction included forgery, fraud and fraudulent conveyances, which meant the Star Chamber considered disputes about that most valuable early-modern resource, land.¹⁵

The scope of the Star Chamber's jurisdiction was therefore sufficiently wide to mean its work was of significance to many lawyers and their clients, but the level of activity in the court was significantly lower than in the two principal common law courts: the Common Pleas and the King's Bench. The Star Chamber therefore provides an opportunity for a useful case study in the dissemination of early-modern legal knowledge. The underlying assumption is that lawyers seeking to practise in a court needed to acquire 'experience' of what the court did to act, and advise, effectively.¹⁶ Approaching the matter in this way (deliberately) avoids questions about the nature of the 'law' applied in the Star Chamber and the sources for that law. Even in the early-modern common law courts, in which there was a marked shift to the citation of (predominantly printed) cases in legal argument as a practice, it is less clear that there was a shared understanding about the role those cases served or why attention was to be paid to them.¹⁷

¹²*Paine's Case* (1587) 8 Co. Rep. 34, at fo. 34v–35; 77 ER 524, at 526. Although this report is included in Edward Coke's printed reports, it is likely that Coke was not in fact the author of this report, but repeating the views of another lawyer: Williams, 'A Medieval Book', 52 n.28.

¹³Thomas G. Barnes, 'Star Chamber Mythology', 5 *American Journal of Legal History* (1961), 1.

¹⁴Thomas G. Barnes, 'Star Chamber and the Sophistication of the Criminal Law', [1977] *Criminal Law Review* 316, 321–326.

¹⁵For a recent important study of fraud and the Star Chamber, see Emily Kadens, 'New Light on *Twyne's Case*', 94 *American Bankruptcy Law Journal* (2020), 1.

¹⁶As Oliver Wendell Holmes put it, 'The object of our study ... is prediction': Oliver Wendell Holmes, 'The Path of the Law', 10 *Harvard Law Review* (1897), 461; those predictions being informed, at least to some extent, by what lawyers could learn of what the court had done in the past.

¹⁷David Ibbetson, 'Authority and Precedent', in Mark Godfrey, ed., *Law and Authority in British Legal History, 1200–1900*, Cambridge, 2016, 60; Ian Williams, 'Early Modern Judges and the Practice of Precedent', in Paul Brand and Joshua Getzler, eds., *Judges and Judging in the History of the Common Law*

This article considers all the likely means by which lawyers could have learned about Star Chamber decisions and practice, ranging from individual personal experience to legal education in the Inns of Court and the circulation of texts in both print and manuscript. In doing so, it demonstrates the continuing importance of methods of learning the law beyond the printed texts which predominate in early-modern law reports by 1600.

II. Learning the ‘New Law of the Star Chamber’¹⁸

John Rushworth, in his *Historical Collections*, claimed some time after 1637 that ‘[t]here is little mention made of this Court, either in Reports, or Treatises of the Law’.¹⁹ Rushworth’s assessment is accurate, if limited to the printed material about the Star Chamber available before its abolition. There were a handful of printed law reports,²⁰ a section in a book on the jurisdiction of various courts,²¹ and a significant part of a historical-jurisprudential treatise from Elizabethan England first printed in 1635.²² These printed texts were potentially useful. Edward Coke’s report known as *De Libellis Famosis* was subsequently cited in the Star Chamber, for example.²³

This printed coverage would not have been sufficient to prepare a lawyer for practice in the Star Chamber. There was no introduction to its procedure, little coverage of much of the court’s contemporary practice, and important cases about developments in the court were not available in print.²⁴ Although the Star Chamber was an important court, its volume of business was ‘the smallest drop in the sea’ compared to the major courts of common law.²⁵

and Civil Law: From Antiquity to Modern Times, Cambridge, 2012, 50; Ian Williams, ‘English Legal Reasoning and Legal Culture, c.1528 – c.1642’, thesis submitted for the degree of Doctor of Philosophy, University of Cambridge, Cambridge, 2008, 39–105.

¹⁸The ‘new law’ was a phrase of Thomas Wolsey’s in a letter of August 1517, an earlier period in the history of the Star Chamber: J.S. Brewer, ed., *Letters and Papers, Foreign and Domestic, Henry VIII*, 21 vols., London, 1864, vol.2, 1539.

¹⁹John Rushworth, *Historical Collections of Private Passages of State*, 8 vols., London, 1721, vol.2, 471.

²⁰*Anon.* (1558) Dyer 160b–161a, 73 ER 350; *Onslowe’s Case* (1565) Dyer 242b–243a, 73 ER 537; *Sir John Marvin’s Case* (1570) Dyer 288, 73 ER 646; and *Taverner’s Case* (1573) Dyer 322b–323a, 73 ER 729–731. For Coke: *Twyne’s Case* (1601) 3 Co. Rep. 80b, 76 ER 809 and *De Libellis Famosis* (1605) 5 Co. Rep. 125–126, 77 ER 250.

²¹R. Crompton, *L’Authoritie et Jurisdiction des Courts de la Maiestie de la Roygne*, London, 1594, fos.29–41. This was a collection of cases mostly taken from other printed sources. At the time of printing it was fairly up to date, including some cases from c.1590 (e.g. fo.34). The Star Chamber section of the book was printed in an English translation, with a new introduction, as Richard Crompton, *Star-Chamber Cases Shewing what Causes Properly Belong to the Cognizance of That Court*, London, 1630.

²²William Lambarde, *Archion*, London, Daniel Frere, 1635; William Lambarde, *Archeion*, London, Henry Seile, 1635.

²³*Moseley, Markehall and Greene* (1628) Lambeth Palace Library [hereafter LPL] MS 1253, fo.128, at fo.131.

²⁴E.g. *Brereton’s Case*, which determined important issues about the jurisdiction of the court and the remedies it could award (see Thomas G. Barnes, ‘A Cheshire Seductress, Precedent, and a “Sore Blow” to Star Chamber’, in Morris S. Arnold, Thomas A. Green, Sally A. Scully and Stephen D. White, eds., *On the Laws and Customs of England*, Chapel Hill, 1981, 359).

²⁵K.J. Kesselring with Natalie Mears, ‘Introduction: Star Chamber Matters’, in K.J. Kesselring and Natalie Mears, eds., *Star Chamber Matters: An Early Modern Court and its Records*, London, 2021, 1, at 10.

Over 1000 lawyers signed Star Chamber pleadings in the reign of James I, but most did so in only a handful of cases. Barnes has identified fifty-four lawyers who signed forty per cent of the pleadings during James's reign;²⁶ William Hudson alone signed about one-sixth of the pleadings.²⁷ There were therefore relatively few lawyers who might have needed detailed guidance about the work of the court, and the authorized law printers, especially conservative in their choice of material to print in the reign of Charles I, may have considered that printing material on the Star Chamber would have been unprofitable.²⁸

Filling these gaps in the printed material, and gaining the knowledge required to practise, required those lawyers who did need to know more about the Star Chamber to revert to, or perhaps continue, some of their pre-printing traditions.

1. *The Inns of Court*

One possibility would have been the oral learning exercises in the Inns of Court. In the fifteenth century, what the common lawyers called 'our learning' was generated and disseminated through oral learning exercises in the Inns of Court.²⁹ The declining importance of the learning exercises to a law student is demonstrated by Simonds D'Ewes, who recorded his participation and performance in the oral learning exercises with pride, but thought he would progress better in his studies 'in my quiet chamber and study in the

²⁶Thomas G. Barnes, 'Star Chamber Litigations and their Counsel, 1596–1641', in John H. Baker, ed., *Legal Records and the Historian*, London, 1978, 7, 25–26.

²⁷Thomas G. Barnes, 'Mr Hudson's Star Chamber', in DeLloyd J. Guth and John W. McKenna, *Tudor Rule and Revolution: Essays for G.R. Elton from his American Friends*, Cambridge, 1982, 285, 290.

²⁸Ian Williams, 'Changes to Common Law Printing in the 1630s: Unlawful, Unreliable, Dishonest?', 39 *Journal of Legal History* (2018), 225, at 244–245. Crompton's *Star-Chamber Cases* was printed in 1630 by John Grove, who was not authorized to print law books under the patent. It seems unlikely that the political work of the court would have been a bar to printing material about it. While this may have applied to the manuscript accounts of political cases which circulated independently, the manuscript reports discussed below, text at nn.62–79 do not generally include politically controversial cases (for the one exception, see below, n.71). Richard Crompton's collection of Star Chamber first printed in 1594 cases did include a (brief) mention of the prosecution of Sir Richard Knightley (Crompton, *L'Autoritie Et Jurisdiction Des Courts*, fo.34), a case concerning the recent Martin Marprelate controversy (for the controversy, see Cyndia Susan Clegg, *Press Censorship in Elizabethan England*, Cambridge, 1997, 179–197), suggesting that cases about controversial matters could make their way into print, albeit without much detail. The account of a prosecution for disseminating letters opposing the forced loan in the circulating 1625–28 reports discussed below (LPL MS 1253, fos.99v-101v) was considerably more detailed, including commentary which was not favourable to the forced loan. Such an account probably would have been unacceptable in print. Printers may therefore have been concerned about carelessly printing unacceptable material if it were within a text which otherwise appeared uncontroversial.

²⁹On the learning exercises in the Inns, see John Baker, 'Learning Exercises in the Medieval Inns of Court and Chancery', in John Baker, *Collected Papers on English Legal History*, 3 vols., Cambridge, 2013, vol.1, 315, at 315–334. On the 'common learning' generated by these learning exercises, see J.H. Baker, *The Law's Two Bodies*, Oxford, 2001, 64–70, 73–76, 81–86.

Middle Temple'.³⁰ For D'Ewes, legal education was mostly a matter of explicitly 'private studies' [emphasis added],³¹ a (relatively) solitary and quiet pursuit centred on reading, not a communal activity of oral presentations and discussions.

Surviving sources do not reveal such a significant role for the Inns of Court in relation to the Star Chamber, although it must be stressed that surviving accounts of readings are often limited in their coverage and detail. We might expect that the reading of the noted Star Chamber practitioner William Hudson would have included discussion of contemporary practice in the court, just as other readers used their personal experience in their readings.³² But no texts including, or about, the substance of Hudson's reading are known.³³ Even if Hudson did elaborate on the contemporary Star Chamber in his reading, it appears that knowledge did not circulate.³⁴ Edward Phelipps' 1596 reading on the same statute, 5 Eliz. I, c.14 on forgery, did include material from the Star Chamber. Phelipps mentioned four different Star Chamber cases, using them to demonstrate a set of facts which amounted to forgery under the statute.³⁵ Jurisdiction under the Elizabethan statute on forgery was shared between the Star Chamber and the common law courts, so these decisions could have been relevant to lawyers practising outside the Star Chamber. Even if Phelipps' reading was of use to the profession in learning about certain Star Chamber decisions, readings on the statute of forgery would generally have been of limited effect in teaching lawyers about the practice of the Star Chamber. Because the statute was only the subject of three readings, each decades apart and seemingly not circulated in manuscript, lawyers could not rely upon the readings as a means to learn about the court.³⁶

Readings on the Elizabethan statutes concerning fraudulent conveyances were another occasion on which references to the Star Chamber could have been made. Fraudulent conveyances were a field where jurisdiction between the common law courts and the Star Chamber could overlap. These readings show only very limited discussion of the Star Chamber. William Whitaker's

³⁰Halliwell, *The Autobiography*, vol.1, 254, 261, 302–303 and 282.

³¹*Ibid.*, 261.

³²Ian Williams, 'Common Law Scholarship and the Written Word', in Lorna Hutson, ed., *The Oxford Handbook of English Law and Literature, 1500–1700*, Oxford, 2017, 61, at 71–72.

³³J.H. Baker, *Readers and Readings in the Inns of Court and Chancery* (Selden Society Supplementary Series 13), London, 2000, 55.

³⁴If the text of Hudson's 1621 *Treatise* (see below, text at nn. 52–55) was in circulation by the time of Hudson's reading in 1625, then there may have been little need for material from the reading to circulate.

³⁵Cambridge University Library [hereafter CUL] MS Ee.4.5, fos.89v (unnamed case), 90 (*Sir John Puckering v Fisher*), 87 (a ruling of Anderson CJCP) and 78 (*Harward's Case*). The notes on Harris's reading are out of order in the volume. The page order here follows the order in which the reading was delivered.

³⁶Aside from the readings of Hudson (1625) and Phelipps (1596), the other reading was by William Thornton in 1566. Very limited evidence of the substance of this reading survives (Baker, *Readers and Readings*, 126) and there is no evidence that the Star Chamber was discussed.

1627 reading on the first Elizabethan statute on fraudulent conveyances, stat. 13 Eliz. I, c.5, is the only known reading on that text. Whitaker referred to Coke's two decade old printed report of *Twyne's Case*, but no more.³⁷

Only one account of one reading on the second Elizabethan statute on fraudulent conveyances, stat. 27 Eliz. I, c.4, refers to Star Chamber practice.³⁸ In his 1588 reading, Thomas Harris referred to common law litigation concerning serjeant Francis Gawdy. Harris was principally concerned with the conveyancing arrangements that Gawdy had entered into in the name of himself and his wife (in whose right he held the land) and their legal consequences. However, after explaining the outcome in the common law courts, Harris added as something of a postscript that after the serjeant's wife had become a lunatic, 'her friends preferred a bill of complaint in this matter in the Star Chamber, where the serjeant received for his wrongful dealing great disgrace and shame'.³⁹ The Star Chamber proceedings were discussed only briefly, and seem to have been intended as a warning to Harris's colleagues, perhaps even mere gossip, rather than an attempt to keep lawyers up to date with Star Chamber practice.⁴⁰

Mirow has highlighted that, d'Ewes's distaste notwithstanding, early-modern readings 'rose to the educational challenges of the day' and provided important knowledge of contemporary developments, including recent cases, sometimes unprinted.⁴¹ The extent to which the readings did serve to educate the profession about the Star Chamber is unclear. On the evidence of the readings examined, there was little dissemination of knowledge about the court. Such evidence as there is does not indicate extensive, frequent, or even regular, discussion, and there is no evidence of circulation of readings which referred to the court.⁴² However, the sources are very limited, with no

³⁷British Library [hereafter BL] MS Hargrave 91, fo.331v. Whitaker did refer to an unprinted case, but not from the Star Chamber (BL MS Harg. 91, fo.333, citing *Holcroft v Crawley* in the Common Pleas).

³⁸For the surviving sources for the readings see Baker, *Readers and Readings*, lxv. It has not been possible to consult the accounts of the readings of John Bramston (Folger Shakespeare Library [hereafter FSL] V.b.96, fo.1), William Brock (HEH MS Stowe-Temple, Misc. Legal Papers, Box 1(21), fos.26–36) and Anthony Dyott (John Rylands Library MS Fr.118, fos.286–287v). Only Brock's reading is not covered in other sources.

³⁹Bodleian Library [hereafter Bodl.] MS Rawlinson C.85, fo.198v. The disgrace must not have been insurmountable: Francis Gawdy became a justice of the King's Bench in the year of Harris's reading; John Sainty, *The Judges of England 1272–1990* (Selden Society Supplementary Series 10), London, 1992, 30.

⁴⁰The other surviving account of Harris's reading (CUL MS Ee.4.5, ff.55–69) does not refer to this case or to the other included in the Bodleian manuscript. It is also quite full, referring to an Exchequer case and a case from the unprinted reports of William Bendlowes (at fo.59). Whether the absence of the Star Chamber case is an indication of its relative unimportance, or that the note-taker's attention was elsewhere at the time it was mentioned, cannot be established.

⁴¹M.C. Mirow, 'The Ascent of the Readings: Some Evidence from Readings on Wills', in Jonathan A. Bush and Alain Wijffels, eds., *Learning the Law: The Teaching and Transmission of Law in England, 1150–1900*, London, 1999, 227, at 227 and 242–246.

⁴²One other reading which did refer to the Star Chamber was Francis Ashley's in 1616 (on which see John Baker, *The Reinvention of Magna Carta 1216–1616*, Cambridge, 2017, 427–435). In addition to explaining the legitimacy of Star Chamber proceedings compared to the oath *ex officio* in the church courts, Ashley briefly referred to the recent Star Chamber prosecution of Glanvill and Allen which was ancillary to the wider dispute about the relationship between the common law courts and the Chancery, part of the context for Ashley's reading (BL MS Harley 4841, fos.52 and 52v).

complete accounts of the readings as delivered and this conclusion should be treated with caution.

2. Personal experience

Another route to developing professional knowledge was through personal experience and connections. William Hudson worked first as a clerk in the court before focusing his legal practice there.⁴³ John Lightfoot referred to Hudson as ‘my Patron’, perhaps explaining how he too came to appear so frequently in the court.⁴⁴ But mere experience was not sufficient. Both of these lawyers did not just attend the court or benefit from a personal connection. They made notes and reports of the proceedings there, just as lawyers and law students did in other courts too.⁴⁵ William Hudson collected a large volume of material on the court from records, personal observation, and participation in the court’s business.⁴⁶ John Lightfoot’s personal reports cover the period from 1624 to October 1640.⁴⁷ Both Hudson and Lightfoot appeared to keep these notes private, not disseminating the material within the profession.⁴⁸ Hudson and Lightfoot were not unique; perhaps the volume of Star Chamber reports best known to modern historians due to its nineteenth-century edition, John Hawarde’s *Reports*, also seem to have had no contemporary circulation.⁴⁹

While these notes and reports were not shared, a significant volume of material about the Star Chamber did circulate in manuscript. If we turn to the manuscript texts, a much wider range, and volume, of material was available to lawyers. Some of this material consisted of informal copies of official court material, with multiple copies of orders made under Lord Keeper Egerton in the 1590s.⁵⁰

3. Manuscript treatises

In addition to such official documents, there were a range of treatises. William Lambarde’s Elizabethan *Archeion* was printed in 1635, but

⁴³Barnes, ‘Mr Hudson’s Star Chamber’, 288.

⁴⁴BL MS Lansd. 639, fo.99v.

⁴⁵For the practice of students writing law reports, see David Ibbetson, ‘Law Reporting in the 1590s’, in Chantal Stebbings, ed., *Law Reporting in England*, London, 1995, 73, 76–80. Simonds D’Ewes records his own attendance at and reporting of the Common Pleas: Halliwell, *The Autobiography*, vol.1, 268, 293 and 300.

⁴⁶BL MS Lansd. 639 from fo.23. Hudson is identified as ‘the Composer and Collector of the Matters contained in this Booke’ on fo.99v.

⁴⁷Harvard Law School (HLS) MS 1101 (formerly MS 1128).

⁴⁸Lightfoot identified Hudson’s notes in BL MS Lansd. 639 as one of the sources for Hudson’s treatise on the Star Chamber (on which, see below, text at nn.52–55), but noted that Hudson also used ‘other his observacions’ (BL MS Lansd. 639, fo.99v). Given the abolition of the Star Chamber in 1641, there may have been no demand for copies of Lightfoot’s reports after his death.

⁴⁹John Hawarde, *Les Reports del Cases in Camera Stellata 1593 to 1609*, William Paley Baildon, ed., privately printed, 1894.

⁵⁰J.H. Baker, *Catalogue of English Legal Manuscripts in Cambridge University Library*, Woodbridge, 1996, 120 (nine copies of orders from 1596 and fifteen copies of orders from 1598).

circulated widely in manuscript before that date, although not all copies include the Star Chamber material.⁵¹ William Hudson's late-Jacobean *Star Chamber* treatise was expressly intended to address gaps in the printed material, including a section on 'the course of the same court; in what form causes are proceeded in, and there determined', something which Hudson observed 'no man heretofore hath ever taken any pains or regard to make observation of the same more than for his own private use and particular practice'.⁵² Hudson was hostile to the publication of much legal material in print, describing it as 'vain-glory' on the part of authors and fearing that printing the intricacies of the law would enable 'the multitude ... to furnish themselves with shifts to cloak their wickedness ... for surely few men would be ruined by dishonest means, if men knew not how to cover their dishonesty under some colour of law or justice'.⁵³ However, a seemingly more restricted publication in manuscript was acceptable and he chose to do so to disseminate knowledge of the court in which he had made his career. Hudson's treatise survives in over fifty manuscript copies⁵⁴ and was described in 1636 as 'the Manuscript now in many hands'.⁵⁵

Lambarde's treatise was principally concerned with the historical and theoretical status of the Star Chamber, but also included material on the offences prosecuted there. Hudson's work was more comprehensive, with very lengthy sections on the procedure of the court and the offences commonly prosecuted there. John Egerton, Earl of Bridgewater, was given a copy of Hudson's *Treatise* by an anonymous donor who claimed 'the experience of many yeares service in that Court'. That donor praised Hudson's work, proclaiming that 'noe one booke extant printed or written Conteyneth soe much or soe great varietie of the Learninge of that great Schoole of the republique ... of such matters as are there ordinarily examinable, but also of the Constant forme & course and manner of proceedinge therein'.⁵⁶ Hudson's treatise can therefore be seen as a work owned by both lawyers and non-lawyers, although the known recipients of presentation copies were non-lawyers who were also judges in the court.⁵⁷

⁵¹Ibid., 265–266.

⁵²William Hudson, *A Treatise of the Court of Star Chamber*, in Francis Hargrave, ed., *Collectanea Juridica*, 2 vols., London, 1792, vol.2, 1.

⁵³Hudson, *Treatise*, 2. On Hudson's 'anti-publicist' position in relation to print, see more generally Richard J. Ross, 'The Commoning of the Common Law: The Renaissance Debate over Printing English Law 1520–1640', 146 *University of Pennsylvania Law Review* (1998), 323 at 324, 352, 358, 375–376 and 381.

⁵⁴Baker, *Catalogue of English Legal Manuscripts*, 439.

⁵⁵BL MS Lansd. 639, fo.99v.

⁵⁶HEH MS El 7921, dedication before fo.1.

⁵⁷John Egerton was involved in cases from 1630–1636, if we assume that he received the cause lists surviving in the Huntington Library because he was due to sit in the cases (HEH MS El 2762, 7878–7916 and 7950). Some of these cause lists are annotated by Egerton (e.g. HEH MS El 7880) showing that he did sit in at least some of the cases.

Another treatise, attributed to Isaac Cotton and often featuring a dedication dated 1622, also survives in multiple copies.⁵⁸ It was focused entirely on procedure and may have been a useful guide. Its relatively brevity may have rendered it more accessible (and affordable) than Hudson's longer work for lawyers who needed to engage with the Star Chamber only occasionally. Finally, a short work entitled 'A new Discovery Of the singular Jurisdiction of the high Courte of starre Chamber' survives in three copies.⁵⁹ The best, and fullest, copy includes a dedication to the Earl of Warwick dated 1635.⁶⁰ Although the author is never identified by name, he does describe himself as having 'service many years therein', suggesting either a barrister or (as seems more likely) one of the officers of the court.⁶¹ The work discusses some of the offences prosecuted in the court, as well as a second section on procedure in terms which suggest it was intended more for a lay reader than a lawyer.

4. Manuscript law reports

There were also law reports, circulating collections of Star Chamber cases.⁶² The longest is a collection of reports of over eighty cases from the first three years of the reign of Charles I, 1625–29. This survives in sixteen copies. Three are in law-French,⁶³ thirteen are in English.⁶⁴ The English texts are clearly translations from the French, although there does not appear to be a single translation.⁶⁵ Some of the English versions are incomplete, not covering the full chronological span of the complete collection. Such partial copies are also evident in other collections of circulating manuscript reports focused on different courts.⁶⁶ It is not clear why the reports were translated. It may have been a reflection of lawyers' greater use of English in their own manuscripts, and the existence of an earlier collection of Star Chamber reports in English.⁶⁷

⁵⁸Baker, *Catalogue of English Legal Manuscripts*, 116–117, listing eighteen copies.

⁵⁹BL MS Harl. 6448; CUL MS Kk.6.22; Warwickshire County Record Office CR0136/A411 (a microfilm copy of a manuscript in the possession of the Newdegate family of Arbury).

⁶⁰CUL MS Kk.6.22, fo.iiv.

⁶¹CUL MS Kk.6.22, fo.2.

⁶²This discussion does not cover the copies of high-profile Star Chamber cases which circulated in considerable numbers. For more on these texts, see Ian Williams, 'Contemporary Knowledge of Star Chamber and the Abolition of the Court' in Kesselring and Mears, *Star Chamber Matters*, 195, 204–206.

⁶³BL MS Additional 48057; London Metropolitan Archive [hereafter LMA] MS CLC/309/MS00532; and Trinity College Dublin MS 649.

⁶⁴All Souls College MS 177; Bodl. Brasenose MS 62; BL Lansd. MS 620; Durham University Library Additional MS 329; Durham University Library MS MSP 65; LPL MS 1253; and Woburn Abbey MS 238. Partial copies include: Bodl. MS Rawlinson A 127; CUL MS LI.3.2, fos.73–211; FSL MS V.b.70; Harvard University Houghton MS Eng 1084; Philadelphia Free Library [hereafter PFL] MS LC 14.44(2) and PFL MS LC 14.44(3).

⁶⁵Details of the translations and the differences between particular manuscripts will be discussed in a forthcoming edition of these reports for the Selden Society.

⁶⁶D.J. Ibbetson, 'Coventry's Reports', 16 *Journal of Legal History* (1995), 281 at 289–290.

⁶⁷On the greater use of English by lawyers in their manuscripts, see Williams, 'Law, Language and the Printing Press in the Reign of Charles I: Explaining the Printing of the Common Law in English', 38 *Law and History Review* (2020), 339, at 349–352. On the other English collection, see below, text at n.74.

Another possibility is that translation was a deliberate attempt to expand the possible market for copies of the text. There was widespread interest in the Star Chamber, and a collection of reports in English may have reached a wider audience.⁶⁸ The author of the reports produced a volume which seems to have been directed at lawyers, rather than laypeople interested in the more high-profile and political cases in the court. The focus is on technical points and the remarks of the lawyers, the common law judges sitting (typically the two chief justices) and the Lord Keeper.⁶⁹ The speeches of the other, non-lawyer, members of the court are not included. This meant excluding more newsworthy elements from the reports. For example, *Haines v Jordan* is presented in the reports as one concerning a local custom authorizing the actions of the defendants in the case.⁷⁰ According to the letter-writer Joseph Mead, the case was newsworthy as it occasioned 'bitter invective' by Bishop Laud in court, invective which is not included in the law report.⁷¹ It therefore seems likely that the author's intended audience for these reports was the legal profession, rather than lay readers. However, assuming the translation was produced by someone other than the author, this may have been an attempt to widen the market for copies. Based on the number of surviving copies, English versions of the reports were more popular, although that popularity may have been common to both lawyers and non-lawyers, members of both groups owning English versions of the text.⁷²

There was also a considerable body of circulating Star Chamber reports for the reign of James I. The longest includes 130 reports,⁷³ running from 1607 to 1623, and survives in seven copies, all in English.⁷⁴ An earlier,

⁶⁸On wider interest in the Star Chamber, see Ian Williams, 'Contemporary Knowledge of Star Chamber and the Abolition of the Court' in Kesselring and Mears, *Star Chamber Matters*, 195.

⁶⁹The only apparent exception is the inclusion of remarks by the Lord President of the Council (e.g. LPL MS 1253, fo.3v). The Lord President at the time was Henry Montagu, former Chief Justice of the King's Bench. The inclusion of his statements therefore in fact confirms that the focus was on the views of lawyers rather than laymen.

⁷⁰LPL MS 1253, fos.121–124v.

⁷¹Thomas Birch, *The Court and Times of Charles I*, 2 vols., London, 1849, vol.1, 276. The case raised the question of whether the local justices of the peace had a customary authority to punish offences traditionally within the purview of the church courts. The only exception to the technical nature of the reports is an account of a prosecution for dissemination of a letter opposing the forced loan. However, the author of the reports claims that the report was not his own (LPL MS 1253, fo.99v) and it is stylistically different to the other reports in the collection, including personal commentary, mention of the remarks of bishops and privy councillors and observations of whether those present believed what was said by Coventry LK (LPL MS 1253, fos.99v–101v). These stylistic differences suggest that either the account did have a different author, or was written by the author of the other reports but not as a traditional law report.

⁷²The barrister John Lightfoot owned BL MS Lansd. 620 (ownership evidence on fo.39). Francis Russell, fourth Earl of Bedford, owned and annotated a unique English translation (Woburn Abbey MS 238).

⁷³Some cases appear in more than one term, so the number of reports is here a more accurate reflection of coverage than the number of cases.

⁷⁴All Souls College MS 163; BL MS Harley 7314, fos.67–142 (my thanks to John Baker for bringing this manuscript to my attention); BL MS Stowe 397; Bodl. Braesnose MS 61 (my thanks to David Chan Smith for bringing this manuscript to my attention); CUL MS LI.3.2, fos.1–66; CUL MS Add 3105, fos.133–184v; HLS MS 149, Part 3. Conveniently, HLS MS 149 is one of the better texts and has

shorter, collection of reports contains material from 1598 to the second decade of the reign of James I, in law-French. This collection generally contains fifty cases and eight full or partial copies survive.⁷⁵ Importantly, many of these fifty cases also made their way into a collection of reports by Francis Moore.⁷⁶

Moore's reports were printed in the Restoration and included several Star Chamber cases, despite the Star Chamber having been abolished over two decades earlier. Crucially for the pre-civil war period, Moore's reports circulated in manuscript after his death. There are six copies of Moore's reports which reach only to the end of Elizabeth's reign and include all of the Elizabethan Star Chamber cases in the circulating collection,⁷⁷ one which ends a little earlier and includes all of the Star Chamber cases from its temporal scope,⁷⁸ and two copies where the coverage is uncertain, but which include cases from the circulating collection up to Michaelmas term 1612.⁷⁹

5. Learning the law from manuscripts

Between these three collections of law reports, a variety of types of Star Chamber cases were reported, providing lawyers with a much wider awareness of the practice and law of the court. Chronologically, these reports provided coverage from late-Elizabeth, almost all of the reign of James, and the early years of Charles I, although none of the collections report every case in

been digitized: [https://iiif.lib.harvard.edu/manifests/view/drs:425601024\\$152i](https://iiif.lib.harvard.edu/manifests/view/drs:425601024$152i) (beginning at fo.74r of the digital images, but in fact the reports are separately foliated). With the exception of BL MS Stowe 397 (which appears to be missing some pages at the beginning), the collection begins with a single Elizabethan case, *Radney v Raynon* from Easter term 1565. There are no reports between Trinity term 1618 and Trinity term 1621.

⁷⁵All Souls College MS 276; BL MS Add. 25223, ff.180–203; BL MS Harley 1330; FSL MS X.d.336; Kansas University MS 155:4 (a very disordered manuscript) and University College London MS Add 433A. FSL MS V.a.133, fos.1–89v runs later than the other collections. CUL MS Gg.2.5, fos.280r–283v is a partial run covering the period 1607–1612 with some of the reports for this period omitted.

⁷⁶The practice of including material from other collections of reports in a reporter's own volume was not peculiar to Moore, nor are the Star Chamber reports the only cases included in Moore's reports which have been identified as originating in another collection: L.W. Abbott, *Law Reporting in England 1485–1585* (London, 1973), pp. 243 and 97 (material taken from the reports of William Bendlowes). The full extent of Moore's use of other collections of reports has not yet been determined.

⁷⁷BL MS Add. 25191; BL MS Add. 35937; BL MS Harl. 4585; BL MS Lansd. 1059; HLS MS 107; HLS MS 1253 (formerly MS 5065)

⁷⁸CUL MS Ee.6.12, fos.1–83v includes the Star Chamber cases to Michaelmas term 1597 (on fo.80v), although this volume was also seemingly composed by a lawyer who edited Moore's reports, so the text is not identical and the substance not always so clear.

⁷⁹Yale Law School MS G.R.29.1 does cover the temporal range but the reports are out of order in places. Not all of the reports in the circulating collection which typically appear in Moore manuscripts have been located in the manuscript, but the earliest and latest have been, so it seems likely that the other reports are present. Lincoln's Inn MS Maynard 8 covers the full temporal range and includes the first and last of the Star Chamber cases. However, some cases are out of order and others have not been found. The copyist of this manuscript was selective and some cases may not have been included. If all the cases up to Michaelmas term 1612 are in these two volumes, the first thirty-five of the fifty cases in the circulating Star Chamber reports would be included. These cases are all in the printed version of Moore's reports.

the court.⁸⁰ A Caroline lawyer seeking to learn about the Star Chamber's recent cases would have had plenty of material; less than for some busier courts, such as the King's Bench,⁸¹ but perhaps more than for other important courts such as the Exchequer and Chancery.⁸² The Star Chamber seems to have been unusually well-served by manuscript circulation compared to some of these other courts and it is not clear why this is so. For some of the central common-law courts, while introductory material was available, manuscript reports provided vital supplements about current developments and practice.⁸³

The various Star Chamber manuscript texts are lengthy. The reports circulating from the first years of the reign of Charles I run to around 50,000 words in full copies of the English text.⁸⁴ Hudson's *Treatise* is 240 pages long in the eighteenth-century printed version. This is a very considerable body of material which was available to lawyers to develop or maintain their professional knowledge.

Lawyers may not have required all this material to practise in the Star Chamber. John Lightfoot, for example, only acquired his copy of the 1625–29 reports in 1636, by which point he was a well-established Star Chamber practitioner. However, Lightfoot had earlier benefitted from a close relationship with William Hudson who may have passed on some of his knowledge about the court and its work,⁸⁵ and he also had his own collection of reports of the court's work which began in 1624.⁸⁶ Moreover, even if Lightfoot was able to practise without these reports, he did still acquire them and read them carefully, annotating in places.⁸⁷ Even for an experienced practitioner who had appeared in some of the cases reported, the reports were something it was worth taking the time to read.

III. The Manuscript Trade

A particularly valuable aspect of the manuscripts relating to the Star Chamber is that they provide some of the best evidence of the trade in legal manuscripts for widely circulating texts. Most importantly, they show that at least by the 1620s these manuscripts were disseminated at least occasionally as commercial objects in a manuscript trade. The transmission of legal knowledge in manuscript was not limited to small-scale circulation

⁸⁰This was the standard practice in early-modern law reporting generally.

⁸¹Ibbetson identifies around 250 different reported cases in circulating collections of reports covering the King's Bench in Michaelmas term 1595 alone: Ibbetson, 'Law Reporting in the 1590s', 75.

⁸²See below, text at nn.116–120.

⁸³E.g. Ibbetson, 'Law Reporting in the 1590s', 73–74.

⁸⁴The law-French texts are only around 45,000 words.

⁸⁵Lightfoot described Hudson as his 'patron': BL MS Lansd. 639, fo.99v.

⁸⁶HLS MS 1101 (formerly MS 1128).

⁸⁷E.g. BL MS Lansd. 620, fo.41v, where Lightfoot records his participation in a case.

through personal and professional networks. Instead, those interested in acquiring knowledge could approach a manuscript dealer to acquire texts. The catalogue of one such dealer from the 1620s includes a treatise on the Star Chamber as one of the items for sale, together with other legal texts.⁸⁸ At least some of these manuscripts may have been acquired easily. In his *Treatise* on the Star Chamber, William Hudson assumed that a reader would be able to access Lambarde's *Archeion* which also discussed the court.⁸⁹ At the time of Hudson's writing, *Archeion* circulated only in manuscript.

The manuscript collection of reports compiled by Francis Moore incorporating thirty-five of the Elizabethan and Jacobean Star Chamber reports was clearly traded commercially. The various copies have a fairly elaborate title or even a title page, perhaps suggesting a single copying house imposing a particular style.⁹⁰ One of these copies also includes a guarantee from the vendor at the volume: 'I doe warrant this booke to bee full as much in quantity as any booke that I have sould, and to have the same and as many cases & marginall notes as any that I have sould to any man. per mee Lawrence Cragge'.⁹¹ Assuming it was not mere advertising, Mr Cragge's guarantee not only gives us the identity of a dealer in manuscript law books. It also suggests that he was familiar with multiple copies of this text and was perhaps in some sense responsible for the copies as their vendor, even if he was not the actual copyist.

Another dealer in manuscripts who sold Star Chamber material was Ralph Starkey, the contents of whose study were catalogued at his death in 1628, and included 'A greate vollume of the proceedings in the starre chamber' as well as various other legal manuscripts.⁹² Other Star Chamber manuscripts can be associated with an actor in the manuscript trade, who was himself associated with Ralph Starkey.⁹³ The individual identified as the 'Feathery Scribe' by Peter Beal contributed to several manuscripts related to the Star Chamber: two copies of Lambarde's *Archeion*⁹⁴ and some of the partial copies of the circulating Caroline Star Chamber reports.⁹⁵

Conveniently, the volume of Moore's reports warranted by Cragge also includes some information about the sale of the manuscript. The volume was acquired by Robert Paynell, a barrister who joined Gray's Inn as a

⁸⁸BL MS Harg. 311, fo.207v.

⁸⁹Hudson, *Treatise*, 2.

⁹⁰BL MS Add. 35937; BL MS Harl. 4585; BL MS Lansd. 1059; Yale Law School MS G.R.29.1.

⁹¹BL MS Harl. 4585, fo.453v.

⁹²HEH MS Ellesmere 8175, repr. in Peter Beal, *In Praise of Scribes: Manuscripts and their Makers in Seventeenth-Century England*, Oxford, 1998, 269–273.

⁹³For the association with Starkey, see Beal, *In Praise of Scribes*, 86–94.

⁹⁴Beal, *In Praise of Scribes*, 219 and 267 (identifying HLS MS 1034 (since re-catalogued as HLS MS 1026 vol.1) and Library of Congress MS Law M 14).

⁹⁵Beal, *In Praise of Scribes*, 218 and 260 (identifying Harvard Houghton Library MS Eng 1084; PFL MS LC 14.44(2) and PFL MS LC 14.44(3)).

student in 1619 and was called to the Bar in 1626.⁹⁶ Francis Moore himself died in 1621, so it is quite possible that Paynell was the first purchaser of this manuscript. According to the start of the volume, he paid £4 for the nine manuscript quires.⁹⁷ The manuscript runs to 906 pages, so the cost of copying appears to be about a little under a penny a page, seemingly towards the low end of manuscript copying prices.⁹⁸ However, while this was perhaps relatively cheap for a manuscript volume of its size, manuscript remained expensive compared to print. In fact, the manuscript was about five times more expensive than a lengthy printed book. Edward Coke's *Commentarie on Littleton* was first printed in 1628 and runs to almost 800 pages of parallel French/English text surrounded by a gloss, each in a different type. On publication it cost fifteen or sixteen shillings.⁹⁹ That price had not changed much by 1639, when a bookseller's bill shows Coke's work being sold for 18s 6d, although that may have been a bound copy, in which case the binding would account for the difference in price compared to the first printing in 1628.¹⁰⁰

The manuscripts themselves also provide some physical evidence of how the manuscript trade operated. Like printed books, manuscript collections seem to have been sold unbound. This is visible in a manuscript for two of the circulating Star Chamber collections.¹⁰¹ One of the French manuscripts of the Caroline reports is particularly interesting. In this unbound manuscript, the copyist begins the reports for each of the law terms in a new gathering of pages. If the reports for a particular term do not fill the gathering, the remaining pages are left blank.¹⁰² This is highly unusual amongst manuscript law reports and merits some consideration.¹⁰³

One possibility is that these termly gatherings demonstrate copying practices for this manuscript, with scribes working by term. Such an approach would have enabled multiple scribes to work on copying the

⁹⁶W.H. Bryson, ed., *Robert Paynell's King's Bench Reports (1625–1627)*, Tempe AZ, 2010, x.

⁹⁷BL MS Harl. 4584, fo.1.

⁹⁸The evidence for manuscript copying costs identified by Peter Beal shows there was a wide range of prices per manuscript page, ranging from over a penny a page to over seven pence a page (Beal, *In Praise of Scribes*, 69 n.12).

⁹⁹BL MS Harl. 390, fo.456.

¹⁰⁰Mary Elizabeth Bohannon, 'A London Bookseller's Bill: 1635–1639' 18 *The Library*, 4th series (1938), 417, at 445. Bohannon suggests that some of the items in this bill may have been sold bound (*ibid.*, 421–422).

¹⁰¹For the Elizabethan/Jacobean reports, FSL MS X.d.336; for the Caroline reports, BL MS Add. 48057. For a reference to the cost of binding a manuscript, see Beal, *In Praise of Scribes*, 69 n.12, citing BL MS Add. 48186. For the cost of binding some printed law books, see the undated and anonymous broadside, *A Generall Note of the Prises of Binding of All Sorts of Bookes*, which has a specific section for law books.

¹⁰²BL MS Add. 48057. Where terms extend into two gatherings, the remaining pages of the second gathering are left blank when the term finishes.

¹⁰³Bodl. Brasenose MS 62 and LMA MS CLC/309/MS00532 generally begin new terms on new pages, with blank space left on the final page of a term if the text for that term does not fill the page. However, these blank spaces do not correspond to the gatherings of the pages (with the exception of the change of term on LMA MS CLC/309/MS00532, fos.65v and 66).

text simultaneously.¹⁰⁴ However, it seems unlikely that scribes working on a complete volume would have chosen to waste paper in this way, and such a choice appears to be atypical given the absence of such blank pages in the other manuscripts. A plausible explanation is that the work was initially produced and copied on a termly basis, with scribes at first copying by term because that was the material available to them. This is supported by two facts. The first is that the unbound Caroline manuscript is in law-French, suggesting an earlier text than the English translations.¹⁰⁵ Second, annual circulation in a similar manner has been suggested for a late-Elizabethan collection of reports from the Queen's Bench too.¹⁰⁶ If the reports were circulating on a termly basis, the manuscript shows that not only could lawyers obtain recent material in manuscript, but that such manuscripts may have been produced quite soon after cases had been decided, disseminating knowledge of very recent developments and practice.

This practice of working in termly gatherings, perhaps showing termly circulation, also provides an explanation for other important features of some of the manuscripts of these Caroline reports. Most simply, incomplete copies of the Caroline reports probably indicate that the copyists and/or translators were working from an incomplete set of the termly reports, which corroborates the conclusion that the reports circulated as (collections of) termly reports, rather than a single complete collection.

The practice of using gatherings probably also explains why a significant part of Michaelmas term 1627 is missing in two manuscripts which are otherwise complete.¹⁰⁷ Presumably that term's reports ran to more than one gathering in the source text and one of the gatherings was lost. The text for Michaelmas term 1627 is the longest in the collection and did require two gatherings in the unbound copy.¹⁰⁸ The copying of manuscripts from unbound sources may also explain why the reports with incomplete texts of Michaelmas Term 1627 include what appear to be some Elizabethan Star Chamber cases where the beginning of the term should be. The likely explanation is that a short collection of Elizabethan Star Chamber cases was somehow included in the bundle of papers making up the body of the reports. These Elizabethan cases were then simply copied and assumed to be from 1627 based on their location in the papers. The scribe paid no attention to the substance of the text, dutifully copying the incongruous mentions of 'the Queen' as the reigning monarch during the reign of Charles I.¹⁰⁹

¹⁰⁴LMA MS CLC/309/MS00532 shows a different approach to this suggestion. The hand of the copyist changes on fo.57, part way through both a term and gathering of pages.

¹⁰⁵The linguistic point is not conclusive. While the English texts are translations from the law-French, it is possible that copies of the law-French and translations were circulating simultaneously.

¹⁰⁶Ibbetson, 'Coventry's Reports', 290–291.

¹⁰⁷CUL MS LI.3.2, fos.173–175 and FSL MS V.b.70, fos.89–91v.

¹⁰⁸BL MS Add. 48057, (fos.73–96v). The second longest term is Hilary term 1628, fos.97–109.

¹⁰⁹e.g. CUL MS LI.3.2, fo.174; FSL MS V.b.70, fo.89v.

Such a situation is a valuable reminder of the potential for unreliability to enter into a manuscript collection in the copying process, and perhaps a particular risk when specialist material was copied by non-specialist scribes.¹¹⁰ This is not to say that all copies of these Star Chamber texts were produced by professional scribes, copying but not thinking about the text. One copy of Moore's reports appears to have been made by a lawyer personally, as the writer tried to reduce the length of the text by removing material he considered superfluous.¹¹¹ There is also a difficult borderline between professional copyists and others involved in circulating manuscripts. John Lightfoot recorded that he acquired his copy of the Caroline Star Chamber reports '[f]rom Henri Dwyer servant to my Brother Francis Phelips'. Francis Phillips was another barrister.¹¹² Quite what sort of 'servant' Henry Dwyer was is not clear, but he may have been Phillips's clerk. Lawyers' clerks were identified in 1606 as a group involved in scribal activity, which means barristers would have had close connections with some people involved in the production of manuscript texts.¹¹³

IV. Concluding Remarks

A study of the dissemination of professional learning about the Star Chamber therefore shows the continuing importance of methods of disseminating the law beyond printed texts. This should not be overstated; print had become the default method for disseminating legal texts by the early seventeenth century. Nonetheless, manuscripts were still an important supplement to print. A particularly good example of manuscript's role as supplement is found in one manuscript of Moore's reports, where the author/copyist of the volume tried to abridge some of the reports to reduce the length of the overall collection.¹¹⁴ At its most extreme, this led to the total exclusion of Moore's account of one case, the important Star Chamber fraud case known as *Twyne's Case*, from his copy. The writer instead notes that this case had already been included in a volume of printed reports by Edward Coke and

¹¹⁰This does not mean that printed texts were necessarily more reliable than manuscripts. As Adrian Johns has shown, early-modern printed works could also reproduce errors and the risk of this happening was known to contemporaries: Adrian Johns, *The Nature of the Book: Print and Knowledge in the Making*, Chicago, 1998.

¹¹¹CUL MS Ee.6.12. See below, text at nn.114–115 for an example.

¹¹²Baker, *Readers and Readings*, 101.

¹¹³It has been suggested that a copy of Moore's reports may also have been produced by a barrister's clerk: J.H. Baker, *English Legal Manuscripts in the United States of America, Part II: 1558–1902*, London, 1990, 103, referring to HLS MS 107. For a more general reference to lawyers' clerks as copyists of documents, see Thomas Dekker, *Newes from Hell Brought by the Divells Carrier*, London, 1606, sig. B2r.

¹¹⁴CUL MS Ee.6.12. For an unusual, possibly unique, example of such an attempt in relation to a printed volume of reports, see UCL MS Ogden 29, fos.1–10, where Coke's printed tenth volume of reports (Edward Coke, *La Dixme Part des Reports*, London, 1614) was reduced to a shorter manuscript, omitting what the writer considered to be extraneous matter.

gives a reference.¹¹⁵ For this writer, if material was available in print a different manuscript account was otiose. However, where print was insufficient, manuscript was important. For the Star Chamber, printed texts were extremely limited, so there was an extensive body of manuscript material. There was also still a role for non-textual dissemination of legal learning. Readers in the Inns shared accounts of cases in the Star Chamber, albeit infrequently.

Current research about the work of other courts suggests similar conclusions, but would benefit from further investigation. For the Chancery, William Lambarde's *Archeion* was potentially significant¹¹⁶ and there was a collection of circulating 'reports' in the 'Choyce Cases in Chancery'.¹¹⁷ The Exchequer 'broke new ground in equitable jurisprudence' in the sixteenth and early seventeenth centuries.¹¹⁸ Whether, and how, knowledge of these developments was disseminated is an important question meriting further research. The Jacobean Exchequer reports attributed (almost certainly incorrectly) to Lane did circulate,¹¹⁹ as did the Caroline reports of Robert Paynell.¹²⁰ In relation to non-textual circulation of knowledge about other courts, even within the sample of readings used for this study of the Star Chamber there were mentions of the practice of the Chancery and Exchequer in the Inns of Court. One account of Thomas Harris's 1588 reading refers to a point that had been decided in the Exchequer¹²¹ and John Bramston cited the Chancery decision in *Bullock v Standen* in his 1623 reading. While the common law proceedings in that case had been mentioned in Coke's printed reports,¹²² as Bramston explained 'this point was resolved in Chancery and so omitted by Sir Edward Coke'.¹²³

¹¹⁵CUL MS Ee.6.12, fo.82r.

¹¹⁶Ian Williams, 'Developing a Prerogative Theory for the Authority of the Chancery: The French Connection', in Godfrey, *Law and Authority*, 33, at 52–59.

¹¹⁷See Michael Macnair, 'The Nature and Function of the Early Chancery Reports', in Chantal Stebbings, ed., *Law Reporting in England*, London, 1995, 123, at 124, n.9. Interestingly, one copy of the 1607–1624 Star Chamber reports (All Souls College MS 163) has a distinct title page identifying the volume as 'Choyce Cases in the Starr Chamber', although it is different in nature to the Chancery collection. The Star Chamber reports are genuine reports (albeit often brief), whereas the Chancery collection consists of extracts from the court records. A collection of Star Chamber records was made but there is no evidence of circulation. It has since been edited and published (K.J. Kesselring, *Star Chamber Reports: BL Harley MS 2143*, London, 2018).

¹¹⁸D.A. Foster, 'Legal Demands Against the Beneficial Interest under a Trust, c. 1590 – 1759', thesis submitted for the degree of Doctor of Philosophy, Queen Mary University of London, London, 2020, 33.

¹¹⁹Williams, 'Law, Language and the Printing Press', 351.

¹²⁰W.H. Bryson, *Cases Concerning Equity and the Courts of Equity 1550–1660* (Selden Society 117), 2 vols., London, 2001, vol. 1, xvii–xviii

¹²¹CUL MS Ee.4.5, fo.61.

¹²²The Common Pleas' decision was included in Coke's reports of *Twyne's Case* (1601) 3 Co. Rep. 80b, 82b, 76 ER 809, 817 and *Gooch's Case* (1591) 5 Co. Rep. 60, 60b; 77 ER 146, 147.

¹²³BL MS Harg. 402, fo.29. For another reference to Chancery practice in a reading, see Neil Jones, 'Henry Sherfield's Reading on Wills (1624) and Trusts in the Form of a Use upon a Use', in David Ibbetson, Neil Jones and Nigel Ramsay, eds., *English Legal History and its Sources: Essays in Honour of Sir John Baker*, Cambridge, 2019, 318.

Even based on current research, the Star Chamber therefore does not appear to be unique in the dissemination of learning about the court. Similar practices can be seen in relation to the work of other courts. However, at present there does appear to have been a much greater survival of technical material about the Star Chamber. Whether that suggests contemporaries saw the work of the court as more difficult to understand without assistance, or more important than that of other jurisdictions, is not clear.

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