

II. Contemporary knowledge of the Star Chamber and the abolition of the court

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The Star Chamber was an important court within the early modern legal system, but one that came to an abrupt end. This chapter is concerned with what contemporaries could learn about the court, and it relates the material and ideas visible in the sources which disseminated knowledge about the Star Chamber to the parliamentary debates that led to its sudden abolition. Claims that parliament abolished the Star Chamber because of ‘its acts, its cruelties [and] its extortions’ filled early writing on the court.¹ Other scholarship has emphasized dissatisfaction with particular aspects of the court’s work, such as the Star Chamber’s role in enforcing royal proclamations and fiscal policies.²

This chapter confirms historians’ understanding that the court was a subject of increasing concern during the personal rule of Charles I. As in the work of H. Phillips and Kevin Sharpe, it shows that the Star Chamber was particularly denigrated for its role in a handful of cases concerning religious matters in the later 1630s.³ These cases were the subject of significant contemporary interest. The chapter demonstrates that the cases were deliberately well-publicized as part of larger debates about the English

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¹ J. S. Burn, *The Star Chamber: Notices of the Court and its Proceedings with a Few Additional Notes of the High Commission* (London, 1870), p. 1, expanding on the claim of unlawful jurisdiction and heavy punishment in the abolition statute (stat. 16. Car. I, c. 10).

² J. P. Kenyon, *The Stuart Constitution: Documents and Commentary* (Cambridge, 1986, 2nd ed.), p. 106.

³ H. E. I. Phillips, ‘The last years of the court of Star Chamber, 1630–41’, *Transactions of the Royal Historical Society*, fourth series, xxi (1939), 103–32, especially at pp. 123–30; K. Sharpe, *The Personal Rule of Charles I* (New Haven, 1992), pp. 680–2.

I. Williams, ‘Contemporary knowledge of the Star Chamber and the abolition of the court’ in *Star Chamber Matters: An Early Modern Court and Its Records*, ed. K. Kesselring and N. Mears (London, 2021), pp. 195–215. License: CC BY-NC-ND 4.0.

Church and came to dominate the parliamentary discussions. A particular concern was the role of the bishops as judges in the court.

Most of the criticisms of the Star Chamber appeared in material which can be categorized as ‘news’, rather than the more ‘professional’ literature of legal treatises and law reports. The professional literature instead justified the Star Chamber’s existence, presented it as a regular part of the legal system and was used, unsuccessfully, in defence of the court. The chapter therefore shows the primacy of popular knowledge of the court over professional learning about it. However, there are hints that some lawyers’ views were changing, at least regarding the focal issue of bishops as judges, suggesting a convergence of criticisms from different perspectives.

‘Professional’ knowledge

A significant body of ‘professional’ literature about Star Chamber appeared; texts which would have been of particular utility for individuals seeking to work in the court.⁴ A handful of law reports of Star Chamber cases appeared in the printed collections of Dyer and Coke, as well as a collection printed in 1594.⁵ The printed reports of Coke were cited in later cases in both the Star Chamber and Exchequer.⁶ The 1594 collection was predominantly based on material found in print from the medieval yearbooks and other printed texts, although it includes a few sixteenth-century cases which are not printed elsewhere.⁷ These printed cases represent only a small proportion of the circulating material on the work of the court. Three manuscript collections of law reports appear to have had significant contemporary circulation.

⁴ A fuller discussion of the professional material will be found in I. Williams, “‘Out of which books students of the law learn their knowledge’: legal publishing in early-Stuart England” (forthcoming).

⁵ For Dyer: *Anon* (1558) Dyer 160b–1a; *Onslowe’s Case* (1565) Dyer 242b–3a; *Sir John Marvin’s Case* (1570) Dyer 288; and *Taverner’s Case* (1573) Dyer 322b–3a. For Coke, two particularly important cases were *Twyne’s Case* (1601) 3 Co. Rep. 80b and *De Libellis Famosis* (1605) 5 Co. Rep. 125–6. Coke reported eleven more Star Chamber cases (T. G. Barnes, ‘Star Chamber Mythology’, *American Journal of Legal History*, v (1961), 1–11, at p. 5 n. 12). R. Crompton, *L’Autoritie et Jurisdiction des Courts de la Maiestie de la Roygne* (London, 1594), fos. 29–41, reprinted in English translation as Anon., *Star-Chamber Cases. Shewing What Causes Properly Belong to the Cognizance of That Court* (London, 1630), pp. 13–57 (pp. 1–11 are an introduction which was not previously published). The 1630 text updates references to Elizabeth I to Charles I, but is otherwise simply a translation of the Elizabethan text.

⁶ For *De Libellis Famosis* being cited in the Star Chamber, see British Library, Lansdowne MS. 620, fo. 51. *Twyne’s Case* was cited in the Exchequer in *R v Earl of Nottingham* (undated), Lane 42, at p. 44.

⁷ Crompton, *L’Autoritie et Jurisdiction*, fos. 30v–31r, 31v, 32r, 32v, 33r, 35r, 36v and 37r.

The first is an anonymous collection in law-French which begins in 1598 and continues until the second decade of James I's reign. It generally contains fifty cases and survives in at least eight copies.⁸ Of these surviving copies, one belonged to the law reporter Francis Moore, and it is through Moore that many of these cases were disseminated in another way.⁹ The thirty-five earliest cases in this collection were incorporated into Moore's own collection of cases. This collection was printed in the Restoration, but also circulated in a commercially produced manuscript, although not all copies are of the complete set.¹⁰ These manuscripts include the thirty-five early Star Chamber cases, as well as other Star Chamber cases which feature in Moore's printed reports, such as *Twyne's Case*.¹¹ The second set of circulating reports is another Jacobean collection, which begins in 1604.¹² It includes 130 reports, up to the end of 1624, albeit with no reports for Trinity term 1618 to Trinity term 1621. Six copies of these reports survive.

The final significant collection of circulating reports survives in three law-French copies¹³ and thirteen English copies in varying states of completeness.¹⁴ The full version contains reports of over eighty cases and

⁸ All Souls College, MS. 276; Brit. Libr., Add. MS. 25223, fos. 180–203; Brit. Libr., Harley MS. 1330; Folger Shakespeare Library MS. X.d.336; Kansas University MS. 155:4 (a very disordered manuscript); UCL Add. MS. 433A; Folg. Shakes. Libr., MS. V.a.133, fos. 1–89v runs later than the other collections; Cambridge University Library, MS. Gg.2.5, fos. 280r–283v covers 1607–12 with some of the reports for the period omitted.

⁹ Folg. Shakes. Libr., MS V.a.133.

¹⁰ Complete texts which include the Star Chamber cases are: Brit. Libr., Add. MS. 25191; Add. MS. 35937; Harl. MS. 4585; Lansdowne MS. 1059. Some manuscripts of Moore's reports do not cover the full temporal range of the complete collection (Harvard Law School, MS. 1206 (formerly MS 2097) only reaches to 1595; Camb. Uni. Libr., MS. Ee.6.12, fos. 1–83v includes the Star Chamber cases to Michaelmas term 1597 (on fo. 80v); Harv. Law Sch., MSs. 107 and 1253 (formerly MS. 5065) reach to the end of Elizabeth's reign, and include the Elizabethan Star Chamber cases). Yale Law School, MS. G.R.29.1 and Lincoln's Inn, Maynard MS. 8 cover the full 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 these manuscripts, but the earliest and latest have been, so it seems likely that the other reports are present.

¹¹ (1602) Moo. KB 638–639.

¹² All Souls Col., MS. 163; Brit. Libr., Stowe MS. 397; Bodleian Library, Brasenose MS 61 (my thanks to David Smith for bringing this manuscript to my attention); Camb. Uni. Libr., MS. Ll.3.2, fos. 1–66; Camb. Uni. Libr., MS. Add. 3105, fos. 133–184v; Harv. Law Sch., MS. 149, Part 3 (digitized: <<https://iif.lib.harvard.edu/manifests/view/drs:425601024152i>> [accessed 23 March 2020]). With the exception of Brit. Libr., Stowe MS. 397 (which is missing some pages at the beginning), the collection begins with a single Elizabethan case, *Radney v Raynon* from 1565.

¹³ Brit. Libr., Add. MS. 48057, London Metropolitan Archive, MS. CLC/309/MS00532 and Trinity College Dublin, MS. 649.

¹⁴ Full copies are found in: All Souls Col., MS. 177; Bodl. Libr., Brasenose MS. 62; Brit.

runs to a little under 50,000 words in the English version. The English texts are all translations from the law-French.¹⁵ The reports cover the first three years of the reign of Charles I and were copied commercially.¹⁶ The barrister John Lightfoot acquired his own copy in 1636, from the servant of another barrister.¹⁷ The translation of the texts into English may have made them more accessible to non-lawyers, showing the permeability of the 'professional'/lay boundary for at least some legal texts. An English copy was owned and annotated by Francis Russell, the fourth earl of Bedford, and it seems plausible that it was these reports which William Drake was to receive from Gilbert Barrell, an 'exact journall of 3tio Caroli exact Star Chamber Reports'.¹⁸

Beyond law reports, official material from the Star Chamber also circulated, including orders made about the court's proceedings.¹⁹ A collection of extracts from records referring to the Star Chamber from the reign of Henry VII also circulated in the *Liber Intrationum*.²⁰ By the seventeenth century, the material was very out of date, and it may be that the text was more useful for legal-antiquarian work, as is visible in some of the treatises written about the Star Chamber.

The earliest of these is William Lambarde's *Archeion*. The Star Chamber material in that book was written from early 1586 onwards.²¹ The work combines material on both the Star Chamber and Chancery, as well as some material on other courts. Over forty copies survive in manuscript, and the Star Chamber part also circulated independently,²² before the book was

Libr., Lansd. MS. 620; Durham University Library, Add. MS. 329; Durham University Library, Mickleton and Spearman MS. 65; Lambeth Palace Library, MS. 1253; and Woburn Abbey, MS. 238. Partial copies include: Bodl. Libr., Rawlinson MS. A 127; Camb. Uni. Libr., MS. Ll.3.2, fos. 73–211; Folg. Shakes. Libr., MS. V.b.70; Harv. University Houghton Library, MS. Eng. 1084; Philadelphia Free Library, MS. LC 14.44(2); and MS. LC 14.44(3).

¹⁵ The details of the translations will be discussed in an edition of these reports being prepared for the Selden Society.

¹⁶ Copies including text written by the 'feathery scribe' are: Harv. Uni. Hough. Libr., MS. Eng. 1084; Phil. Free Libr., MS. LC 14.44(2); and MS LC 14.44(3) (see P. Beal, *In Praise of Scribes: Manuscripts and Their Makers in 17th-Century England* (Oxford, 1998), pp. 218 and 260).

¹⁷ Brit. Libr., Lansd. MS. 620, fo. 39.

¹⁸ UCL, Ogden MS. 7/7, fo. 112v.

¹⁹ For copies of orders made in the late 1590s, see J. H. Baker and J. S. Ringrose, *Catalogue of English Legal Manuscripts in Cambridge University Library* (Woodbridge, 1996), p. 120.

²⁰ See Baker and Ringrose, *Catalogue of English Legal Manuscripts*, p. 304 and *Select Cases in the Council of Henry VII*, ed. C. G. Bayne (London, 1958), p. xiii.

²¹ Brit. Libr., Add. MS. 24926, fo. 1 is dated 20 March 1585. It seems most likely that the year here is old-style, which would mean the date is actually 20 March 1586.

²² Baker and Ringrose, *Catalogue of English Legal Manuscripts*, pp. 265–6. Not all of the

printed twice in 1635.²³ The manuscripts include the material printed in Hearne's *Curious Discourses* as a discussion of the Star Chamber by Francis Tate, for the College of Antiquaries,²⁴ which is in fact an early stage of Lambarde's work on the Star Chamber.²⁵ Lambarde's work circulated in commercially produced manuscripts.²⁶ It was sufficiently widespread that Hudson seems to have assumed its availability to a reader of his own treatise from 1621.²⁷ A seventeenth-century manuscript dealer's catalogue lists a treatise on the Star Chamber as one of the works currently available, together with a treatise on the Chancery, suggesting that this may be a reference to Lambarde's *Archeion*.²⁸

William Hudson's treatise survives in over fifty early modern manuscript copies, albeit with quite significant variations in quality and completeness.²⁹ Finally, there is the text on Star Chamber procedure usually attributed to Isaac Cotton, often with a dedication dated 1622.³⁰ Both of these texts are from the early 1620s and it seems likely that Cotton's work was inspired by the appointment of the non-lawyer bishop John Williams as the lord keeper who would preside over the court and its proceedings, just as Hudson's work was.³¹ One copy of the Cotton text is dated to 1634, showing circulation in Caroline England.³² Hudson's text also circulated at that time, with John Lightfoot writing in 1636 that manuscripts of Hudson's text were 'now in many hands'.³³

Lawyers seeking to understand the Star Chamber and its work in the two decades before its abolition would, therefore, have had access to a range

copies of *Archeion* incorporate the Star Chamber material.

²³ W. Lambarde, *Archion, or A comentary upon the high courts of justice in England* (London, 1635) and W. Lambarde, *Archeion* (London, 1635).

²⁴ *A Collection of Curious Discourses written by Eminent Antiquaries*, ed. T. Hearne (2 vols., London, 1771), ii. 277–307.

²⁵ See Brit. Libr., Add. MS. 4521, fos. 35–64, which is identical to 'Tate', but attributed to Lambarde at fo. 35.

²⁶ See Beal, *In Praise of Scribes*, pp. 218 and 267, identifying the 'feathery scribe' as one of the copyists of Harv. Law Sch., MS. 1026 vol. 1 (formerly MS. 1034) and Library of Congress, MS. Law M 14.

²⁷ W. Hudson, 'A treatise of the court of Star Chamber', in *Collectanea Juridica*, ed. F. Hargrave (2 vols., London, 1791), ii. 1–239, at p. 2.

²⁸ Brit. Libr., Harg. MS., fo. 207v.

²⁹ Baker and Ringrose, *Catalogue of English Legal Manuscripts*, p. 439.

³⁰ Baker and Ringrose, *Catalogue of English Legal Manuscripts*, pp. 116–17.

³¹ T. G. Barnes, 'Mr. Hudson's Star Chamber', in *Tudor Rule and Revolution: Essays for G. R. Elton from his American friends*, ed. D. J. Guth, J. W. McKenna (Cambridge, 1982), pp. 285–308, at pp. 296–306.

³² All Souls Col., MS. 256, fo. 413r.

³³ Brit. Libr., Lansd. MS. 639, fo. 99v. The date is provided on fo. 23.

of relatively up-to-date material: a procedural treatise and a more wide-ranging one, both from the early 1620s; a set of law reports from the late sixteenth century for almost two decades, overlapping with another Jacobean collection; and a very current set from early in the reign of Charles I. Other reports and texts exist, but with little or no evidence of their circulation.³⁴

Lay knowledge of the Star Chamber

Lawyers and actors within early modern government clearly thought some dissemination of criminal law material was desirable.³⁵ Subjects needed to be informed about the criminal law to avoid breaking it, preventing undesirable behaviour. Such a concern with dissemination is evident in reports of Star Chamber proceedings. There are frequent references to proceedings in the Star Chamber being exemplary, intended to affect behaviour beyond that of the parties to the case.³⁶ Sometimes the Star Chamber itself ordered that its activities were to be publicized. In the case of *Bertram v Sir John Windham* in 1625, the court ordered that '[t]he sentence is to be read in that country church for example', making a public statement of the sentence as an example to the local community.³⁷

But knowledge of the Star Chamber and its activities was of interest for more than the exemplary role of its activities in ensuring obedience to the criminal law. Sir William Drake observed in his guide for self-improvement that he should '[f]requent Star Chamber It is an excellent scole for the qualifyinge of a man for action and employment'.³⁸ He linked Star Chamber material with parliament journals and letters of state as 'the most usefull histories of all'.³⁹ John Holles advised his son to attend the Star Chamber because 'more instruction is to be had at the starr-chamber, then at the globe ... yow shall upon this stage see what yow are to avoyd, what to follow, and by others errors, learn to play your owne part better'.⁴⁰ Similar advice appeared in Henry Peacham's *Compleat Gentleman*, which advised

³⁴ For law reports from Charles I's reign, John Lightfoot's personal collection of reports covering 1624–40 is valuable (Harv. Law Sch. MS. 1101 (formerly MS 1128)).

³⁵ R. Ross, 'The commoning of the common law: the renaissance debate over printing English law, 1520–1640', *University of Pennsylvania Law Review*, cxlvi (1998), 323–462, at pp. 336–7, 377 and 451 n. 375, contains some good examples.

³⁶ E.g. Brit. Libr., Lansd. MS. 620, fos. 11r, 11v, 21r, 27v, 32v, 48v, 50r and 65v. Proclamations which refer to the Star Chamber also make reference to exemplary proceedings and punishments there (see below, text at n. 62).

³⁷ *Bertram v Sir John Windham* (1625), Brit. Libr. Lansd. MS. 620, fo. 4 at fo. 5v.

³⁸ Huntington Library, MS. 55603, fo. *1.

³⁹ UCL, Ogden MS. 7/7, fo. 112v.

⁴⁰ *Letters of John Holles 1587–1637*, ed. P. R. Seddon (2 vols., Nottingham, 1983), ii. 222.

attending Star Chamber to 'enrich your understanding' and recommended observation of the Star Chamber to 'better your speech'.⁴¹

Knowledge about the court could be acquired in various ways. Drake, Holles and Peacham all advised personal attendance at the court. Star Chamber cases, at least high-profile ones, were popular and seats were paid for.⁴² This popularity was sometimes accommodated by the court. In the litigation between the Lake family and the family of the earl of Exeter, the case was to be moved to the Banqueting House to accommodate the expected crowd.⁴³ This case was identified as a particularly exemplary one, so moving the proceedings disseminated the example more widely.⁴⁴

Attendees might then pass on what they had observed. Early modern diaries include references to diarists hearing information about the Star Chamber.⁴⁵ Such oral dissemination was potentially unreliable. In relation to Prynne's conviction for the publication of *Histriomastix*, Ralph Verney noted that '[w]ee country clowns heare various reports', with significant disagreement about the sentence imposed, asking for clarification in a letter.⁴⁶ Receipt of news about the Star Chamber by letter was not unusual. John Chamberlain reported cases he considered 'worth remembrance', especially 'any remarkeable matter', in his letters.⁴⁷ Cases might be

⁴¹ H. Peacham, *The Compleat Gentleman Fashioning him absolute in the most necessary & Commenable Qualities concerning Minde or Bodie that may be required in a Noble Gentleman* (London, 1622), p. 53. The role of the Star Chamber in education and self-fashioning probably explains the commercial circulation of Walter Mildmay's Elizabethan speeches from the Star Chamber. These survive in Brit. Libr., Harl. MS. 6265, Brit. Libr., Stowe MS. 326; Bodl. Libr., Rawl. MS C 838 and Shakespeare Birthplace Trust, MS. DR 37/3/54. The Star Chamber speeches are grouped together, but each volume includes a wider range of Mildmay's speeches on matters of state. The manuscript dealer Ralph Starkey listed Mildmay's parliamentary speeches as one of the items he had for sale (Brit. Libr., Harl. MS. 537, fo. 83) and it is possible that item would also have included the Star Chamber speeches.

⁴² See N. Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England* (Cambridge, 2016), p. 262.

⁴³ *Reports on the Manuscripts of the Most Honourable the Marquess of Downshire Formerly Preserved at Easthampstead Park, Berkshire, Vol. VI: Papers of William Trumbull the Elder September 1616 – December 1618*, ed. G. D. Owen, S. P. Anderson (6 vols., London, 1995), vi. 574.

⁴⁴ *Reports on the Manuscripts*, vi. 626.

⁴⁵ *The Diary of John Manningham of the Middle Temple, and of Bradbourne, Kent, Barrister-at-law, 1602–1603*, ed. J. Bruce (London, 1868), p. 169; *The Autobiography and Correspondence of Sir Simonds D'Ewes, Bart.: During the Reigns of James I and Charles I*, ed. J. O. Halliwell (2 vols., London, 1845), ii. 104.

⁴⁶ *Letters and Papers of the Verney Family Down to the End of the Year 1639*, ed. J. Bruce (London, 1853), pp. 157–8.

⁴⁷ *The Letters of John Chamberlain*, ed. N. E. McClure (2 vols., Philadelphia, 1939), ii. 310 and 506.

important for a number of reasons. High-profile cases will be considered later, but observers were not solely interested in such episodes.

Sometimes observers paid attention to the Star Chamber because cases showed that the court might affect the observer or his audience. Simonds D'Ewes noted a 'terrible censure' for staying in London contrary to the king's proclamation that gentlemen should return to their counties.⁴⁸ D'Ewes was particularly interested in this case because he had believed that the proclamation did not relate to his circumstances, but after the censure he was less sure and so decided to remove himself to the country.⁴⁹ John Chamberlain noted proclamations for keeping of Lent, with the threat of Star Chamber prosecution, which 'being a court not to be dallied withall: makes us all get licences'.⁵⁰ The exemplary objective of Star Chamber prosecutions was achieved in these instances.

Other cases were significant because they related to communities of which the diarist or letter writer was a part. John Chamberlain reported one case because it concerned '[o]ur friend little John Moore'.⁵¹ Other cases concerned defendants with whom observers had geographical links. Henry Machyn, a citizen of London, noted when another citizen had been condemned in the Star Chamber;⁵² Thomas Crosfield of Queen's College, Oxford recorded prosecutions of people from Oxford in the court.⁵³ William Wentworth, the future earl of Strafford, sent his father a long report of a case involving a fellow Yorkshireman, Stephen Procter.⁵⁴ Such membership of a community might also explain the particular interest in cases connected with the religious policy of the 1630s. Margo Todd suggests that 'puritan self-fashioning ... was fundamentally communal rather than individualistic in nature',⁵⁵ so godly individuals in the 1630s may have seen the prosecutions of Sherfield, Prynne, Bastwick and Burton, perhaps even John Williams,⁵⁶ as prosecutions of members of their own community, a community formed by religious views.⁵⁷

⁴⁸ *Autobiography and Correspondence of Sir Simonds D'Ewes*, ii. 78.

⁴⁹ *Autobiography and Correspondence of Sir Simonds D'Ewes*, ii. 79.

⁵⁰ *Letters of John Chamberlain*, ii. 217.

⁵¹ *Letters of John Chamberlain*, ii. 160.

⁵² *The Diary of Henry Machyn, Citizen and Merchant-Taylor of London, from AD 1550 to AD 1563*, ed. J. G. Nichols (London, 1848), p. 227.

⁵³ *The Diary of Thomas Crosfield*, ed. F. S. Boas (London, 1935), p. 86.

⁵⁴ *Wentworth Papers 1597–1628*, ed. J. P. Cooper (London, 1973), pp. 57–62.

⁵⁵ M. Todd, 'Puritan self-fashioning: the diary of Samuel Ward', *Journal of British Studies*, xxxi (1992), 236–64, at p. 252.

⁵⁶ See below, text at nn. 76–80.

⁵⁷ This may explain the noting of some of these cases in the diary of Robert Woodford, someone otherwise unconnected with the cases (*The Diary of Robert Woodford, 1637–1641*,

The text of letters might then circulate further. One of Joseph Mead's letters included an account of a Star Chamber prosecution for saying 'That our King [Charles I] was fitter to stand in a cheapside shop, with an apron before him & say What lack yee? Then to governe a kingdome'. In the margin is added a request, 'I pray strike out these words afore you lett any body read the lettre', showing a clear understanding that letters were used to disseminate news beyond the immediate recipient.⁵⁸

Beyond such personal observations and letters, knowledge of the Star Chamber spread through other texts. Royal proclamations were probably one of the most widely circulated sources of information about the court. Proclamations were intended to have a wide circulation, and their initially printed text was further mentioned by letter-writers and disseminated orally.⁵⁹ Just under 14% of proclamations during the reign of James I made reference to the Star Chamber, with a lower proportion for the reign of Charles I.⁶⁰ Proclamations mainly referred to the Star Chamber as a possible forum for prosecutions of those breaching the proclamation.⁶¹ However, proclamations also informed people about happenings in the court, with some proclamations referring to earlier censures, typically as exemplary punishments with the proclamation disseminating the example more widely.⁶² Star Chamber decrees might themselves become proclamations,⁶³ or be printed as official publications.⁶⁴

Other official dissemination of material about the Star Chamber was rare, only occurring once. In 1637, Archbishop Laud's speech delivered in the trial of William Prynne, John Bastwick and Henry Burton was printed, apparently at the command of Charles himself, probably as a reaction to unofficial circulation of material about the trial.⁶⁵ A presentation of the

ed. J. Fielding (Cambridge, 2012), pp. 99 and 176).

⁵⁸ Brit. Libr., Harl. MS. 390, fo. 454v.

⁵⁹ For evidence of such dissemination, see C. R. Kyle, 'Monarch and marketplace: proclamations as news in early modern England', *Huntington Library Quarterly*, lxxviii (2015), 771–87, at pp. 776, 779–81 and 784.

⁶⁰ 37 of the 267 proclamations in *Stuart Royal Proclamations, Vol. I: Royal Proclamations of King James I, 1603–1625*, ed. J. F. Larkin and P. L. Hughes (Oxford, 1973). For Charles I, 17 of the 320 issued before the abolition of the court in July 1641 refer to the Star Chamber (*Stuart Royal Proclamations, Vol. II: Royal Proclamations of King Charles I, 1625–1646*, ed. J. F. Larkin (Oxford, 1983)).

⁶¹ E.g. *Stuart Royal Proclamations, Vol. I*, p. 296; *Stuart Royal Proclamations, Vol. II*, p. 24.

⁶² E.g. *Stuart Royal Proclamations, Vol. I*, pp. 137, 193 and 359.

⁶³ *Stuart Royal Proclamations, Vol. I*, pp. 620–1.

⁶⁴ *A Decree Lately made in the High Court of Starre-Chamber* (London, 1633). The decree concerned engraving and the supply of victuals.

⁶⁵ W. Laud, *A Speech Delivered in the Starr-Chamber, on Wednesday, the XIVth of June, MDCXXXVII. At the Censure of John Bastwick, Henry Burton, & William Prinn* (London,

remarks of the defendants was printed several times in the Netherlands, beginning soon after the trial, something about which Laud was concerned, and John Bastwick's *Answer* to the information of the attorney general was also printed, all as part of wider English 'puritan' publishing in the Netherlands.⁶⁶ According to an English agent in the Netherlands, 10,000 copies of the defendants' remarks in the Star Chamber had been printed in just one of several printings,⁶⁷ compared to an estimated 800–1000 copies of a national proclamation.⁶⁸ Bastwick's *Answer* had its title page 'pasted up upon Walls and Posts' in London before being publicly burned.⁶⁹ Laud's speech was also read, but its readers included those opposed to its claims. Sir Thomas Barrington, someone 'closely associated with those who were to be leaders in the parliamentary opposition of 1640', bought three copies.⁷⁰ Laud's printed speech led to a printed reaction by the pseudonymous Theophilus in 1638.⁷¹

This particular propaganda battle was unusual for being waged in print, but considerable interest in high-profile cases existed. Material about these cases circulated widely in manuscript, forming part of what Noah Millstone has described as 'a list of forbidden bestsellers of pre-revolutionary England', with interest in such cases also evidenced in letters.⁷² The distinction between print and manuscript may nonetheless have been important for dissemination of this material. Peacey has highlighted the high costs of scribally produced copies of state trials.⁷³ Nonetheless, people who could access and afford such material clearly generated sufficient demand for significant quantities of the manuscript texts to be made.

The earliest of these circulating materials are from the reign of James I: the prosecution of the attorney general, Henry Yelverton⁷⁴ and a case against

1637), sig. A3r.

⁶⁶ K. L. Sprunger, *Trumpets From the Tower: English Puritan Printing in the Netherlands 1600–1640* (Leiden, 1994), pp. 112, 153 and 175. Versions of the remarks of Prynne, Bastwick and Burton, and of Laud's speech, also appeared in Dutch (pp. 153 and 175).

⁶⁷ Sprunger, *Trumpets from the Tower*, p. 153.

⁶⁸ Kyle, 'Monarch and marketplace', p. 776.

⁶⁹ *The Earl of Strafforde's Letters and Dispatches*, ed. W. Knowler (2 vols., London, 1739), ii. 140.

⁷⁰ M. E. Bohannon, 'A London bookseller's bill: 1635–1639', *The Library* (4th series), xviii (1938), 417–46, at pp. 419 and 429.

⁷¹ ['Theophilus'], *Divine and Politike Observations Newly translated out of the Dutch language, wherein they were lately divulged. Upon Some Lines in the speech of the Arch. B. of Canterbury, pronounced in the Starre-Chamber upon 14. June 1637* (Amsterdam, 1638).

⁷² Millstone, *Manuscript Circulation*, p. 3, see also p. 263.

⁷³ J. Peacey, *Print and Public Politics in the English Revolution* (Cambridge, 2013), pp. 31–3.

⁷⁴ Brit. Libr., Harl. MS. 6055, fos. 1–20v; Stowe MS. 159, fos. 28–37; Folg. Shakes. Libr., MS. V.a.622, fos. 10–44; Kent Library and History Centre, U951/O10/4; Yale Beinecke

Dutch merchants for the export of bullion.⁷⁵ But far more Caroline cases appear to have been of interest. In addition to the trial of Prynne, Bastwick and Burton,⁷⁶ the proceedings against the earls of Bedford, Clare and Somerset, together with Sir Robert Cotton, John Selden and Gilbert Barrell, survive in many copies.⁷⁷ So do the trials of Henry Sherfield,⁷⁸ William Prynne for *Histriomastix*⁷⁹ and John Williams, bishop of Lincoln.⁸⁰ The material circulating varied, ranging from copies of official court records such as informations and decrees to the text of individual speeches by judges.⁸¹ For all types of material, there is evidence of commercial circulation. One of the copies of Prynne's *Histriomastix* trial is in the hand of a known

Library, Osborn MS.fb.155, fos. 247–252. The case is noted in John Chamberlain's letters (*The Letters of John Chamberlain*, ii. 311, 323 and 328) and the diaries of Simonds D'Ewes (*Autobiography and Correspondence of Sir Simonds D'Ewes*, i. 155–6) and William Whiteway (*William Whiteway of Dorchester: His Diary 1618 to 1635* (Dorchester, 1991), p. 31).

⁷⁵ E.g. Woburn Abbey, MS. 236. The case features in contemporary letters by John Chamberlain (*The Letters of John Chamberlain*, ii. 192, 238, 245–6, 266–7 and 275–6) and the diary of John Holles (*The Letters of John Holles*, ii. 231). See also the chapter by Healy, above.

⁷⁶ Manuscript texts of the case include: Bodl. Libr., Tanner MS. 299, fos. 136–161v; Camb. Uni. Libr., MS. Ee.2.1, fos. 4–8; Folg. Shakes. Libr., MS. V.a.248, fos. 31–43; Kansas University, MS D.152(2); Kent History and Library Centre, U951/Z11 and Northamptonshire Archives, FH89.

⁷⁷ Bodl. Libr., Rawl. MS. A.127, fos. 55–68; Bodl. Libr., Tanner MS. 299, fos. 207–221; Brit. Libr., Harg. MS. 489, fos. 16–25, 26–47v and 48–57v; Brit. Libr., Stowe MS. 153, fos. 41–47; Brit. Libr., Stowe MS. 159, fos. 15–27v; Folg. Shakes. Libr., MS. V.a.116; Folg. Shakes. Libr., MS. V.b.20; Folg. Shakes. Libr., MS. V.b.277; Folg. Shakes. Libr., MS. X.d.337, fos. 5–10; Harv. Uni. Hough. Libr., MS. Eng 977; Phil. Free Libr., MS. LC.14.87; Trin. Col. Dubl., MS. 721, fos. 102–119v; Woburn Abbey, MS. 33; Yale Bein. Libr., Osborn MS.fb.155, fos. 463–470.

⁷⁸ Bodl. Libr., Tanner MS 299, fos. 91–123; Camb. Uni. Libr., MS. Dd.6.23, fos. 42–93; Kansas University, MS C.250; Wiltshire and Swindon History Centre, MS. 1780/8. The case was also noted in various letters: *The Court and Times of Charles I*, ed. Thomas Birch (2 vols., London, 1849), ii. 167–8 and 227; *Newsletters from the Caroline Court, 1631–1638: Catholicism and the Politics of the Personal Rule*, ed. M. C. Questier (London, 2005), pp. 149 and 153.

⁷⁹ Bodl. Libr., Tanner MS. 299, fos. 123–134v; Brit. Libr., Add. MS. 11764, fos. 8–29v; Brit. Libr., Stowe MS. 159, fos. 45–78; Camb. Uni. Libr., MS. Dd.6.23, pp. 21–41; Harv. Uni. Hough. Libr., MS. Eng 835; MS Eng 1359; Hunt. Libr., MS. HM 80; Trin. Col. Dubl., MS. 542; MS. 721, fos. 60–95v; Woburn Abbey, MS 9/35/11. Prynne's imprisonment and punishment was noted in the diary of William Whiteway (*William Whiteway*, pp. 127 and 139) and in a letter (*The Court and Times of Charles I*, ii. 224).

⁸⁰ Brit. Libr., Add. MS. 45147; Brit. Libr., Stowe MS. 159, fos. 38–44; Camb. Uni. Libr., MS. Ee.2.1, fos. 9–37; Folg. Shakes. Libr., MS. V.a.248, fos. 44–47v; Harv. Uni. Hough. Libr., MS. Eng 1084, fos. 83–116 and Trin. Col. Dubl., MS. 721, fos. 1–38v.

⁸¹ Bodl. Libr., Tanner MS. 299 is a good example. It includes accounts of the trial of Prynne, Bastwick and Burton, its aftermath (fos. 136–146), and the official information initiating the prosecution (fos. 146v–161v).

commercial copyist;⁸² the cases against Bishop Williams and Prynne, Bastwick and Burton survive as ‘commercially produced’ pamphlets all in the same hand.⁸³ Whether an awareness of the possibility of dissemination influenced the words and actions of participants in these cases is unclear, as is whether such an awareness might have affected the drafting of official records to communicate to an audience beyond the court.

News, opinion and the abolition of the Star Chamber

These texts can all be seen as part of the wider history of early modern ‘news’.⁸⁴ Such news could be partisan, as in an account of Burton’s behaviour at the execution of his sentence which likened him to Jesus.⁸⁵ Even if the news itself appeared neutral, it was not consumed uncritically. In his letters John Chamberlain sometimes inserted his own views on the wisdom of using the Star Chamber, or on the sentences imposed there.⁸⁶

Available professional texts on the Star Chamber are different. Most cases were not high profile and did not relate to the kind of matters typically reported as news. Compared to news on the Star Chamber, professional texts also did not focus on issues which might provoke criticism. A good example is the case of *Haines v Jordan* from 1627, for the crime of holding an unauthorized consistory. The case was reported as news to Joseph Mead, noting Bishop Laud’s ‘bitter invective’ against the defendant.⁸⁷ The same case was also included in the circulating Caroline reports. In those reports Laud’s remarks were not mentioned. Instead, the focus was on the existence of an alleged custom which would have authorized the defendant’s actions. The only members of the court identified by name, and to whom particular points were attributed, were the legally trained members: Coventry LK, Hyde CJKB and Walter CB.⁸⁸ The law report focused on technical points, giving a greater appearance of neutrality and technicality, presenting the

⁸² Beal, *In Praise of Scribes*, p. 228, referring to Brit. Libr., Add. MS. 11764, fos. 10v–30v.

⁸³ Baker and Ringrose, *Catalogue of English Legal Manuscripts*, p. 173, referring to Camb. Uni. Libr., MS. Ee.2.1.

⁸⁴ ‘News’ in the early modern period may not always have been very recent, provided it was currently relevant (J. Raymond and N. Moxham, ‘News Networks in Early Modern Europe’, in pp. 1–16 in *News Networks in Early Modern Europe*, ed. J. Raymond and N. Moxham (Leiden, 2016), pp. 1–2).

⁸⁵ Folg. Shakes. Libr., MS. V.a.248, fos. 42v–43.

⁸⁶ *Letters of John Chamberlain*, i. 491 (approving the use of the Star Chamber to prevent duelling) and ii. 246 (the prosecution of Dutch merchants for exporting bullion creating more inconvenience than benefit).

⁸⁷ *The Court and Times of Charles I*, i. 276.

⁸⁸ Brit. Libr., Lansd. MS. 620, fos. 47v–49.

Star Chamber as like the other central courts, while the letter omitted the crucial legal aspects of the case.

By 1620, fear of the court was being raised by letter writers. Holles worried that it had become too easy to be drawn into the Star Chamber because 'it is neer hand as impossible to keep the common statute, proclamation, and prerogative laws'.⁸⁹ According to Chamberlain, this view was widely shared: 'the world is now much terrified with the Star-chamber' because an abundance of proclamations made it too easy to break one.⁹⁰ The concern was not directly about the court, but about its activity in enforcing the growing numbers of royal proclamations.⁹¹ Such concern about the court's role, and implicit criticism, became more common during the personal rule of Charles I.

Perhaps more significantly, news writers and readers could interpret the actions of the Star Chamber as explained by concerns other than justice. John Chamberlain noted a Star Chamber prosecution as driven by personalities at court. Chamberlain observed of the prosecution of Sebastian Harvey for errors committed during his tenure as sheriff that '[i]f his daughter could be induced to affect Christopher Villers it is generally thought it had not bin called in question'.⁹² As Millstone notes in relation to Walter Yonge, he 'picked out patterns', for example examining the judgements in the case of Henry Sherfield as linked to factions.⁹³ This 'abuse' of the court was recognized by the earl of Manchester in his defence of it, where he acknowledged the use of the Star Chamber 'for matter of Revenge'.⁹⁴ Such analysis of the court could undermine its legitimacy, presenting it as an instrument used by individuals for their own ends, rather than a source of justice.⁹⁵

⁸⁹ *Letters of John Holles*, ii. 232.

⁹⁰ *Letters of John Chamberlain*, ii. 310.

⁹¹ For similar concerns about statutes, see the remarks of Francis Bacon in *Proceedings in the Parliaments of Elizabeth I*, ed. T. E. Hartley (3 vols., Leicester, 1995), iii. 75.

⁹² *Letters of John Chamberlain*, ii. 306. Christopher Villiers was brother to George Villiers, then Marquess of Buckingham and James I's favourite.

⁹³ Millstone, *Manuscript Circulation*, pp. 190 and 192.

⁹⁴ Brit. Libr., Harl. MS. 6424, fo. 73v.

⁹⁵ The petition of the soap makers of London to the Long Parliament also raised this issue, complaining that the rival soap makers of Westminster had personally solicited the Star Chamber cases against them and disbursed money in those cases (Anon., *A Short and True Relation of the Soap-busines* (London, 1641), p. 10 and sig. Div). Although the petition seems not to have been part of parliamentary business until after the abolition of the Star Chamber (*Proceedings in the Opening Session of the Long Parliament: House of Commons. Vol. 6: 19 July – 9 September 1641*, ed. M. Jansson (Rochester, NY, 2005), pp. 450–1), a petition by a soap boiler was submitted to parliament in late May 1641, before the abolition of the Star Chamber (Peacey, *Print and Public Politics*, p. 270). Moreover, the soap makers'

Two particularly significant strands of complaint emerged in parliamentary criticisms of the court in 1640 and 1641. There is considerable congruity between views expressed in relation to news about the Star Chamber and parliamentary criticisms of the Star Chamber before its abolition, although Richard Cust's warning of the difficulties in determining the effects of news on political action must be borne in mind.⁹⁶ It is not possible to demonstrate that the circulation of news caused the court's abolition, but it is possible to show a correlation between the views found in circulating material about the court and discussions in parliament before that abolition.

First was the view that the Star Chamber was a source of revenue. John Holles noted as much during the reign of James I. Commenting on the fines levied on the lord treasurer and on Dutch merchants, Holles wrote that 'the starrchamber is lyk a good cow, yeeld good store of milk'.⁹⁷ Holles's remark was not overtly critical, but suggests an awareness that the court might be acting for reasons other than mere justice.

During the personal rule of Charles I, newsletters disseminated this view. Early in the 1630s, John Soutcot raised this belief in relation to Star Chamber prosecutions for breaches of proclamations concerning residence in London and the keeping of Lent and fast days.⁹⁸ Similarly, it was alleged, and reported in a letter, that the attorney general brought Star Chamber proceedings for breach of a proclamation prohibiting the transportation of gold, but 'he had only been prosecuting such men as were not able to pay the king the one-half of the fine imposed upon them', using the Star Chamber only when revenue could not be raised, and thereby supporting the crown financially.⁹⁹ It was observed that the 'complaint reflected much upon the attorney', indicating that this use of the court was seen as unacceptable by some.¹⁰⁰

The idea that the Star Chamber was to be used to support royal revenue may even have been encouraged (perhaps inadvertently) by the government. In 1627, a royal proclamation explained the need for a further proclamation about the import of tobacco as due to the customs revenue which was then

complaints were 'proposed to be remedied' in the Short Parliament (*The Diary and Papers of Henry Townshend, 1640–1663*, ed. S. Porter, S. K. Roberts, I. Roy (Bristol, 2014), p. 46). It is therefore possible that some parliamentarians were aware of the substance of the complaints when considering the abolition of the Star Chamber.

⁹⁶ R. Cust, 'News and politics in early 17th-century England', *Past & Present*, cxii (1986), 60–90, at p. 87. On the sudden shift in the surviving parliamentary material on the Star Chamber, see below, text at nn. 118–24.

⁹⁷ *Letters of John Holles*, ii. 231.

⁹⁸ *Newsletters from the Caroline Court*, pp. 104 and 150.

⁹⁹ *The Court and Times of Charles I*, ii. 277.

¹⁰⁰ *The Court and Times of Charles I*, ii. 277.

being lost. Having explained that the proclamation was about bolstering royal revenue, the text then specified that enforcement was to occur in the Star Chamber, presenting the court as one which was to punish those undermining royal finances.¹⁰¹ The Star Chamber was, therefore, being associated with the royal revenue more than a decade before the Long Parliament, with hints of criticism in the news on this point.

The earliest parliamentary criticism of the Star Chamber in 1640 was in the Short Parliament, where it was said that the Star Chamber had 'become a very Courte of Exchequer and renews to the king by imposition of heavy and deepe Fines which were soe unsupportable that they tend to the utter ruine and subversion of mens estates and Fortunes'.¹⁰² A similar point was made early in the Long Parliament, that the Star Chamber had become 'an arbitrary court of justice to receive gentlemen[s] estates',¹⁰³ and in a (draft?) motion about John Williams, bishop of Lincoln, which observed '[t]hat whereas this honorable Court is of late growne most heavye and greivous in the Sentencing of Causes, and to take away the Freeholds of the subject'.¹⁰⁴ Although this does not reappear in reports of later House of Commons proceedings about the Star Chamber, it was mentioned in the House of Lords. According to a diary of House of Lords proceedings, the proposal to abolish the Star Chamber was 'because they meddled with the Liberty & propriety of persons'.¹⁰⁵ The earl of Manchester's defence of the Star Chamber similarly acknowledged two 'abuses' in the court related to income: '[t]o bring the King in a great deal of money by way of Fine' and '[t]o Protect unlawfull Grants'.¹⁰⁶

The other criticism of the Star Chamber, which appears dominant in the House of Commons material, was that it had become a tool for the enforcement of controversial religious policy at the behest of the bishops. In part this was because the Star Chamber was deciding cases which related to questions of religion and orthodoxy. Laud's speech in the Star Chamber prosecution of Prynne, Bastwick and Burton was a response to the detail of the defences made in the case. It presented the Star Chamber as a

¹⁰¹ *Stuart Royal Proclamations, Vol. II*, pp. 132 and 134.

¹⁰² Hertfordshire Archives and Local Studies, Gorhambury MS. XII.A.2.a, unpaginated, entry for 15 Apr. 1640.

¹⁰³ *Proceedings in the Opening Session of the Long Parliament: House of Commons. Vol. 1: 3 November – 19 December 1640*, ed. M. Jansson (Rochester, NY, 2000), p. 219.

¹⁰⁴ Hertfordshire Archives and Local Studies, Gorhambury MS XII.A.19, unpaginated, first complaint.

¹⁰⁵ Brit. Libr., Harl. MS. 6424, fo. 73.

¹⁰⁶ Brit. Libr., Harl. MS. 6424, fos. 73–v. This also formed part of the petition of the soap makers of London to the Long Parliament (Anon., *A Short and True Relation*, sig. C4r–v and D2r–v).

forum for argument about (disputed) matters of religion, and where the judgement of the court impliedly found one side's views to be correct, to the dissatisfaction of others. This exposed the Star Chamber to criticism. As Bulstrode Whitelocke observed of the bishops' views in that case, 'many of the hearers were offended att it'.¹⁰⁷ Star Chamber judgements touching on controversial matters of religion themselves predictably became matters of controversy and dissatisfaction.

Laud's speech in the case was apparently printed by royal command.¹⁰⁸ The Caroline regime thereby presented the Star Chamber as a court appropriate for, and concerned with, enforcing controversial religious orthodoxy. The official dissemination of Laud's speech could have been seen as a warning that those who did not agree with contemporary ecclesiastical policy risked more than ecclesiastical sanction; they faced prosecution in the Star Chamber with the backing of the crown. Such a view may have undermined the Star Chamber's legitimacy. It was after this case, for example, that Nehemiah Wallington referred to the Star Chamber as an 'unlawfull corte'.¹⁰⁹

Beyond the challenge to the legitimacy and acceptability of the Star Chamber imposed by involvement in a controversial area, a related concern was that the Star Chamber had simply become a tool for the bishops, who abused it to pursue their own agenda. Once again, the Star Chamber was presented as a source of injustice. This was a key component of the printed texts disseminating news and views about the prosecutions of Prynne, Bastwick and Burton. John Bastwick's *Answer* to the attorney general's information presented the Star Chamber prosecution as one undertaken by prelates who were displeased with him,¹¹⁰ while Prynne described the case as arising because the 'prelates find themselves exceedingly agrieved and vexed against what wee have written concerning the usurpation of their calling'.¹¹¹ This complaint may have been exacerbated by a visible change in the court in the second half of the 1630s. From 1636 the number of bishops sitting regularly as judges increased to three: the two archbishops were joined by William Juxon, bishop of London, as lord treasurer.¹¹² This

¹⁰⁷ *The Diary of Bulstrode Whitelocke, 1605–1675*, ed. R. Spalding (Oxford, 1990), p. 87.

¹⁰⁸ See above, text at n. 65.

¹⁰⁹ *The Notebooks of Nehemiah Wallington, 1618–1654: a Selection*, ed. D. Booy (Aldershot, 2007), p. 122.

¹¹⁰ J. Bastwick, *The Answer of John Bastwick, Doctor of Phisicke, To the Information of Sir John Bancks Knight, Attorney universall* (n.p., 1637), p. 7.

¹¹¹ *A briefe relation of certain speciall and most materiell passages, and speeches in the Starre-Chamber* (Amsterdam, 1637), p. 19.

¹¹² Phillips, 'The Last Years', p. 114. Earlier in the reign of Charles I there were usually only two ecclesiastics sitting as judges in the court (see, e.g., text at n. 134 below).

enhanced ecclesiastical presence perhaps gave an impression of a greater role for the bishops as decision-makers in the court, particularly as this change occurred only the year before the case of Prynne, Bastwick and Burton; a case concerning religious matters. That all three bishops were vigorous in implementing changes in the Church in the 1630s could only have exacerbated the sense of the court being used for the bishops' ends.¹¹³

The view of the court as a tool of the bishops was repeated by Nehemiah Wallington in his notebooks, identifying the prosecutions as the work of 'our lordly Bishops and prelates'.¹¹⁴ Wallington, however, synthesized the Star Chamber's actions in this case with another criticism of the court. In Burton's 1636 criticism of the *Book of Sports*,¹¹⁵ the *Divine Tragedie*, the trial and conviction of Prynne for the publication of *Histriomastix* was presented as unjust. This injustice was attributed to the attorney general, William Noy, to whom Burton attached considerable responsibility for the *Book of Sports*. Burton therefore presented the case as one in which Noy prosecuted, and persecuted, Prynne for a licensed book 'compiled onely out of the words and sentences of other approved Authors', and which appeared before the queen engaged in activity (acting on stage) of which Prynne expressed strong disapproval. Noy's conduct of the trial was also presented as unjust.¹¹⁶ Wallington copied the relevant passages from the *Divine Tragedie* into his notebooks, just after his report of the prosecutions of Prynne, Bastwick and Burton in 1637, thereby linking the two distinct prosecutions of Prynne. In doing so, Wallington formed a more general view of the unjust uses to which the Star Chamber was put by both bishops and the king's own attorney.¹¹⁷

The criticisms of the Star Chamber's role in matters of religion and unjust proceedings by the bishops appear in early December 1640 in the Long Parliament. The Star Chamber and High Commission were joined together in the committee to consider the petitions of Prynne, Burton and others.¹¹⁸ A subsequent focus in the House of Commons from March 1641 was a bill to remove the bishops from secular matters, especially the Privy

¹¹³ For Neile and Juxon as two of the 'good "Laudians"', see A. Foster, 'Church policies of the 1630s', in *Conflict in Early Stuart England: Studies in Religion and Politics 1603–1642*, ed. R. Cust and A. Hughes (Harlow, 1989), pp. 193–223, at p. 211.

¹¹⁴ *Notebooks of Nehemiah Wallington*, p. 121.

¹¹⁵ *The Kings Maiesties declaration to his subiects, concerning lawfull sports to bee used* (London, 1633).

¹¹⁶ H. Burton, *A Divine Tragedie Lately Acted, or a Collection of sundry examples of Gods judgements upon Sabbath-Breakers* (n.p., 1636), pp. 43–4.

¹¹⁷ *Notebooks of Nehemiah Wallington*, pp. 122–3.

¹¹⁸ *Proceedings in the Opening Session of Parliament, Vol. 1*, pp. 438 and 441.

Council and the Star Chamber.¹¹⁹ In the surviving diaries and reports about proceedings in the House of Commons, these concerns entirely replace other complaints about the Star Chamber.¹²⁰ Even complaints about the Star Chamber in enforcing ship money, raised in the earl of Strafford's impeachment proceedings in the first half of 1641, do not seem to have featured in parliamentary debates about the court itself.¹²¹

The idea that Star Chamber cases were the work of the bishops was repeated in Prynne's petition to the Long Parliament, where he stressed the 'malicious practices and persecutions of some Prelates and Churchmen'. Prynne linked this to matters of controversy in religion, explaining that his persecutors were in fact responsible for 'errors and innovations' in the Church of England.¹²² Given innovation in religion was a concern of both the Short and Long Parliaments, Prynne's petition presented him as a victim of religiously motivated persecution; persecution for defending that which parliament was also concerned to protect (or restore), with the Star Chamber as a means to impose false religion.¹²³ In doing so, he seems to have set the agenda for discussion of the Star Chamber in the House of Commons in the Long Parliament. Prynne was able to link his case to views already expressed in printed material circulating about the court; material which may have been more accessible than manuscript texts.¹²⁴

Strong parallels thus existed between criticisms of the court in news material, especially recent material (some of which was printed), and

¹¹⁹ *Proceedings in the Opening Session of the Long Parliament: House of Commons. Vol. 2: 21 December 1640 – 20 March 1641*, ed. M. Jansson (Rochester, NY, 2000), p. 710 and *Proceedings in the Opening Session of the Long Parliament: House of Commons and the Strafford Trial. Vol. 3: 22 March – 17 April 1641*, ed. M. Jansson (Rochester, NY, 2001), pp. 234–5, 237 and 311. On these proceedings generally, and their background, see W. M. Abbott, 'Anticlericalism and episcopacy in parliamentary debates, 1640–1641: secular versus spiritual functions', in *Law and Authority in Early Modern England: Essays Presented to Thomas Garden Barnes*, ed. B. Sharp, M. C. Fissel (Newark, 2007), pp. 157–85.

¹²⁰ The issue of religion does not appear in accounts of House of Lords proceedings that I have identified. However, the earl of Manchester alluded to it when he observed about the proposed abolition of the Star Chamber that 'to tak away the use for the abuse is like that Bill against Bishops called Root & Branch' (Brit. Libr., Harl. MS. 6424, fo. 73).

¹²¹ J. Rushworth, *Historical Collections of Private Passages of State* (8 vols., London, 1721–2), viii, 582–9.

¹²² *The severall Humble petitions of D. Bastwicke M. Burton M. Prynne And of Nath. Wickins, Servant to the said Mr Prynne, To the Honourable house of Parliament* (London, 1641), pp. 1–2.

¹²³ For concern about innovation about religion in the Short Parliament, see Hertfordshire Archives and Local Studies, Gorhambury MS XII.A.2.a, entry for 15 Apr. 1640. For the Long Parliament, see *Proceedings in the Opening Session of Parliament Vol. 1*, pp. 35, 38, 39, 43, 44, 101, 102, 106 and 111.

¹²⁴ See above, text at n. 73.

political discussions about the court before its abolition. However, ideas found in professional literature were not irrelevant in the parliamentary proceedings about the court. The act which abolished the Star Chamber stated that the jurisdiction of the court was based upon a statute of 1487, for the punishment only of offences specified in that statute, '[b]ut the said Judges have not kept themselves to the points limited by the said Statute'.¹²⁵

The professional literature of the late sixteenth and seventeenth century generally did not take this position. Professional texts often described contemporary practice, and the Star Chamber did not confine itself to matters mentioned in the 1487 statute. For example, in the preface to the 1630 printing of *Star-Chamber Cases* the jurisdiction of the court covered 'misdemeanors not especially provided for by the Statutes'.¹²⁶ Material circulating in print and manuscript presented the court as older than 1487 and therefore not dependent upon any statutory warrant for its authority.¹²⁷

The presentation of the Star Chamber in the abolition statute as a court whose authority derived from statute, and with a statutorily defined jurisdiction, was therefore contrary to the dominant position in the circulating professional literature devoted to the Star Chamber. This literature was presumably important in shaping the views of the legal profession. It certainly seems to have informed the views expressed in the Long Parliament by the earl of Manchester, former chief justice of the King's Bench Henry Montagu. Montagu declared that 'the Star Chamber was not erected nor limitedt 3.H.7. but that it had been in practise many 100 years before'.¹²⁸ Montagu also identified the Star Chamber as the King's Council sitting judicially, a point made in Lambarde, and cited the same passage from *Bracton* as was used in Hudson's *Treatise*, suggesting influence from that work too.¹²⁹

The formal justification for the abolition of the Star Chamber therefore suggests that the view of the court's authority presented in the abolition statute was different to the understanding of the court among

¹²⁵ Stat.16.Car.I, c.10 (*Statutes of the Realm*, v, pp. 110–11), referring to stat.3.Hen.VII, c.1 (*Statutes of the Realm*, ii, pp. 509–10).

¹²⁶ [Anon.], *Star-Chamber Cases*, p. 1.

¹²⁷ E.g., *Archeion or, a Discourse upon the High Courts of Justice in England* by William Lambarde, ed. C. H. McIlwain and P. L. Ward (Cambridge, Mass., 1957) pp. 80–3 and Hudson, 'A Treatise of the Court', pp. 9–16. The exceptions are *Onslow's Case* in Dyer (see above, n. 5) and F. Pulton, *A Collection of Sundrie Statutes* (London, 1618), p. 3 of the Henry VII statutes, where the statute is described as about the 'authoritie of the Court of star-chamber'. Pulton's work was reprinted in 1632, 1636 and 1640.

¹²⁸ Brit. Libr., Harl. MS. 6424, fo. 73v.

¹²⁹ Brit. Libr., Harl. MS. 6424, fo. 74r; *Archeion*, ed. Ward and McIlwain, pp. 81–3; Hudson, 'A treatise of the court', p. 9.

the legal profession. In surviving parliamentary material, the professional understanding of the court is only visible in the House of Lords debate, following which the House of Lords was hesitant to abolish the court.¹³⁰

However, while ideas found in the professional literature on the Star Chamber were deployed in the defence of the court, that literature may not have reflected developments in the thinking of at least some members of the legal profession. In his reading in the Middle Temple in 1640, Edward Bagshawe concluded that bishops could not act as secular judges.¹³¹ It is unclear how widely Bagshawe's views were shared, although when he left London after his reading was ended, forty members of the Temple rode with him, suggesting some support.¹³²

Dissatisfaction with the bishops is present in the professional material on the Star Chamber. The 1625–9 reports included the prosecution of a servant of the earl of Lincoln, for dispersing letters which encouraged people to refuse to pay the Forced Loan.¹³³ The text, unusually, reports the remarks of the two bishops sitting in the court: 'Laud Bishopp of Bath & Neale Bishopp of Durham sayd that the sowing of division & setting of dissention between the king & his people was treason in him that contrived that letter'.¹³⁴ Even more unusually, the author of the report added some commentary: '[n]ote that the two Bishoppes can spy treason in a case which concernes the kings prerogative when the judges which spake before could not see it nor any of the lords which spake after'.¹³⁵ There is implied criticism here, that the

¹³⁰ *The Diurnall Occurrences, or Dayly Proceedings of Both Houses, in this Great and Happy Parliament, from the third of November, 1640, to the third of November 1641* (London, 1641), pp. 165 (28 June 1641) and 176–7 (1 July 1641); Bedfordshire Archives and Record Services, MS. St John J1386, unfoliated (report of proceedings on 21 June 1641). The House of Lords approved the bill to abolish the Star Chamber on 2 July 1641 (*Journal of the House of Lords: Volume 4, 1629–1642* (London, 1767–1830), p. 298).

¹³¹ Brit. Libr., Stowe MS. 424, fos. 3–36v at fos. 15v–16. This text appears to be of the reading which Bagshawe intended to deliver before his reading was suppressed; it includes material which according to other accounts was to be delivered, but was in fact not. Stowe MS. 424 discusses episcopal judges generally, whereas an account of the reading as delivered refers only to bishops as justices of the peace (Brit. Libr., Harl. MS 1222, fos. 105v–106v), although the reasoning would apply to other secular jurisdictions.

¹³² Brit. Libr., Harl. MS. 1222, fo. 109v. The claim by MPs that bishops could not be involved in the capital proceedings against the earl of Strafford was anticipated in Bagshawe's reading (on the issue in relation to Strafford, see Abbott, 'Anticlericalism and episcopacy', pp. 157 and 165), suggesting either knowledge of the text by others or that Bagshawe was setting out more widely held views.

¹³³ Brit. Libr., Lansd. MS. 620, fos. 38r–v. The case and commentary is found in both the law-French and English versions of the reports.

¹³⁴ Brit. Libr., Lansd. MS. 620, fo. 38v. cf. *The Court and Times of Charles I*, i. 222–3.

¹³⁵ Brit. Libr., Lansd. MS. 620, fo. 38v.

bishops in the court supported the king's prerogative with a view of treason which went beyond the boundaries of that offence as understood by the lawyers, and therefore perhaps that the bishops went beyond the law.

At this point, the circulating law reports move closer to some of the criticisms of the court which emerged in the later 1630s, about inappropriate actions of the bishops as judges. The point is not identical, but is related; the bishops in the Star Chamber had their own agenda and views, different to that of English law, and perhaps were using the Star Chamber to enforce it. This concern may have been exacerbated by lawyers familiar with Prynne's *Histriomastix* trial, one of those about which material circulated. According to some accounts, Prynne's offence of seditious libel was identified by both the archbishops as 'treasonable', like the view of the bishops criticized in the circulating reports.¹³⁶ However, in the *Histriomastix* trial, both of the chief justices also referred to treason in relation to Prynne's offence, seemingly adopting the idea of treason used by the bishops in the prosecution of the earl of Lincoln's servant, unlike the earlier judges.¹³⁷ Concerns raised by the circulating reports may therefore have been confirmed by the later case.

If readers of the reports accepted this concern about the views and influence of the bishops, there was overlap between views of the Star Chamber formed by professional literature and opinions shaped by news about high-profile cases.¹³⁸ This shared dissatisfaction, directed to the role of the bishops in the court, dominated the attacks on the Star Chamber preceding its abolition.

¹³⁶ *Documents Relating to the Proceedings Against William Prynne, in 1634 and 1637*, ed. S. R. Gardiner (London, 1877), pp. 26 and 27.

¹³⁷ *Documents Relating to the Proceedings against William Prynne*, pp. 18–20.

¹³⁸ Not all readers of the 1625–9 reports did accept the expressed views uncritically. In Brit. Libr., Lansd. MS. 620 much of the text has been struck through, and on fo. 39r John Lightfoot wrote that despite possessing the text, 'it is not of my owne Colleccion' and that he had received it only in June 1636.

Index

- abduction, 41–59, 79, 90, 94, 98–103, 105–10, 112–3
- Acts of Union (1536 and 1543), 80, 82–3, 86, 88, 95
- Admiralty court, 157, 161, 166
- annulment, 100–1, 112
- arbitration, 11, 62
- assault, 62, 65–6, 69–70
- assembly, unlawful, 62, 79, 91
- assize court, 2, 47, 70, 72–3, 75–6, 121
- attorney, *see* lawyer
- attorney general, 12–3, 15, 34, 157, 175, 179, 188, 192, 204
- Augmentations, court of, 25
- Bacon, Francis (lord chancellor and attorney general), 8, 151, 165, 179–181, 185, 187–8, 191
- bailiff, 62, 66
- Barnes, Thomas Garden, 4–5, 14–5, 19, 27–8
- barrister, *see* lawyer
- Bedfordshire, 103
- bishop, judicial function, 16, 195–6, 207–10, 210–15
- Bonner, Edmund (bishop of London), 52
- borough court, 51, 68
- Brazil, 171
- bribery, *see* subornation
- bullion (gold), 16, 28, 175–6, 178–88, 190–2, 203,
- Caesar, Julius (master of the rolls), 11, 187–8, 191
- Cambridge University, 77
- canon law, 86, 100, 111, 113, 127.
- See also* ecclesiastical courts
- Catholic, 76, 114, 169–71, 180
- Cecil, Robert (lord treasurer), 178
- Cecil, William (lord treasurer and secretary of state), 36, 188
- Chancery, 12, 31–2, 41–2, 45–6, 48, 51–2, 89, 157, 167–8, 198
- Chapter House, *see* Westminster Palace
- Cheshire, 31, 101
- church court, *see* ecclesiastical court
- churchwarden, 71
- Coke, Edward (attorney general), 8, 16, 61–3, 66–8, 70–1, 76–8, 113, 135, 137–8, 153, 196
- commissary court, 121
- common law, 1–2, 7–9, 41, 45–6, 51–2, 62, 73, 78, 86, 99, 102, 108, 110, 112–3, 125, 155, 175, 180
- Common Pleas, court of, 10–11, 36, 47, 99
- common rights, 12, 116, 124 n27
- consent, marital, 41, 45, 50, 53–6, 58–9, 71, 98–114
- conspiracy, 108, 166, 191
- constable, 58, 61, 91
- copyhold tenancy, 86, 88, 131
- Cornwall, 146
- coroner's inquest, 69, 74
- corruption, 83, 117, 137, 181
- Cotton, Isaac (clerk of the process of Star Chamber and legal writer), 199
- counterfeit coin, 176–9, 184, 186
- county session, 51
- coverture, 45, 101
- customary law, 86–7, 115, 124
- customary practices, 79, 86–8, 92, 94–5, 131, 206