

Michigan Law Review

Volume 77 | Issue 3

1979

The Cardinal's Court: The Impact of Thomas Wolsey in Star Chamber

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Comparative and Foreign Law Commons](#), [Courts Commons](#), and the [Legal History Commons](#)

Recommended Citation

Michigan Law Review, *The Cardinal's Court: The Impact of Thomas Wolsey in Star Chamber*, 77 MICH. L. REV. 868 (1979).

Available at: <https://repository.law.umich.edu/mlr/vol77/iss3/38>

This Review is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

THE CARDINAL'S COURT: THE IMPACT OF THOMAS WOLSEY IN STAR CHAMBER.* By *John A. Guy*. Hassocks, England: The Harvester Press. 1977. Pp. vii, 191. \$17.50.

To the angry Parliamentarians who dissolved it in 1641, the Court of Star Chamber represented the fundamental example of Tudor and Stuart tyranny. To Coke, it was the "most honourable court . . . that is in the Christian world"¹ and for many years the court was widely popular. The value of a history of Star Chamber's early development is, then, obvious, and Star Chamber has always fascinated legal and constitutional historians. But, the many obscurities and complexities of its surviving records have long deterred a full examination of the court and its workings: the would-be researcher faces a chaotic mass of documents—and much of great importance has been lost. J. A. Guy's study of Star Chamber during the turbulent yet productive chancellorship of Thomas Wolsey (1515-1529) takes an important and long overdue first step toward recovering the full history of the court. Unlike the earlier historians of Star Chamber,² Guy has worked exhaustively with the records of cases heard under Wolsey. While it sheds fresh light on Wolsey's role in the development of Star Chamber, Guy's book is, basically, a technical analysis of those previously unexploited records.³

As his title suggests, Guy argues that the emergence of Star Chamber as a court of the realm was a legacy of Wolsey's chancellorship. He accepts the view that under Henry VII (1485-1509) the royal council sitting in Star Chamber had an increasing judicial role but was not, as an institution, distinct from the council at large. Guy attempts to show that, upon this foundation of the early Tudor council, Wolsey constructed a court of law, which he

* This book review was prepared by an Editor of the *Michigan Law Review*.—Ed.

1. E. COKE, THE FOURTH PART OF THE INSTITUTES OF THE LAWS OF ENGLAND *65, quoted in 1 W. HOLDSWORTH, A HISTORY OF ENGLISH LAW 507-08 (7th rev. ed. 1956).

2. The scarcity of good earlier histories is apparent from the scant references which Guy makes to secondary sources in his footnotes. His notable predecessors include I.S. Leadham and C. Bayne, who edited some Star Chamber material for the Selden Society. SELECT CASES BEFORE THE KING'S COUNCIL IN THE STAR CHAMBER (I. Leadham ed. Selden Socy. Pubs., vols. 16 (1903) & 25 (1910)); SELECT CASES IN THE COUNCIL OF HENRY VII (C. Bayne ed. Selden Socy. Pubs., vol. 75 (1956)). A notable monograph is C. SCOFIELD, A STUDY OF THE COURT OF STAR CHAMBER (1900, reprinted, 1969); its reprinting after nearly 70 years emphasizes how little the study of Star Chamber has advanced. See also THE TUDOR CONSTITUTION: DOCUMENTS AND COMMENTARY 158-63 (G. Elton ed. 1960).

3. An excellent introduction to these records, unfortunately not reprinted in the book, is Guy, *Wolsey's Star Chamber; A Study in Archival Reconstruction*, 5 J. Socy. ARCHIVISTS 169-80 (1975).

used to further his own policies, the most important of which was to create an efficient legal system. As a court, Star Chamber became immediately popular; Guy shows that Wolsey devoted much of his time to simply managing the sheer volume of the suits brought before the council in Star Chamber. He portrays Wolsey as a chancellor of great energy who continuously adapted his programs to the practical problems of administering a court of law. These adaptations included the creation of lesser tribunals to handle routine business and the institution of a series of reforms in 1524-1529, both of which Guy describes ably. He emphasizes that Wolsey tried to maintain the royal council as a unified body while expanding its judicial function, a policy which, he suggests, survived Wolsey's downfall in 1529.

Much of the book analyzes the proceedings of cases heard in Star Chamber, a completely novel and entirely worthwhile exercise. Guy describes lucidly and completely the daily business of the court. He has found 473 cases dating from Wolsey's tenure, and has divided them into five broad areas: acts of violence (usually related to real property), official misconduct, disputes relating to municipalities and trade, abuses of legal procedures, and a widely miscellaneous category. The range of cases indicates the wide reach of both conciliar justice and Wolsey's own interests. Significantly, most of these cases were private complaints; Guy believes that the extensive criminal jurisdiction so vexatious to seventeenth-century reformers did not develop until after 1529. After examining each of his five categories in detail, Guy concludes that under Wolsey, Star Chamber became a fully competent court of law which many litigants preferred to traditional systems of law. It is not surprising that litigants preferred Star Chamber: it encouraged settlement and arbitration, to which the common-law courts were less open, and it was easily accessible to the poor. Some litigants, moreover, may have felt that the council was a "better" court—that, in Holdsworth's words, "a stronger and purer justice could be had there."⁴ Guy contends, however, that Wolsey did not seek to abrogate any established jurisdiction, although he notes that Wolsey's Star Chamber often functioned much as Wolsey's Chancery did.

Guy includes a discussion of the procedure used in Star Chamber, which was a modification of standard civilian practice. Because the procedure was specialized, technical, and alien to the

4. 1 W. HOLDSWORTH, *A HISTORY OF ENGLISH LAW* 506 (7th rev. ed. 1956).

common law, this is a difficult area to write about, and while Guy's comments are accurate and adequate, anyone seriously interested in the subject will need to go to the records himself. Guy demonstrates how litigants could use the legal machinery of the age to harass and annoy their opponents and suggests that a primary benefit of conciliar procedure was its ability to cut to the heart of a question without tripping over common-law niceties. A valuable part of this section is Guy's discussion of the penalties and sanctions used by Star Chamber, which will be of particular interest to social historians. It is also interesting to note that a professional Star Chamber bar was already established by the 1520s.

Guy's book raises almost as many questions as it answers. Now that Guy has outlined the operation of the court, scholars may look into the social and legal factors which shaped the growth of Star Chamber. What, for example, was the relationship of Star Chamber to the increasingly powerful urban merchant class? How did the council influence the development of common law in the sixteenth century? A problem which Guy raises but does not resolve is the attitude of the common-law bar to the new State Chamber, an important question because professional jealousy hastened the movement which dissolved Star Chamber in 1641. Guy's research will also provide illuminating points of comparison for further exploration of the judicial function of medieval councils. And, of course, Guy's example shows the potential value of further research into the legal system of the sixteenth century.

The early Tudor period remains an obscure and enigmatic chapter in the history of English law. Guy's book is a welcome addition to the slim literature on the subject. Although brief, *The Cardinal's Court* presents a competent account of the judicial activities of the king's council in an important stage of its development, and it raises provocative points about Thomas Wolsey's influence on the subsequent history of Star Chamber. As a study of Star Chamber, *The Cardinal's Court* explains much that was previously unknown and points the way for further research.