

CHAPTER III

COUNCIL AND STAR CHAMBER

AT DIFFERENT times during the Tudor period there were bodies of councillors, varying in number from a dozen to four times that many or more, spoken of sometimes as *privy council*, more frequently as *council*, and often mentioned in connection with the Star Chamber. The problem of the relations or identity of council, Star Chamber, and privy council is of primary importance.

No longer does any doubt remain that there was no establishing of a court of Star Chamber, as was once supposed, by a statute of Henry VII. It is certain that for a long time before the end of the fifteenth century king's council and council in Star Chamber had been one and the same body; and that in so far as there was a court of Star Chamber, it was no more than the king's council sitting in the Star Chamber at Westminster, attending to conciliar and administrative business as well as judicial work, in accordance with the lack of specialization as to function then prevailing. Without doubt this continued also in the sixteenth century, but there is much uncertainty about just how it was continued. Pollard maintains that king's council and court of Star Chamber were one and the same body as they had been before, but that in the later years of Henry VIII the privy council was differentiated from them as a smaller and a separate body, though in the Stuart period again Star Chamber and privy council were merely two aspects of the same body. At present the absence of exact information about the composition and membership of Star Chamber and of council during this time makes it impossible to regard

these theses as more than hypotheses yet to be proved. In the meantime considerable doubt must remain.

It is abundantly evident that in the fifteenth century and in the earlier part of the sixteenth, council and Star Chamber were but different appellations for the same body. The Star Chamber at Westminster was then a usual place for the assembling of the king's council.¹ A meeting "in consilio nostro" at Westminster in 1453 was "in the Sterred Chambre."² In 1482 one of the Star Chamber papers contains an address "To the kyng our Souereyne lorde and to the lordys of his most noble Councill."³ Another a little later has a complaint "To the right noble sadde and discrete lordes of the kyng our soueraigne lordis counsaill."⁴ In 1503 a petition asks that a certain one be commanded to appear before "your highnes and your most honorable Counseill in the Sterre Chambre at Westmenster."⁵ Next year a law provided that titles might be proved before "the Lordis of the Kynges honorable Counseill in the Sterre Chamber at Westm̄."⁶ Another statute provided that information might be given against offenders before the chancellor or the keeper in the Star Chamber or before the council attending the king's person.⁷ In 1508 a petition asked that a certain one be commanded to appear before the king "& other of your most honorable Councill in the Stere Chaumbre at Westminster."⁸

About 1539 complaint of a riot was made "in the Ster Chamber affore the kynges councell."⁹ In 1540, in

¹ Pollard, *E. H. R.*, xxxvii. 517-20; see Scofield, *The Life and Reign of Edward the Fourth* (London, 1923), ii. 374.

² Patent Roll, 32 Henry VI, 20: *Paston Letters* (ed. Gairdner), i. 336.

³ I. S. Leadam, *Select Cases before the King's Council in the Star Chamber* (Selden Society, London, 1903), p. 6.

⁴ *Ibid.*, p. 15.

⁵ *Ibid.*, p. 151.

⁶ 19 Henry VII. c. 18: *Statutes of the Realm*, ii. 663.

⁷ 19 Henry VII. c. 14: *S. R.*, ii. 659.

⁸ Leadam, p. 273.

⁹ *Historical MSS. Commission, Middleton MSS.*, pp. 142, 144.

a warrant for the appointment of two secretaries of state, it was ordained "that in all Counseilles, aswel in His Majesties Houshold, as in the Sterre Chambre, and elleswhere" all lords should sit above the secretaries.¹⁰ Next year at a meeting of the council a certain one was bound to appear personally before the chancellor "and other the lordes of the Kinges moost honourable Counsailors in the Starre Chambre at Westm̄."¹¹ In 1542 a statute prescribed punishment for those convicted of counterfeiting, by examination or testimony, "in the Starr Chamber at Westmynster before the Kinges most honorable Counsell."¹² In Mary's last year a law provided as penalty for abductors of young heiresses such fine as might be assessed "by the Cōnsell of the Queenes Highnes . . . in the Starre chamber at Westminster"; and that "the King and Quenes Highnes Honourable Coūcell of the Starre Chamber" should have authority to hear and determine such offenses.¹³

In 1590, in a council of nine at Richmond, it was ordered that on the following Friday a disputed peerage case should be heard at the Star Chamber "by such of their Lordships and others"—there is as much reason to think that this meant non-noble members of the council as persons not members—"as are therunto appointed by her Majesty": apparently a meeting of the council or a committee thereof to deal with council business in the Star Chamber.¹⁴ In 1597 according to the privy council record, a petition was exhibited to the lord keeper "(at the Starr Chamber at the Counsaile Table there after dynner) diverse other of the Lordes being present," whereupon a direction was given by the lord keeper "and

¹⁰ *S. P.*, *Henry VIII*, I. ii. 623, 624.

¹¹ *Nicolas*, vii. 114.

¹² *33 Henry VIII*. c. 1: *S. R.*, iii. 827.

¹³ *4 & 5 Philip and Mary*. c. 8: *S. R.*, IV. i. 329.

¹⁴ *A. P. C.*, xx. 251.

the rest of her Majesty's Commissioners that were then present." ¹⁵

That the council and the council or court in Star Chamber were one and the same, and that the council or court of Star Chamber was no more than the king's council holding its meeting at Westminster in the Star Chamber there can be no doubt. Much more difficult is the problem of Star Chamber and privy council. In the Stuart period and until the changes made by Long Parliament privy council and Star Chamber were essentially aspects of the same thing, the privy council for the most part doing conciliar and administrative work, the same members, often reinforced by some of the judges, giving themselves to what was predominantly judicial work in the Star Chamber. It may be added that whether or not some technical signification still adhered to the term "council", in general that term was then used merely to signify the privy council. According to Pollard the Stuart organization resulted from a practice very different from what had preceded. "Until nearly the end of her reign," he says, "Elizabeth maintained, so far as the personnel of her privy council was concerned, that discrimination between law and politics, the judicature and the executive, the feeling for which had led in 1540 to the definite organization of the privy council." ¹⁶ In the author's opinion, no body of conclusive evidence is cited to support this statement, and in the absence of essential information about the composition and meetings of the "council" or Star Chamber perhaps no conclusive evidence can be adduced. It is probable, however, that such definiteness of institution and sharpness of distinction as Pollard conceives did not characterize constitutional development in

¹⁵ *A. P. C.*, xxvi. 479.

¹⁶ *E. H. R.*, xxxviii. 60. He maintains that the Stuarts by assimilating the personnel of the privy council and that of the Star Chamber did not a little to bring on the great rebellion against themselves.

the sixteenth century, and that such opinion results from unwarranted reading back into earlier times of ideas that developed much later.

The fundamental difficulty arises from absence of lists of the members of the council or court of Star Chamber and from the lack also of attendance lists at meetings—such lists exist in abundance for the “privy council”. There is much information about cases tried in Star Chamber and numerous papers relate to the body, sometimes minute accounts of what was said and done by members present; but there is no register or journal of business, which would here be the primary and most useful source of information. If such a record was once kept it is lost or no longer exists. There is, indeed, the *Liber Intrationum* or book of entries, which contains brief and scanty record of some meetings of the council in Star Chamber, and this is of very great interest; but what it contains is too slight to be of much use in deciding the questions most in dispute. Accordingly, for the sixteenth century, and to some extent for the seventeenth, the composition and membership of the council in Star Chamber is uncertain. It can be discussed only in the light of allusions and miscellaneous or chance information.

In the latter part of the fifteenth century Fortescue declared that the “kyngis counsell” was wont to be chosen from great princes, the greatest lords spiritual and temporal of the land, and from other men that were in great authority and office.¹⁷ In 1518 a meeting in the Star Chamber, presided over by Wolsey, was attended by thirty-four.¹⁸ In 1525 Henry VIII wrote to his ambassador sent to Charles V that he consented to the conditions of peace offered by the French, after consultations “betweene Us and the Lordes and other of our Counsaile, wherunto were called thArchbisshop of Caun-

¹⁷ *The Governance of England*, p. 145.

¹⁸ Scofield, p. 30.

terbury, the Dukes of Norfolk and Suffolk, the Marquesses of Dorset and of Excester, a great number of Erles, the Bishop of Elye, with diverse Barons and other.”¹⁹ Whether this was an ordinary meeting of the king’s council, whether the council was at this time a body of indefinite extent, whether this is an instance of the king calling whom he would on important occasions in a great council of magnates, as had once been the custom and still continued to be done from time to time, one cannot be certain. There is no list of the members of council in Star Chamber at this time to show that a great numbers of earls were regular members.

In 1530 there was a meeting in Star Chamber attended by thirty:²⁰

The lord treasurer	duke of Norfolk
lord privy seal	bishop of London
bishop of Lincoln	
bishop of Wells	
abbot of Westminster	
duke of Suffolk	
marquis of Dorset	
marquis of Exeter	
earl of Oxford	
earl of Northumberland	
earl of Shrewsbury	
Viscount Fitzwater	
Viscount Rochford	
Lord Mountjoye	
Lord Darcy	
Lord Sandes	
prior of St. John’s	
chief justice	
chief justice	

¹⁹ *S. P. Henry VIII*, vi. 478.

²⁰ Lansdowne MS. 1, art. 44: Scofield, p. 30.

chief baron
 treasurer of the king's
 household W. Fitzwilliam, Jr.
 comptroller Henry Guildford
 Thomas Moore
 William Pawlett
 John Husie
 Thomas Neville
 Richard Weston
 John Mordant
 Bryan Tuke
 William Fitzwilliam, Sr.

Some idea of the composition of the council in Star Chamber may perhaps be obtained from a statute of 1539, for the enforcement of proclamations made by the king. There it was provided that whoever failed to observe a proclamation made by the king "by thadvise of his Counsell" should be fined and punished if convicted before

the archbishop of Canterbury
 chancellor
 lord treasurer
 president of the council
 lord privy seal
 great chamberlain
 lord admiral
 lord steward or grand master
 lord chamberlain

"two other Bisshopys beinge of the Kinges Counsell" such as the kirg should appoint for this purpose

secretary
 treasurer of the household
 comptroller of the household
 master of the horse

two chief judges
 master of the rolls
 chancellor of the augmentations
 chancellor of the Duchy
 chief baron of the exchequer
 two general surveyors
 chancellor of the exchequer
 under treasurer of the exchequer
 treasurer of the king's chamber

or before at least half of this number, of whom two from among certain important officials specified were to be present. The meetings to be "in the Sterre Chamber at Westm̄ or elsewhere."²¹ Of these twenty-six mentioned—who may have been no more than a committee of the council—some fifteen presently appear in what the record calls the *privy council*, in 1540.

In 1565 Sir Thomas Smith, writing "Of the Court of Starre Chamber" says that it was composed of "the Lorde Chauncellor, and the Lords and other of the privie Counsell, so many as will, and other Lordes and Barons which be not of the Privie Counsell, and be in towne, and the Judges of England, specially the two chiefe Judges."²² By itself this might be taken as decisive evidence that the council in Star Chamber or the court of Star Chamber was a larger body than the privy council, and to some extent a different organization, containing the privy councillors along with others.²³ In 1616 James I, in a speech in the Star Chamber undertook a description of the body:²⁴

²¹ 31 Henry VIII. c. 8: *S. R.*, iii. 726, 727.

²² *De Republica Anglorum* (Cambridge, 1906), pp. 115, 116.

²³ Pollard says that in Elizabeth's reign any privy councillor could sit in Star Chamber, but that the rest of the court was constituted from time to time of such peers, bishops, judges as the crown or the chancellor chose to summon: *E. H. R.*, xxxvii. 536.

²⁴ *Works* (Cambridge, 1918), p. 335.

The *Starre Chamber* . . . in the composition . . . is of foure sorts of persons: The first two are Priuie Counsellours and Iudges, the one by wisdom in matters of State; the other, by learning in matters of Law, to direct and order all things both according to Law and State: The other two sorts are Peeres of the Realme, and Bishops: The Peeres are there by reason of their greatnesse, to giue authority to that Court: The Bishops because of their learning in Diuinitie, and the interest they haue in the good gouernment of the Church.

This also would seem to indicate an indefinite membership of the council in the Star Chamber made by adding to the members of the privy council such of the magnates as the king chose to have present. But one cannot be certain from the statement alone that James's words mean more than that the Star Chamber was composed—as the privy council was—of peers, bishops, and others whose greatness came from their being in the privy council, to whom the judges were added—one or more of them being at times also of the privy council, while judges were often called into the privy council to give legal advice. Cowell, writing about the same time says it to be apparent from Sir Thomas Smith and from experience that the whole number of the privy council and also other "Barons spiritual or temporal" as be called thither have place in the court of Star Chamber.²⁵

There is much evidence to the contrary, however. One of the most important treatises upon the Star Chamber was written in the time of Elizabeth by the clerk of the Star Chamber, William Mill.²⁶ Mill's statement about the membership is explicit: "I gather that to bee true which my father being a man of long service in that place

²⁵ *Interpreter* (ed. 1637): "Starre-chamber".

²⁶ "Treatise of the Starre chamber and power of the Priuy Councill": Hargrave MS. 216.

hath often tould mee that noe man should sitt in the Courte but if hee were sworne of the Councell.”²⁷ He further says that until the time of his last predecessor—about 1551—there was nothing done either in “the Courte publicly or in the Inner Starr Chamber privately” but passed under the hands of his predecessors and was entered in the book of entries remaining of record in the court in Mill’s custody in his own time.²⁸ He says that a fee was appointed to be taken by the clerk of “the Councell” from every one admitted to the council as a member. He affirms that the clerk ought to go to one present not sworn and tell him he should not be there. In the fifth year of Elizabeth, he says, in the case of the earl of Hertford—in Star Chamber—a great number of the noble barons of the realm assembled, not members of “the Councell,” and offered to sit. The lord keeper declared to them that they should give place. So they did, divers of them tarrying at the bar to listen to the cause.²⁹ He adds further: “in former Princes tymes . . . you shall find the names of many Bishoppes, doctors and others which were not of the King’s Privy Councell noated to bee present at the sitting in that place but it is like that they were at the least sworne to bee Councillors of that place or at large as it was there termed which use Continued alsoe in King Henry the VIII^o tyme.”³⁰

Coke, writing in the time of James I states clearly the composition of Star Chamber—only privy councillors and

²⁷ Hargrave MS. 216, fo. 202: Scofield, p. 13.

²⁸ Scofield, p. iii. Pollard’s interpretation of this is that “council” and Star Chamber were the same body; that this explains Mill’s statement, “which he did not quite understand himself”; that Mill’s statement was probably correct to 1540, when clerks of the privy council—a different body—began their own particular register: *E. H. R.*, xxxvii. 531.

²⁹ Hargrave MS. 216, fo. 202: Scofield, pp. 12, 13.

³⁰ Hargrave MS. 216, fo. 326: *ibid.*, p. 33, note.

chief justices or their substitutes, he says, were standing members: ³¹

The judges of the same are (as you have heard) the grandees of the realm, the lord chancellor, the lord treasurer, the lord president of the king's council, the lord privy seal, all the lords spirituall, temporall, and others of the kings most honourable privy council, and the principall judges of the realm, and such other lords of parliament as the king shall name. . . . So this court . . . is or may be compounded of three severall counsels. That is to say, of the lords and others of his majesties privy council, always judges without appointment, as before appeareth. 2. The judges of either bench and barons of the exchequer are of the king's council for matters of law, &c. and the two chief justices, or in their absence other two justices, are standing judges of this court. 3. The lords of parliament are properly *de magno concilio regis*, but neither these, being not of the king's privy council, nor any of the rest of the judges or barons of the exchequer are standing judges of this court.

In the period of James I there is another description, by William Hudson, "of great experience in the Star Chamber." Altogether his account of Star Chamber is probably the best now existing.³² Having spoken of the lord chancellor's position he gives account of the other members: ³³

And first, as concerning the great and eminent officers of the kingdom, the lord treasurer, privy seal, and president of the council, their places or voices in this court, when the superior sitteth, are of no more weight than any other of the table . . . and the court is not

³¹ Coke, *Fourth Institute*, c. 5.

³² *A Treatise of the Court of Star Chamber*, in volume ii of *Collectanea Juridica, Consisting of Tracts Relative to the Law and Constitution of England* (London, 1791-2).

³³ Hudson, *Collectanea Juridica*, ii. 35, 36.

alone replenished with noble dukes, marquises, earls, and barons, which surely ought to be frequented with great presence of them, but also with reverend archbishops and prelates, grave counsellors of state, just and learned judges, with a composition for justice, mercy, religion, policy and government. . . . The number in the reigns of *H. 7* and *H. 8* have been well near to forty; at some one time thirty; in the reign of queen *Elizabeth* oftentimes, but now much lessened since the barons and earls, not being privy councillors, have forborne their attendance. And the court was in the reigns of *H. 7* and *H. 8* most commonly frequented by seven or eight bishops and prelates every sitting-day.

Punctuation and verbal expression make it difficult to know exactly what Hudson signified as to the size of the court of Star Chamber, but apparently he meant to say that in the time of Henry VII and Henry VIII the membership was forty, and in the time of Elizabeth often as many as thirty.³⁴ That is very far from being like the hundred or more attributed to the king's council by Pollard for the earlier time. It is possible that Hudson meant not membership but attendance at council meetings, though for the most part the records of attendance surviving would not bear this out.

In another striking passage he adds his testimony to confirm the deduction which a student of the medieval council would make, that the council was still in theory and occasional practice what it had formerly been—the great council, to which any of the magnates might come or be invited:³⁵

³⁴ Approximately the same passage, with different punctuation and so a different meaning, appears in a tract of about 1637: "Their number in the Reign of *Hen. 7.* and *H. 8.* have been near 40 at one time, and 30 in the Reign of *Eliz.* oft-times" . . . The author declares that the number had diminished, but that in the time of Charles I there were twenty-four and twenty-six at a time. Rushworth, *Historical Collections*, ii. 475.

³⁵ Hudson, *Collectanea Juridica*, ii. 24, 25.

Now, that every peer of the realm which is a lord of the parliament is *de magno concilio*, it appeareth partly by the writ by which they are called to the dignity, wherein is contained that the king desireth their conference *circa ardua negotia regni concilium suum impensare*, but especially for that they have used to sit and give their judgments in this high court as judges in the same, and that most usually and commonly until about the 30. Eliz.: and myself have heard a great lord, yet living, claim his right of sitting there in open court; to whom the *lord chancellor Ellesmere* gave this answer, that he knew not whether it were his master's pleasure that that question should be determined that day; but some other of the presence maintained stily the baron's right; which seemeth to be agreeable with justice; for it is undoubted that *Henry earl of Lincoln* and the *lord Grey*, and divers others which were not of the council of state, were present, and sat and gave judgment when *mr. Davison* was sentenced. And how they were competent judges unsworn, if not by their native right, I cannot understand; for surely the calling of them in that case was not made legitimate by any act of parliament; neither without their right were they more apt to be judges than any other inferior person in the kingdom; and yet I doubt not but that it resteth in the king's pleasure to restrain any man from that table as well as he may any of his council from the board.

The meaning of the conflicting and somewhat uncertain evidence could be better determined if there were for the Star Chamber lists of membership or even a large number of lists of attendance at meetings. There is, however, scarcely a satisfactory list of the members; the records of attendance are generally occasional and scattered; and some of those that exist occur before the record of the register that begins in 1540, so that comparison cannot be made.

In November 1541 there was a meeting at Westminster: "The forenone," says the record, "the Lordes sate in the Sterrechawmber, and all the afternone wer with the King." The eleven present were the lord chancellor, duke of Norfolk, lord privy seal, lord great chamberlain, earl of Hertford, high admiral, bishop of Winchester, the comptroller, the master of the horse, Secretary Wriothesley, and Secretary Sadler.³⁶ All of them are known to have been of the privy council at this time.

It is possible that this might be considered to be no more than a meeting of the privy council in the Star Chamber. Pollard believes that the council or the court of Star Chamber sat at Westminster in the Outer Star Chamber, while the privy council, which never sat in this outer chamber did, when it chose to do so, hold meetings in the Inner Star Chamber.³⁷ But this distinction, apparently results from nothing more than a conjecture in conflict with certain particulars specifically mentioned. From time to time there are records of the meeting of what is supposed to be the privy council in what the record designates as Star Chamber, without any qualification.³⁸ Somewhat later, in the Stuart period, at a time when the privy council met usually in the council chamber at Whitehall and less frequently in the council chamber at such palace or lodge as the king inhabited for the time being, there are none the less in the register numerous records of meetings of the privy council in the "Star Chamber" and

³⁶ Nicolas, vii. 272.

³⁷ "The idea that when the privy council sat on star chamber days in the star chamber it necessarily transacted star chamber business arose from ignorance of the fact that there were two star chambers, the inner, reserved for the privy council, and the outer allocated to the court": *E. II. R.*, xxxviii. 57, 58. For this allocation and distinction no supporting evidence is cited, and I know of none.

³⁸ In April 1559 there was a meeting of the privy council "At the Starre chamber," another in July 1565, one in June 1570, one in May 1580, one in October 1589, one in January 1599: *A. P. C.*, vii. 91, 228, 364, xii. 4, xviii. 195, xxx. 20.

also in the "Inner Star Chamber."³⁹ In 1625 a well-informed writer asserted that the privy council had and always had had a chamber in each house of the king, the council table being in that room, and that adjoining was a smaller room where the clerks of the council sat and wrote.⁴⁰ Hudson, writing of the manner in which the Lord Chancellor Ellesmere presided over the court of Star Chamber declares that in twenty years of service the chancellor never caused the lords who attended the court to be kept waiting: "but for the most part came into the inner chamber long before them, and bestowed his time in giving orders for matters of course to the clerks,

³⁹ In October and November 1617 there were six meetings of the privy council in the Star Chamber—with other meetings at Whitehall meanwhile, and several Star Chamber meetings in the following year: Privy Council Register, xxix, 10, 17, 22 October, 14, 21, 29 November 1617, 28, 30 January 1617-18, 6 May 1618. There was a meeting of sixteen of the privy council at the Star Chamber in July 1622: *ibid.*, xxxi, 11 July 1622. During May 1625 there were five similar meetings: *ibid.*, xxxiii, 11, 13, 18, 20, 25 May 1625. There was a meeting of the privy council attended by seven at the Star Chamber in February 1632: *ibid.*, xli, 14 February 1631-2. During 1633 and 1634 there were numerous meetings of the privy council in the Star Chamber, perhaps the larger number of all the council meetings held at this time: *ibid.*, xliii. In 1634 a privy council attended by fifteen "At the Starr Chamber" gave an order concerning the intrusion of footmen, coachmen, and others into the Star Chamber "while wee are sitting in the Court": *ibid.*, xliii, 24 January 1633-4. In May 1635 there were two privy council meetings in the Inner Star Chamber: *ibid.*, xlix, 4, 30 May 1635. During 1635 and 1636 privy council meetings in the Star Chamber continued to be numerous: *ibid.*, xlv. From December 1636 to May 1637 there were some privy council meetings in the Star Chamber and many in the Inner Star Chamber: *ibid.*, xlvii. In January 1638 there was a meeting of ten of the privy council at the Star Chamber, a meeting of three of them in the Inner Star Chamber, then a meeting of all of the ten in the Inner Star Chamber: *ibid.*, xlviii, 24 January 1637-8. During 1638 there were many other meetings of the privy council in the star Chamber or in the Inner Star Chamber. It is probable that some of the meetings recorded in either of these places were of committees of the council, but on other occasions the record shows seven or nine or ten or eleven to have attended: *ibid.*, xlviii, 9 February 1637-8, xlix, 18, 20, 25 April, 4, 30 May, 1, 6, 8, 14 June, 12, 17, 19, 24, 26 October, 7, 9, 21, 23, 29 November 1638.

⁴⁰ State Papers, Domestic, Charles I, viii, 31 October 1625.

which was a great ease and expedition to the subject, and very beneficial to the clerks which attended him.”⁴¹

In December 1541 there was a meeting of ten—all of them of the privy council—at Westminster. They agreed that two persons should be discharged of a recognizance by which they were bound to appear from day to day “before the Lorde Chawncello^r and other the Cownsell in the Sterre Chawmber.” And the record goes on to say that this was “Entrede by Adam the Clarke of the Sterre Chawmber.”⁴² In 1589 at a meeting of the privy council attended by four, a certain one having been sued “in the Starre Chamber” was required to continue his stay of certain proceedings “untill the matter be heard before the Lordes in the Starre Chamber this next Michelmas Terme.”⁴³ Two years later, at a meeting of the privy council attended by ten at Greenwich, the claims of an eldest son were exhibited in a complaint. The matter being heard by “their Lordships,” was deferred until the following Wednesday, when one of the justices and the attorney general were to attend “their Lordships at the Starr Chamber to give their advise what course might be taken for the better ordering and ending of the controversie.”⁴⁴ In 1581, when Lord Vaux and others were sentenced for having harbored Campion, it was “In Camera Stellata coram Con^o ibidem,” where were present six members of the privy council, three judges, and three others.⁴⁵ In 1629 when Richard Chambers, merchant, was tried in the Star Chamber, sentence was imposed by two chief justices and twenty members of the privy council.⁴⁶ In 1635 in a sitting of the Star Chamber in

⁴¹ Hudson, *Collectanea Juridica*, ii. 25, 26.

⁴² Nicolas, vii. 277, 278.

⁴³ A. P. C., xviii. 18, 19.

⁴⁴ *Ibid.*, xxi. 217.

⁴⁵ *Bridgewater MSS., H. M. C.*, 11th report, appendix, vii. 163.

⁴⁶ Rushworth, *Historical Collections*, i. 671, 672.

the case of Sir Anthony Pell *v.* Sir James Bagg et al. were present ⁴⁷

The chancellor of the exchequer	Lord Cottington
Chief Justice Finch	
Chief Justice Bramston	
Secretary Windebank	
Secretary Coke	
comptroller of the king's household	Sir Henry Vane
bishop of London	
Lord Barret	
captain of the king's guard	Lord Holland
groom of the stole	Lord Carlisle
lord chamberlain to the queen	Lord Dorset
lord marshal	Earl of Arundel and Surrey
lord great chamberlain	Lord Lindsey
duke of Lenox	
lord privy seal	
archbishop of York	
archbishop of Canterbury	
lord keeper	

Of them all were members of the privy council save the two chief justices and two others, and one of these latter—the bishop of London—was sworn of the privy council four months later.

So, it would appear that there is not generally any striking dissimilarity in respect of personnel between those present at council or court in Star Chamber and those attending what is called privy council, so far as descriptions or lists of persons present allow a comparison to be made. And the difference is still less when one remembers that it long continued—well through the

⁴⁷ *Ibid.*, ii. 303

seventeenth and eighteenth centuries—to be the custom to have at privy council meetings, and occasionally even at cabinet meetings, some who had never been sworn members. For a long time this was particularly the case with the solicitor general and the attorney general and one or other of the judges, when legal counsel was required. Always it continued to be so when the presence of some outsider was desired because he was with respect to particular business very capable or very well informed. To meetings of the court of Star Chamber, where the business was investigation or judicial procedure in respect of certain individuals, there might well be called a larger number of non-members—legal counsel and others—who could give particular information. Accordingly, in the reign of Elizabeth, when the privy council contained from eleven to at least twenty members, there could be at a court of Star Chamber—what with judges, attorneys, and others—as Hudson says, as many as thirty present.

Between Star Chamber and privy council the first and most striking distinction might seem to be that some of the judges were usually at a Star Chamber meeting while generally they were not at privy council. This was, indeed, long recognized as the principal difference between them. But here again the difference is not really very striking. Throughout the middle ages the king's judges were wont to assist in the work of his council; often it was clearly understood that they were members of the council—the differentiation of law courts from council in this respect being not yet complete; and even after 1540 judges were on occasion not merely members of the council or court in Star Chamber but members of what was called the privy council.

The judicial activities of the king's council were well recognized in the fourteenth and fifteenth centuries, parliament sometimes attempting to impose restrictions, again allowing to the council discretion about dealing

with matters terminable at common law.⁴⁸ In 1426, since many matters might be treated of before "the Counsaile" which touched the king's prerogative and freehold on the one hand and the rights of his subjects on the other, in which matters the council was not certainly competent to keep the right without advice from the king's justices learned in his prerogative and in his common law, it was ordained "that in alle suche matieres, his Juges be called thereto, and their advis, with their names also, to be entred of Recorde, what and howe thei determyne and advyse therynne."⁴⁹ In 1427, various petitions having been presented to parliament and not yet determined, parliament desired that they be delivered to the council along with the justices and others learned in the law.⁵⁰ Next year the chief justice of the king's bench, the chief justice of common pleas, the chief baron of the exchequer and all the other justices present with the king's council in the Star Chamber being asked their opinion how a certain offender should be dealt with, they advised that he be fined, which was done.⁵¹

In 1437 parliament asked of the king that certain petitions might be committed to the lords of the king's most wise council, who, calling to themselves, if there were need, the justices and others learned in the law should have power and authority from parliament to hear and determine the petitions, record to be made then in the parliament rolls.⁵² In 1453 an act of parliament gave statutory authority for initiation by the council of proceedings with respect to breaches of the public peace, charges of riots, extortions, oppressions, and grievous offenses, the accused to be summoned before the king and

⁴⁸ Leadam, *Select Cases*, preface, pp. lix, lx, lxi.

⁴⁹ *Rotuli Parliamentorum*, v. 408.

⁵⁰ "Que les dites Petitions parront estre deliverez a les Seign̄rs de v̄re tres sage Conseil; les queux appelez a eux les Justices, & autres gentz aprisez en v̄re ley, si bosoiigne y soit": *R. P.*, iv. 334.

⁵¹ Nicolas, iii. 313.

⁵² *R. P.*, iv. 506.

his council. This, of course, was no more than formal recognition by parliament of a jurisdiction that council had long exercised as court and fountain of justice under the king.⁵³ The law was limited to seven years, but apparently continued in force. In 1487 another statute increased the number of offenses to be dealt with by the king's council, and gave statutory sanction to the issuing of writs of privy seal.⁵⁴ In 1601 Sir John Popham, lord chief justice, is listed as a member of the privy council.⁵⁵ The statute of 1487 formally associated justices of the king in the work of the council in Star Chamber. It is true that in 1493 a Star Chamber judgment, reciting the statute, declares that it appointed no judge except the chancellor, the treasurer, or the privy seal, and that the others were merely assistants.⁵⁶ In 1508 a case was judged by the archbishop of Canterbury, seven judges and serjeants at law, and another: they are referred to as the judges and later as the councillors.⁵⁷

The council or Star Chamber was, in the opinion of Pollard, large as compared with the privy council because the council in Star Chamber contained many ordinary councillors or councillors at large, who in 1540 formed a majority of the entire number.⁵⁸ It is probable, however, that counsellors learned, ordinary counsellors, and coun-

⁵³ 31 Henry VI. c. 2: Leadam, preface, pp. lx, lxi.

⁵⁴ 3 Henry VII. c. 1: *ibid.*, preface, p. lxiv.

⁵⁵ British Museum, Add. MS. 11404, fo. 84.

⁵⁶ Leadam, preface, p. xxxv.

⁵⁷ "Coram istis dominis & Judicibus predictis . . . Super quo dictorum Judicum aduisamento dominus cancellarius & ceteri consiliarii tunc presentes decreuerant": Leadam, pp. 187, 188.

⁵⁸ *E. H. R.*, xxxviii, 43, 47 note: no satisfactory proof of this is given; it could be obtained only from some list of the members of the council, which does not exist, or from a number of attendance records, which do not occur. He says that nineteen are included in a list of those appointed to attend Anne of Cleves (see *Letters and Papers of Henry VIII*, xv. 5); but these nineteen contain at least two, namely, the chancellor of the augmentations and the comptroller of the household (see Nicolas, vii. 4) known to have been in what he would call the privy council.

sellors at large made no part of any definitely formed or recognized council body.⁵⁹ It is well known that throughout the middle ages and on through the sixteenth and even the seventeenth century the terms "consilium" and "concilium," "counsel" and "council" are used indiscriminately and interchangeably, so that at times there seems to be no essential difference in meaning, and that for a long while after the development of a difference may have begun it is often impossible in any particular case to decide whether there is any difference or just what is the difference if one is intended. When in 1538 a correspondent wrote to Cromwell about the Lady of Montreuil: "I made her partely a counsell, touching her sejourning here," there can be no doubt that advice was referred to.⁶⁰ But when in 1534 the archbishop of York told Katherine that the king "had often sent to her diverse of Your Counsaill"; and that a certain matter was sufficiently proved in law "as also som that were of her Counsaill do avowe," one cannot be so certain that in both cases a council or group of advisers is meant.⁶¹

In the sixteenth century and previously counsellors or counsellors were retained expressly for law cases.⁶² In course of time increasing distinction appeared between them and the more important counsellors of the king. In 1526 regulation was made for division of the work of the king's council: for matters in law twenty-seven were named, besides judges, barons of the exchequer, king's serjeants, and the king's attorney.⁶³ Next year certain ones sat in the Star Chamber though apparently not listed in the book of the Star Chamber as members of the council

⁵⁹ Elsewhere Pollard himself declares that the term "counsellor" seems in the sixteenth century to have denoted a member of the king's "civil service" rather than a member of a council: *E. H. R.*, xxxvii. 343.

⁶⁰ *S. P. Henry VIII*, I. ii. 583.

⁶¹ *Ibid.*, p. 419.

⁶² Baldwin, pp. 450, 451.

⁶³ *Letters and Papers of Henry VIII*, IV. iii. 3096, 3097.

held there.⁶⁴ Much obscurity adheres to this subject, and it cannot, perhaps, at present be entirely resolved. It is possible, however, that the counsellors learned and the ordinary counsellors were not, as Pollard thinks, members of a larger council in Star Chamber as distinguished from a smaller privy council but law experts regularly or specially retained to assist the king and his council in law cases. In 1540 the bishop of Rochester was sworn "one of the Kinges Counsaill" and joined with another to hear causes determinable in Whitehall.⁶⁵ Neither of them appear among those who attended meetings of the privy council with the king or meetings of privy councillors at London during this period. About the same time, at a meeting of the privy council at More Park, the vice chamberlain and others were sent for and informed that it was the king's pleasure they should in the future not molest his person with any sort of suit: "but to put their sutes in writing and delivre the same to such of his graces Ordinary Counsaill as was appoynted to attende upon his Majestyes person for those and like other purposes; which Counsaill shuld take such order in their said sutes from tyme to tyme as shall apperteyne."⁶⁶

About the same time the privy council record says that Master William Peter, doctor of law, was sworn "one of the Kinges Counsaill." And a little later: "Doctor Peter one of the Kinges Ordinary Counsaill was calld before the Counsaillors" to hear an examination.⁶⁷ Later on Robert Southwell, Esquire and Doctor Peter are spoken of as "beyng of the Kinges Ordinary Counsaill."⁶⁸ On another occasion "two of the Kinges ordinary counsaillors" made a report to the privy council.⁶⁹ In October 1540 Richard Pate, ambassador from Henry VIII to

⁶⁴ Lansdowne MS. 160, art. 92: Scofield, p. 34.

⁶⁵ Nicolas, vii. 49.

⁶⁷ *Ibid.*, pp. 51, 60.

⁶⁹ *Ibid.*, p. 77.

⁶⁶ *Ibid.*, pp. 51, 52.

⁶⁸ *Ibid.*, p. 74.

Charles V, wrote to the king that one of the officials in the Low Countries had said: "Monsieur Embasadour, truth it is, that I am of counsel, but of such affers as apperteynith to the law and thordinances of this cown-trey, and not of the Privie Counsel, where as other thalliance of Princeis, or thinges of like moment, ar devised, contrived, or may be promoted."⁷⁰ It was suggested to him that he write to some of the king's "Counseil". Henry desiring information to be conveyed, but indirectly, wrote back: "Ye shall saye that ye have . . . writen to a great frende of yours here, oone of our Counseil, (thoughe not of our Pryvie Counseil) but a man of gravitie and learnyng, and oone that hathe greate intelligence with our nere Counsailours, and suche as be aboute Us."⁷¹ In 1541 Sir William Essex is called "one of the Kinges highnes Ordinary Counsail."⁷² In July of that year Sir Robert Southwell was among those members of the privy council at London who signed letters to the privy council with the king, though he may not have been a member of the privy council the preceding October.⁷³ But neither Peter nor Essex appear among those who held meetings of the privy council. It is probable that they assisted in privy council business as persons learned in the law; that they were "of the king's counsel" in the sense that they were legal advisers to the crown; and that they were known as "ordinary counsellors" because they belonged to a regular staff, and had regular jurisdiction by the office to which they had been appointed and not by special deputation for some one occasion. "Ordinary counsel" may have been no more than a term temporarily employed in Tudor times. At all events it presently disappears altogether.

In 1625, when Secretary Coke drew up a lengthy memorandum of the procedure of the privy council he said

⁷⁰ *S. P., Henry VIII*, viii. 452, 453.

⁷¹ *Ibid.*, p. 456.

⁷² *Nicolas*, vii. 134.

⁷³ *S. P. Henry VIII*, I. ii. 662, 664.

that the more important private business or causes before the council, which had been offered to the board by petition, were either ended at the board by debate and information of learned counsel, or referred to some of the lords of the council or to the king's counsel at law, or to such others as might be appointed for further hearing or examination, and that according to their report the privy council resolved on its orders.⁷⁴ When during the course of the sixteenth century the work of the councillors was to some extent differentiated, so that when they met as council or privy council they devoted themselves mostly to administration and matters of state, while in the court of Star Chamber they were occupied mainly with matters judicial, it was to Star Chamber that judges and learned counsel were mostly attached. In December 1589 the lord chief baron, giving reasons why the cause against him should be heard in the court of Star Chamber rather than in the privy council, said: "My Lords and others of her Maty^{es} counsell for the most parte have not study or Judgment of lawe and but small experyence of lawe to dyscusse what ys an offence of lawe and what not, unles they be assysted by the Judges and the Quenes lerned counsell as in the Starr Chamber they be and here not."⁷⁵ Later on Hudson wrote that one mark of the superiority of the lord chancellor was that he might at his discretion command the attendance of the judges in the Star Chamber: "for although the chief judges do most usually attend this court (being an honour unto them), yet may the lord chancellor command any other judge at his pleasure to sit there; and that is usual, when that the cause in question is either in respect of the vicinity, circuit, trial had before him, or some reference made unto him, better known to some judge than to any other."⁷⁶

⁷⁴ S. P. D., Charles I, viii, October 1625.

⁷⁵ Lansdowne MS. 59, art. 64: Scofield, p. 43.

⁷⁶ *Collectanea Juridica*, ii. 28.

The body of the king's principal advisers and assistants, admitted to their membership by oath, was during the sixteenth century, as it had been previously and as it was later on during the seventeenth century, a group that varied in membership at different times. Concerning it there is very little specific information under Henry VII, but some meetings of his "council" were attended by more than forty. Under Henry VIII at times it was a body of twenty or more. Under Edward VI and under Mary it contained some thirty and presently forty. Under Elizabeth it appears to have diminished from twenty to eleven, though these figures come principally from attendance lists and may not give all the members of the council. The author has discovered no certain evidence that there was during this period a recognized distinction between a larger king's council or court of Star Chamber and a smaller privy council, or that a privy council developed out of a council in Star Chamber about 1540. The term *privy council* was throughout this time much less frequently used than *council*, and its use does increase as the century goes on; but many instances of it occur before 1540 as there are many more of the privy council being called *council* after that time. Nor has the author found sure indication that during Tudor times the Star Chamber was essentially a larger body than the privy council, and that the Stuarts inaugurated a novel and unwise policy when they made privy council and Star Chamber to be two aspects of the same thing, causing both of them to be essentially of the same personnel. It would appear that during the time of James I, as previously, the theory was that great magnates, being of the king's great council, might, if they chose, sit in his council in Star Chamber; but however well grounded this idea was in the law and old custom, there seems actually to have been little of it. On the other hand, in the law work of both privy council and Star

Chamber the assistance of certain justices and "counsel" learned in the law was freely used, so that at times a chief justice was even sworn a regular member of the privy council. Since the judicial work of the king's councillors was done mostly in the court of Star Chamber it was there that the meetings were most reinforced by judges and legal assistants.

As time went on there was increasing differentiation between privy council and Star Chamber, but probably this was through specialization of activities and not distinction in personnel. Just as in the thirteenth century the king's *curia* had attended to legal and administrative work and the same councillors had devoted themselves primarily to financial work at the exchequer, so in the sixteenth century as in the seventeenth, it would appear that the king's councillors attended more and more to affairs of administration and state in his council or privy council and, with help, if they desired it, from the judges, to judicial work in his council or court of Star Chamber.

With respect to business, especially, a distinction often was made. In 1494 a correspondent of one of the Pastons wrote: "ther hath be so gret cownsell for the Kynges maters, that my Lord Chawnsler kept not the Ster Chawmber thys viij days, but one day at London."⁷⁷ In 1570 at a meeting of the privy council at Hampton Court a letter was dispatched to a certain one who had complained against another. Both had been summoned and heard, and the complainant had been ordered to put his charge in writing and send it to the council. "And percevinge now not only that he hath not observed the same, but contrary thereunto meane to prosecute the cause in Sterre Chamber, they cannot but finde this maner of dealing very strainge, and thinke that he hath therein much forgotten him self; lyke as they meane not to suffer thauctoritie of this Table to be so muche prejudiced as to

⁷⁷ *Paston Letters* (ed. James Gairdner, London, 1872-5), vi. 152.

indure that any matter of complaint brought and delt by them shuld by the complainant him self be removed to any other Courte before the same be heard by their Lordships and ordered.”⁷⁸ In 1590, in a privy council at Windsor, a complaint having been received, it was decided that the complaint “is already depending before their Lordships in the Starrh Camber, where yt is to receave tryall.”⁷⁹ In 1597 a certain one petitioned: “that I might be called before the Council table to answer objections against me, and according to the judgment of the Council, receive any further punishment . . . rather than bring me into a public audience in the Star Chamber.”⁸⁰ It may be, however, that in none of these instances is anything more than difference of function or procedure denoted. Hudson, writing in the time of James I, recalled a cause in which he had been “of counsel” where the bill prayed process against the defendant to appear before the king and his privy council, to which was put in a demurrer. This was sustained against the bill “as not being the proper return of the process in this court.”⁸¹ Apparently, there was considerable feeling that privy council and Star Chamber were practically the same body, though technically this was not allowed.

Many indications point to substantial identity of the two bodies. In 1504 an act against unlawful retainers provided that information might be given “before the Chaunceller of Englund or the keper of the Kynges gret seale in the Sterre Chamber, or before the Kyng in his Benche, or before the Kyng and his Counseill attendyng upon his most roiall person wheresoever he be, so that there be iij of the same Counseill at the lest.”⁸² In 1541 a

⁷⁸ *A. P. C.*, vii. 404, 405.

⁷⁹ *Ibid.*, xx. 17.

⁸⁰ Sir John Smythe to Lord Burghley: *Calendar S. P. Dom., 1595-1597*, pp. 422, 423.

⁸¹ *Collectanea Juridica* ii. 24.

⁸² 19 Henry VII. c. 14; *S. R.*, ii. 659. It may be noted that those who sustain the thesis of a council—not the privy council—identical with Star Chamber before 10 August 1540 and a privy council distinct from

dispute depending before "the Kinges highnes Counsaill in the Starre Chambre" concerning the boundaries of one of the king's parks, "certain of the Lordes and others of the P'vey Counsaill" made a perambulation and promised a fair settlement. Then, at a meeting of the privy council, for more expeditious settlement, "the lordes before named and others of the Counsaill" gave a commission to certain ones—not of the privy council—to make an examination, the commissioners to report "to the Counsaill in the Starre Chamber" so that final determination thereon might be made.⁸³ A little later eleven privy councillors meeting at Westminster, "the Cownsell" gave an order upon a complaint.⁸⁴

The terms employed generally for the body of the king's advisers and assistants were *council* or *privy council*, but occasionally it was designated *council of state*, a term more frequently used by foreigners when alluding to it. In 1545 a correspondent writing from the Netherlands said that what Englishmen called privy council was in the Low Countries known as council of state (le Conseil d'Etat).⁸⁵ In 1552 a commission was granted "to certeine Counselors to heare and determine the sutes preferred either to the Kinge or to his P. C.": the keeper of the privy seal and nine others being thus appointed "our Speciall Commissioners" to hear, examine and order suits and requests; this because of the great number of suits and requests and the importunity of suitors. "The Counsellors of our Privie Councell" were so overburdened that they could not attend to the great and weighty "causes of our estate royall" as should be. The king

council and Star Chamber after that time, nevertheless find in the council attendant upon the king the privy council which they suppose to have begun then.

⁸³ Nicolas; vii. 223, 224.

⁸⁴ *Ibid.*, pp. 270, 271.

⁸⁵ Nicholas Wotton to the council, 27 April 1545: *Letters and Papers of Henry VIII*, XX. i. 284.

mindful of this, and desiring that suitors of all sorts "making their suites unto us, our Counsell of estate" might have speedy answers, appointed the commission.⁸⁶ It seems clear that nothing more is denoted than the appointment of a committee or commission to relieve what is first called the privy council and then the council of state. During the reign of Elizabeth Lord Burghley, in a speech in Star Chamber declared: ⁸⁷

That the same Court was the Councill of State and the Clerke thereof the onely Clerke of the Councill of State of this Realme and the Clerke of the Councill of England and that there was noe other Clerke of the Queenes Councill of state but onely the Clerke of this Court, And that the others were Clerkes of the Privy Councill attendant upon her Ma^{ties} Royall person and those other Clerkes were to attend at the Councill Table.

In the correspondence of the foreign ambassadors in England the privy council is frequently referred to as the council of state.

In 1540 there was the beginning of a record, kept by a clerk appointed therefor, of the proceedings of the councillors with the king, the councillors calling themselves privy council or more frequently council. Probably the importance of this event lies not in the establishment of a privy council distinct from a larger council in Star Chamber, but in the beginning, perhaps, of a record of the proceedings of the privy councillors who were with the king.⁸⁸ In earlier times the principal work of the

⁸⁶ *Egerton Papers* (Camden Society, xii), p. 24. Pollard cites this passage to show that there was a distinction between the privy council and the council of estate as far back as the time of Edward VI: *E. H. R.*, xxxvii. 534, note.

⁸⁷ Hargrave MS. 216: Scofield, p. 62.

⁸⁸ Emphasis upon this and a historical account of the title of the statute "*de camera stellata*" so-called, are, the author thinks, two principal contributions contained in the articles of Professor Pollard which have been so much cited in this and the previous chapter.

king's council had been judicial, and the record of the council's activities both as court and administrative body had been kept by clerks at Westminster. This long continued to be the case. Meanwhile affairs of state—diplomacy, war, peace, deliberation and administration in respect of the weighty affairs of the kingdom, most of it primarily non-judicial—seemed to be more and more important. Of necessity they were largely dealt with, whether at Westminster or elsewhere, by a small group of the principal councillors, and it is probable that they were usually dealt with by the king and the councillors with him. In 1540 the councillors with the king, whoever they might be at any particular time, began to keep a record of their own transactions, and presently also to some extent of those things which were done by councillors elsewhere dealing with affairs of state. By the time of James I the keeping of this record had passed into the hands of the councillors sitting at Westminster or at Whitehall.

Meanwhile more and more were the councillors sitting on business of administration and affairs of state thought of as the council or the privy council, while the councillors sitting upon judicial work at Westminster were less and less thought of as the council in Star Chamber and more and more as a court. In 1563 a statute referred to "the Courte at Westm̄ commonly called the Starre Chamber."⁸⁹ In 1596 a warrant of the privy council mentioned "her Majesty's Highe Courte of Starr Chamber."⁹⁰

Doubtless there was some differentiation at times in respect of personnel—those attending to business of one kind and those dealing with the other, in so far that certain of the councillors reinforced by judges, learned "counsel" and others acted for the most part as a court in the Star Chamber while other councillors attended for the most part to affairs of state; but there seems to have

⁸⁹ 5 Elizabeth c. 9: *S. R.*, IV. i. 438.

⁹⁰ *A. P. C.*, xxv. 507.

been no distinct separation of the members into two bodies. It would appear that members did one kind of work or both as they were desired or as they saw fit; that differentiation was essentially with respect to kind of business and place where the business was done. Even in these regards there never was any certain distinction: as late as the times of Charles I councillors sitting in privy council held their meetings in the Star Chamber, and at other times in other places they acted as a court.⁹¹

Whatever the number of councillors or their manner of working, during this time, as later, often a small group tended to get control of most of the business, some of the members seldom being present, others coming from time to time, most of the meetings being attended by six or seven or ten or twelve. In the time of James I and Charles I, when the privy council contained from twenty-five to forty-five members, a group of ten or twelve actually attended most of the meetings and had control of business—a group not much larger than the committee of the council for foreign affairs, which was the earlier form of the cabinet council. According to a memorandum

⁹¹ Pollard thinks that in the time of Henry VII there was no essential distinction between the council attendant and the council in Star Chamber—with which I agree. He says also that Henry VIII during his earlier years was not assiduous in council work; that Wolsey presided over the council in Star Chamber with great effect; that after his fall that council never recovered its position; that when in middle life Henry devoted himself to government it was to matters of higher politics rather than administration of law and order. *E. H. R.*, xxxvii. 531, 532, 533. This account may contain much truth, but there can be no certainty about such of it as concerns the council, since for this period records of conciliar meetings of whatever kind are almost entirely wanting, and no substantial body of supporting and explanatory evidence has yet been adduced. As an instance of hypothesis possibly true but entirely unwarranted by the evidence brought forward: "Politics were clearly absorbing all the council's time, and it is not surprising to find in the king's payments for the first quarter of 1538 the first instalment of the salary of a clerk of a privy council whose business should be distinguished from that of star chamber." *Ibid.*, xxxviii. 46. The source quoted (*Letters and Papers*, XIII. ii. 528) merely mentions a salary for a clerk of the privy council.

of Sir Julius Caesar in 1625, the lords of the council not lodging at the court and those not ordinary great officers of the household were not accustomed to come to meetings of the council, if not specially summoned thereto by command from the lord president or one of the secretaries of state.⁹² In 1540 and 1541 meetings of the council whether with the king or at London were usually small. In 1554 an account by the Venetian ambassador declared that the principal lords had their rooms in the palace where Queen Mary resided, they sleeping there and never leaving her alone, in accordance with the ancient custom; that in the morning they met, even though it were only the leaders, and it was understood that a council was assembled though only seven or eight were present.⁹³ Three years later another Venetian reported that to the royal council (*consiglio regio*) were ordinarily admitted the three or four principal officials of the kingdom—chancellor, treasurer, privy seal, admiral—besides the principal officers of the household, as the sovereign saw fit, also others, lay or cleric when the crown willed it.⁹⁴ Under Elizabeth the council came to contain eleven or twelve, with most of the business ordinarily transacted by half of the members.

⁹² S. P. D., Charles I, viii, 31 October 1625

⁹³ Giacomo Soranzo, *Relazione d'Inghilterra* (1554): Albèri, I. iii. 76, 77.

⁹⁴ “È stata presso loro introdotta una forma di consiglio, simile a quello dei *bassà*, dei più principali confidenti ministri, i quali, con poca differenza dall' uso dei *bassà*, congregandosi insieme e seguendo in ogni luogo la persona del principe, avendo per questo effetto la tavola e la stanza in corte . . . In questa sorte di consiglio, chiamato il *consiglio regio*, sogliono essere ammessi ordinariamente li tre o quattro principali ufficiali del regno, il cancelliere, il tesoriere, il custode del privato sigillo, e l' ammiraglio, oltre li principali ufficiali della corte e casa del re, tutti per l' ordinario signori e persone nobili, e delle principali, quantunque il re soglia, non obbligandosi mai ad un certo numero, ammettere anco degli altri senza riguardo di nobiltà o ignobiltà di grado, si ecclesiastici che secolari, come più al gusto suo appetisce”: Giovanni Micheli, *Relazione d'Inghilterra* (1557): Albèri, I. ii. 316, 317.