

## Definitions

### Court of Star Chamber

A royal law court that could be used by the King's subjects to get justice.

### Civil law

A system of law having its origin in Roman law, as opposed to common law or canon law.

### Common law

The system of laws originated and developed in England and based on court decisions, on the doctrines implicit in those decisions, and on customs and usages rather than on codified written laws.

### Benefice

A clerical position.

## Question

What was the potential problem of Wolsey favouring the poor?

to a backlog of cases in the **Court of Star Chamber** and unfinished plans for reform.

### Justice

Following Wolsey's appointment as Lord Chancellor in 1515 he was active in both the Court of Chancery and the Court of Star Chamber. The historian John Guy has highlighted Wolsey's impact in legal reform and commended his attempts to bring greater justice to the system. Wolsey presided over many cases in person, with the centre of his legal activities lying in Star Chamber.

Wolsey's success can be attributed to the fact that anyone was able to bring their case before him in Star Chamber, regardless of their wealth or social status. Star Chamber dealt with over 120 cases each year under Wolsey, compared with around twelve cases per year in the reign of Henry VII. It appears that Wolsey genuinely wanted to see impartial justice delivered in his courts and there is little doubt that he enjoyed championing the cause of poorer litigants against richer and stronger ones. Wolsey also promoted **civil law** over **common law** in the Court of Star Chamber and frequently used his courts to overturn common law verdicts.

## Source M

Wolsey had the reputation of being extremely just: he favours the people exceedingly, and especially the poor: hearing their suits and seeking to despatch them instantly.

*Venetian Ambassador Guistiniani in 1515*

Civil law was seen as more progressive and just in that it laid an emphasis on natural justice rather than on precedent when decisions were being made. Common law was seen as outdated and often unjust as one party might win on a legal technicality based on past precedents. Therefore Wolsey's achievements in the law hinge on his pursuit of justice for all, and the endorsement of a progressive legal system. Of course there were times when Wolsey used the courts to further his own position and carry out personal vendettas against enemies. An often-cited example of this is Wolsey's treatment of Sir Amyas Paulet.

On entering his first **benefice**, Wolsey had been put in the stocks by Paulet in a bid to teach the young man a lesson about humility and good grace. Wolsey never forgot his humiliation at the hands of Paulet and used his position as Lord Chancellor to have his revenge. Sir Amyas had to wait in daily attendance at Wolsey's court for five years under threat of confiscation of all his property if he left London.

There is also no doubt that Wolsey created further resentment through his work in Star Chamber, especially among those nobles who were targeted for abusing their aristocratic privileges. In 1515 the Earl of Northumberland

was sent to Fleet Prison and in 1516 Lord Burgavenny was accused of illegal retaining. Perhaps Wolsey also saw the law as a means of bringing his social superiors down to size.

Finally, it should be pointed out that Wolsey's achievements in the law did not outlast him. He used the existing machinery of the law to carry out his work and failed to carry out any lasting institutional reform. He may well have been active and energetic in his role as Lord Chancellor but it is also true that there was an enormous backlog of cases to be heard in Star Chamber by 1529 and much of the administration there was chaotic.

### *Enclosure*

The historians Scarisbrick and Peter Gwyn both place much emphasis upon the legal actions that Wolsey took against those nobles who enclosed land illegally. Enclosure involved fencing-off common land for profitable sheep rearing, and this action was thought to be responsible for rural depopulation and poverty. Three statutes had been passed against enclosure before Wolsey became Lord Chancellor, but had been largely ignored. Wolsey went to work on enclosure in 1517, launching a national inquiry into enclosed land. Many of those brought to court were ordered to rebuild houses that had been destroyed and return land to arable farming.

Once more we can see Wolsey's drive and determination in bringing great men to justice, and to challenge the power of the aristocracy. At the same time one might question the long-term practical results of Wolsey's activities. Enclosure continued to take place and rural poverty continued to climb. Wolsey's actions furthered his unpopularity with the ruling classes. Indeed in a parliamentary session of 1523 Wolsey was forced to accept all existing enclosures demonstrating that he was not always able to exert his political power over the nobility.

### *Finances*

#### **Source O**

The ability to tax efficiently is a valid index of the strength of an early modern regime. Henrician government was so successful in this respect that it created a system of taxation which for its sophistication and attention to the principles of distributive justice was several centuries ahead of its time. To this achievement Wolsey made the greatest contribution. For the first time since 1334 the Crown was levying taxation which accurately reflected the true wealth of taxpayers.

John Guy, *Tudor England*, 1988

#### **Source P**

Wolsey's greatest weakness lay in the realm of finance . . . he was a bad financier because he could neither make do with the existing revenue nor effectively increase it. He had little understanding of economic facts . . . Wolsey's taxation made enemies of many whose hostility could be dangerous.

G.R. Elton, *England under the Tudors*, 1955

#### **Question**

Why do you think it was difficult to bring people to court in sixteenth-century England?

#### **Source N**

When embarking upon the enclosure inquiry of 1517, Wolsey wanted to do something for the common weal, and to that end some 260 people are known to have been brought to court. This in itself is remarkable, when one remembers how rarely anyone appeared in court

Peter Gwyn, *The King's Cardinal*, 1990

#### **Questions**

- 1 Explain in your own words what is meant by levying taxation which accurately reflected the true wealth of taxpayers.
- 2 Make a note of how Guy and Elton differ on their view of Wolsey's abilities as a financier. Why do you think they might hold different viewpoints?