

BOOK REVIEW

Laura Flannigan, *Royal Justice and the Making of the Tudor Commonwealth, 1485–1547*

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Royal justice, the ability of subjects to have their grievances heard by the monarch and their officers, lies at the heart of the English common law system. It was also crucial to the development of the conciliar courts in the later medieval period, those courts associated with the King's Council that derived their authority from the residuary prerogative jurisdiction of the Crown.

It is the rise of these conciliar courts, with a particular focus on the Court of Requests, that forms the focus of *Royal Justice and the Making of the Tudor Commonwealth*. Through an examination of how the first two Tudor monarchs, Henry VII and Henry VIII, administered justice to their subjects via this court, and—just as importantly—how and why subjects chose to seek redress in this way, Dr. Laura Flannigan offers new perspectives on Tudor law and government in this formative period for conciliar jurisdiction.

This is the first history of the early Court of Requests since I. S. Leadam's 1898 Selden Society volume, *Select Cases in the Court of Requests, A.D. 1496–1569* (Selden Society XII). That study remains influential, but Leadam was only able to use the resources available to him at the time, and in the century since its publication, archival discoveries and developments have warranted a new study. In *Royal Justice and the Making of the Tudor Commonwealth*, Flannigan has fully utilized these archival discoveries and the surviving Requests archive for this period to produce a new history of the Court of Requests, one that simply could not have been written a century ago.

But *Royal Justice and the Making of the Tudor Commonwealth* is not only a history of a specific court. The first part (of three) of the book takes a step back from the Court of Requests to examine late medieval and early Tudor ideas about justice-giving. The development of the Equity Court of Chancery and, later, the conciliar courts was borne in part from a hope for extraordinary

justice from the monarch, outside of the usual legal channels offered through the common law. Though both systems derived their authority from the monarch, there was the perception that these conciliar courts offered a closer connection to the king, allowing complainants to petition him directly. By the later medieval period, offshoots of the council administered this royal justice across the country, in the marches of Wales and in the northernmost English counties. The Court of Requests, too, developed initially as an itinerant court that followed the royal household, before settling at Westminster.

The second part of the book offers an analysis of the surviving pleadings for the Court of Requests, to ascertain who was appealing to the court, where they came from, the nature of the disputes, and how these men and women brought these cases to court. In total, Flannigan identified 5,133 casefiles firmly dateable to the early Tudor period, from the pleadings held at The National Archives in REQ 2 and REQ 3. This is an impressive dataset, enabling Flannigan to paint a good geographic and demographic picture of early Tudor litigants. Flannigan's research shows that though Requests was a court for "poor man's causes," as it was reputed contemporarily, it did not only deal with such causes or complainants. It was also a court frequented by the higher social strata.

While part two identifies who was bringing cases into Requests and the nature of the disputes, part three looks at the defendants' responses to these complaints, and the verdicts delivered by the court. Flannigan also takes time in this section to analyze the judges of Requests and their actions more closely. This analysis of the judges is supplemented by a valuable appendix of personnel in the Court of Requests between 1493 and 1547, drawn principally from Flannigan's analysis of order books in The National Archives' series REQ 1.

Such an unprecedented close archival study of the Court of Requests leaves little to quibble about. For this reviewer, the only critique is directed toward the title image, a portrait of Henry VIII dispensing justice. While supporting the general themes of the book, of royal justice in the early Tudor period, there is an irony that this image is from the title rotulet of a King's Bench plea roll, the very system to which the conciliar courts sought to offer an alternative. This is a minor critique of an exceptional book, which does include within its pages wonderfully clear images of Requests material, such as the signature and "wet stamp" of Henry VIII on commissions of the court (Figures 7.1 and 7.2, pp. 191, 193).

Overall, this is an excellent analysis not only of one of the most understudied conciliar courts but also of the administration of justice in the early Tudor period. It took over a century for a work to surpass I. S. Leadam's early history of the Court of Requests, but Laura Flannigan's *Royal Justice and the Making of the Tudor Commonwealth* does so with aplomb.