

Government, law and order under Henry VII

| Situation | | Explanatory notes | |
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| Henry's aims | To consolidate his position To restore law and order, which was seen as having broken down during the Wars of the Roses | Legal system | The way in which justice is dispensed to people. We have a system today of county, crown and high courts. The Lord Chancellor maintains the independence of the legal system |
| Tools of legal system | | System of government | The means by which government operates- today we have a very sophisticated system involving an elected house and an appointed house. Government is split into different offices/ departments with ministers and junior ministers taking responsibility for specific areas |
| Court of King's Bench (common law court) | Heard wide variety of civil cases. Similar issues to Court of Common Pleas- only met for three months a year, and then for only three hours a day. Meant was ineffective. | Areas over which late 15th century government was interested | Money, war, maintaining law and order. There was no interest in other areas of government. It was expected that the king made sure he had money, that he fought wars judiciously (and won) and that there wasn't lawlessness. The closest there was to social security was provided by the Church |
| Court of Common Pleas (common law court) | Principal court which dealt with law for ordinary people. Had same associated issues as Court of King's Bench. Lawyers would frequently engage in extravagant verbal exchanges rather than focus on evidence, which got it a bad reputation | Executive powers | The power to make sure laws and business of government is actually carried out- it means the actual doing, rather than just making laws. For example, the exchequer was the national treasury |
| Justices of the Assizes (common law court) | Travelling courts staffed by judges from central London. Visited towns on average twice a year, but cases could take 18 months or longer, so was clearly very inefficient | Legislative powers | Legislative power means the ability to make laws. Parliament had this power by the time of Henry VII, but the king could also create laws by issuing decrees and proclamations |
| Chancery | Its role expanded under Henry VII. Cases brought to it because meant cases were dealt with by one of king's chief ministers (the chancellor). Expert judges reached decisions based on evidence, not style, as in common law courts. Made very popular (took work from common courts). Was flexible, speedy and powerful. | Tools of government | |
| King's council | Whilst often the king's advisory body, the council could be used to arbitrate on disputes between nobles. Was used when royal power was needed to reach a judgement, such as the dispute between Lord Dudley and Lord Grey- both were imprisoned | King's council | Medieval kings had a council of advisors. At least 227 people had councillor status under Henry, though many were honorary positions. When it met seven was the most common number of members. Tended to use most able as councillors, though didn't restrict the nobility entirely, so Earl of Surrey was a councillor. Used men like Morton, a churchman and lawyer, Bray, a lawyer who had served his mother, Daubeney, or Lovell, who attended the second most meetings. Vast majority had legal backgrounds. David Loades has argued that Henry's real chief advisor was his mother Margaret Beaufort. At this stage not a formal, standing council but rather gatherings of people Henry would take advice from. Key point: Henry absolutely dominated government by himself |
| Shire courts | Run by JPs. Heard cases related to land, debts and contracts. JPs could arrest for all criminal matters. JP sessions in shire courts became basis of criminal law enforcement | | |
| Manorial and local courts | Organised agricultural disputes and settled civil disputes worth less than 40 shillings, damage to crops, assaults not leading to bloodshed. | | |
| JPs | Justices of the Peace. During the Wars of the Roses local governance- that is, making the country work as the king wanted, was left to super nobles who controlled an area. When there were Justices of the Peace employed, they answered to the noble. Henry increased the workload and numbers of Justices of the Peace. He made them answer to him directly and every one of his seven parliaments increased their workload. JPs were now answerable to the crown only though, not the lord in an area. Dealt with issues like riots, illegal retaining, extortion and poaching. BUT- still problems. Act in 1489 set out procedure for reporting complaints and a manual was sent to JPs in 1506- shows were still problems in governance | Council in the Star Chamber | Was thought to be a separate court, but now seen as being part of the council that met in the Star Chamber- really just an offshoot of the King's Council. Comprised of between four and 40 members. Largely left criminal cases to common courts. Was meant to deal with disputes between nobles. 59% of its cases were to do with rioting. That it was necessary shows that lawlessness was clearly still a problem. Dispensed speedy justice- but not actually a separate court at all, more just a meeting place |
| Parliament | Was used to pass Acts of parliament, which sat alongside decrees and proclamations as laws, and to raise taxes. Only called seven times in his reign, and only sat for a total of 24 weeks. Used to pass many Act of Attainders and other laws that strengthened Henry's position. A speaker was appointed to represent the House of Commons to the king and lords, but this was always a royal official | Council Learned in Law | Used as an instrument of extorting nobles. Established in 1495 and presided over by Bray until his death in 1503 and then Empson and Dudley. Collected bonds and recognisances, again, just an offshoot of the King's Council- presided over by men 'learned in the law' |