

Litigants in the English “Court of Poor Men’s Causes,” or Court of Requests, 1515–25

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In early sixteenth-century England, royal subjects increasingly submitted those private civil complaints for which they could not find remedy at the common law directly to the king and his council. Although individual councillors had long been expected to receive and handle requests from petitioners approaching the king’s court, it was in the 1510s and 1520s that the extraordinary royal prerogative delegated to those men in close proximity to the king coalesced into an expanding range of judicial arenas. These included several temporary tribunals founded between 1518 and 1520 and presided over by high-ranking ecclesiastical councillors, the established jurisdictions of Chancery and Star Chamber, operating under either conscience or equity, and the tribunal known to us now as the Court of Requests.¹

From the apparent inception of its records in 1493 through to the middle of the sixteenth century, Requests was not truly what we might recognize as a proper court, with a designated location and timetable and dedicated judges.² Instead it was a committee of the royal council attending upon

1. J. A. Guy, “Wolsey, the Council and the Council Courts,” *English Historical Review* 91 (1976): 481–505.

2. The earliest known records date to March 23, 1493: Kew, The National Archives, PRO REQ/1 fo. 77 (hereafter TNA); this definition is according to Geoffrey Elton’s criteria for

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the king's person.³ It is well attested by late medieval historians that Requests developed out of the fifteenth-century practice of kings to prioritize bills submitted to them by the "poverest suitors," which achieved an unprecedented level of formality when Richard III granted to civil lawyer and public notary John Harrington the office of "the clerk of our council of requests and supplications of poor persons" in 1483.⁴ This grant stands as the earliest known evidence of a differentiated function within the royal council for handling "requests." Its terms give some indication as to the mechanics of that function in the first few decades of the Tudor regime.

Petitions to Requests, which typically concerned private suits over land and property, were invariably written in English and addressed to the king. To initiate a suit, a petition was delivered to the royal councillors and clerks to whom Requests business was informally committed. In the decade under examination here, this predominantly included Henry VIII's household clergy, with the dean of the Chapel Royal known as the "Presydent of the Kyngs Court of Requests" by the mid-1510s.⁵ As incidental accounts reveal, petitioners might "sue by bill of peticion" in person at the king's court.⁶ Although petitioning could take place at Westminster, alongside Star Chamber and Chancery, it was frequently undertaken at royal residences such as Greenwich, Windsor, and Woodstock, and sometimes at stops on the king's progresses. Wherever the petition was exhibited, the initial process for summoning an accused party or calling a commission would be authorized by the councillors almost immediately, regardless of the day of the week, within or outside of legal term time. Following a series of pleadings, both parties appeared before the same men of the "kinges honorable counsaill" for examination and decree.

"curial organisation," which included "regularity of meetings, fixity of procedure, publicity, formality in its decisions and their enforcement—together with a general and public recognition that it was a court": G.R. Elton, "Why the History of the Early Tudor Council Remains Unwritten," in *Studies in Tudor and Stuart Politics and Government: Papers and Reviews 1946–1972*, ed. G. R. Elton (Cambridge: Cambridge University Press, 1974), 321.

3. Requests was typically referred to incidentally as an arena to which cases were "committed": TNA PRO REQ2/11/127, 192.

4. For example, in the 1430 council ordinance: *Rotuli Parliamentorum*, iv. 344; echoed in the 1491/2 ordinance of Henry VII: M.M. Condon, "An Anachronism with Intent? Henry VII's Council Ordinance of 1491/2," in *Kings and Nobles in the Later Middle Ages: A Tribute to Charles Ross*, ed. Ralph A. Griffiths and James Sherborne (Gloucester: Alan Sutton Publishing Limited), 247; *Calendar of Patent Rolls Preserved in the Public Record Office, A.D. 1476–1485* (London: Mackie and Co. Ltd., 1901), 413; and Hannes Kleineke, "Richard III and the Origins of the Court of Requests," *The Ricardian* 11 (2007): 25–27.

5. REQ2/6/207.

6. REQ2/12/198; and REQ2/10/235.

In addition to this attendant nature, Requests came to be associated predominantly with the provision of conscience-based remedy, beyond legal precedent and based in the principles of reason and mercy, specifically to poor and vulnerable petitioners. This was in contrast with Chancery, which generally aided complainants who lacked sufficient written evidence for a common-law suit, and with Star Chamber, where litigants might be protected from the violence and corruption of royal officials. Indeed, among historians of Tudor law and society, it is mostly accepted that the Requests jurisdiction "was defined largely in terms of classes of plaintiffs."⁷ Occasionally this acceptance strays into reductivism. For example, when discussed relative to the other central discretionary courts, it is often assumed, without close analysis of its archives or its function within the attendant council, that Requests served the lowest sector of society in theory and practice. It is often defined as the "poor man's Chancery," and John Guy described it as a court serving those "pauper plaintiffs" unable to sue in Star Chamber.⁸

After Harrington's appointment in 1483, the earliest reference to any specific concern for the poor within the Court of Requests archive is a list of councillors appointed "for the herying of power mennes causes in the kynges courte of Requestes" entered into the court's order book in January 1529, almost four decades after the court's earliest written record.⁹ Indeed, the perception of Requests as the poor man's court appears to have become widely accepted only in the late sixteenth and early seventeenth centuries. In the Elizabethan period, several treatises on the high courts of England presented Requests in such terms. William Lambarde, writing in the 1570s, recounted that "within these 40 yeares" petitions to Requests had been submitted predominantly by "very poore" men, such that by his time it "specially heareth the Suites of poore men."¹⁰ In his treatise on the "Ancient State" and "Authoritie" of Requests, published in 1597, the Master of Requests, Sir Julius Caesar, argued that the court had a

7. Tim Stretton, *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998), 75.

8. John Guy, *The Court of Star Chamber and its Records to the Reign of Elizabeth I* (London: Her Majesty's Stationery Office, 1985), 62; see also Franz Metzger, "The Last Phase of the Medieval Chancery," in *Law-Making and Law-Makers in British History: Papers Presented to the Edinburgh Legal History Conference, 1977*, ed. Alan Harding (London: Royal Historical Society, 1980), 82.

9. REQ1/5 fo. 43v; March 23, 1493 being the earliest dated record within the court's archives: REQ1/1 fo. 77

10. William Lambarde, *Archeion or, a Discourse upon The High Courts of Justice in England*, ed. Charles H. McIlwain and Paul L. Ward (Cambridge, MA: Harvard University Press, 1957), 118.

long-standing concern for “Plaintifs povertie . . . or mean estate.”¹¹ To Elizabethan litigants suing before Caesar and his fellow masters, the Court of Requests was defined as the “Poor Man’s court.”¹²

Returning to the early sixteenth century, contemporary chroniclers certainly observed that poorer individuals increasingly sought royal favor in their private causes through discretionary conciliar justice, in turn shaping the aforementioned rise of new conciliar courts and tribunals in the 1510s and 1520s. The common lawyer Edward Hall related (with great disdain) that certain “poor people” who “complained without number” to Henry VIII’s council caused so much “trouble and vexacion” that it became necessary for Thomas Wolsey, the Lord Chancellor, to establish “diverse under courts” to process their petitions.¹³ This account is corroborated by surviving copies of the original orders founding these so-called under courts, which declare an intention to expedite “poore mens causes” “depending” before the existing conciliar courts.¹⁴ Represented here may well be a mutual attempt to realize that political ideal commonly expressed in political treatises but perhaps most clearly asserted by Sir William Kingston to the imprisoned Anne Boleyn in 1536: that even “the porest sugett the Kyng hath, hath justice.”¹⁵

This article asks how this idealistic jurisdiction worked in practice for litigants, and whether it worked in Requests specifically. The very name “Requests” may have been associated with a real specialty in poor people’s causes. The grant made to Harrington clearly pertained to the “requests . . . of poor persons.” Thereafter, the term “requests” appeared in an apparently ill-fated bill to annul an obscure “Cowrt of Requestes” at the 1485–86 Parliament, and was applied occasionally to the tribunal whose business is recorded in the present-day archive from approximately 1503 onwards, although without any reference to poor suitors.¹⁶ The name was also used more generally for local legal arenas dealing in small debts from the late fifteenth century onwards.¹⁷

11. Sir Julius Caesar, *The Ancient State, Authoritie, and Proceedings in the Court of Requests* (1597), fo. 4.

12. Stretton, *Women Waging Law*, 72.

13. Edward Hall, *Hall’s Chronicle; containing the history of England during the reign of Henry the fourth and the succeeding monarchs, to the end of the reign of Henry the eighth* (London: Printed for J. Johnson et al., 1809), 585.

14. Three such orders survive, for 1518, 1519, and 1520: San Marino, Huntington Library Ellesmere MS 2655, fos. 12, 16; TNA SP 1/19 fos. 142.

15. *Letters and Papers, Foreign and Domestic, Henry VIII*, x. I. 793.

16. William Gurney Benham, ed., *The Red Paper Book of Colchester* (Colchester: “Essex County Standard” Office, 1902), 64; for the earliest reference to a “court off requestes” in REQ2/10/32, see Condon, “An Anachronism with Intent? Henry VII’s Council ordinance of 1491/2,” 252.

17. I. S. Leadam, ed., *Select Cases in the Court of Requests, A.D. 1497–1569*, Selden Society Volume 12 (London: Bernard Quaritch, 1898), liii–liv.

Indeed, a "court of Requestis" established by the Mayor of London, John Shaa, in 1501 or thereabouts also supposedly served "poore people," although it was apparently unpopular with lawyers and "men of might," and was therefore short-lived.¹⁸ With this in mind, can it be demonstrated that the central Court of Requests was in any sense a court for the poor in this period, accounting for its foundation in the principle of conciliar attention to the destitute and its description as such by 1529?

Significantly for any attempt to answer this question, the precise identity and motivations of the people who laid claim to discretionary conciliar justice in this period remain to be fully examined. Official documents marking the foundation of committees and tribunals are vague as to who is included in the category of "poore men." Meanwhile, Hall's description exemplifies contemporary notions of an undeserving and potentially seditious poor, and thus tells us little about the actual condition of those suing in the existing and newer courts. Using the well-preserved and discrete record series for Requests, held today at The National Archives in Kew, it is possible to undertake a fuller examination of its litigants, their use of the discretionary justice courts, and their status as poor or otherwise.

Improved access to the archives of the main medieval and early modern Westminster courts over the past several decades, facilitated by a range of official published guides, has resulted in various studies of the demography and litigant base for early-Tudor discretionary justice. In the course of his work at the Public Record Office in the 1970s, John Guy charted the profile of petitioners to Star Chamber for the period of Wolsey's ascendancy and in the early seventeenth century.¹⁹ Timothy Haskett led a similar, more extensive project on the fifteenth- and sixteenth-century Chancery in the 1990s, with the questions of who was petitioning and what they were petitioning for forming central inquiries.²⁰ Both studies found that litigants in those courts were generally of "middling" rank or above. Yet neither of these surveys has been put into conversation with the other, or with other single-court studies, to map litigant use of the established discretionary courts more widely or to comment on the experiences of poorer petitioners,

18. A. H. Thomas and I. D. Thornley, eds., *The Great Chronicle of London* (London: George W. Jones, 1938), 320.

19. Guy, *The Court of Star Chamber*, 61–62.

20. Timothy S. Haskett, "The Medieval English Court of Chancery," *Law and History Review* 14 (1996): 280–81. See also Timothy S. Haskett, "Conscience, Justice and Authority in the Late-Medieval English Court of Chancery," in *Expectations of the Law in the Middle Ages*, ed. Anthony Musson (Woodbridge: The Boydell Press, 2001), 151–63; Timothy S. Haskett, "Access to Grace: Bills, Justice, and Governance in England, 1300–1500," in *Suppliques et requetes: le gouvernement par la grace en Occident*, ed. Helene Millet (Rome: École française de Rome, 2003), 297–317.

beyond suggesting that they were directed to Requests. Although there has been some recent interest in the fifteenth-century origins of Requests, the early sixteenth-century conciliar committee of Requests has received little prolonged attention in more than 100 years and has never been seriously examined alongside Chancery during its “last phase” of medieval activity or the “Cardinal’s Court” of Star Chamber, despite its archive being the most complete and most accessible of the three.²¹

The Requests (REQ) series consists of three major classes. The first is a chronological sequence of bound order and decree books, recording the appearances of respondents and the council’s final decisions for most of the period between 1493 and 1643.²² The second class contains catalogued pleadings files, organized into monarchical reigns rather than by address or petitioner name, as in the Chancery and Star Chamber archives respectively, of which 3,293 are dated 1493–1547.²³ The third class is a miscellaneous collection of uncatalogued and often unidentifiable pleadings material—predominantly Henrician, according to the current catalogue—remaining from archival work in the 1860s.²⁴ Whereas the archives for Chancery and Star Chamber are less-clearly organized and are lacking final decrees for the early sixteenth century, it is often possible to trace a suit in Requests from the bill of complaint through a range of pleadings (answer, rejoinder, replication, surrejoinder), commission writs, interrogatories, depositions, commissioners’ certificates, interlocutory orders, and the final decrees of the assembled councillors.²⁵ Requests and its records have much to tell us about the people who could reasonably envisage themselves using this particular form of attendant conciliar justice, how

21. The last full study was Leadam, ed., *Select Cases in the Court of Requests*; see also the discussion of the early Requests in D. A. Knox, “The Court of Requests in the Reign of Edward VI 1547–1553” (PhD diss., Cambridge University, 1974), 86–117; Metzger, “The Last Phase of the Medieval Chancery”; and J. A. Guy, *The Cardinal’s Court: the Impact of Thomas Wolsey in Star Chamber* (Hassocks: Harvester Press, 1977).

22. REQ 1: Order and Decree Books. Although the surviving material of this class is bound and arranged chronologically, there are gaps in the series in the following periods: 1508–15, 1534–38, 1548–52, 1559–62, 1567–88, and 1601–1603. For the purposes of analysis here, the apparently missing book for 1520–23 has been partially reconstructed from fragments in REQ1/104, 1/105, and REQ3/22, 29, and 30.

23. REQ 2: Pleadings, bundles 1–13.

24. REQ 3: Miscellaneous.

25. Orders and decrees were not kept for Chancery until 26 Henry VIII: Haskett, “The Medieval English Court of Chancery,” 281; the order and decree books for Star Chamber, once kept in the Star Chamber office at Gray’s Inn, are lost, although we can reconstruct thirty-one decrees from drafts for Wolsey’s years: John Guy, “Wolsey’s Star Chamber: a study in archival reconstruction,” *Journal for the Society of Archivists* 5 (1975): 169, 171.

and why they might approach such arenas for remedy, and what they could expect from judgments there.

This article examines the self-description of the supposedly poor litigants of Requests and their use of this burgeoning discretionary justice court. The empirical foundation for this examination is a detailed survey of the three order and decree books of Requests for the years 1515–25. This was the decade immediately following the expansion of conciliar justice from the mid-1510s onwards, alluded to by Hall and once characterized as a period of deliberate “popularization” by Guy.²⁶ It was also a period in which business levels in the court noticeably increased, according to the extensive surviving records, and in which Requests’ particular care for the destitute and disadvantaged came increasingly to define its business.²⁷ In total, 1,422 entries from the order books have been examined, from which data on petitioner and respondent status and occupation have been drawn. Supplementary to this wider data set is a limited sample of 100 petitions found in the court’s second and third classes.²⁸ These petitions provide data on the descriptions used by 122 petitioners and 132 respondents for comparison with the descriptors ascribed in the books, which is especially useful for exploring the progression of particular litigants from the early to the late stages of the court’s process. The petitions also facilitate a qualitative consideration of the strategies of self-description employed by litigants facing the king’s council in Requests, where simple statements of status may prove to be in short supply. Both the order books and petitions can also be examined for incidental references to costs and other aspects of litigants’ experience within the court.

Using these sources and approaches, this article first considers who *could* sue in Requests, based on the estimated costs and requirements associated with a suit, questioning whether anyone who was technically poor would have been capable of litigating there. It then examines who *did* use the court through the occupation and status descriptors given in both the order books and petitions. Finally, the article acknowledges the little-addressed lack of distinct demographic data in conciliar court records, and subsequently turns to the vocabularies used by petitioners and their legal counsel to locate themselves within more fluid, overlapping social hierarchies, appealing to the court’s particular jurisdiction. Although the

26. Guy, *The Court of Star Chamber*, 6.

27. REQ1/4 (covering the years 1515–19), 1/104 (covering 1520–21), 1/105 (covering 1520–22), fragments belonging to 1/105 found in REQ3/29 and 30 (covering 1521–22), and REQ1/5 (covering 1523–33).

28. Ninety petitions drawn from across the thirteen relevant REQ 2 bundles and ten from REQ3/2, 4, 6, and 10, all dated from internal evidence and councillor signatures between 1515 and 1525.

following analysis charts status and occupational descriptors in the records, the fact that the designation “poor” and other categorizations were used quite flexibly here highlights the difficulties of comprehensively explicating a social order that was ambiguous and undefined, and for which the terminology of historians is imprecise.²⁹ The Requests order books and petitions indicate that early sixteenth-century litigants might strategically navigate legal networks through an intentional obfuscation of their precise economic worth in favor of a vague claim to being poor. Poverty here was used in a relative rather than absolute sense, and in reference to the wealth, substance, age, and local leverage of both principal parties in a case. It is argued that this language was derived from cognizance of the emphasis on conscience and royal mercy for vulnerable litigants in the conciliar committee of Requests, itself perhaps crystallizing in these formative years.

It is evident that assessing precisely who was involved in the often-formulaic and stylized records of the extensive archives of the conciliar courts is no simple task. Much of the existing work on the demography of the conciliar courts has been given to generalizations. Litigants have often been categorized as simply above or below the rank of gentleman.³⁰ Many single-court studies do not delineate between litigant description and self-description, or between records produced by or with the help of the petitioner and those created by the court and its clerks.³¹ This article adopts the examination of litigant demography and the mechanics of litigation typical of the single-court studies by Haskett and Guy.³² It also pays attention to the sorts of petitioner “pleading strategies” identified in the Elizabethan Requests by Stretton, and compares litigation in Requests with that in Chancery, Star Chamber, and more localized contexts.³³ Overall it contributes to recent interest in the motivations and experiences of litigants in the late-medieval and early-modern English legal system. It also adds new analysis from the Requests archive to prior indications that a petitioners’ positioning of themselves within overlapping social hierarchies, including but not limited to those concerning purely economic worth, was the result

29. Discussed in Keith Wrightson, “The Social Order of Early Modern England,” in *The World We Have Gained: Histories of Population and Social Structure*, ed. Lloyd Bonfield, Richard M. Smith, and Keith Wrightson (Oxford: Basil Blackwell, 1986), 177–84.

30. C. W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The ‘Lower Branch’ of the Legal Profession in Early Modern England* (Cambridge: Cambridge University Press, 1986), 61; and Guy, *The Court of Star Chamber*, 62.

31. See, for example, Stretton’s use of the Elizabethan order books to ascertain how litigants “styled themselves,” when the descriptions would in fact have been written by clerks of the court: Stretton, *Women Waging Law*, 94.

32. Haskett, “Conscience, Justice and Authority in the Late-Medieval English Court of Chancery,” 151; and Guy, *The Court of Star Chamber*.

33. Stretton, *Women Waging Law*, 178.

of a strategy dependent on legal context, audience, and the potential results of their suits.

Making Requests

Who sued in the Court of Requests? This a question so far unasked of the early Henrician period. To date, the most extensive discussion of this subject from the perspective of Requests itself is Stretton's study of women's litigation in the Elizabethan Requests. Adding considerable nuance to statements made elsewhere about the Requests jurisdiction, Stretton concludes that it was "not a court for the genuinely or habitually poor," but that the masters of Requests were determined, where possible, to assist those truly in need. He defines many of the court's litigants in that period as the "temporarily poor"; they had been made poor by the actions of their opponents or by the bringing of previous suits at the common law, but might otherwise have been comfortably well-off.³⁴

Following the example of Stretton's exploration of the path to litigation, it is possible to ascertain who could have used the early-Tudor Court of Requests by assessing evidence within the court's books and pleadings on the costs of litigation, the amounts disputed, and the court's efforts to financially assist its litigants. This analysis suggests that the resources required to make the move from localized action to the higher jurisdiction of Requests were such that the demography of litigants there was likely to have been practically more limited than contemporary ideals called for.

There is some evidence that society's poorest could access justice in the early sixteenth-century legal system. The de facto social and economic limit for such action was theoretically lowered by the potential for petitioners to be admitted to sue *in forma pauperis* (in the form of a pauper). Following on from various similar canon law provisions, a statute of *in forma pauperis* passed in the 1495 Parliament declared that "such persons as are poore," who "be not of abilitie ne pouer to sue according to the laues of this lond," would from henceforth have access to original writs and legal counsel without charge when pursuing private cases before the king's justices.³⁵ The statute applied the provisions to any "Courtes of Recorde where any suche suetis shalbe."³⁶

34. Stretton, *Women Waging Law*, 98.

35. On provision of *in forma pauperum* admissions in English church courts, see R. H. Helmholz, *Canon Law and the Law of England* (London: The Hambledon Press, 1987), 44, 47.

36. An Acte to admytt such persons as are poore to sue in forma pauperis, 1495, 11 Hen. VII, c. 12.

There is no explicit contemporary statement on whether Requests was or was not a court of record, it should be noted. At least one law reading from near the turn of the sixteenth century complicates any simple connection between the administration of common law or the “law of the land” and courts of record, and the corollary that equity or conscience courts were therefore not of record.³⁷ Yet courts not of record seem to have been defined partly by their relative freedom from the maxims of the common law and their exemption from setting precedent for anyone other than the relevant parties through their judgments.³⁸ Chancery was accepted as being not of record on these grounds by Christopher St German in the early 1530s, and given the similarities between the two in terms of procedure and jurisdiction, it seems probable that Requests was viewed in the same way.³⁹ Regardless, as the main council proposed in 1509 to shift the facility of free counsel for poor people into the regular common law courts, it seems that by that time suits *in forma pauperis* had come to be associated with the controversial conciliar tribunals, perhaps including Requests, which the same proposals attempted to abolish.⁴⁰

Admissions *in forma pauperis* to Requests are difficult to quantify with any certainty, as they are identifiable only by the notation of the word “pauper” on the dorse of the petition.⁴¹ Amid the entire Henrician pleadings archive there are twenty-eight such admissions *in forma pauperis* so far discovered, with twenty-three dating from 1515 to 1525.⁴² In comparison with the twenty-three *in forma pauperis* admissions in Requests, Guy found only two in Star Chamber for the whole of Thomas Wolsey’s ascendancy between 1515 and 1529, while Metzger identified “two dozen” in

37. This reading listed “courts which are not of record and yet are of the law of the land,” including court baron, hundred, and sheriff’s tourn: printed in Sir John Baker, ed., *Selected readings and commentaries on Magna Carta 1400–1604*, Selden Society Volume 132 (London: Selden Society, 2015), 252.

38. J. H. Baker, *The Oxford History of the Laws of England Volume VI: 1483–1558* (Oxford: Oxford University Press, 2003), 171, 189.

39. Christopher St. German, “A little treatise concerning writs of subpoena,” printed in J. A. Guy, ed., *Christopher St. German in Chancery and Statute*, Selden Society Supplementary Series Volume 6 (London: Selden Society, 1985), 112; Sir John Baker suggests that the early sixteenth-century council was also not of record: J. H. Baker, *The Reports of John Spelman Volume II*, Selden Society Volume 94 (London: Selden Society, 1978), 71.

40. Baker, *The Oxford History of the Laws of England*, 203–4; and Huntington Library Ellesmere MS 2655 fo. 7v.

41. Only in the 1540s do we begin to see notations reading “admittetur in forma pauperis”: REQ2/1/45, 2/3/197, 2/8/221.

42. These twenty-three examples being: REQ2/1/2, REQ2/2/54, 66, REQ2/3/140, 165, REQ2/4/50, 52, REQ2/5/58, 323, REQ2/6/34, REQ2/7/40, 122, 127, 130, REQ2/8/339, REQ2/10/63, REQ2/12/126, 155, 159, REQ3/6 *Tolby v Knighte*, REQ3/9 *Cause v Abbot of Furness*, and REQ3/10 *Pante v Knight, Symmes v Bekford*.

Chancery in the same period.⁴³ Of course, cases in each of these courts for which there are no extant petitions may well contain no other trace that process was offered for free. The possibility that requests and admissions *in forma pauperis* were otherwise made verbally cannot therefore be discounted.

Otherwise, the fact that the Court of Requests formally authorized admissions *in forma pauperis* through these notes, and that so few of them appear within the surviving archive, suggests that most petitioners to the court were not truly poor. Yet it also demonstrates that the court at least had a means for serving those considered to be poor, and that it perhaps acted on those means more often than the other discretionary justice courts did. Moreover, the councillors and masters of Requests sought to practically preserve the ideal that Requests was for a lower section of society, partly by excluding the better-off from suing there, although the threshold and measure for this remained markedly vague. Toward the end of Henry VIII's reign, an inventory of "orders and Rules" of the court produced by one of the first masters, Robert Dacres, stated that "all gentlemen which bringe Complaintes to the Kinges Grace" were "greatlie to the hindaunce of poore mens causes" and should seek remedy at the common law. Frustratingly, the surviving manuscripts of Dacres's orders have only gaps where the thresholds for lands, goods, and chattels ought to have been entered.⁴⁴ On a couple of occasions before the creation of these regulations, the councillors in Requests remitted those petitioners found to be not truly poor to the common law.⁴⁵ In 1517, for example, they sent a case to the common law because "[the petitioner] ys a gent and possessed of lands and tenements to the yerely value of xl li."⁴⁶ This indicates that attempts to present as poor could be unsuccessful, and confirms that landed income partly formed the basis for conceptions of wealth in the court, although as £40 has been shown to be a monetary estimation of worth associated with the gentry in the sixteenth century, it is perhaps unlikely to represent the threshold between paupers and other suitors in Requests.⁴⁷

43. Guy, *The Court of Star Chamber*, 62; and Metzger, "The Last Phase of the Medieval Chancery," 82.

44. Printed in Leadam, ed., *Select Cases in the Court of Requests*, lxxxv.

45. For example, in REQ2/3/34, 137; there are a number of cases within and outside of the period of interest in which remittal to common law was made with no specific reasoning given: REQ2/12/30, REQ2/4/49, and REQ1/1 fos. 154v, 155, 162v, 164, 168v, and 178.

46. REQ2/3/137.

47. Alexandra Shepard, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 95–96.

The concentration of known admissions *in forma pauperis* to the court in the late 1510s coincided with the emergence of the royal household clergy as its principal administrators and judges. We might therefore look speculatively to the heritage of such provisions in Roman civil law and canon law for evidence of its application in the court. The church courts and the advocates employed there were certainly expected to serve the poor for free, and Richard Helmholz finds evidence of *in forma pauperum* admissions in the act books from London and York within the first decade of the sixteenth century, albeit infrequently.⁴⁸ By the late sixteenth century, the threshold for suing *in forma pauperis* in the church courts was 40s in goods, and it is plausible that a similar limit may have applied in Requests.⁴⁹ Otherwise, it may simply be the case that, as in the canon-law decretals on the same subject, a pauper from the perspective of any given court was someone who could not afford the costs of legal counsel and other aspects of procedure in that court.⁵⁰ In the absence of firmer, more direct comparisons, then, it might be suggested that as the majority of the recorded admissions were signed off on by either John Veisy (dean of the Chapel Royal 1515–19, trained in civil law), John Clerk (dean 1519–23, a canonist), or John Stokesley (royal almoner, c.1521–23, a doctor of divinity) it is possible that the Requests administration of *in forma pauperis* provisions was performed with such civil and canon law concerns for relative costs in mind.

What were the costs paid by the vast majority of parties at Requests? The bills of petitioners' costs extant in the court's archives, dating mostly to the later reign of Henry VIII, tell us that the drawing up and engrossing of a bill of complaint by the petitioner's counsel could cost approximately 3s 8d, perhaps approximately 1s more than in the fifteenth-century court of Common Pleas.⁵¹ Privy seals for appearance, the main process issued by the court and that most frequently requested within petitions, required payment of somewhere between 6s 8d and 7s 4d.⁵² A commission could cost as much as 6s 8d, even if "nothyng was don by the commissioners,"

48. Helmholz, *Canon Law and the Law of England*, 44, 47.

49. Shepard, *Accounting for Oneself*, 97.

50. Brian Tierney, *Medieval Poor Law: A Sketch of Canonical Theory and its Application in England* (Berkeley: University of California Press, 1959), 13; see William Lyndwood's summary of the various canon-law definitions of "pauper," and his view that a "pauper" was someone who could not pay his legal counsel: *Provinciale seu constitutiones Angliae* (Oxford: H. Hall, 1679), 68c.

51. REQ3/30 Anthony Chapman; Knox, "The Court of Requests," 323–24; and Margaret Hastings, *The Court of Common Pleas in Fifteenth Century England: A Study of Legal Administration and Procedure* (New York: Cornell University Press, 1947), 251–55.

52. REQ3/30 Anthony Chapman; REQ2/6/223; and Knox, "The Court of Requests," 323–24.

complained John Copinger in 1531.⁵³ There was even a price for having final decisions recorded in the order book, if this was felt to be necessary. In the dispute between the girdler Alex Arnold and haberdasher William Marler in 1516, the arbitrators declared that "eyther of the parties shal pay for the makyng & engrosyng of thys our awarde xvi d of good and lawfull money," therefore 2s 8d in total, or approximately 4 days' worth of wages for skilled tradesmen.⁵⁴

The most substantial and variable charges for litigation were those borne for travel and accommodation to sue to the court in the first place and to undertake a commission. Although the books suggest that the councillors in Requests increasingly sat for hearings at Westminster, and only occasionally at Greenwich, Windsor, and Woodstock, litigant accounts tell us that petitions were still exhibited on a day-to-day basis wherever the royal entourage might be. In a particularly extreme case from early 1518, John Hannibal from Canterbury in Kent said that he had "suyd unto yor noble grace at yor manor of Newhall& [was commanded] to gyve attendance at Wyndsore"; later, he "sued unto yor noble grace at yor manor of Wodstoke & twyse to Hampton Corte & v tymes to Grenewich for [his] remedy."⁵⁵

There is unfortunately no evidence for Hannibal's costs for following the court around in this manner, but in a case between Thomas and Joan Strachey and the Prior of Royston in Hertfordshire in 1518 the petitioners claimed that the "suyt at London," which had involved travelling approximately 64 kilometres to the city with their chosen witnesses, had cost more than £40.⁵⁶ Another suit in 1542 allegedly involved numerous trips and accommodation for men and horses, each ranging from 5s 2d to 12s.⁵⁷ On average, petitioners submitting bills of expenses claimed to have paid £1–£2 per term. Edmund White sued Thomas Bacon for seven terms in the court between 1538 and 1540, spending, he claimed, a total of £23, 14s, and 10d, or more than 2 years' wages.⁵⁸ An effort was generally made on the part of the council and the commissioners to have a result by the following return date, and a case length of approximately 6 months

53. REQ3/4 *Copinger v Wyrall*.

54. REQ1/4 fo. 28–28v. Other petitions gave a total of 2s for the same, including REQ3/6 *Daldry v Forde*. The existence of draft orders and decrees in the REQ 2 Pleadings for which there appear to be no surviving fine copy in REQ 1 implies that formal endorsement of a decree was not essential, however.

55. REQ2/10/235.

56. REQ2/13/100 fo. 3.

57. REQ2/6/209, 223; see also REQ3/4 *Copinger v Wyrall*; and REQ3/6 *Daldry v Forde*, *Johnson v Johnson*.

58. REQ2/3/162.

from pleading to order was typical for the 1510s and 1520s. Yet some, such as the case brought by the yeoman William Barney against merchants John Sturges and Gregory Cause over the manor of Martham in Norfolk, which remained in Requests for 6 years between 1517 and 1523, must have been particularly expensive over the long run. Costs for travel and access to the court had notable effects on the general profile of Requests litigants in the years 1515–25. Across all the catalogued petitions to Requests in the Henrician period, 10% of those with stated origin locations derived from Middlesex, with East Anglia and the Home Counties contributing approximately 4–5% each. Unsurprisingly, the northernmost counties provided fewer than ten cases each.⁵⁹

The councillors sitting as judges could offset the costs associated with accessing the court by awarding compensation to the winning party, even in the absence of sanctioned *in forma pauperis* provision. Of the 130 final orders made in the years 1515–c. 1525, thirty-five saw recompense offered to either the petitioner or the respondent for their legal charges. On average, the value awarded was approximately £3 (60s), although by far the most typical amount given was a standard 40s, to be paid by the losing party. Nevertheless, recompense was only infrequent—present in just under a third of orders—and there was an evident discrepancy between fees that the court would oblige parties to reimburse (probably only the money owed to clerks and counsel) and those claimed by the parties in the aforementioned bills of costs. This is compounded by the fact that although the court generally gauged cases to have cost 40s, or £2, the median disputed value within the cases examined here was approximately £8 of goods, lands, or debts. Although some of the values stated in the final decrees entered between 1515 and 1525 were exceptionally high, including a £180 dowry and £218 for forty pieces of tin, well over half of the values given were under £10, and a few cases argued over amounts less than £1.⁶⁰ With case costs potentially entering double figures in pounds, but recompense remaining relatively meager, the stakes in Requests could be quite high for petitioners. This is not to mention that those with a great enough income to afford a suit risked remittal elsewhere under the rules of the court.

Adding these figures to what we know of legal costs more widely indicates that those considered within the category of “pauper” in the early sixteenth century were probably as unable to sue in Requests and

59. Data drawn from the 2,833 cases with noted origin counties, listed in *List of Proceedings in the Court of Requests: preserved in the Public Record Office* (New York: Kraus Reprint Co., 1963).

60. REQ1/4 fos. 135, 153.

the other conciliar courts as they were in the common law or church courts without financial assistance. A few surviving Requests petitions dating to after the period of interest here stated that the petitioner was too poor to "sewe for redresse . . . in yor Chancery," suggesting that Requests was at least perceived to be the less expensive of the two main courts of conscience.⁶¹ Elsewhere, Guy's estimates for Star Chamber in c.1530 reveal that the cumulative total for that court's fees in a single case was likely to be approximately 40s, about the same as was estimated by the councillors in Requests for their own process.⁶² Helmholz's brief consideration of fees for marriage litigation in the late-medieval Canterbury and Lichfield act books featured similar costs, between 25 and 55s.⁶³ Meanwhile, common-law court fees inclusive of travel expenses, clerical costs, and fees for legal expertise have been shown by Eric Ives to be considerably higher than a standard Requests case, falling anywhere between £7 16s 7 ½ d and £58 4s 8d.⁶⁴

Requests was, therefore, not drastically cheaper for the poor than other avenues for redress, particularly given the costs of following the attendant council. What was the benefit of suing in Requests, then? Of course, in some cases, turning to any of the conciliar courts of conscience was necessitated by case type, or else by the imposition of upper limits on case values at local and manorial courts.⁶⁵ Otherwise, suits at the conciliar courts were often intended to supplement increasingly typical actions of trespass sued in the common-law courts or to appeal judgments made in manorial and urban courts, whether vexatiously or in order to prompt localized arbitration. For example, the case between William Hokemore and Devonshire landlord Sir Edward Pomeroy brought before Requests in 1518 was said to have already been heard by a jury of twelve men in an assize court in Exeter, the verdict of which was ignored by the accused.⁶⁶ That petitioners navigated the problems of access and their associated fees for the potential remedies of Requests even in cases of apparently small value demonstrates, perhaps, the perceived benefits of its itinerant nature, its reasonably speedy process, and its operation under the royal privy and signet seals, which may have represented considerable leverage against obstinate but powerful local rivals.

61. REQ2/8/221, REQ2/10/249.

62. Guy, *The Court of Star Chamber*, 63.

63. R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1975), 161.

64. Eric Ives, *The Common Lawyers of Pre-Reformation England: Thomas Kebell, a Case Study* (Cambridge: Cambridge University Press, 1983), 319.

65. Baker, *The Reports of John Spelman*, 51.

66. REQ2/9/75.

We might also consider the general litigiousness of petitioners to Requests. Limited research suggests that they were often capable of affording and pursuing a suit there and in other central courts as well. A brief search of the catalogues for Chancery, Star Chamber, and Requests pleadings at The National Archives reveals that out of the ninety-six principal petitioners emerging from the sample of 100 petitions, at least seventeen at some point also sued different cases at the other discretionary courts, and that figure would likely be higher if the plea rolls of Common Pleas and King's Bench were also surveyed. For example, John Bonyfaunte of Devonshire, who sued Laurence Dobell at Requests in 1522, brought actions against the Mayor of Exeter as well as the shoemaker Robert Northway, among others, in Chancery at approximately the same time.⁶⁷ Separate to a Requests suit, Anthony Complay sued for his wages from Geoffrey Lobbes and John Palmer in Star Chamber.⁶⁸ Meanwhile, the widow Joan Sylvester used Requests not only to pursue Thomas Corby but also Robert Wright and his wife over lands in Bexley in Kent.⁶⁹ At least twenty-nine petitioners from the same sample repeatedly submitted the same complaint, both in Requests itself and the other courts. William Barney exhibited his case against Sturges and Cause twice to Requests, in c. 1516 and then again in 1521, and once to Star Chamber, whereas a dispute between the Halswell family and Richard Strode over lands in Brixton, Devon, spilled into Requests, Chancery, and Star Chamber across several decades.⁷⁰

Whereas Guy and others have characterized Requests as a court properly for the poor and incapable, then, we might alternatively observe that appealing to the councillors in Requests was often part of a strategic and considered use of the early sixteenth-century legal system by experienced and financially capable litigants. Whatever the case, the process of submitting a petition to the higher courts entailed a potentially long and costly journey to approach the council at Westminster or the surrounding area and limited opportunities for recompense, most likely excluding the truly poor in most instances.

Litigant Description and Self-Description

Although we may thus infer who *could* use Requests, the court's extensive records offer us more concrete evidence as to who *did* litigate there,

67. REQ2/1/1; and TNA C1/391/8, C1/477/41.

68. REQ2/8/84; and TNA STAC2/28/135.

69. REQ2/12/18; and REQ2/11/80.

70. REQ2/12/209, REQ2/5/22; STAC2/3/68; REQ2/3/134, 313, REQ2/4/394; C1/1063/78-79; and STAC2/28/1, STAC2/30/24, STAC3/9/140.

allowing us to create something of a demographic picture of the court in the decade under investigation. In prior studies of the discretionary courts and their litigants, petitions have been some of the primary materials for such data; in the case of Star Chamber and the medieval Chancery this is because they are the only materials routinely available. For Requests, however, we can also use the relatively coherent, extensive, and clearly dated books of appearances and final orders. Created by the clerks and produced during sittings of the court, both the Latin entries recording the appearance of respondents and the English final decrees give the names and sometimes the occupational or status information for the petitioners and respondents.

In the 1,422 entries for the 1,287 individual cases recorded in the three Requests order books surviving for the period 1515–25, we find 1,393 individual petitioners and 1,615 respondents.⁷¹ Many of the individual cases were given entries for multiple different stages of the process (including the initial appearance of the respondent, interlocutory order, and final decree), and many state more than one petitioner or respondent. The books are not entirely consistent in their recording of party statuses. In only forty-eight entries are the status of both petitioner and respondent stated. Far more often, the entries provide a descriptor for only one of the two parties: in 93 instances only the petitioner and in 349 only the respondent. This discrepancy is because of the predominance in the books of entries recording the respondents' initial attendance upon a privy seal summons, in which the petitioner was often not named. Across those instances in which one or both of the parties are so described, we find forty-nine distinct status or occupational descriptors, ranging from noblemen and gentlemen down to craftsmen such as brewers and a scythe smith.

Table 1 divides the defined status descriptors found in the Requests books for its principal parties into five clear groups: civic officers, clergy, crafts and service people, those of landed status, and professionals. Admittedly, some of these imposed categories are especially capacious. Although the Requests books do not provide enough evidence to delineate further, those individuals included under the "Crafts, Trades, & Services" heading varied from those of citizen or livery status, such as merchant tailors, to those in unincorporated trades. This would reflect the findings of Alexandra Shepard's work on expressions of worth in the second half of the sixteenth century, which demonstrated that those in crafts or trades

71. Data are drawn from REQ1/4, 1/104, 1/105, and 1/5, and the fragments from REQ3/22, 29, and 30. In addition, twenty-three of the entries appear only in the transcriptions of attendance registers and full entries made from the order books in the 1590s by Robert Beale: London, British Library Additional MS 48025, fos. 46–60v; and also from Caesar's abstracts, produced at approximately the same time: Caesar, *The Ancient State, Authority, and Proceedings in the Court of Requests*.

Table 1. Petitioner and Respondent Occupation/Status Descriptors Recorded in the Order Books of the English Court of Requests between 1515 and 1525

Occupation/Status Descriptor	Petitioners (1,393 Individuals)	Respondents (1,615 Individuals)
Civic and administrative officers	2	5
Bailiff	–	1
Constable	2	–
Mayor	–	2
Sheriff	–	2
Clergy	48	111
Abbot	3	26
Archdeacon	–	2
Bishop	1	1
Canon	2	2
Chaplain	–	2
Chorister	1	–
“Clericus”/Clerk	20	55
Dean	3	–
Monk	–	2
Parson	1	1
Priest	2	–
Prior	9	16
Prioress	5	1
Rector	–	1
Vicar	1	2
Crafts, trades, and services	11	10
Armorer	1	–
Baker	–	1
Brewer	2	1
Butcher	–	1
Capper	1	–
Carpenter	–	1
Draper	1	2
Girdler	1	–
Grocer	–	1
Haberdasher	–	2
Innholder	1	–
Mariner	1	–
Merchant tailor	1	–
Scythe smith	1	–
Skinner	–	1
Tailor	1	–

(Continued)

Table 1. (Continued)

Occupation/Status Descriptor	Petitioners (1,393 Individuals)	Respondents (1,615 Individuals)
Husbandman	–	1
Landed status	6	193
Earl	–	1
Esquire	2	46
“Generousus”/Gentleman	3	117
Knight	–	26
Lady	–	1
Lord	–	1
Yeoman	1	1
Miscellaneous	49	29
Menial royal servants	7	1
“Widow”	42	28
Professionals	4	4
College Master	–	1
“Master”	4	–
Lawyer	–	2
Scholar	–	1
Groups	6	2
Unknown/not stated	1,265	1,239

Source: REQ1/4, REQ1/104, REQ1/105, and REQ1/5, and fragments in REQ3/22, 3/29, and 3/30.

provided statements of worth rounded to values ranging from 40s up to £20.⁷² Similarly, the landholdings of those considered to be of “Landed Status,” although not stated in the records here, also presumably varied greatly.

These data suggest that petitioners were very commonly from the clerical branch. “*Clericus*” is one of the most frequent identifiers to be found for both petitioners and respondents across the Latin appearance registers and the decrees within the Court’s books, although we also find numerous priors, prioresses, deans, and abbots. On most occasions the house or organization with which a petitioning clergyman was associated went unmentioned in the books, hindering any attempts to trace the distribution of wealth of individuals in this grouping. One of the few instances in which this information was recorded is the suit in 1518 of the Prior of Thurgarton in Nottinghamshire, a relatively wealthy monastery according

72. Shepard, *Accounting for Oneself*, 102–3.

to valuations made in the 1530s.⁷³ Haskett found that those of “ecclesiastical office” made up 28% of men suing to the late-medieval Chancery, with the general prominence in that category of priests and priors/prioresses defending their houses roughly matching the findings in Requests. As to their apparent predominance in Requests, it ought to be noted that as members of the clergy were more wholly defined by their relation to the ecclesiastical hierarchy and therefore their status designation, and as the councillors of the court were themselves clergymen, it may be that ecclesiastical offices are over-represented in the records, as Haskett argued of his data as well.⁷⁴

Craftsmen and traders were four times less likely to appear regularly before the court than the clergy, although merchants of varying wealth sought judgment in relation to matters of confidence and trust. Civic officers emerged less frequently as complainants than they did as the accused, reflecting the aim of discretionary justice in part to regulate the activities of local royal officials. They were only slightly less present than those of landed status and professionals, who also seem from these data to have found little use for the court as petitioners even though they would have possessed the means to reach the later stages of a suit. This observation stands in significant contrast to the demography of Chancery, where men of “lay rank,” including esquires, knights, gentlemen, and yeomen represented 43% of all male parties in the court.⁷⁵

Beyond these descriptors, 149 (more than 10%) of petitioners recorded in the books in this period were women. Ninety-two of those women appeared as sole petitioners, whereas fifty-three were mentioned as the wives of the main petitioner, two acted as main petitioners alongside unnamed others, and one woman, a widow, was an additional petitioner. Five of the sole female petitioners were prioresses, but overall, forty-one of the sole female petitioners were recorded as widows. In fact, as [Table 1](#) reveals, the most common single status descriptor for petitioners across the books was “widow,” with forty-two recorded. Most widows in the court acted as executors for their late husbands’ wills, just as many of the women named as wives were featured on the basis that their remarriage following widowhood meant that their new husbands could stake a claim to the assets associated with that original marriage. Although it was one of the standard three legal categories for women, alongside maid and wife, from the historian’s perspective the descriptor

73. With an income of £259 9s 4d according to *Valor Ecclesiasticus temp. Henr. VIII. Auctoritate regia institutus*, V., 153.

74. Haskett, “The Medieval English Court of Chancery,” 291–92.

75. *Ibid.*, 291.

"widow" is a levelling term that encompassed women occupying a range of different economic and social positions. One of the women so described in the books was entitled as a lady, and another was a dame, whereas in the petition sample the widow Joan Tolby was poor enough to be admitted to sue *in forma pauperis*.⁷⁶ The apparent predominance of designated widows in Requests may relate to its nature as an expressly royal court: widows, alongside orphans and strangers, were often singled out in epithets and tracts on the rightful duty and charity of the king during this period.⁷⁷ In comparison with other courts, however, the number of women in Requests was not especially high. According to Haskett's data, women made up 21% of all petitioners to the late-medieval Chancery, compared with 10% in Requests, and Brooks found that widows comprised 6% and 9% of plaintiffs in King's Bench and Common Pleas, respectively, in 1560 compared with just 3% in Requests.⁷⁸

Among the respondents, individuals of landed status overtake the otherwise sizeable category of the clergy considerably and see a tenfold increase compared with their presence as petitioners. The most common single descriptor among respondents is "*generosus*," or gentleman, a term used by a range of professionals as well as those of gentle birth, with the identifier "*clericus*" again not far behind, followed then by esquires, widows, abbots, and knights. From Table 1 it is evident that respondents tended to be higher on the social scale than petitioners. This is supported by the forty-eight cases for which the order books provide us with clear, unambiguous descriptors for both the petitioner and the respondent. Forty-five percent of these cases appear to show petitioners suing opponents of similar status as themselves, including a girdler against a haberdasher, a prior suing a prior, and a gentleman bringing action against another gentleman. Even when assuming that the cases in the order books represent only those parties with the means to reach the final stages of the court's process, the larger proportion of the forty-eight cases with listed statuses for petitioner and accused—47%—still consists of petitioners suing someone of a *higher* status than themselves, including priors suing noblemen, yeomen suing gentlemen, and gentlemen suing knights. Meanwhile, only 8% of these cases contain instances of respondents of a lower social status than the petitioner, largely supporting the claim that Requests might function as a court for the poor and disadvantaged. On the surface, this suggests that, like Star

76. REQ1/104 fo. 136; REQ3/30 fo. 276; and REQ3/6 *Tolby v Knighte*.

77. Stephen Baron, *De regimine principum (1509)*, trans. and ed. P. J. Mroczkowski (New York: Peter Lang, 1990), 79; and Edmund Dudley, *The Tree of Commonwealth*, ed. D.M. Brodie (Cambridge: Cambridge University Press, 1948), 44.

78. Haskett, "The Medieval English Court of Chancery," 286, 289; and Brooks, *Pettyfoggers and Vipers of the Commonwealth*, 281–83.

Chamber, Requests provided an opportunity to challenge powerful landholders and officials; punishing “the ryche,” as Hall accused the conciliar courts of doing, perhaps.⁷⁹

A more nuanced understanding of the data set drawn from the order books may be achieved by turning to a smaller sample of the extant petitions to the court. Doing so not only allows us to examine litigant experience at multiple stages of the process, from the initial supplication through to the final appearances before the councillors, but also helps offset issues with the Requests archives, wherein most cases that appear through petitions might never have been recorded in the order books and vice versa. For the purposes of this analysis, 100 petitions have been selected from the second and third classes of the Requests archive. This number represents approximately a quarter to a third of the catalogued pleadings material for the chosen decade. The petitions have been selected unsystematically and were drawn from the archive based primarily on the certainty of their date within the parameters of this study, which might be ascertained through the dates and signatures of the councillors written on the dorse, internal references to date, or the appearance of the same case in the order books. In other words, in order to best represent the contents and form of Requests petitions, the sample has not been constructed purely from those petitions with clear status descriptors. As such, considering both the order book data set and the sample of 100 petitions side by side reveals distinctions between description and *self*-description, certainly, but also reveals that all forms of defined description in Requests as well as in the other discretionary courts have their limitations as evidence for a demographic account. The 100 petitions feature 122 petitioners and 132 respondents, again with many cases including multiple parties on each side. They state a total of thirty-seven different status or occupational descriptors (Table 2).

In many senses, the petition data confuse the picture provided by the data from the order books. Where the clergy appeared to be the most prominent group of petitioners and “widow” the largest individual group in the records of the clerks, the petitions instead suggest that craftspeople and tradespeople were the most likely to approach the court in the first place, just ahead of those of landed status and husbandmen. We find that “husbandman” and “yeoman” are the most frequent identifiers amongst petitioners, where they were hardly used at all to describe petitioners in the books. We also observe royal servants, including clerks of the signet and the royal ordnance, ushers and sewers of the king’s chamber, a “gentleman of the king’s chapel,” and yeomen of the guard, petitioning the court.

79. Hall, *Hall’s Chronicle*, 585.

Table 2. Petitioner and Respondent Occupation/Status Descriptors from 100 Sampled Petitions in the English Court of Requests between 1515 and 1525

Occupation/Status Descriptor	Petitioners (122 Individuals)	Respondents (132 Individuals)
Civic and administrative Officers	–	2
Alderman	–	1
Bailiff	–	1
Clergy	5	12
Abbot	–	4
Canon	–	1
Chaplain	1	–
"Clericus"/Clerk	2	1
Parson	–	1
Priest	1	1
Prior	1	3
Vicar	–	1
Crafts, trades, and services	15	3
Apothecary	1	–
Carpenter	–	1
Clothmaker	1	–
Draper	–	1
Grocer	1	–
Innholder	–	1
Leatherseller	1	–
Maltman	1	–
Mercer	1	–
Merchant	4	–
Mill wright	1	–
Salter	1	–
Scrivener	1	–
Surgeon	1	–
Tailor	1	–
Husbandman	7	6
Landed status	9	47
Esquire	–	4
"Generousus"/Gentleman	1	15
Knight	–	13
Lord	–	1
Yeoman	8	14
Miscellaneous	13	2
"Maid"	1	–
Menial royal servant	6	–
"Widow"	6	2

(Continued)

Table 2. (Continued)

Occupation/Status Descriptor	Petitioners (122 Individuals)	Respondents (132 Individuals)
Professionals	1	3
Administrator	1	–
Lawyer	–	2
Scholar	–	1
Unknown/not stated	70	63

Source: REQ 2: Pleadings and REQ 3: Miscellaneous Classes.

Indeed, as it was derived from the attendant council, Requests naturally served those who, as a result of their attendance upon the king's person, could claim the advantages of accessing the extraordinary royal justice of Requests under the justification that they "cannot conveniently attend at Westminster" or elsewhere to wage their law.⁸⁰

It is possible that such discrepancies between the order book and petition data sets exist because husbandmen, yeomen, and royal servants did not take their suits as far as appearances before the council. But given that they would likely have possessed the means to do so, it is equally plausible that petitioners identified themselves in ways that the clerks and councillors did not feel the need to record. Further insight into the statement and recording of status descriptors, and particularly the court's reception of those descriptors, is gained by examining the sixty-two cases represented in the petition sample that also appear as entries in the order books. In thirty-five of these cases, the petitioner offered some form of self-description, but this was carried through to their entries in the order books in only five instances, in cases brought by widows and priests. Otherwise, the general tendency was for both petitioner and respondent descriptors used in the petitions to go unmentioned in the books. This was especially the case for menial royal servants and for tradespeople. In the case brought by Anthony Complay against the prior William Browne, which moved through the court in 1519, Complay described himself as a "surgeon" in his petition, but in the final decree, he was given no status whatsoever.⁸¹

The effect or purpose of this apparent downplaying of litigant status by the councillors and clerks of the court, deliberate or otherwise, is unclear. Generally, however, the statuses of respondents identified as clergymen,

80. REQ2/7/84; also REQ2/6/176, REQ3/4 *Dowker v Shelton*.

81. REQ2/8/84; and REQ1/4 fo. 135v.

esquires, knights, and gentlemen in the petitions were more likely to be recorded in the books. To a small number of respondents, the clerks applied the descriptor "*generosus*," even where it had not been ascribed to them in the original petition. One way of reading this is that whereas litigants sought to assert their affinity to flexible categories of social distinction, with relation to landholding or royal service, the court itself seems to have been far less concerned with ascribing statuses, recording descriptors mostly when individuals had connections to the ecclesiastical hierarchy or claims to gentility, with only the neutral, legal status of widowhood holding ground in both contexts.

Assessing how individuals of specific statuses moved through the court's process in more detail is made difficult by the differing treatment of ascriptions of status across the two record sets. What can be said is that those individuals with descriptors recorded on a similar basis in both data sets made up a slightly smaller proportion of total litigants in the final stages of the process than they did at the beginning, with clergymen dropping from 4% of the total petitioners to 3.5% in the books, and widows from approximately 5% to 3%. It is likely that they dropped their suits or were otherwise dismissed from the court at an intermediary point. The reasons for this are myriad, of course, and we should certainly not overlook factors such as successful arbitration or the possibility that the case was vexatious in the first place. However, the higher proportion of individuals of expected substantial worth, such as gentlemen, in the books than in the petitions supports the argument that means dictated full use of the court's process.

A comparative demography of the early-Tudor conciliar courts may be outlined by examining the data of [Tables 1](#) and [2](#) alongside the broader analyses provided by Haskett for Chancery and Guy for Star Chamber. Haskett found 8,000 entries with distinct occupations in Chancery from the fifteenth century through to the 1530s. As we have seen, he concluded that most of the Chancery petitioners were "esquires, knights, merchants, clerks, mayors and bailiffs," "the middle ranks of English society," whereas women were increasingly appearing there, usually as widows.⁸² Guy's analysis of Star Chamber proceedings for 1515 to 1529 indicated that 16% of petitioners were of the status of "gentleman or above," and 14% were "professional and clergy," but the largest category was "yeomen, husbandmen, craftsmen, labourers" at 18%. Guy reflected that under Wolsey "Star Chamber plaintiffs tended to come from the upper echelons of society."⁸³ Who precisely belonged to the "upper echelons" in Guy's

82. Haskett, "The Medieval English Court of Chancery," 290–91.

83. Guy, *The Court of Star Chamber*, 62.

short analysis is unclear, although he stated that the nobility only rarely used the court; moreover, he and Haskett appear to have had different senses of which professions and occupations belonged to the “middle” and “upper” classes.

To summarize, combining inferred evidence with empirical data on petitioner and respondent statuses in Requests reveals that there was, in comparison with Star Chamber, a general absence of the proper “upper echelons”—specifically, noblemen and members of the upper gentry—as petitioners there near the time of the “popularization” of discretionary justice in the 1510s and 1520s. This leads to the conclusion that Requests did, in real terms, serve a relatively lower sector of society than did the other major conciliar courts. However, the litigants there were not “poor people” by the technical standards of per annum income from lands and value of goods typically expressed in those contemporary “state-sponsored attempts to demarcate social boundaries,” such as sumptuary legislation.⁸⁴ The court served wealthy widows and ecclesiastics in matters of confidence, traders and craftsmen in their mercantile dealings, and landholders of varying degrees in their territorial disputes. In all, and with the potential provision for *in forma pauperis* in mind, Requests offered legal remedy to a group of people marginally less economically stable than did Chancery and Star Chamber during this period, although these were still perhaps the only theoretically poor people that central justice, especially in its itinerant form, would and could ever realistically entertain. The reality of a true “court of poor men’s causes” along the lines of contemporary ideals at this time may, from this evidence, seem doubtful.

Petitioning and Poverty

We should not, however, overlook the fact that the majority of individuals represented in the order books were not given any clear social identification, as the capacious “unknown” categories in [Tables 1](#) and [2](#) show. If the 349 order book entries with only respondent status given are combined with the 931 entries that record no status or occupational descriptions for either the petitioner or the respondent, we find that the petitioner is not described in 1,280 instances, or in 90% of the total 1,422 order book entries. In the 100 sampled petitions, 57% of petitioners opted not to define

84. Shepard, *Accounting for Oneself*, 112; in the sumptuary acts and proclamations of the early sixteenth century, for example, land valued at £100 and goods worth £10 were used to demarcate access to certain clothing and fabric: Maria Hayward, *Rich Apparel: Clothing and the Law in Henry VIII’s England* (Farnham: Ashgate, 2009), 29–39.

themselves socially or economically when they approached the court, as [Table 2](#) indicates. A substantial lack of clear statements on status was also a feature of demographic studies using petitions in Chancery and Star Chamber, although it was one that went largely unaddressed: Guy was transparent about the fact that almost 44% of the cases he sampled did not provide any indication of litigant status; Haskett, although less explicit, mentioned that of 18,173 "principals," 8,000 entries provided information on occupation.⁸⁵ Instead, the flexible pleadings procedure of the conciliar courts, and particularly of Requests, allowed litigants and respondents, through the advice of their legal counsel, to craft more subtle narratives about their social position, which also evoked certain expectations about governance and justice. The petition sample can provide a deeper and more textured understanding of how many of the "unknowns," and some of those who did offer forms of self-description, defined their own status.

Even before the Court of Requests' self-definition by the end of the 1520s as a court for the poor and socially vulnerable, petitioners perhaps hoped to be perceived as poor by omitting any information about their livelihood or status. This was in contrast to their strategies in law courts closer to home, where, as Shepard's analysis of church court depositions has shown, witnesses often used reasonably accurate estimates of worth in order to avoid being seen as in any way destitute so as to sustain networks of credit and trust.⁸⁶ Instead, approaching the king and his councillors—who stood apart from, and thus as arbiters for, local issues—as a petitioner in these earlier years seems to have required a language describing relative poverty and power that may, especially in the case of the seventeen litigants active in a range of courts, have constituted a fictive or exaggerated self-description designed to help navigate the legal network and the conscience-based ends of discretionary justice. In other words, it paid to be poor in Requests.

Although 57% of the Requests petitioners examined did not provide any form of identification, more than 60% of the 100 petitioners employed a claim to poverty of some form when justifying their petitions to king and council. Often this was simply expressed in the statement that the litigant was a "pore" orator, suppliant, or subject before the king. This was standard in the conciliar courts: the phrase "pore orator" was common

85. Guy, *The Court of Star Chamber*, 62; and Haskett, "The Medieval English Court of Chancery," 290.

86. Shepard, *Accounting for Oneself*, 25, 31, 120–26; the degree of choice apparent in Requests is in contrast to the common law, where writs for personal actions had required the "Estate or Degree or Mystery" of at least the defendant since 1413: The Statute of Additions, 1 Hen. V., c. 5.

also in bills sent to Chancery and Star Chamber, indicating that it was used regardless of jurisdiction and probably to emphasize deference to authority and a position of neediness rather than a precise economic situation. However, in Requests, this self-definition as poor regularly extended beyond the introduction of the petition and into the justification in the final lines, where petitioners formulated a reason for not having been able to approach the common law and staked their claim to the remedy of extraordinary royal justice.

Such claims to poverty made in these justifications could be especially abject in Requests. In forty-four of the sampled petitions, the petitioners decried their “extreme” or “utter undoing” and “disherison,” and, in a few instances, also the “utter disinheriting of yor said suppliants and ther children for ever.”⁸⁷ Sometimes this poverty was expressed as though it were a pre-existing or general state: “yor pore orator [is] a pore man,” for example.⁸⁸ Occasionally, complainants would be slightly more specific in stating that they lacked “substans,” by which they appeared to mean physical possessions and goods. This was the case for the imprisoned William Tailor, who was “without comfort of substaunce of any his owen goods to help or releyve hym.”⁸⁹ William Stone described himself as “having lytell to lyfe by but only the sayd close” that was in dispute between him and Simon Mounford in 1522.⁹⁰

More often, however, it was either the actions of the accused, the travelling to the location of the dispute, or the suing of the case in local courts that had allegedly caused the petitioners to “spend all ther money.”⁹¹ In cases in which litigants had been forcibly removed from their own property, they might occasionally suggest that they had lost their homes, whether through genuine dispossession or fear for their lives, “so that in no wyse [they] witteth not where to abide.”⁹² Just as clear statements on social position were only occasionally included, any loss that petitioners claimed to have experienced as part of their poverty was rarely quantified beyond the standard phrase “to their great losse.” Exceptions to this rule within the sample here include William Barney’s claim that he and his wife had lost at least £13, and Philippa Crycheley’s reference to having spent £100 in the space of a 16 year dispute.⁹³

87. REQ2/12/43 fo. 6.

88. REQ2/2/5.

89. REQ2/3/135.

90. REQ2/2/173.

91. REQ2/3/166, REQ2/12/39.

92. REQ3/10 *Pante v Knighte*; also REQ2/3/122, REQ2/11/40 fo. 29; and REQ3/2 *Alison v Rose*.

93. REQ2/12/209; REQ2/9/86; and REQ2/2/106.

Poverty was not, however, always expressed simply in economic terms. In fact, the 100 petitions analyzed here display a range of tactics for locating their complainants within the overlapping social hierarchies of sixteenth-century England, usually in a position of disadvantage.⁹⁴ Age was one such hierarchy: Thomas More, a clerk from Gloucestershire, described himself as a "right aged" and sick man, unable to work, John Jacob said he was "of thage of lxx yere," and Mary Oneslowe revealed that she was a "pore widow of the age of lxxxij."⁹⁵ John Bonyfaunt went further, prefacing his request for a commission to investigate his case against Laurence Dobell with the claim that "yor sayd Orator ys agyd" and, therefore, "nat able to ryde from those partes to com byfor yor grace."⁹⁶ Gender was a less common factor, although it could intersect with age and experience, as in the case of the widow Agnes Swetyng, who appealed on the basis that she was an "Innocent woman no expert in worldly business."⁹⁷ Men of working age might emphasize the pressing nature of their claimed destitution by stating their responsibility for their wives and children, particularly in terms of lost productivity as a result of land dispossession.⁹⁸ In any case, the need to justify approaching the royal council in Requests rather than the common law courts meant that the impact that this poverty had had on seeking a legal remedy was usually the key point, such that all of the petitions examined here made a claim to the effect that "yor seyde Orator is very poore & not abyll nor of power [or substance] to sue for his remedy."

More prominent than self-description by the petitioners themselves was a discourse of *relative* poverty, power, and vulnerability, and of general social disparity between petitioner and respondent. Many petitioners used the justification section to make a direct and explicit comparison between the status and worth of the two principal parties in the case. Again, this disparity often was expressly about money. For example, in a suit between Alexander Abraham and William Gery starting in 1517, the bill of complaint sought the court's remedies on the basis that the "suppliants are very pore and the said William Gyry of great riches, so that your said suppliants be without remedy and not able to sue for redress hereof by course of your comen lawes."⁹⁹

94. As discussed in Michael J. Braddick and John Walter, "Grids of Power: Order, Hierarchy and Subordination in Early Modern Society," in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. Michael J. Braddick and John Walter (Cambridge: Cambridge University Press, 2001), 39.

95. REQ2/2/176; REQ2/3/246; and REQ2/2/106.

96. REQ2/1/1.

97. REQ2/2/41.

98. As in REQ2/3/135, 301; REQ2/4/50; and REQ3/10 *Pante v Knichte*.

99. REQ2/4/50.

In approximately 20% of the petitions sampled here, it was not just the wealth but the general “greatnes” of the respondent in comparison with the petitioner that was presented as the central reason why a litigant could not sue in the local courts. In 1519, William Selwyn pointed out that a remedy at common law was a hopeless ambition in his case, given that his opponent, William Stourton, fifth Baron Stourton, “is a grett lord of might and of suche possession and youre said orator butt a pore man.”¹⁰⁰ Similarly, Edmund Langley complained that as his opponent, Lord Cobham, was a “lorde of name” and he a “very power man,” his lands being “in that countree where the power of the seid lord most ys,” he feared he “shall never recover . . . his seid enheritaunce by course of the kynges common lawes.”¹⁰¹

Friendship and alliance also played a part in social distinction. Compared with William Hokemore, Sir Edward Pomeroy was of the “gret-tist might power & frendshippe & alyens with yn the seid Countie.”¹⁰² William Holt claimed that his opponent Richard Griswold was “a man of grett londes havynge many kynsmen frends & alyans and also of gret mayntenaunce within the said Countie of Wigorn and yor seid Orature but pore and had nother frends alyens nor acquentens within the same shere.”¹⁰³ To the clerk Thomas More, the Marches of Wales seemed a place of “suche mayntenaunce and percialities of kindred and fryndes” that it was unlikely that he would ever gain “lawfull remedy” there.¹⁰⁴ The petition submitted by the widow Beatrice Alice against John and Peter Alice made explicit the connection between these localized power structures and the flaws of the common-law system when she stated that she “can have non indifferent trial in those partes by reason of the grete bearing mayntenaunce & embracerie” of her opponents.¹⁰⁵

It was not simply that litigants were truly destitute in most cases, nor even that they were “temporarily poor”; as a result of these local power dynamics, petitioners expressed fears of a continuing “impoverishing,” as opposed to a completed impoverishment, which they hoped the council would help to curb. Addressing the king directly in the final lines of their complaints, many petitioners made a direct appeal that “it may please your highness the premisses tenderly to consider youre pore Oratoure and his heyris be likely to be disherityd for ever more.”¹⁰⁶ The prior of the

100. REQ2/11/103 fo. 4; Helen Miller, *Henry VIII and the English Nobility* (Oxford: Basil Blackwell, 1986), 262.

101. REQ2/3/140.

102. REQ2/9/75.

103. REQ2/3/137.

104. REQ2/2/176.

105. REQ2/3/36.

106. REQ2/3/137.

"pore house of Penmon" in Anglesey declared in 1518 that if the king did not help to prevent the further decay of his poorhouse caused by the taking of their "milnestones" from the local quarry, then "your seid beydeman and all his brethren . . . shalbe compelled to departe from the seid house & to goo abeggyng for their lvyng."¹⁰⁷ The key words here are "likely" and "shalbe": these individuals were not yet poor, but would become so if the king and the councillors acting in his stead did not execute his expected duty as an arbiter and judge on the petitioner's behalf. This was a measure of poverty that therefore treated poverty itself not as a long-standing economic condition but as part of a recently inflicted struggle for power or title that could potentially result in downward social mobility. The litigants examined here, and those visible in the Requests archive more broadly, defined themselves against those around them as opposed to presenting a vision of a static society expressed only in terms of occupation or status descriptors.¹⁰⁸

In describing these relative power dynamics, petitioning vocabularies might move beyond poverty and power and into the realm of morality, indicated through descriptions of opponents' "unconscionable actions" akin to those observed by Haskett in bills to the late-medieval Chancery.¹⁰⁹ Petitioners sought conciliar assistance in defending the *status quo* of pre-existing local hierarchies against aberrations of maintenance and "extort power."¹¹⁰ Respondents were often presented as behaving "to the perilous example of al other evil disposed persones."¹¹¹ Common to many of the petitions sampled here is the image of the untrustworthy opponent; respondents were variably said to have exhibited a "subtyll craft," "covyn & craft," "subtyll & contrived disceyt," or "senyster meanes," often in relation to their corruption of the common law process.¹¹² Caylway and his associates were said to have acted in a "cruell and violent maner," whereas a couple of respondents were said to have a "covetous mynd" or "appetite," drawing on the vice of avarice and the pursuit of worldly goods.¹¹³ Although the

107. REQ2/6/214.

108. Outlined also in Shepard, *Accounting for Oneself*, 1–9.

109. Haskett, "Conscience, Justice and Authority in the Late-Medieval English Court of Chancery," 161–62.

110. The latter was a term used frequently in Requests petitions throughout the archives and across the late fifteenth and early sixteenth centuries, referring to power or local standing that the petitioner felt had been wrongfully or forcefully gained (extorted). It is often paired with references to "might" or "maintenance." Some examples include: REQ2/2/101, 145, 194; REQ2/3/341, 385; REQ2/4/314, 361; REQ2/5/372; REQ2/6/76; REQ2/9/70; REQ2/10/8; and REQ2/12/14, 21.

111. REQ2/2/73; and REQ2/13/82.

112. REQ2/13/14 fo. 1; REQ2/7/378; REQ2/9/142; and REQ2/4/123 fo. 3.

113. REQ2/13/14 fo. 1; REQ2/12/43 fo. 6; and REQ2/4/123 fo. 3.

limited education and means of the poor were frequently associated with immorality and a tendency toward sin in early modern culture—in sumptuary legislation and in political treatises, for example—poor petitioners appealed to the conscience-based jurisdiction of Requests by setting themselves, as humble subjects of the king, against morally lax and potentially dangerous opponents.¹¹⁴ In this sense they leaned into the alternative contemporary notion that the realm's most impoverished subjects might also be uniquely virtuous.¹¹⁵

Overall, Requests was a “court of poor men's causes” prior to 1529 in the sense that it served those with some claim to relative societal disadvantages, including but not exclusive to economic poverty, under the principle of “right and good conscience.” Such conscience was not applied solely in terms of saving the respondent's own conscience, as it was in Chancery, nor only in cases for which no action existed at the common law. Indeed, Requests increasingly heard cases that might well have found remedy at the common law, including trespass, disseisin, and detinue. Petitioners therefore construed the court's conscience jurisdiction—interpreted as being at the discretion of the king himself—as pertaining to the more universal ideals of fairness, reason, and indifferent justice for all.

The forms of self-definition and representation as being relatively poor that were prominent within the Requests archives, beyond the clear descriptors that we might expect to find, were employed with this end in mind. In this sense, the above-described findings are largely consistent with the similar examinations of litigant experience and petitioning methods in the face of the king's own “grace” or justice in the work of Haskett.¹¹⁶ What set Requests apart from Chancery and Star Chamber in the early sixteenth century was its practical as well as theoretical proximity to the king's person. By the late 1510s, it typically circulated around the royal residences alongside other aspects of performative rituals of divine kingship, including almsgiving and processions to services, and was principally administered by the dean of the Chapel Royal and the king's personal almoner. Therefore, its emphasis on conscience—in terms of a general virtue, the king's own conscience, and extraordinary judicial

114. Shepard, *Accounting for Oneself*, 144; see, for example., the sumptuary regulations in Paul F. Hughes and James F. Larkin, eds., *Tudor Royal Proclamations Volume 1* (London: Yale University Press, 1964), 128–29; An Act against wearing of costly Apparel, 1510, 1 Hen. VIII, c.14; see also Sir Thomas Elyot, *The Book Named the Governor*, ed. S. E. Lehmberg (London: J. M. Dent & Sons Ltd., 1962), 3.

115. Paul Slack, *Poverty and Policy in Tudor & Stuart England* (London: Longman, 1988), 18.

116. Haskett, “Access to Grace: Bills, Justice, and Governance in England, 1300–1500,” 297–317.

remedy—and a care for the poor may have seemed especially defined. The aforementioned concentration of *in forma pauperis* admissions in the decade studied here may well be evidence of the enhancement of these juristic principles, although it might also reflect the growing expectation of litigants that it was truly the poor man's court. Whatever the case, it was not just the litigants themselves, viewed biographically, but also the acknowledged purpose and ends of justice in the Court of Requests, that formulated the sense of a poor men's jurisdiction there.

Conclusions

In spite of all of this sophisticated legal maneuvering, the Requests books indicate a drop-off in business after 1525.¹¹⁷ After a period of being “haunted,” then, perhaps “every man” did grow “wery” of the court, as Hall's chronicle explained.¹¹⁸ Hall may also have been right to perceive a group of “poor people” exerting the pressure and demand that instigated the “popularization” of the discretionary courts throughout the previous decade, although “poor” had meaning beyond the economic when employed in the context of Requests.¹¹⁹ As has been suggested here, simply surveying occupational and status descriptors within legal records is a limited approach in the context of the pleadings system, principled underpinnings, and ends of the discretionary and conciliar committees. Using the combined methods of quantitative and qualitative analysis, deployed in the Chancery and Star Chamber records by Haskett and Guy, respectively, and in the later Requests archive by Stretton, on these earlier, under-studied Requests books and pleadings allows for further understanding of the nature of legal experience during the “popularization” of conciliar justice for the supposedly poor from 1515 onwards.

It has been shown through quantitative surveys of the order books and petitions that litigants to Requests certainly seem to have been of a lower status than those suing at Star Chamber and, to some extent, at Chancery as well, and that they were regularly suing their social betters.

117. Where the order books demonstrate that the court heard an average of 131 cases per year in the period between Michaelmas term 1515 and Michaelmas term 1519, they provide only twenty entries, including nine decrees, across nineteen individual cases for the time between the beginning of 1525 and December 1528. This is based on counting cases in REQ1/4 and REQ1/5. The abstracts, complete with folio numbers, in Sir Julius Caesar's 1590s tract on Requests indicates that we are not missing any material from the present-day REQ1/5: Caesar, *The Ancient State, Authoritie, and Proceedings in the Court of Requests*, 79–82.

118. Hall, *Hall's Chronicle*, 585.

119. Guy, *The Court of Star Chamber*, 6.

On the surface, it appears that there was also a considerable degree of evasiveness with regard to the social statuses of principal parties, which is unhelpful in a strictly demographic picture of the court's litigants. This picture is, however, further nuanced when examining the place held by Requests within the wider offering of discretionary justice as it emerged in a gradually more institutionalized form in the first decades of the sixteenth century, particularly from the perspective of a law-minded society. Although they might omit the type of specific biographic and economic information provided in a different legal context, petitioners to Requests were preoccupied with creatively defining their position *relative* to their local opponents. To do so they presented visions of real economic poverty or low social status and leverage, but more often of age, illness, distance from the locale, or lack of kinship in contrast to the accused. Clearly, however, none of this was so extreme as to prevent litigants from taking the financial risks associated with approaching a central court.

In all of this, litigants and their legal counsel recognized and played into the overtly moralistic overtones of Requests as a distinct and increasingly institutionalized royal court of conscience. The epithets of "court of poor men's causes" and "court of conscience" applied to Requests by 1529 and particularly by the end of the sixteenth century were not distinct jurisdictional definitions, but rather inter-related facets of the same general provision in the court. Conscience was a juristic principle, grounded in canon law and theology, but one that remained flexible in this early period, and which here was perceived to dictate that anyone considered poor and disadvantaged could not reasonably be expected to sue at the corruptible and costly common-law courts against powerful local opponents and should therefore receive the king's merciful, extraordinary remedy.

Although we might perceive self-proclaimed poor litigants to Requests to be engaging in overt self-fashioning, we should also not overlook the sincerity of their claims. They voiced real contemporary expectations that royal justice would not only be indifferent to rank but would also be responsive to the legal problems associated with social disparity in the wider legal system; not just helping the "porest sugett the Kyng hath" but also preventing unjust impoverishment at the hands of local "extort" power-holders and offsetting the common-law system's inherent corruptibility. In so doing, they ensured that early-sixteenth-century central courts had some conception of "poor," even if it was not what we might assume.

There is still much work to be done to better understand Requests. Given the itinerant nature of Requests in its earlier years, its relationship with the sedentary courts of Chancery and Star Chamber and its function as an arena to which to remit "pauper plaintiffs" deserves extended

re-evaluation.¹²⁰ The attorneys and legal counsel employed in Requests evidently require more scrutiny, especially as their role has been proven significant in the other conciliar and discretionary courts.¹²¹ A further exploration of the answers of the respondents and the judgments of the councillors across this period would add to the image of communication between subjects and authority outlined here. So far, however, varied and differentiated use of the court's plentiful archives is indicative not only of the workings of this largely overlooked aspect of the early-sixteenth-century conciliar justice offering, but also of litigants' experience of this level and type of remedy and, more broadly, of their varying practices and tactics of self-description across the legal network.

We are once again encouraged to re-examine the logic behind changes in the management and practice of central legal institutions in the early sixteenth century, taking into account both those top-down efforts of government or ministerial policy so characteristic of early-Tudor political histories and the motivations and expectations of litigants. For example, that presentations as poor before the Court of Requests were at least routinely accepted as entitling litigants to hearings (albeit not always for free) may suggest that poverty was widely recognized to be a relative concept rather than a precise categorization. The same might be said for the other categorizations and descriptors discussed here and in other demographic analyses of the central courts.

Acknowledging this fluidity only reinforces the necessity for legal and sociolegal histories sensitive to litigants' circumstances, knowledge, and experience. Applying varied approaches to the broadly idiosyncratic records left behind by the law courts, and putting the resulting analyses into conversation with one another, may help to achieve a more holistic vision of the benefits and beneficiaries of the late medieval and early modern English legal system(s). The conscience-based, attendant function of the early-sixteenth-century Requests, the tribunal closest to the king's person and his extraordinary justice, was admittedly an especially distinctive part of this system. Yet, freed from prior assumptions about its development and purpose, its records still have much to tell us about who accessed and used such idealistic forms of justice-giving in practice.

120. Guy, *The Court of Star Chamber and its Records*, 62; and Metzger, "The Last Phase of the Medieval Chancery," 82.

121. T.S. Haskett, "Country Lawyers? The Composers of English Chancery Bills," in *The Life of the Law: Proceedings of the Tenth British Legal History Conference, University of Oxford, 1991*, ed. Peter Birks (London: Hambledon Press, 1993), 9–23; and Guy, *Christopher St. German on Chancery and Statute*, 65–66. Stretton also advised a "detailed study of the Requests bar": Stretton, ed., *Marital Litigation in the Court of Requests 1542–1642*, Camden Fifth Series, vol. 32 (London: Cambridge University Press, 2008), 13–14.