

Thomas More's Trial¹ (HAK 9/28/07)

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Names of the Actors in this Drama

Narrator	Richard Rich, King's General Solicitor
Duke of Norfolk	Lord Chancellor Audley
Sir Thomas More	Chief Justice of the King's Bench FitzJames
Attorney General Hales	Justice of the King's Bench Spelman

[From the *Baga de secretis*, calendared by James Gairdner, *Letters and Papers*, vol. 8, no. 974.]

Narrator: On June 26, 1535, a Special Commission of Oyer and Terminer summoned a Grand Jury and presented them with an Indictment against Sir Thomas More and the Jury found it a True Bill. The Indictment charged More with High Treason under the Act of Treason Concerning the King's Supremacy of the English Church, in that he sought to deprive the King of this title in the following ways:

- 1) by maliciously remaining silent when asked to affirm it;
- 2) by maliciously conspiring with Bishop Fisher to deny the title; and
- 3) by maliciously asserting to Richard Rich that Parliament did not have power to grant the King this title. [For the text of the Indictment, see Appendix 1.]

[From the Guildhall Report²]

Narrator: Thomas More, recently Chancellor of the Kingdom of Britain, after being confined in prison for fifteen months, on July 1, 1535, was brought before the Magistrates and Judges appointed by the King. When he was present, the accusations against him were publicly recited. Immediately, the Duke of Norfolk spoke to him such words as these:

Norfolk: "More, you see that you have gravely offended against the Royal Majesty in this matter. Nevertheless, we have confidence in his clemency and bounty that if you should be willing to repent and change for the better this rash opinion of yours, which you have so pertinaciously adhered to, you will easily gain forgiveness of your fault from him."

Narrator: To this More replied:

More: "Noble sirs, my very great thanks to you for your exceeding benevolence to me. But I ask only this of the great good God, that by His help I may be able to persevere in my right

¹ The texts of the Guildhall Report, Pole's account, and More's Indictment were translated by Henry Ansgar Kelly.

² The text of Guildhall MS 1231, pp. 4-15, is recovered from the composite Latin text constructed by J. Duncan M. Derrett, "Neglected Versions of the Contemporary Account of the Trial of Sir Thomas More," *Bulletin of the Institute of Historical Research* 33 (1960) 202-23, pp. 214-23. In the notes, NQ = *Novitates Quaedam* (pamphlet, ?Paris 1536).

opinion until death. But as for what concerns the accusations with which I am charged, I fear that neither my mental ability, nor memory, nor words will suffice to explain them, because I am impeded not only by the prolixity and extensiveness of the articles, but also by my long detention in prison and the illness and bodily weakness that now afflict me.”

Narrator: Then a chair was brought by order of one of the Magistrates, and, when he had seated himself in it, More continued as follows:

More: "As for what pertains to the first part of the accusation, which has it that, to show the greatest possible malice of my mind against the King, I was a constant opponent in the contention over his second marriage, I have nothing to say other than what I have said before; and that is, that whatever I spoke in that matter, I did it at the urging of my conscience. For it did not behoove me, nor did I wish it, to conceal the truth from my Prince. If I had not acted so, I would have been an enemy to him, not a faithful servant. Now for this sin, if it is proper to call it a sin, I was adjudged to perpetual imprisonment, in which I have now been detained for fifteen months, and my goods besides confiscated."

[Roper's account]

Narrator: [Thereupon] he openly told them that he would upon that Indictment have abidden in law, but that he thereby should have been driven to confess of himself the matter indeed, [which] was, the denial of the King's Supremacy, which, he protested, was untrue. Wherefore he thereto pleaded Not guilty; and so reserved unto himself advantage to be taken of the body of the matter, after verdict, to a-void that Indictment. And moreover added that if those only odious terms, "maliciously, traitorously, and diabolically" were put out of the Indictment, he saw therein nothing justly to charge him.

[*Baga de secretis*]

Narrator: Upon hearing More's plea of Not guilty, the Commissioners order the Sheriff to present a Petty Jury that very day. He does so, and More is again summoned.

[Guildhall Report]

Narrator: Immediately twelve men were called by the Public Minister, after the custom of the British Nation, to whom were given the chapters of accusation, to deliberate and judge whether More had maliciously sinned against the Statute.

Narrator: That is, the Indictment was read in English to the Jury. Then the Prosecutor, Sir Christopher Hales, challenged More to respond to the major charges in the Indictment, which he did as follows.

[Guildhall Report]

More: "I reply only to the main heading of the [first] accusation. You say that I have merited the penalty inflicted by the Statute passed in the last Parliament of our Leaders, for which I was

now held in custody, for the reason that, with malicious, false, and faithless mind, I injured the Royal Majesty and name and titles and honor and dignity which they in the aforesaid Parliament or Council attributed to the King, by which he is considered to be Supreme Head after Jesus Christ of the English Church; and, above all, that you object to me that I wished to answer nothing to the Secretary of the King and to the honorable Council of the Royal Majesty, when he asked me what my opinion was about that Statute, other than that, because I was now dead to the world, I did not occupy myself with such things but only meditated on the Passion of Our Lord Jesus Christ.

"To which I clearly respond to you that it is not lawful for me to be judged to death for such silence on my part, because neither your Statute nor anything in the laws of the whole world can rightly afflict anyone with punishment, unless one has committed a crime in word or deed, since laws have constituted no penalty for silence."

Narrator: Then the Royal Proctor started to speak, saying,

Attorney General Hales: "Such silence was a sure indication and a not obscure sign of evil thoughts about the Statute, because all subjects, being faithful to their Prince, when interrogated on their view concerning the Statute, are obliged to respond openly, and without dissimulation, that it is good and holy."

[From Pole's Account]

Narrator: Then the Judges looked at one another and all agreed that such silence was malicious.

Judges: "Malice, malice!"

More: "But if it is true what universal law says, 'One who keeps silent seems to consent,' then that silence of mine gave approval to that Statute of yours more than it weakened it. But as for all the faithful being bound and obliged to make response, etc., I answer that there is a much greater obligation on the part of a good man and faithful subject to consult his own conscience and eternal salvation, and to follow the prescriptions of reason, than to take account of any other thing, especially since the kind of conscience that I have offers no offense to its Prince and stirs up no sedition [--asserting this to you, that my conscience had not been opened to any mortal]."³

"As for what I am accused of in the second part, that I contravened the Statute and worked for its abolition in writings to the Bishop of Rochester, by means of eight letters in which I fortified him against your Statute: again and again I wished for those letters to have been publicly recited. But since, as you tell me, they were burned by the said Bishop, I myself will sum up for you their contents. Some of them dealt with familiar matters, such as our old custom and friendship called for. One of them responded to his request to know how I answered when first examined on the Statute. I replied that I had exonerated my conscience and followed reason, and I urged him to do the same. This was, so help me God, the purport of my letters, and there is nothing on their account that should be judged worthy of death under your Statute."

"As for what pertains to the third article, which says that when I was interrogated by the Council I responded that your Statute is like a two-edged sword, so that one who obeyed it imperiled the salvation of his soul, while one who opposed it would lose his life; and that the

³The bracketed words are in NQ.

Bishop of Rochester (you say) responded in the same way, from which it should appear that this was done by agreement between us, both of us responding in the same way: to this part of the accusation I respond that I was not speaking straightforwardly but only conditionally; that is, if there should be some statute that was like a two-edged sword, how could any person take care against coming up against one edge or the other? But what the Bishop of Rochester responded, I do not know. It may be that he responded in the same way, but it was not done through any conspiracy, but rather it occurred because of our similar minds and education. But believe me most assuredly on this point, that I never said or did anything maliciously against your Statute. In the meantime, however, it could be that many things have been viciously and maliciously spoken about me to arouse hatred against me on the part of His Royal Majesty."

[From Pole's account]

Judges: "Malice!"

[From Roper's account]

Narrator: And for [further] proof to the Jury that Sir Thomas More was guilty of this treason, Master Rich was called forth to give evidence unto them upon his oath, as he did.

[Master Rich recounted that, shortly after two official interrogations in the Tower, he], then newly made the King's Solicitor, [along with] Sir Richard Southwell, and one Master Palmer, servant to the Secretary, were sent to Sir Thomas More into the Tower, to fetch away his books from him. And while Sir Richard Southwell and Master Palmer were busy in the trussing up of his books, Master Rich . . . said thus unto him:

[From the Indictment]

Rich: "[I] asked him, if it were enacted by the authority of Parliament that if [I myself,] that is, Richard Rich, were king, and that it would be treason if anyone denied it, what would be the offense in the said Thomas More if the same Thomas said that the said Richard Rich was king? Certainly ([I] continued further), there would be no offense in his conscience, but rather the said Thomas More was obliged to say so and accept the same Richard, because the consent of the said Thomas More was obligated by the act of Parliament. The said Thomas More then and there responded and said that he would indeed commit an offense if he denied it, since he was able to give his consent to it. But he said that this case will be a trivial case. Therefore, the same Thomas then and there said to [me] that he would propose a more lofty case, saying thus: 'Let us say that it was enacted by Parliament that God was not God, and that if anyone wished to impugn that act, it would be treason; if the question were put to you, Richard Rich, "Do you wish to say that God is not God," in accord with the Statute, and you said yes, would you not commit an offense?' To which [I] said, 'Yes, certainly, because it is impossible to bring it about that God be not God. And because your case is on such a high level, I will propose to you this middle-level case: You know that our Lord King has been constituted as Supreme Head on Earth of the English Church; and why should not you, Master More, affirm and accept him as such in this case, just as in the foregoing case in which I was selected to be king? In that case you concede that you would be obligated to affirm and accept me as king.' To this the said Thomas More . . . responded to [me] that those cases are not like, because a king can be made by Parliament, and can be deprived by Parliament, to

which act any subject being at the Parliament may give his consent; but to the case of a primacy, the subject cannot be bound, because he cannot give his consent from him in Parliament. And although the king were generally accepted as such in England, yet most outer parts do not affirm it."

[Roper's account]

Narrator: Against whom thus sworn, Sir Thomas More began in this wise to say:

More: "If I were a man, my Lords, that did not regard an oath, I needed not, as it is well known, in this place, at this time, nor in this case, to stand here as an accused person.

"And if this oath of yours, Master Rich, be true, then pray I that I never see God in the face; which I would not say, were it otherwise, to win the whole world."

Narrator: Then recited he to the Court the discourse of all their communication in the Tower.

More: "[Master Rich said unto me,] 'Forasmuch as it is well known, Master More, that you are a man both wise and well learned as well in the laws of the Realm as otherwise, I pray you therefore, sir, let me be so bold as of good will to put unto you this case. Admit there were, sir, an act of Parliament that all the Realm should take me for king. Would not you, Master More, take me for king?' [To which I replied:] 'Yes, sir, that would I.' 'I put case further,' [quoth he,] 'that there were an act of Parliament that all the Realm should take me for Pope. Would not you, then, Master More, take me for Pope?' 'For answer, sir,' [quoth I,] 'to your first case: the Parliament may well, Master Rich, meddle with the state of temporal princes. But to make answer to your other case, I will put you this case: suppose the Parliament would make a law that God should not be God. Would you then, Master Rich, say that God were not God?' 'No, sir,' [quoth I,] 'that would I not, sith no Parliament may make any such law.' 'No more,' said [I], 'could the Parliament make the King Supreme Head of the Church [that is to say, Pope].'"

Narrator: Thus, having shown how Master Rich changed cases, from speaking about Rich being declared Pope to speaking about King Henry being declared Head of the English Church, More addressed Master Rich directly:

More: "In good faith, Master Rich, I am sorrier for your perjury than for my own peril. And you shall understand that neither I nor no man else to my knowledge ever took you to be a man of such credit as in any matter of importance, aye, or any other, would at any time vouchsafe to communicate with you. And I, as you know, for no small while have been acquainted with you and your conversation, who have known you from your youth hitherto. For we long dwelled both in one parish together, where, as yourself can tell (I am sorry you compel me so to say), you were esteemed very light of your tongue, a great dicer, and of no commendable fame. And so in your house at the Temple, where hath been your chief bringing up, were you likewise accounted.

Narrator: Sir Thomas More then addresses the Court:

[Roper's account]

"Can it therefore seem likely unto Your Honorable Lordships that I would, in so weighty a cause, so unadvisedly overshoot myself as to trust Master Rich, a man of me always reputed for one of so little truth, as Your Lordships have heard, so far above My Sovereign Lord the King, or any of his noble Councilors, that I would unto him utter the secrets of my conscience touching the King's Supremacy, the special point and only mark at my hands so long sought for? A thing which I never did, nor never would, after the Statute thereof made, reveal, either to the King's Highness himself, or to any of his honorable Councilors, as it is not unknown to *Your Honors* at sundry several times sent from His Grace's own person unto the Tower unto me for none other purpose. Can this in your judgments, My Lords, seem likely to be true?"

"And yet, if I had so done in deed, My Lords, as Master Rich hath sworn, seeing it was spoken but in familiar secret talk, nothing affirming, and only in putting of cases, without other displeasing circumstances, it cannot justly be taken to be spoken maliciously. And where there is no malice, there can be no offense. And over this I can never think, My Lords, that so many worthy Bishops, so many honorable personages, and so many other worshipful, virtuous, wise, and well-learned men as at the making of that Law were in the Parliament assembled, ever meant to have any man punished by death in whom there could be found no malice, taking *malitia* for *malevolentia*. For if *malitia* be generally taken for 'sin,' no man is there then that can thereof excuse himself; *quia*, 'Si dixerimus quod peccatum non habemus, nosmetipsos seducimus, et veritas in nobis non est' [1 John 1.8: 'If we should say that we do not have sin, we deceive ourselves, and the truth is not in us']. And only this word 'maliciously' is in the Statute material, as this term 'forcible' is in the Statute of Forcible Entries. By which Statute, if a man enter peaceably and put not his adversary out forcibly, it is no offense. But if he put him out forcibly, then by the Statute it is an offense, and so shall he be punished by this term 'forcibly.'

"Besides this, the manifold goodness of the King's Highness himself, that hath been so many ways my singular good Lord and gracious Sovereign, that hath so dearly loved and trusted me, even at my very first coming into his noble service with the dignity of his honorable Privy Council vouchsafing to admit me, and to offices of great credit and worship most liberally advance me, and finally with that weighty room of His Grace's High Chancellor—the like whereof he never did to temporal man before—next to his own Royal Person the highest officer in this noble Realm, so far above my merits or qualities able and meet therefore, of his incomparable benignity honored and exalted me, by the space of twenty years and more showing his continual favor towards me, and (until at my own poor suit, it pleased his Highness, giving me license, with His Majesty's favor, to bestow the residue of my life for the provision of my soul in the service of God, of his especial goodness thereof to discharge and unburden me), most benignly heaped honors continually more and more upon me. All this His Highness's goodness, I say, so long thus bountifully extended towards me, were, in my mind, My Lords, matter sufficient to convince this slanderous surmise by this man so wrongfully imagined against me."

Narrator: Master Rich, seeing himself so disproved, and his credit so foully defaced, caused Sir Richard Southwell and Master Palmer, that at the time of their communication were in the chamber, to be sworn what words had passed between them. Whereupon Master Palmer, upon his deposition, said that he was so busy about the trussing up of Sir Thomas More's books in a sack, that he took no heed to their talk. Sir Richard Southwell likewise, upon his deposition, said that because he was appointed only to look unto the conveyance of his books, he gave no ear unto them.

[Roper's account]

Narrator: After this were there many other reasons . . . by Sir Thomas More in his own defense alleged, to the discredit of Master Rich's aforesaid evidence, and proof of the clearness of his own conscience. All which notwithstanding, the Jury found him guilty.

[Pole's account]

Judges: "Malice!"

Narrator: But now the twelve men, who according to the custom of our country have the power of life and death in trials, were called forward. And these men, since they had the word "Malice," which had sounded throughout the whole courtroom, fixed in their ears and minds, made no delay—in fact, it was a wonder that they could convene so quickly. They immediately made their pronouncement, in English, "Guilty."

[Roper's account]

Narrator: And incontinent upon their verdict, the Lord Chancellor, for that matter Chief Commissioner, beginning to proceed in Judgment against him, Sir Thomas More said to him,

More: "My Lord, when I was toward the Law, the manner in such case was to ask the Prisoner before Judgment why Judgment should not be given against him."

Narrator: Whereupon the Lord Chancellor, staying his Judgment wherein he had partly proceeded, demanded of him what he was able to say to the contrary.

More: "Forasmuch, My Lords, this Indictment is grounded upon an Act of Parliament directly repugnant to the Laws of God and His Holy Church, the supreme government of which, or of any part whereof, may no temporal prince presume by any law to take upon him, as rightfully belonging to the See of Rome, a spiritual preeminence by the mouth of Our Savior Himself, personally present upon the earth, only to St. Peter and his successors, Bishops of the same See, by special prerogative granted; it is therefore in law amongst Christian men insufficient to charge any Christian man. [...] This Realm, being but one member and small part of the Church, m[ay] not make a particular law disagreeable with the General Law of Christ's Universal Catholic Church, no more than the City of London, being but one poor member in respect of the whole Realm, m[ay] make a law against an act of Parliament to bind the whole Realm. [...] It [is] contrary both to the Laws and Statutes of our own Land yet unrepealed, as [you may] evidently perceive in *Magna Charta*: 'Quod Ecclesia Anglicana libera sit et habeat omnia jura sua integra et libertates suas illaesas' ['That the English Church be free and have all of its rights whole and its liberties uninjured']; and also contrary to that sacred oath which the King's Highness himself and every other Christian Prince always with great solemnity [receive] at their Coronations. [...] No more might this Realm of England refuse obedience to the See of Rome than might the child refuse obedience to his own natural father. For, as St. Paul said of the Corinthians, 'I have regenerated you, my children in Christ.' So might St. Gregory, Pope of Rome, of whom, by St. Austin, his messenger, we first received the Christian Faith, of us Englishmen truly say: 'You are my children, because I have given to you everlasting salvation, a far higher and better inheritance than any carnal father can leave to his child, and by regeneration made you my spiritual children in Christ.'

Narrator: There was it by the Lord Chancellor thereunto answered, that, seeing all the Bishops, Universities, and best learned of this Realm had to this Act agreed, it was much marveled that he alone against them all would so stiffly stick thereat, and so vehemently argue thereagainst.

More: "If the number of Bishops and Universities be so material as Your Lordship seemeth to take it, then see I little cause, My Lord, why that thing in my conscience should make any change. For I nothing doubt but that, though not in this Realm, yet in Christendom about, of these well learned Bishops and virtuous men that are yet alive, they be not the fewer part that be of my mind therein. But if I should speak of those which already be dead, of whom many be now holy Saints in Heaven, I am very sure it is the far greater part of them that, all the while they lived, thought in this case that way that I think now. And therefore am I not bound, My Lord, to conform my conscience to the counsel of one Realm against the general counsel of Christendom."

Narrator: Now when Sir Thomas More, for the a-voiding of the Indictment, had taken as many exceptions as he thought meet, and many more reasons . . . alleged, the Lord Chancellor, loath to have the burden of that Judgment wholly to depend upon himself, there openly asked the advice of the Lord FitzJames, then Lord chief Justice of the King's Bench, and joined in Commission with him, whether this Indictment were sufficient or not. Who, like a wise man, answered:

Lord Chief Justice FitzJames: "My Lords all, by St. Julian, I must needs confess that, if the Act of Parliament be not unlawful, then is not the Indictment, in my conscience, insufficient."

Narrator: Whereupon the Lord Chancellor said to the rest of the Lords,

Lord Chancellor Audley: "Lo, My Lords, lo, you hear what My Lord Chief Justice saith,"

Narrator: and immediately gave he Judgment against him.

[Justice Spelman's Report]

Narrator: One of the judges on the Commission, Sir John Spelman, Justice of the King's Bench, made this note about the trial.

Spelman: Sir Thomas More, Knight (who had earlier been Chancellor of England and was afterwards discharged from the same office) was arraigned before the said Sir Thomas Audeley, Chancellor, and the other Commissioners, for treason, in that he was an aider, counselor, and abettor to the said Bishop Fisher, and also that he falsely, maliciously, and traitorously desiring, willing, and scheming, contrived, practiced, and attempted to deprive the King of his dignity, name, and title of Supreme Head on Earth of the Church of England. He was found guilty, and the said Chancellor gave judgment.

[Roper's account]

Narrator: After which ended, the Commissioners yet further courteously offered him, if he had anything else to allege for his defense, to grant him favorable audience. Justice Spelman summed

up More's remarks thus:

Spelman: More stood firmly upon the Statute of 26 Henry VIII, for he said that the Parliament could not make the King Supreme Head.

[Guildhall Report]

More: "Since I have been adjudged to death, whether rightly or wrongly, God knows, for the exonerating of my conscience I would willingly say some words to you concerning your Statute. I affirm that I have spent all my study during the whole of the last seven years, and I have never found an approved doctor to hold that any layman is the head of an ecclesiastical order."

Narrator: At this point the Chancellor interrupted his speech and said,

Chancellor: "Do you wish to be more prudent and religious than all the Bishops, the whole Nobility, and all of the People who are subjects of the King and his Kingdom?"

More: "For one Bishop who agrees with you, I have easily a hundred, including some who are among the Saints. And for your one Council [i.e., Parliament] and your Statute (what it is worth the Great Good God knows), on my side are all the General Councils celebrated during the last thousand years. And for one Kingdom, the Kingdom of France and all other Kingdoms of the Christian World agree with me."

Norfolk: "More, now you are plainly revealing your mind's stubborn malice."

More: "What I say, I say because necessity compels me, for I wish to exonerate my conscience and not weigh down my soul. I call on God, the searcher of hearts, as witness."

"In addition, I add this, that your Statute was wrongly made, because you deliberately swore your oaths against the Church, which alone is whole and undivided through the whole Christian World. And you alone have no power to enact anything, without the consent of all other Christians, which is contrary to the unity and concord of the Christian Religion.

"But I am not unaware of the reason for which you have adjudged me to death. The one single cause is that I have been unwilling over the past years to consent to the second marriage of the King.

[Pole's account]

Narrator: [Thus] he first revealed his opinion concerning the Law by which the King had been appointed Head of the Church. He had not done this previously, for the purpose of not giving his adversaries . . . an opportunity for further lashing out against him, since it could not aid his defense. But then, at that point, being mindful of [England's] care, lest [anyone] should imprudently and ignorantly favor this pestiferous Law, . . . he spoke out. He declared this Law to be in contradiction to all human and divine laws. He asserted that it would be more pernicious to those who assented to it than it had been to himself, who was condemned to capital punishment, . . . convicted of dissenting from it.

Narrator: [Now More addresses all present:]

[Guildhall Report]

"But still I have great hope in the Divine clemency and goodness that, as we read that St. Paul persecuted Blessed Stephen, but they are now together in heaven, so all of us, though we disagree in this life, will nevertheless agree in another life with perfect charity. I therefore pray the Great Good God to guard the King, conserve him, and make him safe, and send him salutary counsel."

[Roper's account]

"More have I not to say, My Lords, but that . . . I verily trust and shall therefor right heartily pray, that though Your Lordships have now here in earth been Judges to my condemnation, we may yet hereafter in Heaven merrily all meet together, to our everlasting salvation."

Narrator: Now after this arraignment, departed he from the bar to the Tower again, led by Sir William Kingston, a tall, strong, and comely knight, Constable of the Tower, and his very dear friend.

[Guildhall Report]

Now when the trial was over and More was being led back to prison, before he had arrived at the prison, one of his daughters, named Margaret, rushing through the midst of the crowd of guards and soldiers, burning with great desire for her parent, taking no care for herself or the public place or those standing by, she barely broke through at last to her father, and there, embracing his neck with pitiable weeping she bore witness to her extreme grief. And after she held onto him tightly for some time, with sorrow completely overcoming her voice, her father with the guards' permission consoled her thus:

More: "Margaret, be of strong spirit, and do not torment yourself further; this is God's will. You have long known all the secrets of my mind."

Narrator: Then, when her father had scarcely been taken away another ten or twelve steps, she again fell upon him and once more threw her arms around her father's neck. Thereupon More, shedding no tears, and showing no distress of countenance or mind, said only this:

More: "Farewell, and pray to God for the salvation of my soul."

Narrator: On the day [before] the Nones of July his head was struck off in the great field before the Royal [Tower], and he spoke a few words before he was beheaded, simply asking the crowd standing around to pray for him in this life and he in turn would intercede for them in another life. Finally he strongly exhorted them and urged them to pray to God for the King, that He would grant him right counsel and good mind; openly protesting and declaring that he died a faithful minister to him, but first of all to God Almighty.

Appendix I

More's Indictment⁴

(§1) Grand jurors of Middlesex County on 28 June 1535 present as follows:

Middlesex: Inquest taken in the Town of Westminster, in the said County, before the aforesaid John FitzJames, Knight, John Baldwin, Knight, Richard Lister, Knight, John Port, Knight, John Spelman, Knight, Walter Luke, Knight, and Anthony FitzHerbert, Knight, Justices, etc., on the said Monday next after the Feast of St. John the Baptist, by the oath of Thomas Taylor, Robert Grant, William Russell, Henry Croke, Robert Bowden, Eustace Ripley, Christopher Proctor, Henry Gaffeney, John Grove, William Grimbilby, John Apswell, John Miller, John Wilkinson, Thomas Colt, William Stevenson, Walter Phelipps, Jurors. Who say on their oath:

(§2) Since, by the Act of Supremacy, 26 H8 (Nov. 1534) c. 1, the King was accepted as Supreme Head of the Church in England;

Whereas, by an Act issued in the Parliament of our present Lord King held in London on November 3 at the beginning of the 21st year of his reign [1529], and thence on the same November 3 prorogued to the City of Westminster in Middlesex County, and later by successive prorogations continued up to November 3 in the 26th year of his reign [1534], and on that date, in the said City of Westminster, among other things was enacted by the authority of the same Parliament that the same Lord King and his heirs and successors who are accepted, ratified, and held to be Kings of this Kingdom, will be the sole Supreme Head on Earth of the English Church, and they will have and enjoy both the title and style of this Kingdom annexed and united to the Imperial Crown, as well as all honors, dignities, preeminences, jurisdictions, privileges, authorities, immunities, benefits, and commodities incumbent and pertaining to the said dignity of Supreme Head of the same Church, as is more fully contained, among other things, in the same Act.

(§3) And since, by the Act of Treason Concerning the Supremacy, 26 H8 (Nov. 1534) c. 13, it was made high treason to deprive the King of his titles:

And whereas, by another Act issued by the said Parliament held in the said 26th year, among other things was enacted, that if any person or any persons after the next February 1 should maliciously choose, wish, or desire, by words or writing, or by craft imagine, invent, practice, or attempt, any corporal harm to be done or committed against the most royal person of the Lord King, the Queen, or their heirs apparent, or to deprive them or any of them of dignity, title or name of their royal conditions, then each such person and persons so offending in any of the aforementioned after the said February 1, and also their helpers, consenters, counselors, and abettors, who are legitimately convicted of such according to the laws and customs of this Realm shall be adjudged traitors; and that each such offense in any of the aforementioned which is committed or done after the said February 1 shall be held, accepted, and adjudged high treason;

⁴ Edited by Elsie Vaughan Hitchcock, *Harpfield's Life of More* (London 1932), pp. 267-76. The original manuscript is m. 7 and the verdict and sentence are m. 3 of Baga de Secretis, Pouch 7, Bundle 3 (K.B. 8/7/3) at the Public Records Office.

and offenders in them, and their helpers, consenters, counselors, and abettors, being legitimately convicted of any such offense as is aforementioned shall have and suffer such pains of death and other penalties that are specified and accustomed in cases of high treason, as manifestly appears in the said other Act;

(§4) Nevertheless, Thomas More on 7 May 1535, seduced by diabolical instigation, maliciously attempted to deprive King Henry of his title of Supreme Head when, before Thomas Cromwell and others, upon being asked whether he approved of the King as Supreme Head, he maliciously remained silent and refused to give a direct answer;

Nevertheless one Thomas More, late of Chelsea in the County of Middlesex, Knight, not having God before his eyes but seduced by diabolical instigation, on May 7 of the 27th year of the reign of the said Lord King, sufficiently aware of the aforesaid Statutes, falsely, treasonously, and maliciously, in the Tower of London in the said County, imagining, inventing, wishing, and desiring, against the duty of his allegiance, to deprive the said serene Lord our King of a dignity, title, and name of his royal condition, namely, his dignity, title, and name of Supreme Head on Earth of the English Church, on the said May 7 in the said Tower of London in the aforesaid County, in the presence of Thomas Cromwell, Esquire, First Secretary of the Lord King, Thomas Bedill, Cleric, John Tregonill, Doctor of Laws, Counselors of the said Lord King, and before divers other persons, loyal subjects of the same Lord King, being examined and interrogated by mandate of the same Lord King as to whether he received, accepted, and held the same Lord King to be Supreme Head on Earth of the English Church, and wished to receive, accept, and hold him such, according to the form and effect of the aforesaid Statute first recited, the same Thomas then and there maliciously remained completely silent and refused to give a direct response to that question, and he spoke these following English words, namely, "I will not meddle with any such matters, for I am fully determined to serve God and to think upon His Passion and my passage out of this world";

(§5) And on 12 May, More maliciously wrote to Bishop John Fisher, consenting to Fisher's denial of the Supremacy, telling him of his own silence, and calling the Act a two-edged sword;

And afterwards, namely, on the 12th day of the said month of May in the aforesaid 27th year, the aforesaid Thomas More, knowing that one John Fisher, Cleric, was then, and for a long time before, incarcerated in the said Tower of London for various misprisions perpetrated by the said John against the said Lord our King's royal majesty, and had been examined by the said true subjects of the Lord King concerning his reception, acceptance, and holding of the same Lord King as aforesaid, and that the same John falsely, treasonously, and maliciously expressly refused to receive, accept, and hold that the foresaid Lord King was Supreme Head on Earth of the English Church, and the same Thomas More, thinking that he himself and the foresaid John Fisher would likely be examined and interrogated then again on the foregoing, continuing his aforesaid malice, falsely, maliciously, and treasonously wrote various letters on the said 12th day of May in the said Tower of London in the said County of Middlesex, and directed them to the foresaid John Fisher then being in the said Tower of London, and through one George Gold on the same day and year and in the same place transmitted them and had them delivered; through which letters the foresaid Thomas More falsely, maliciously, and treasonously counseled the aforesaid John Fisher in his said false treason, and consented to it, and, through the same letters, intimating to the same John the said silence which the same Thomas More, as stated above,

maintained when questioned, and revealing to him in written words his response of refusal in the spoken English words written above, and, moreover, through the same letters falsely, treasonously, and maliciously writing and asserting these English words, namely, "The Act of Parliament"—meaning the said Act recited above in the second place—"is like a sword with two edges, for if a man answer one way it will confound his soul, and if he answer the other say it will confound his body";

(§6) And on 26 May, More wrote again to Fisher, warning him not to use these words, lest there appear to be a confederacy between them;

And later, the aforesaid Thomas More, fearing lest it happen that the aforesaid John Fisher in his response, when the renewed examination of the said John was made, would say to the Counselors of the said Lord King the aforesaid words written to the same John by the said Thomas, as stated above, the same Thomas More on the 26th day of May in abovesaid 27th year, through other letters of his directed to the aforesaid John Fisher and delivered in the foresaid Tower, falsely, maliciously, and treasonously desired the same John Fisher that the same John make his response according to his own mind, and in no way put forth any such response as the same Thomas had before written to the aforesaid John Fisher, lest perhaps he give occasion to the said Counsellors of the Lord King for thinking that there was some conspiracy between the same Thomas and John;

(§7) Nevertheless, on 3 June Fisher remained silent on the question and called the Act a two-edged sword;

However, from the said letters of the foresaid Thomas More previously written, as stated above, and directed and delivered to the said John Fisher, it followed thus, that the same John Fisher, falsely, maliciously, and treasonously taught and instructed by the said letters of the foresaid Thomas More, and thence in a certain way animated by them, later, namely on June 3 of the foresaid 27th year, in the foresaid Tower, being examined and interrogated again on the foregoing, by Thomas Audeley, Knight, Chancellor of England, Charles, Duke of Suffolk, and Thomas, Earl of Wiltshire, noble subjects and Counsellors of the said Lord King, and other venerable subjects of the same Lord King, remained completely silent and was unwilling to give a direct answer to it, but falsely, treasonously, and maliciously spoke these following English words then and there to the said noble and venerable subjects and Counsellors of the Lord King, namely, "I will not meddle with that matter, for the Statute is like a two-edged sword, and, if I should answer one way, I should offend my conscience; and if I should answer the other way I should put my life in jeopardy; wherefore I will make no answer to that matter";

(§8) And likewise on 3 June, More maliciously persevered in his silence;

And the aforesaid Thomas More, also on the said June 3 of the abovesaid 27th year, in the foresaid Tower, again questioned about the foregoing by the said noble and venerable subjects and Counsellors of the Lord King, persevered in his said silence, and was unwilling to give a direct response to the foregoing;

(§9) Also on 3 June, More likewise called the Act a two-edged sword.

Rather, falsely, treasonously, and maliciously then and there imagining, inventing, practicing, and attempting, and willing and desiring, to deprive the aforesaid Lord our King of a dignity, title, and name of his royal condition, and to raise up and generate sedition and malignity in the

hearts of true subjects of the Lord King against the same Lord King, he openly spoke to the aforesaid subjects and Counsellors of the said Lord King then and there the following English words, namely, "The Law and Statute whereby the King is made Supreme Head, as is aforesaid, be like a sword with two edges; for, if a man say that the same Laws be good, then it is dangerous to the soul; and if he say contrary to the said Statute, then it is death to the body. Wherefore I will make thereunto none other answer, because I will not be occasion of the shorting of my life."

(§10) Moreover, in order to conceal their treason, More and Fisher burned each letter as soon as it had been read.

And in addition, the foresaid Jurors say that the aforesaid Thomas More and John Fisher, both the one and the other of them, to conceal their above-stated false and nefarious treasonous proposal, immediately after reading the letters written and delivered by each to the other, burned them.

(§11) On 12 June, More told Richard Rich that subjects could not be obligated by an act of Parliament making the King Supreme Head.

(a) And, after each and all of these aforesaid things were done and said, as stated above, on the 12th day of June of the said 27th year, Richard Rich, the General Solicitor of the said Lord King, came to the foresaid Thomas More in the said Tower of London, and a conversation concerning various things touching on the aforesaid matters was held then and there between the same Thomas More and Richard Rich, whereupon the same Richard Rich charitably urged the aforesaid Thomas More that he be willing to conform himself to the above-written Acts and Laws. To this, the same Thomas said, responding to the aforesaid Richard Rich, "Your conscience will save you, and my conscience will save me."⁵

(b) And the said Richard Rich, then and there protesting that he had no commission or mandate to talk or converse with the said Thomas More about this matter, asked him, if it were enacted by the authority of Parliament that he himself, that is, Richard Rich, were king, and that it would be treason if anyone denied it, what would be the offense in the said Thomas More if the same Thomas said that the said Richard Rich was king? Certainly (the same Richard Rich continued further), there would be no offense in his conscience, but rather the said Thomas More was obliged to say so and accept the same Richard, because the consent of the said Thomas More was obligated by the act of Parliament. The said Thomas More then and there responded and said that he would indeed commit an offense if he denied it, since he was able to give his consent to it. But he said that this case will be a trivial case.

(c) Therefore, the same Thomas then and there said to the aforesaid Richard Rich that he would propose a more lofty case, saying thus: "Let us say that it was enacted by Parliament that God was not God, and that if anyone wished to impugn that act, it would be treason; if the question were put to you, Richard Rich, 'Do you wish to say that God is not God,' in accord with the Statute, and you said yes, would you not commit an offense?"

⁵ Rich's notes of this conversation are at the Public Records Office, S.P.2/R, folios 24 and 25. The transcription of this conversation is from E. E. Reynolds, *The Trial of St Thomas More* (NY: P. J. Kenedy & Sons): 166-167.

(d) To which the same Richard, responding to the aforesaid Thomas More, then and there said, "Yes, certainly, because it is impossible to bring it about that God be not God. And because your case is on such a high level, I will propose to you this middle-level case: You know that our Lord King has been constituted as Supreme Head on Earth of the English Church; and why should not you, Master More, affirm and accept him as such in this case, just as in the foregoing case in which I was selected to be king? In that case you concede that you would be obligated to affirm and accept me as king."

(e) To this the said Thomas More falsely, treasonously, and maliciously, persevering in his said treachery and malice in his treason and malice, and desiring to put forth and defend his aforesaid treasonous and malicious proposal and appetite, responded to the aforesaid Richard Rich that those cases were not similar, because a king can be made by Parliament, and can be deprived by Parliament, to which act every existing subject should give his consent; but in the case of the Primacy, a subject cannot be obligated, because he is not able to give his consent from it [?] to Parliament. And though the King is generally accepted as such in England, nevertheless many external regions do not affirm it."

(§12) Thus the Jurors say that Thomas More maliciously contrived to deprive the King of his title of Supreme Head.

And thus the aforesaid Jurors say that the aforesaid Thomas More falsely, traitorously, and maliciously by craft schemed, contrived, practiced, and attempted to fundamentally deprive the said serene Lord our King of the said dignity, title, and name of his aforesaid royal status, namely, of his dignity, title, and name of Supreme Head on Earth of the English Church, to the manifest contempt of the same Lord King and derogation of his royal Crown, against the form and effect of the aforesaid Statutes, and against the peace of the selfsame Lord King.

Appendix II

Important Dates for More's Trial

- June 1533 – More sends his “Epitaph, a public declaration of the actual facts” to Erasmus
- 21 Feb. 1534 – Henry VIII asks for More's indictment; Lords refuse three times
- 5 March 1534 – More writes Cromwell & Henry denying guilt (*Last Letters*, p.36ff)
- 6 March 1534 – House of Lords request to hear More's case; More removed from indictment
- Mid-March 1534 – More questioned by royal commission
- 26 March 1534 – Succession Act passed with penalty of Treason for malicious deeds & writings
- 13 April 1534 – More interrogated at Lambeth Palace (*LL* 57ff)
- 17 April 1534 – More imprisoned (illegally) for refusing oath of succession
- August 1534 – Lord Chancellor Audley sends warning to More; More and Margaret write
Dialogue on Conscience (*LL* 72ff)
- 17 Nov 1534 – Act of Supremacy passed
- Nov 1534 – Acts of Treason passed with difficulty, effective 1 February 1535
- Dec 1534 – Act of Attainder passed against More for not taking oath to Succession, condemning
him to life in prison and loss of goods
- 28-29 April 1535 – Trial of 3 Carthusian and 1 Bridgettine monks
- 30 April 1535 – Cromwell and others interrogate More in the Tower (*LL* 112ff)
- 4 May 1535 – monks led to execution, from below More's cell window while Margaret is
visiting, to be hanged (in their habits), drawn, and quartered at Tyburn
- 7 May 1535 – More interrogated by Cromwell & others; remains silent (see Indictment §4)
- 12 & 26 May 1535 – More writes to John Fisher (see Indictment §5, §6)
- 3 June 1535 – More and Fisher interrogated separately; both remain silent & speak of “two-
edged sword” (see Indictment §7, §9 and *LL* 118ff.)
- 12 June 1535 – Richard Rich removes books and writing materials from More's cell & has
disputed conversation with More (see Indictment §11)
- 14 June 1535 – More interrogated again
- 17 June 1535 – Jury chosen from “the inhabitants of the Tower” for John Fisher's trial
- 22 June 1535 – Bishop John Fisher beheaded
- 26 June 1535 –Special Commission of Oyer and Terminer appointed for Middlesex County; new
Commissioners order the Sheriff of Middlesex to bring Grand Jury to Westminster Hall
on 28 June
- 28 June 1535 – Grand Jury meets and accepts state's Indictment (see Indictment §12)
- 30 June 1535 – Commissioners order Constable of the Tower to bring More on 1 July
- 1 July 1535 – More's trial at Westminster Hall (see Guildhall Report)
- 6 July 1535 – More's execution by beheading (see Guildhall Report)