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1 July [1535]
R. O.

974. TRIAL OF SIR THOMAS MORE.¹

- i. Special commission of oyer and terminer for Middlesex, to Sir Thos. Audeley, chancellor; Thos. duke of Norfolk; Charles duke of Suffolk; Hen. earl of Cumberland; Thos. earl of Wiltshire; Geo. earl of Huntingdou; Hen. lord Montague; Geo. lord Rocheford; Andrew lord Windsor; Thos. Crumwell, secretary; Sir Will. Fitzwilliam; Sir Will. Paulet; Sir John Fitzjames; Sir John Baldewyn; Sir Ric. Lister; Sir John Porte; Sir John Spelman; Sir Walter Luke; and Sir Ant. Fitzherbert.— Westm., 26 June 27 Hen. VIII.
- ii. Precept to the sheriff for the return of the grand jury at Westminster on Monday next after the feast of St. John the Baptist.—Westm., 26 June 27 Hen. VIII. With panel annexed.
- iii. Indictment as hereafter set forth.

Endd.: Billa vera.

iv. The justices' precept to the constable of the Tower, commanding him to bring up the body of Sir Thos. More, late of Chelchehithe, Midd., at Westminster, on Thursday next after the morrow of St. John the Baptist.—Westm., 30 June 27 Hen. VIII.

v. The justices' precept to the sheriff of Middlesex for the return of the petty jury this Thursday after the morrow of St. John the Baptist.—Westm., 1 July 27 Hen. VIII.

vi. Record of the sessions held before the special commissioners, citing the above documents.

The indictment² found at Westminster on Monday next after the feast of St. John the Baptist, setting forth the Acts 26 Hen. VIII. [e. 1, 13].

Found, that Sir Thos. More, traitorously attempting to deprive the King of his title of Supreme Head of the Church, &c., did, 7 May 27 Hen. VIII., at the Tower of London, before Cromwell, Thos. Bedyll, clk., and John Tregonell, LL.D., the King's councillors, and divers others, being examined whether he would accept the King as Supreme Head in Earth of the Church of England, pursuant to the statute, refused to give a direct answer, saying "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." Afterwards, 12 May 27 Hen. VIII., the said Sir Thomas, knowing that one John Fisser, clk., was then detained in the Tower for divers misprisions, and that the said Fisser had refused to accept the King as above, wrote divers letters to him, which he transmitted by one Geo. Golde, declaring his agreement with Fisher, and intimating the silence which he, More, had observed when interrogated. In these letters he wrote as follows:—"The Act of Parliament 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 way it will confound his body." [385]

Afterwards, fearing lest Fisher should reveal upon further examination what he had written to him, the said Sir Thomas, at the Tower, 26 May 27 Hen. VIII., sent other letters to Fisher, requesting him to answer according to his own mind, and not to give any such answer as he, Sir Thos., had written, lest the Council should suspect confederacy between them. Nevertheless, in consequence of the letters first written, Fisher did, 3 June 27 Hen. VIII., at the Tower, when examined by Sir Thos. Audeley, Suffolk, Wiltshire, and others, refuse to answer directly, and said, "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 in that matter."

The said Sir Thomas likewise, when examined at the Tower, 3 June 27 Hen. VIII.,

¹ From the *Baga de Secretis*. See Report III. of Dep. Keeper of Pub. Records, App. ii. 240.

² This indictment is printed in the *Archæologia*, xxvii. 370, from two copies (not contemporary) in Arundel MS. 152, ff. 308 and 322 b.

maliciously persevered in refusing to give a direct answer, and, imagining to move sedition and hatred against the King, said to the King's councillors, "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." And, moreover, the said More and Fisher, in order to conceal their treacherous intentions, severally burned their letters which passed between them immediately after reading the same.

Afterwards, 12 June 27 Hen. VIII., Richard Ryche, the King's Solicitor General, came to Sir Thomas in the Tower, and charitably moved him to comply with the Acts; to which More replied, "Your conscience will save you, and my conscience will save me." Ryche then, protesting that he had no authority to make any communication with More, said to him, "Supposing that it were enacted by Parliament that he, Richard Ryche, should be King, and that it should be treason to deny the same, what would be the offence if he, Sir Thomas More, were to say that the said Ryche, was King?" For certain, the said Ryche further said, in his conscience it would be no offence, but that More was obliged so to say, and to accept Ryche for King, because the consent of the said More was compelled by an Act of Parliament. To which More then and there answered that he should offend if he were to say no, because he would be bound by an Act, because he was able to give his consent to it. But he said that would be a light case; wherefore he would put a higher case:—"Suppose it should be enacted by Parliament that God should not be God, and that opposing the Act should be treason; and if it were asked of you, Ric. Ryche, whether you would say that God was not God according to the statute, and if you were to say so, would you not offend?" To which Ryche answered More, "Certainly, because it is impossible that God should not be God. But because your case is so high, I will put a medium one. You know that our lord the King is constituted Supreme Head on Earth of the Church of England; and why ought not you, Master More, to affirm and accept him so, just as you would in the preceding case, in which you admit that you would be bound to accept me as King?" To which More, persevering in his treasons, answered that the cases were not similar; because a King can be made by Parliament, and deprived by Parliament; to which Act every subject being at the Parliament may give his assent (*ad quem actum quilibet subditus ad Parliamentum existens suum præbeat consensum*); but as to the primacy, a subject cannot be bound, because he cannot give his consent to that in Parliament (*quia consensum suum ab eo ad Parliamentum præbere non potest*); and although the King is so accepted in England, yet many foreign countries do not affirm the same."

Trial at Westminster on Thursday next after the feast of St. John Baptist, 27 Hen. VIII. [386] Sir Thomas brought to the bar by Sir Edm. Walsingham, lieutenant of Sir Will. Kingston, constable of the Tower, pleads Not guilty.

Venire awarded, returnable same day. Prisoner again brought to the bar. Verdict *Guilty*. Judgment as usual in high treason. Execution at Tyburn.

Record brought into the Court of King's Bench by Sir John Fitzjames, Monday next after the morrow of the Purification, 27 Hen. VIII.