

# Reproduction of the Old Report of the Trial of St. Thomas More

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## A CRITICAL REVIEW of

1413. Meeting in *St. Giles's Fields*, he was outlawed  
 1 Hen. 5. for High Treason, as a Promoter of that Re-  
 bellion, as it was called, and taking Refuge in  
 Sir John Oldcastle the Mountains of *Wales*, defended himself a-  
 gainst all the Force and Arms of his Per-

The Proceedings against this noble Lord al- 1413  
 so are very imperfect; but they are the best the 1 Hen. 5.  
 Compiler of the *State Trials* was able to pro- Remarks  
 cure. And in a Work of this Nature, he on the Pro-  
 ceedings.

\* \* \*

This excerpt from the "New Abridgement and Critical Review of the State Trials" by Thomas Salmon, (London 1737) is reproduced here because the volume is relatively rare.

We are indebted to Dr. Charles J. Zinn, and to the Librarian of Congress for making the material available to us.

\* \* \*

1535.  
 26 Hen. 8.  
 Sir Tho-  
 mas  
 More's  
 Trial for  
 High-  
 Treason.

The Trial of Sir THOMAS MORE, for *High-Treason*, be-  
 fore the Duke of *Norfolk*, and other Commis-  
 sioners of *Oyer and Terminer*, the 7th of *May*, 1535.  
 26 *Henry VIII.*

1535.  
 26 Hen. 8.

The  
 Charge.

THE Charge contained in the Indictment was, 1. That the Prisoner had stubbornly opposed the King's second Marriage: 2. That he maliciously refused to declare his Opinion of the Act of Supremacy: 3. That he endeavoured to evade the Force of that Statute, and advised Bishop *Fisher* by his Letters, not to submit to it; and, 4. That upon his Examination in the *Tower*, it being demanded, if he approved the Act of Supremacy, he answered, *That the Question was like a two-edged Sword; if he answered one way, it would destroy his Body; and if the other way, his Soul;* and these were laid to be Open or Overt-Acts of the Treason of his Heart.

The Evi-  
 dence.

As to the two first Articles, he did not deny that he advised the King against his second Marriage, or, that he declined giving his Opinion concerning the Act of Supremacy; and his Letters to *Fisher* were said to prove the third, but they were not produced: *Rich*, the King's Solicitor, gave Evidence of the fourth, concerning his Answer on his Examination in the *Tower*.

Sir *Thomas* said in his Defence, That he had no Malice or Treason in his Heart, when he advised the King against his second Marriage, but gave his Opinion according to his Conscience and his Duty, when his Majesty required it; and that, if he had refused to deliver his Opinion, his Majesty might justly have re-sented it: 2. As to the second Charge, he thought Silence was no Sign of the Malice of his Heart; for, according to the Civilians, he who held his Peace seemed to consent, declaring, he had never cast any Reflection on the Act before any Man: 3. As to the third, which charges him with maliciously advising *Fisher* not to comply with the Act, he desired his Letters, that were said to prove it, might be produced, and he was confident they would acquit him of ever giving such Advice: 4. And as to the fourth Article, the Words were no Reflection on the Act, if he had spoken them; but he had never said any Thing like them, excepting to the Evidence of *Rich* the Solicitor, on whose Testimony he was charged with them; and appealing to the Memory of the Lords  
 who

the STATE TRIALS.

II

1535. who were present at that Examination, They  
26 Hen. 8. all declared, *They heard no such Words.*  
He is con- The Jury, however, was so managed, that  
victed. within a quarter of an Hour after they were  
gone out, they returned with their Verdict,  
*That the Prisoner was GUILTY of High Treason.*

The Court demanding of Sir Thomas, What  
he had to say, why Judgment should not be pro-  
nounced against him, he only observed, That an  
Act of Parliament could not give the King the  
Supremacy of the Church, of which England was  
but a Part; and further, that none but Hea-  
ven could confer that Supremacy on any Per-  
son: After which Sentence was pronounced  
on him as a Traitor; though all except the Be-  
heading, was pardoned, on account of the Pris-  
oner's having borne the Office of Lord Chancellor.

His Execu-  
tion.

He was ordered to be executed on the sixth  
of July, about a Month after his Trial. He  
preserved his usual facetious Temper to the  
last; for observing the Stairs of the Scaffold  
very weak, *he desired a Friend to lend him a  
Hand to get up; but when I come down, (says he)  
let me shift for my self.* And when the Execu-  
tioner, as usual, asked him Forgiveness, *Friend  
(says Sir Thomas) you will get but little Credit in  
cutting off my Head, my Neck is so short.* Then  
*he desired the Executioner's Leave to lay his Beard  
aside, for that had committed no Treason.*

Remarks  
in the Tri-  
al and Ex-  
ecution of  
Sir Tho-  
mas More.

It is not easy to conceive what there was in  
this Charge, if it had been all proved, that  
could amount to High Treason, or even to a  
Misdemeanor; unless it be criminal not to think  
always as the King thinks. Very precarious

1535. was the Life of a Subject in this Reign. What-  
26 Hen. 8. ever the Court were pleased to denominate  
Treason, was adjudged Treason; and whoever  
the Ministry thought fit to accuse, were found  
guilty. No Jury, or Court of Justice, durst  
refuse to convict any Man the King intimated  
he would have condemned to Death: And Par-  
liaments met only to execute the King's De-  
crees. We may therefore look upon this Reign  
of Henry VIII. to be the most tyrannical, ar-  
bitrary, and cruel, that is to be met with in  
our Annals. From this Prosecution of Sir  
Thomas More, it appears that neither Virtue,  
Parts, Learning, or even Innocence, and the  
most inoffensive Behaviour, were any Protec-  
tion. This great Man, who had arrived to a  
good old Age, was not suffered to go to the  
Grave in the natural and ordinary way. His  
steady and persevering Virtue was a Reproach  
to the Tyrant, who seems determined to suffer  
no Man to live that would not fall down and  
worship him, and change his Creed as often as  
He changed his Mind.

Sir Thomas is sometimes censured for the  
Lightness of his Expressions at the Hour of  
Death; but to me it only shews his Innocence,  
and that he considered this but as the Passage  
to a better State, which made him more than  
usually gay, at the Approach of his Execution;  
and as to his saying *His Beard had committed no  
Treason*, he certainly intended to intimate there-  
by, that his whole Person was equally inno-  
cent, and that nothing, how inoffensive soever,  
could escape the Rage and Fury of that Ad-  
ministration.