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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 Shows 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-
victed.*

The Jury, however, was so managed, that 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 pronounced 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 Heaven could confer that Supremacy on any Person: After which Sentence was pronounced on him as a Traitor; though all except the Beheading, was pardoned, on account of the Prisoner'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 Executioner, 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
on 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

was the Life of a Subject in this Reign. What- 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 Parliaments met only to execute the King's Decrees. We may therefore look upon this Reign of Henry VIII. to be the most tyrannical, arbitrary, 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 Protection. 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.

1535.
26 Hen. 8.

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 thereby, that his whole Person was equally innocent, and that nothing, how inoffensive soever, could escape the Rage and Fury of that Administration.