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Thomas, Lord Seymour of Sudeley: Treason and power in Tudor England

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THOMAS, LORD SEYMOUR OF SUDELEY:
TREASON AND POWER IN TUDOR ENGLAND

A Thesis
Presented to
The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

by
Diane L. Dunkley
1983
APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts

Diane L. Dunkley

Approved, May 1983

Dale E. Hoak
A.Z. Freeman
James McCord
This thesis is dedicated to my mother.
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ABSTRACT

The purpose of this thesis is to examine the case of Thomas Lord Seymour, who was executed for treason in March, 1549, and to relate that case to the realities of power and politics in mid-Tudor England.

Thomas Seymour, uncle of King Edward VI, brother of the Lord Protector Somerset, was found guilty of treason by means of a parliamentary bill, an Act of Attainder, rather than in a judicial court. Historians since the sixteenth century have been unable to agree upon Seymour's guilt or innocence, or upon the legality of his conviction.

In preparing this study, the author studied the law of treason as it existed in 1549, and compared the Treason Statute of 1547 to the charges against Seymour. Depositions and confessions extant in the Public Records Office and in the Hatfield MSS were examined and related to the charges and to the treason law.

It is suggested that, although the charges were worded so that any one could have been treason, Thomas Seymour was probably not guilty of actual treason. His case was sent to Parliament as a bill because the government believed that he might have been acquitted in a judicial court. His conviction was too politically important to the Lord Protector to risk acquittal.
THOMAS, LORD SEYMOUR OF SUDELEY:
TREASON AND POWER IN TUDOR ENGLAND
CHAPTER I

THE PROBLEM

"This day died a man with much wit, and very little judgement."¹ The future Elizabeth I, upon hearing of Thomas Lord Seymour's death, is said to have offered this assessment and epitaph. Thomas Seymour, Lord Admiral of England, uncle to King Edward VI, brother to the Lord Protector Somerset, and widower of Katherine Parr, Henry VIII's last wife, was executed for high treason on March 20, 1549. Thomas Seymour had been a trusted servant to Henry VIII since Henry's marriage to his sister Jane, serving as envoy to the Hungarian court, and had built his career steadily by serving the interests of his king, even unto relinquishing his claim to Katherine Parr when that lady caught Henry's eye. Upon Henry's death in 1547 and the elevation of Edward Seymour to Protector of the Realm and Governor of the child-king Edward VI, Thomas was raised to the peerage, sworn into the Privy Council, and made Lord Admiral of England. Soon after, he married the late king's widow. Together they maintained several households, and had custody of two of the premier young ladies of the land: the princess Elizabeth, and Lady Jane Grey, the king's sister and cousin, respectively. In less than two years it was all over. Katherine died a few days after the birth of their daughter, in September, 1548. By January Thomas was a prisoner in the Tower, with thirty-three articles of treason charged against him. On March 20, he died a traitor's death, having been judged guilty not by a jury of his peers, but by a bill of attainder drawn by the Privy Council, passed by both houses of Parliament, assented to by the King, his nephew, and signed by his brother, among others.

The case of Thomas Seymour is not one that has been ignored by historians; on the contrary, numerous accounts of the case have been offered over the four hundred years since Seymour's execution. All agree on the basic facts: his arrest in January 1549, the numerous
depositions of evidence against him, the bill of attainder, the execution. What historians do not and have not agreed upon is Seymour's guilt or innocence; Somerset's degree of involvement, whether he could have, should have, or indeed wanted to save his brother; and the complicity or lack thereof of others, such as the earl of Warwick and Thomas Lord Wriothesley. Appraisals of Seymour's case have ranged from those who are violently pro-Seymour, who see him as the innocent victim of evil plots, to those who view him as an evil, vicious man who received his just deserts. Most assessments fall somewhere in between the two extremes but the consensus seems to be that Seymour was guilty of some if not all the crimes charged to him, and although his case was handled unfairly, a fair trial by a jury of his peers would have yielded the same results. This thesis seeks to examine in detail the case of Thomas Seymour, the charges against him, the testimony and procedures, the final bill of attainder, and to set into perspective the relationship of Seymour's "treason" to the realities of power and politics in mid-Tudor England.

There are few contemporary histories of Seymour's time which offer any information beyond the bare facts of Seymour's arrest and execution. Holinshed, Fabian, and the Greyfriars' chronicler offer no information other than the fact the "the XX day of Marche was sir Thomas (Sey)mer that was lord amrelle was be-hedyd at the Tower hylle for hye (treason)."2 Charles Wriothesley who, as Thomas Wriothesley's cousin, was closely connected with these events and might be expected to offer some shred of opinion, recorded only Seymour's arrest and execution, adding "which said Lord Admirall was condemned of high treason by the hole Perliament, as by an Act made by the same more plainelie appeareth."3 John Stow, in his Summary of Englyshe Chronicles, published in 1565, added to his account of Seymour's case the story of rivalry between the Duchess of Somerset and Katherine Parr, and attributes the problems between the brothers to this source. Stow also laid the groundwork for the possibility of a conspiracy, by reporting that "it was then sayde of many the fall of the one brother, would bee the ruine of the other, as afterwarde it happened."4 The 1570 edition of Stow's Summary does not include the story of the wives' rivalry, nor
does his *Annales of England*. Whether the omission was due to censorship, conservation of space, or a re-evaluation of the case is unknown; at any rate, except for the 1565 *Summary*, Stow's accounts follow the same pattern as other contemporary chronicles.

The source that could have offered the most information and is therefore most frustrating in its brevity is the *Chronicle* of Edward VI. Edward was a central figure in the case: Seymour's machinations against and manipulations of Edward form the core of the charges against him. Seymour was the boy's "favorite" uncle, had supplied him with pocket money, and, to whatever purpose, had treated him with more sympathy than had Somerset. Some expression of feeling, of grief or remorse, might have been expected, but Edward's journal reveals no such emotion. His account of the affair is as follows: "Also the Lord Sudeley, Admiral of England, was condemned to death and died the March ensuing."5

Contemporary assessments of Seymour's character and case are few, although the case must have provoked much comment at the time. Evidence that there was criticism of the trial by Parliament rather than by jury is found in a series of sermons preached by Hugh Latimer before Edward VI during the Lenten season immediately following the execution of Seymour. Latimer first alluded to the case in a sermon two days after Seymour's death by warning his listeners against criticizing the courts. He cautioned them not to "judge the judgment of judges,"6 but to accept their decisions, even when those decisions were incomprehensible. In later sermons of this series, he spoke directly of Thomas Seymour, saying that "he was a wicked man: the realm is well rid of him."7 It was in this sermon, delivered nine days after Seymour's execution, that Latimer related the story of Seymour's letters to the Princesses Mary and Elizabeth, which purportedly asked them to plot against Somerset. Latimer said that he had seen the letters with his own eyes, that they had been sewn inside the sole of Seymour's shoes, and that they had been discovered when Seymour, at the block, had whispered to a servant instructions concerning their delivery and was overheard. (This story appears from time to time in later histories, but all seem to have Latimer as their source.) Latimer used the existence of these letters
as proof of Seymour's guilt and evil character. In his next sermon, Latimer answered critics who questioned his need or right to defend the Council and Parliament, and in the final sermon of the series, he raged against Seymour like a terrier worrying his prey:

\[
\text{He shall be Lot's wife to me as long as I live. He was, I heard say, a covetous man, a covetous man indeed: I would there were no more in England! He was, I heard say, a seditious man, a contemner of common prayer: I would there were no more in England! Well: he is gone. I would he had left none behind him!}
\]

Whether Latimer's obvious dislike of Seymour was prompted by genuine knowledge of the facts of the case or by the desire to please the king or the members of the Council is open to interpretation; the fact remains that later historians were to base their judgements of Seymour's character on Latimer's sermons.

Francois Van der Delft, the Imperial ambassador to England, was one of the contemporaries who commented at length on the Seymour affair. Van der Delft's accounts in his letters to the Emperor Charles are in themselves interesting, for he spoke no English; by his own account, his main source of information about English affairs was Sir William Paget. As Royall Tyler pointed out in the preface to the State Papers, Spanish, Van der Delft's letters are valuable because they reflect what Paget, and perhaps others of the English government, wanted the Imperial government to know or to believe. Van der Delft's first reports of these events, sent to the Emperor from Calais, were of an attack on the King's life, in which the dog guarding his bedroom door was killed. Van der Delft told the Emperor that the Admiral (Seymour) was suspected, but that he would have to wait until he reached England (and Paget) to get a reliable account of the story. That the story was untrue is supported by the fact that attempted regicide was not one of the charges against Seymour; yet when Van der Delft reached England, his trusted source Paget swore that "it was palin in every respect that the Admiral had intended to kille the King and the Lady Mary . . ." It is interesting to speculate as to Paget's motive in propagating the patently false story of the supposed attack on King Edward. The possibility of a conspiracy is an attractive explanation.
Van der Delft is the source of another curious story concerning Seymour. Nearly a year after Seymour's execution, Van der Delft was asking for relief and restitution from acts of piracy against Imperial ships. In a conversation with Northampton, Katherine Parr's brother, Van der Delft brought up the subject of Seymour's involvement with piracy, and, assuming his guilt, rhetorically asked Northampton whether Seymour had been blameless. "He did not answer at once, but after a little thought he said: 'I don't blame him.' And then he began to get exceedingly angry." Perhaps Northampton had had enough of Van der Delft for the day, or perhaps, being one of the friends on whom Seymour should have been able to rely and who had let him down, he was feeling guilty about his complicity in his brother-in-law's death.

Sir John Harington, Queen Elizabeth's godson and son of Sir John Harington who may have been the "Harrington" arrested as Seymour's accomplice, included in his *Nugae Antiquae* three poems which are connected with the Seymour case. The first is alleged to have been written by Seymour himself the week before his execution; the second, written by Harington, senior, was attached to a portrait of Seymour given to Elizabeth I in 1567; and the third, an allegory, was apparently written soon after the Admiral's death. All three are sympathetic to Seymour, and the last two hint broadly at a conspiracy against him. "Yet against nature, reason, and just lawes,/ His blood was spilt, guiltless, without just cause." In the last poem, for which no author is given, Seymour is symbolized by an oak tree:

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Tho' passinge strange -- twas bruited all arounde,
This goodlie tree did shadowe too much grounde.
With much despight they aim its overthrow,
And sorrie jestes its wonted giftes deride.
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Among the other contemporaries of Seymour who commented on the case was Princess Elizabeth. In 1554, after Wyatt's rebellion, when Elizabeth herself was dangerously close to charges of treason, she wrote to her sister, the Queen, asking for an interview. She reminded Mary that Somerset had been heard to say that if Seymour had been allowed to see him, his life would have been spared, but that he had been persuaded by others that his life was in danger as long as Seymour lived. Whether this letter by itself was effective can only
be guessed at, but possibly Mary was moved to mercy by the memory of what some called fratricide.

During the seventeenth century various historians grappled with the Seymour case, most being strongly partisan either for or against him. Sir John Hayward, whose *Life, and Raigne of King Edward the Sixt* is dismissed by Pollard and others as being "not valuable", portrayed the Duchess of Somerset as a sharp-tongued harpy largely responsible for her brother-in-law's downfall and ultimately that of her husband as well. The Duchess was not the only villain of the piece, however:

"The Earle of Warwicke had his finger in the businesse and drew others also to give either furtherance or way to her violent desires."

Hayward was strongly pro-Seymour; he dismissed the charges against him as frivolous or pitiful. He rejected the evidence against Seymour since Seymour had no chance to answer his accusers in a trial. Hayward also dealt with Latimer's invectives against Seymour, rejecting the story of the scaffold letters to Elizabeth and Mary, and adding: "many other imputations he [Latimer] cast forth, besides most doubted many knowne to be untrue."

Thomas Heywood, a late-Elizabethan and early-Jacobean playwright and sometime historian, published in 1631 a life of Elizabeth for the years preceding her accession to the throne. His account of the Seymour case is strongly pro-Seymour, and he openly accused Warwick and Dorset of plotting against both Seymour and Somerset. He asserted that Warwick and Dorset encouraged the discord between Katherine Parr and the Duchess of Somerset, using their quarrel as a means of opposing "this great united strength of fraternal love." Although Heywood's picture of brotherly solidarity is somewhat too cheery to ring true, it serves to emphasize what many others have pointed out, that the fall of one brother ultimately led to the fall of the other.

In marked contrast to the strongly pro-Seymour histories of Hayward and Heywood is Bishop Francis Godwin's *Annales of England*, translated from the Latin and published in 1630. Godwin accepted the anti-Seymour stories, which are generally rejected by most historians, such as the alleged attempt to poison Katherine Parr and the attempt to marry Elizabeth immediately following the death of Henry VIII. Godwin's account of Seymour's "trial" is more sympathetic to the
alleged poisoner than one might suppose, and hints at Somerset's involvement in his brother's downfall: "thus ended the Admirall his life, who was indeed a valiant Commander, and not unfit for a Consultation, in whose ruine the Protector was likewise involved."\(^{19}\)

Bishop Gilbert Burnet, in his four-volume history of the Reformation discussed Thomas Seymour's arrest, trial and execution. Burnet assumed Seymour's guilt, reported such rumours as the poisoning of Katherine Parr, and stated that Seymour was manifestly guilty as evidenced "not only by witnesses, but by letters under his own hand."\(^{20}\) However, he admitted that the refusal to grant Seymour trial by his peers and the right to confront the witnesses against him was not only unjust but illegal. This view of the case, that Seymour was treated in an unjust and even illegal manner, but was nonetheless guilty, was to become a prevailing attitude among later historians.

During the nineteenth century, historians followed the same basic pattern in dealing with Thomas Seymour. James Anthony Froude, in his History of England from the Fall of Wolsey to the Death of Elizabeth, using as his main sources the Domestic State Papers and the Privy Council Registers, found Seymour guilty, and denied any injustices done to him, using Latimer's sermons as corroboration. "If there was injustice," he concluded, "it was in the mercy to the accomplice, not in the punishment of the principal offender."\(^{21}\)

Michael Oppenheim, in his 1896 history of the Royal Navy, also judged Seymour to be guilty, principally on the charges of piracy. Oppenheim's reasoning is curious, for as he pointed out the government, that is the Privy Council, was secretly encouraging acts which amounted to piracy and was actually directing certain captains to seize French ships.\(^{22}\) For Seymour to be found guilty of piracy by a government itself engaged in the practice was certainly ironic, if not downright ludicrous. Oppenheim stated that there was much evidence against Seymour, but he quoted none of it and did not indicate where such evidence might be found.

The sole biography of Thomas Seymour was published in 1869. Written by Sir John MacLean, this volume was limited to one hundred copies at the original printing, and was originally intended as the
first in a series of "Lives of the Masters-General of the Ordnance." MacLean's work is a quite thorough and generally sympathetic portrait of Seymour. He concluded that Seymour, while admittedly "an ambitious and turbulent man" seems to have had as his object "to wrest from his brother some authority which he had usurped ...." MacLean questioned that attempting a change in government could amount to treason, since no threat to the King existed.

A.F. Pollard, the great twentieth-century expert on this period, examined the Seymour case in at least two of his works: England under Protector Somerset and The History of England - 1547-1603. The earlier and more detailed of these is England under Protector Somerset. In this work, Pollard traced Seymour's political career, both before and after the death of Henry VIII. As evidence of Seymour's treasonous activities, Pollard cited his cache of arms and ammunition, and the scheme with Sharington for sharing profits from debased coinage. He relied heavily on the depositions in the Hatfield MSS as proof. Pollard also cited Seymour's collaboration with pirates, using as sources Oppenheim and Van der Delft. He had little sympathy with Seymour, accepting Latimer's estimate of his character, but admitted that Seymour's conviction by Act of Attainder rather than trial by jury was "unjust, if not illegal." However, he stated that had Seymour been granted a trial, the results would have been the same, that Seymour's case was better served by the debates of Parliament than by the possibility of a packed jury of his peers. Pollard rejected absolutely the intimations that Somerset was in any way responsible for his brother's downfall. Pollard ended his chapter on Seymour with hints as to the possibility of a conspiracy by Warwick or Wriothesley, but went no further. In his History of England, published ten years later, Pollard mitigated his attitude towards Seymour, asserting that his misdemeanors were not serious enough to warrant execution, and stating flatly that the lack of mercy to Seymour was due to the machinations of Wriothesley, Warwick and Rich in a larger plot aimed at Somerset.

Modern historians have added little to the case for or against Seymour. The most recent is Ordeal by Ambition, a work by an amateur scholar who is, not coincidentally, a direct descendant of Somerset.
William Seymour was anxious to vindicate his ancestor of any wrong-doing, especially of the crime of fratricide, and therefore was less than sympathetic towards the Lord Admiral. Seymour repeated Pollard's argument that trial by jury would have produced the same verdict as the Parliamentary trial. He also accepted the idea that "seeds of discord" had been deliberately sown by members of the Council, although he names only Warwick.27

G.R. Elton, in *England under the Tudors*, referred in passing to Somerset's assent to his brother's death as a "justifiable act of stoicism."28 In *Edward VI: The Young King*, W.K. Jordan devoted a chapter to the case of Thomas Seymour. He began the chapter by summarizing Seymour's actions "which taken in their entirety undoubtedly constituted high treason."29 Jordan characterized Seymour as paranoid, with "a dangerous, muddled, and erratic recklessness" which verged on madness. Indeed, Jordan stated that Seymour spoke "always in terms of an insane hatred of his brother."30 Although Jordan had obviously little sympathy for Seymour's character, and judged him undoubtedly guilty of treason, he suggested that Seymour was more insane than dangerous and probably should have been locked up as a madman rather than executed as a traitor.31

Of what then, if anything, was Seymour guilty? If he was guilty of crimes, did those crimes constitute treason? Who was responsible for prosecuting him and what were his (their?) motives? Was he treated in a legally fair manner? In fact, the case against Thomas Lord Seymour is not one that has produced definitive evidence of the defendant's guilt. Although the majority of historians assume Seymour's guilt in varying degrees, there is ample reason to suppose that Seymour was not technically guilty of treason, and may have been the victim of a plot aimed against him alone or him and his brother. In examining the case of Thomas Seymour, the 1547 Statute of Treason will be used to judge the charges and evidence against him and the processes used as found in the following sources: The Domestic State Papers of Edward VI, which are catalogued in the *Calendar of State Papers Domestic*, and in the Salisbury State Papers catalogued by the Historical Manuscripts Commission and printed, in part, by Haynes. The printed *Acts of the
Privy Council will also be used, though with caution, for as Dasent points out in his preface to the Acts of the Privy Council, the entries in the original register having to do with Seymour's case are in a hand entirely different than that responsible for the entries in the rest of the journal, and that this unknown person seems to have had sole access to the register until Seymour's execution. Dale Hoak, in The King's Council in the Reign of Edward VI, adds information which makes the Privy Council Register's account of Seymour's case even more dubious:

... a diplomatic examination of the council book for the period 31 January 1547 to 4 October 1549 reveals that the register ... contains some material not the product of council sessions, omits any reference whatsoever to some meetings which did take place, and occasionally records regular proceedings under dates on which no meetings were held.

Hoak also states that the entries referring to Seymour's case were added some weeks after the events, and that the record was "artificially arranged to suit the political purposes of the government or facilitate the demands of administration." These considerations are especially significant when one considers that the Privy Council registers have been a primary source for many of the historical treatments of the Seymour case.

In examining the case of Thomas Seymour, I hope to throw some light on the exercise of power in the Tudor period and to study the meaning of treason and the law of treason in that context.
CHAPTER II
TREASON AND ATTAINDER

Thomas Lord Seymour of Sudeley was convicted of treason by means of a bill of attainder in March, 1549. To understand fully Seymour's case one must have a clear comprehension of the law of treason in England in 1549, the development of that law, the accepted process in treason cases, and of the history and nature of bills of attainder. Treason in 1549 was subject to the act of 1547, 1 Edw. VI c. 12, "Somerset's great statute", which returned the law of treason to its 1352 state, with certain exceptions which were enumerated. This chapter will trace the development of the law of treason with special emphasis on the 1352 statute and the Tudor additions and modifications, define as much as possible due process in treason cases, and examine the development and uses of bills of attainder. By such study, a standard will be established by which to weigh the case of Thomas Seymour, and questions will be asked which will direct the focus of the study of the testimony and procedures in Seymour's case.

The treason statute of 1352 (25 Edward III, st. 5, c. 2) was the first statutory definition of treason in the development of English law. This statute was to remain the basis for all treason laws which were to follow; indeed it is still the core of the modern English law of treason. Prior to 1352, concepts of treason existed in the common law. The early medieval concept of treason followed closely the feudal system of duty and obligation. Treason, in its earliest form, was the betrayal of the vassal's obligation to the lord. Pollock and Maitland describe treason prior to 1352 in five ways: (1) betrayal, the aiding of enemies; (2) flight from battle; (3) breaking of the bond of fealty, "the crime of Judas"; (4) laesae maiestatis, a Roman element, which appealed to the feudal idea that the king's life is sacred; and (5) the distinction between king and lord.¹ No written definition of treason existed in Norman England, yet treason was
clearly separate from the other classifications of crimes, felonies, and misdemeanors. High treason, the most heinous of offences, was set apart from other crimes in the punishment accorded to traitors, in the fact that it was "unclergyable". While a traitor's land was forfeited to the king, a mere felon's escheated to the lord. For this reason, kings wished to extend treason to include as many offences as possible, and lords wished to limit it. The rule which gave the felon's land to the lord was not clearly expressed in written laws, but in the Charter of 1215, John promised that the land of those convicted of felonies would revert to the lord. Pollock and Maitland state that there were few men executed for treason in the thirteenth century. Among the early traitors, and their crimes, were Peter of Wakefield, who was hanged "for predicting that by next Ascension-day John would no longer be king," and Henry of Essex, who was charged and convicted in combat of the treasonous acts of fleeing from battle and of falsely reporting that the king had been killed. Peter's crime, and Henry's report of the king's death, are the types of treasons which in 1352 would fall in the category of compassing or imagining the king's death.

The statute of 1352, often referred to as "Edward's treason statute," seems to have been less an example of Edward III's great generosity and sense of fair play than a concession on Edward's part to the demands of his barons. As has been noted, it was in the king's interest to expand the boundaries of treason to include as many offences as possible, rather than to define and limit its scope. The law, as J.G. Bellamy states, "came as a direct result of the royal judges trying to extend the common law of treason" for better enforcement of law and order. The nebulous crime of "accroaching the royal power" was attributed to many accused traitors in the half century preceding the Great Statute of 1352. The charge was levied against men whom the king felt had usurped his rights, or against royal favorites whom barons felt had abused royal power. Piers Gaveston, Edward II's favorite, was accused of accroaching royal power and of causing discord between the king and his nobles. Many of the charges against Roger Mortimer in 1330 amounted to accroaching the royal power, although only one crime, the murder of Edward II, was
labelled as treason. According to Bellamy, accruing the royal power was never the only charge against a man, but was always accompanied by a charge which amounted to common-law treason, such as compassing the king's death, or betraying him. By this combination, it seems, the royal judges attempted to extend the scope of treason; their failure resulted in petitions calling for parliamentary legislations which led to the treason statute of 1352.

The Great Treason Statute, 25 Edward III, achieved four points: (1) it distinguished treason from felony; (2) it specified seven offences as high treason; (3) it distinguished high treason (treason against the king) from petit treason (treason against a lord); and (4) it gave parliament the sole power to declare any new treasons. The seven offences named as treason in 25 Edward III were (1) to compass or imagine the death of the king, queen, or his eldest son; (2) to violate the queen, or the king's eldest daughter unmarried, or the wife of the king's eldest son; (3) to levy war against the king; (4) to side with the king's enemies; (5) to counterfeit the king's seal or money; (6) knowingly to bring false money into the realm, and (7) to kill the chancellor or any of the king's judges while performing their duties. Most of these offences can be classified in one of the early genres of treason: the idea of treachery, the breach of a feudal bond, the Roman element of laesae maiestatis, present in the counterfeiting clause. Pollock and Maitland assert that "levying war against the king in his realm" was a new concept in 1352. In the feudal system, if a vassal was refused justice by his lord, his feudal obligations no longer held, and he might defy the lord and make war on him. Since the kings of England were vassals of the kings of France, making war on one's lord could not be called treason until the time of Edward III, who considered himself king of France and no longer needed the legal technicality. Bellamy argues that levying war against the king had long been treason, as levying war meant plotting the king's death, and that the clause of 25 Edward III was merely enunciating an accepted common law concept.

The treasons established by the statute of 1352 were to remain the basis for most treasons which were to follow. Several kings,
taking advantage of the clause which provided for new treasons, added
offences to the list, but such "statutory additions were insignificant." It became treason to begin a riot (1381), to compass the king's
deposition (1397), to clip, wash, or file money (1415), to let prisoners
accused of treason escape (1423), and to extort money by threatening
to burn houses (1429). Succeeding kings often changed the acts of
their predecessors: Henry IV repealed the treasons added by Richard II.
New statutory treasons were few and minor; the scope of treason was more
often widened by construction. Levying war against the king or
compassing his death were made to cover most offences. Thus, a mere
expression of opinion, seemingly innocuous and apparently not included
among the treasons listed in 1352, "might incite people to rebellion,
which would weaken the king's position and even imperil his life. And
this amounted to treason."13

The Tudor additions to the treason statutes fell into three
categories: "(1) general treasons; (2) treasons connected with the
Supremacy; and (3) a group of Succession Acts." Henry VII's main
contribution to the law of treason was the act of 1495 which "provides
in substance the obedience to a king de facto who is not also king
de jure shall not after a restoration expose his adherents to the
punishment of treason," a generous concession to the adherents of the
losing side(s) during the late Wars of the Roses.15

The next important treason legislation occurred during the 1530's.
Most treason legislation under Henry VIII had to do with changes
regarding religion or the succession. The act of 1534 reiterated the
provisions of 1352 regarding the safety of the king, queen, or heir,
and declared it treason to "slanderously and maliciously publish and
pronounce, by express writing or words, that the King our sovereign
lord should be heretic, schismatic, tyrant, infidel or usurper of the
crown." In 1536 the forging of the king's sign manual, signet and
privy seal was made treason. The Acts of Succession (1534 and 1536)
protected first the marriage and offspring of Anne Boleyn and later
the marriage and offspring of Jane Seymour from opposition or slander
by making such opposition treasonous. The third Succession Act
(1543) designated the heirs to the throne and required one to swear
to repudiate the authority of the Pope and also swear allegiance to
the king and his heirs. Failure to make or take this statutory oath was designated high treason.\textsuperscript{19}

In 1547, upon the accession of Edward VI, a statute was passed which repealed many of the Henrician treasons and returned the law of treason to its 1352 state, with certain exceptions which were enumerated (I Edward VI, c. 12). Among the treasons retained were "denial of the king's title to the headship of the church and the state of England, as well as attempts to destroy the royal family, . . . [and] forging the seals and counterfeiting."\textsuperscript{20} The most important clauses of the act were those placing restrictions on and defining certain procedures in treason cases. W.K. Jordan sees the act as "deliberately designed to dismember the whole edifice of what can only be described as tyranny with which Henry VIII had sought to define his powers in the closing years of his reign."\textsuperscript{21} Jordan sees the act as a monument to the Lord Protector's tolerance and humanity: "a prime document for the study and spirit of this magnanimous man,"\textsuperscript{22} an assessment which is at least questionable in view of Somerset's participation in his brother's case. The procedural aspects of this act will be discussed below.

The law of treason at the time of Thomas Seymour's arrest in 1549 stood much as it had in 1352, despite two hundred years of statutory additions and subtractions and judicial construction. The only additions to Edward III's statute had to do with the break with Rome, the Supremacy, and with counterfeiting. The statute of 1547, however, enumerated procedures, the lack of which had been a major deficiency of the 1352 statute. Although the statute of 1352 effectively defined and limited the scope of treason, it did not provide any definition of due process in treason cases. As a result, treasons were dealt with in many ways (including acts of attainder).

Men were brought to trial for treason in different ways. A man might be appealed of treason by another, or he might be charged by one of the juries of his locality. During the fifteenth century, indictments were often drawn up by crown lawyers and presented to a grand jury, who would determine whether the charges formed a "true
The case was then tried before a second jury. Indictments of treason might sometimes be drawn up by justices oyer and terminer, with royal commissions to hear a select case or cases.  

An appeal of treason was an accusation made by one man against another. Many appeals originated with men who, having admitted their own treason, accused others of the same crime, a sort of medieval "state's evidence." These men were called approvers. One such approver was John Peyntour, who, having been charged with clipping money, confessed and subsequently became an approver. He appealed several men and apparently escaped a traitor's death. Approvers were not often so fortunate, many being executed before those they appealed were brought to justice.  

Appeals which did not originate with approvers were often tried in the court of chivalry, that is, in trial by combat. Bellamy states that Richard II particularly encouraged such trials, and his misuse of this practice was one of the indictments against him at the time of his deposition.  

Henry IV attempted to limit trial by battle to cases originating outside the realm, but by the time of his grandson, Henry VI, the practice was commonplace, and trial by battle had developed into a grandiose event. In 1453, when John Lyalton appealed Robert Noreys, both petitioned the council for money for arms and armours, and "one even asked for a pavilion."  

A special form of indictment was impeachment. Impeachment was a privilege of the commons, whereby the members could indict royal ministers and officials for public misconduct, that is, treasonable offences against the crown. Cases of impeachment were tried before the lords, and prosecuted by the commons. The first impeachments occurred in 1376, when Lord Latimer, accused of misconduct in the loss of the fortress of St. Sauveur, and Richard Lyons, accused of improprieties in the wool trade, were tried and found guilty. The men received imprisonment and fines rather than the traditional traitor's death as punishment.  

The process of impeachment had a short ascendancy; the last important impeachment until the seventeenth century was that of the Duke of Suffolk in 1450. Impeachment was to be replaced in the sixteenth century by the process of attainder.
Charges of treason, whether the results of appeals or indictments, could be tried in several courts. The most common was the commission of oyer and terminer. Commissions of oyer and terminer appointed to deal with treason usually consisted of magnates and others of high position. In especially important individual cases the commission might be the members of the royal council. If noblemen were involved, the trial might be heard by parliament, although, by the end of the fourteenth century, parliament was rarely used as a court for treason trials.\textsuperscript{29} Other courts which sometimes heard treason cases included special commissions, the royal council, chancery, and the court of the steward and the marshal of the household. The court of chivalry, in addition to appeals tried by battle, was the scene for treason trials under the "law of arms." This amounted to the reading of charges attested to by the king, whose word was unquestionable, and immediate sentencing.\textsuperscript{30} During the wars of the fifteenth century, this sort of trial was common, and Elton points out that trial under the law of arms fostered the growth of attainders, as men found guilty in such a trial did not immediately forfeit their holdings.\textsuperscript{31}

Treason trials in the early Tudor period took place either in a common-law court such as King's bench, before commissions of oyer and terminer, or before the Court of the Lord High Steward. Trial before the lords in parliament was the right of a peer, however, parliament met infrequently. The Court of the Lord High Steward ordinarily had jurisdiction in trials of peers when parliament was not sitting.\textsuperscript{32}

Little is known about the procedures of trials held in the various courts of medieval England. The accused seems to have been presented in court with an indictment, although he received no copy of the indictment, "nor was he allowed to retain counsel, give evidence, or call witnesses."\textsuperscript{33} He could plead guilty or not guilty, but this was apparently all he could say for himself. Even less is known about procedures of trials in parliament. The statute of 1352 had provided that parliament could declare new treasons, but such declarations were not trials. Procedures in actual trials
varied; in one case, the accused were not allowed to plead guilty or not guilty, but were allowed to make a defence. In another, the accused was asked how he would plead. Men were sometimes tried without appearing at all. Conviction, in absence, or by default, was a parliamentary development which contributed to the growth of attainder.  

Procedure in treason trials in the early Tudor period seems to have been similar to procedure in the medieval courts. The accused did not have the right to counsel, he was denied a copy of the indictment, he could not compel witnesses to testify in his defence nor were any witnesses for his defence sworn. The Crown, however, could compel witnesses to attend, and these witnesses were sworn. The vague rules of evidence allowed uncorroborated and hearsay evidence, and only one witness was necessary. Under Henry VIII, accused traitors were deprived of the benefits of clergy and sanctuary. The case of Sir Thomas More is probably the most famous treason trial of the Tudor period, if not of all time. More was brought to trial in July of 1535 "before a special Commission of Oyer and Terminer, consisting of ten peers and ten judges, presided over by Audley, the Lord Chancellor." He was presented with an indictment, read aloud by the Attorney-General. He was allowed to speak in his own defence and then presented with the evidence against him in testimony by Sir Richard Rich, Solicitor-General. More denied and attempted to discredit Rich's testimony, but was found guilty by a jury of twelve. More was allowed to make an objection to the court's power of jurisdiction over him, but his objection was ignored and sentence was pronounced. More's trial follows the basic formula described above: trial before a commission of oyer and terminer, presentation of a verbal indictment, lack of witnesses for the defence, and conviction on the strength of one witness.

The treason statute of 1547, the great liberal document of Protector Somerset, specified procedures which were in the interest of the accused: (1) it guaranteed the right to trial by peers; (2) it placed a thirty-day time limit on accusations of treason by words; and (3) it required the testimony of "two sufficent and lawfull
witnesses" for any offence of treason. The irony of the statute is that in the case of Thomas Seymour, Somerset's own brother, at least one of the provisions was ignored: the right to trial. The provision requiring two witnesses for any offence was only partially fulfilled. Finally, due to the lack of specific dates in the various depositions, there seems to have been no attempt to prove compliance with the thirty-day rule.

Bills of attainder, often mistakenly thought to be a Tudor invention, were in reality an early fifteenth-century development. The origins of attainder seem to lie in the fourteenth-century parliamentary trials, and in the clause of the statute of 1352 which gave parliament the right to declare new treasons. Bryce Lyon has explained attainder as a parliamentary bill, much like any other in the procedure involved. "There was no introduction of evidence nor any court procedure such as there was with impeachment and the person accused was condemned without the opportunity of defending himself." The process of attainder of the fifteenth century was an extension and synthesis of several elements: parliamentary declaration of treason, impeachment, conviction by default, and trial under the law of arms. M.H. Keen explained the special nature of cases of treason under the law of arms. He established that there was a procedure for dealing with military treason, and that this procedure was not new in the fifteenth century. In comparing two trials, that of Sir Andrew de Harclay in 1323 and Sir Ralph Grey in 1464, Keen showed that both trials were remarkably similar in procedure and outcome, and he concluded that this procedure must have been common to all trials in the court of chivalry, or under the law of arms. The pattern was as follows: the accused was first reminded of the high rank bestowed on him by the king, then received a recital of his offences, which amounted to adhering to the king's enemies or bearing arms against the king in his realm. Guilt was established by the king's word or decree, the prisoner was stripped of his knighthood and all insignia thereof ("thou shouldest have had they spurs struck off by the hard heels"), and finally sentence was pronounced. In Harclay's case, the sentence
was drawing and hanging; in Grey's drawing and beheading.\footnote{40} Treason trials under the law of arms were not identical with civil cases of treason; a man convicted under the law of arms did not automatically forfeit his land. The crown rectified this by a bill of attainder, which by act of parliament confiscated the lands of men already found guilty by military process.\footnote{41}

The mass attainders of the Wars of the Roses were attainders in conjunction with military treason; that is levying war against the king in his own realm, and therefore subject to the law of arms. As the crown passed back and forth between Lancaster and York, masses of adherents to the current losing side were attainted. Often, the traitor had already suffered death on the battlefield, so the attainder merely served to acknowledge rather than punish the treason and in the process to acquire the traitor's land for the crown. During the last fifty years of the fifteenth century, 397 people were attainted; surprisingly, as many as 256 had their attainders reversed.\footnote{42} This tends to belie the popular image of great masses of victims of political attainder during this period.

Parliamentary declaration of treason was a contributory factor in the development of attainder, as it led to the practice of treason by default. As parliament exercised its right to declare new treasons, the process of declaring an act as treasonous became the same as declaring the perpetrator of that act a traitor. In 1397 Sir Thomas Mortimer was accused of treason in parliament, and he was ordered (in absentia) to appear in the king's bench within three months. If he failed to appear, he was to be automatically guilty of treason.\footnote{43}

Occasionally, bills of attainder were passed in order to confirm a conviction in a common law court. In 1415, such a bill was passed against the earl of Cambridge, Lord Scrope, and Sir Thomas Grey. Another similar bill was passed in 1424 against Sir John Mortimer, whose treason was that as a prisoner accused of treason, he had escaped.\footnote{44} Apparently this type of supplementary attainder was rare in the fifteenth century, but was to become the norm in the sixteenth.

The Tudors used attainder to supplement conviction in a civil
court except in a few special cases: "instances in which the case seemed clear to the government but would not have stood up in court." The charges against the Nun of Kent in 1533 consisted of treason by words, an offence which did not as yet constitute treason. Other cases of attainder without court trial included that of the countess of Salisbury, Thomas Cromwell, and Queen Catherine Howard. On occasion, a person might be attainted, held in prison rather than executed, and subsequently tried for treason. Such was the case with Sir Thomas More, who was attainted in November of 1534, and tried and executed the following July. Similar steps were followed in the government's procedure against Bishop Fisher and others.

As Bellamy maintained, "attainder by parliamentary act developed slowly, case by case, over a period of seventy years." Its origins lie in several areas, and there is no statutory definition of attainder as there is of treason. Occasionally the term attainder might even refer to someone who was found guilty, but not necessarily by act of attainder. Just as precise definitions of attainder are difficult, so are precise procedures in the use of attainder difficult to pinpoint.

Thomas Seymour was attainted by act of parliament, and although such acts were used by previous reigns, albeit infrequently, legislation at the start of the reign of Edward VI had established procedure which should have guaranteed Seymour a trial. The fact that this safeguard was ignored raises questions concerning the legality of Seymour's conviction, the strength of the government's case against him, and the role of Somerset, the author of this legislation, in the case against his brother, Thomas Seymour. Did the charges against Seymour constitute treason under the statute of 1547, and if so, had there been at least two witnesses to such alleged acts? Had an accusation of treason by words been made within the statutory limit of thirty days? After answering these questions, some suggestions may be advanced regarding Somerset's role or motivation.
CHAPTER III
THE CHARGES AND THE TESTIMONY

The Acts of the Privy Council for February 23, 1549 list thirty-three charges of treason against Thomas Seymour. On that day, according to the official record, The Lord Chancellor (Richard Lord Rich) and the rest of the Council met with Seymour in the Tower, and informed him "that great and heinous matters and Articles of High Treason were objected and laid unto his charge."\(^1\) The council exhorted him to hear and answer the charges rather than "to show obstinacy of mind and wilfulness which can not deserve or provoke pardon."\(^2\) Seymour, showing much obstinacy of mind, refused to answer anything unless confronted by his accusers, a right granted to him by the act of 1547. He requested that the articles be left with him, and the council, after some deliberation, decided "it in no wise convenient to read or open the articles unto him except he would answer unto them."\(^3\) After requesting Seymour's immediate answers once again, and once again being refused, the members of the council departed.

The next day, the council reported the charges to the king and requested permission to bring the case before parliament, to avoid "further inconvenience toward his royal person and Crown" and "according to the order of justice and the custom of the realm in like cases."\(^4\)

The charges against Seymour were based for the most part on information provided in depositions already gathered. Yet many of the charges are unspecific and generalized in order to conform to the statute of 1547 or to traditional concepts of treason.

The extant depositions among the State Papers in the PRO and the Cecil papers (Salisbury MSS.) at Hatfield House, together constitute a large body of evidence in the case. However, when examined in light of the thirty-three charges, the depositions contain additional
information not relevant to the case, that is, there is testimony on matters not comprehended by the charges. More importantly, there are charges unsupported by the evidence.

The deponents range from the King himself to members of the Privy Council, members of the households of the King, the Lady Elizabeth, and Thomas Seymour. Upon examination, the bulk of the evidence comes from royal servants. Only three of the deponents were members of the Privy Council at the time of their depositions: Russell, Southampton, and Warwick. None of their testimony seems to have been particularly damaging. John Lord Russell testified that he had warned Seymour against any plans to marry the Lady Elizabeth and that Seymour had denied having any such plans. Russell also conversed with Seymour about Sharington's case. Seymour complained that Sharington was being handled badly and Russell warned him against taking Sharington's part. Southamptont testified that he had warned Seymour against creating a faction, of which Seymour denied any intention. Southampton, mindful perhaps of his recent (and precarious?) return to power, reported the conversation immediately to Somerset. Warwick, in a deposition of but one paragraph, testified to little more than Seymour's ill temper: Seymour had threatened to stab anyone who might attempt to lay hands on him.

A larger body of more damaging evidence came from a group of peers and members of Parliament. Two of these, Henry Grey, Marquis of Dorset, and William Parr, Marquis of Northampton, were closely connected with Seymour, Grey through his daughter Jane, who resided in Seymour's household, and Parr through Seymour's marriage to his sister Katherine. Another, Henry Manners, Earl of Rutland, made at least a preliminary deposition before Seymour was arrested. The testimony of these three men appears to have been the most damning—the bulk of the thirty-three charges against Seymour find their strongest support in these depositions. Dorset and Rutland testified that Seymour wanted in some way to alter "the state and order of the realm"; both spoke of Seymour's desire that the king should take power into his own hands. Dorset (Jane Grey's father) and Northampton noted that Seymour had
promised that Jane Grey would marry the king.  Dorset and Rutland, in nearly identical statements, testified that Seymour had advised them to make friends with the yeomen in their countries, so as to be more powerful than other noblemen.  Edward Clinton (later to be made Lord Admiral) seconded Dorset's statement that Seymour had threatened to make a "black parliament." None of these men gave any evidence that Seymour had attempted by other than parliamentary means to alter the government in any way. Even the "black" parliament presumably was to be the result of opposition to certain legislation, rather than of force or violence.

A third group of deponents were members of the households of the king, the king's sister Elizabeth, and Thomas Seymour himself. John Fowler, of the King's Privy Chamber, provided extensive evidence outlining numerous conversations he had had with Seymour. He admitted receiving money from Seymour and subsequently taking Seymour's part in conversations with the king. Little else in Fowler's lengthy "confession" bears any relation to the charges.

Two of Seymour's household, John Harington and William Wightman, gave information. Wightman, although apparently willing to testify against his master, offered very little of substance to the evidence except to note that Seymour had had many private conversations with Elizabeth's man, Parry, and to state that he (Wightman) had discussed Seymour's allegedly defective character with other servants. John Harington, who had been arrested soon after Seymour, was, unlike Wightman, a staunch defender of his master. Harington denied that he had ever had private conversations with Seymour regarding the king's government. He also refuted the suggestion that Seymour was secretly negotiating to marry Elizabeth.

Two members of Elizabeth's household, Thomas Parry and Katherine Ashley, were among those arrested in the Seymour affair. Both were examined at length in an attempt to prove that some understanding, or engagement, existed between Seymour and Elizabeth. Both testified that they perceived an attraction between the two, and that they had surmised that a marriage might be forthcoming, but neither Ashley nor Parry could be made to say that either
Seymour or Elizabeth had ever made any move towards such a marriage. 17

Nor could Robert Tyrwhit, Somerset's man in Elizabeth's household, force or trick her into admitting anything. His reports to Somerset, written from Hatfield, record his frustration with the situation. He was sure that Elizabeth knew more than she was saying, "but in no way she will confess." 18 Tyrwhit and his wife Elizabeth, who was Katherine Parr's step-daughter, added their own testimony to the growing pile: Tyrwhit testified that Seymour had discussed a possible marriage with one of the king's sisters, 19 and Elizabeth Tyrwhit stated that Katherine Parr had complained to her of Seymour's treatment of her during her final illness. 20 That this pair was unable to force a confession out of Elizabeth is testimony of her innocence or her fortitude, or both.

The last group of depositions were made by principals in the case: William Sharington, King Edward, the Lady Elizabeth, and Thomas Seymour. According to the Privy Council register, Sharington had been arrested the day after Seymour as a result of "more declaration of the said conspiracy." 21 Yet the first interrogatories made to him had been about his activities at the Bristol mint and not about "l'affaire Seymour." No mention was made of the Lord Admiral in the questions put to him or in his answers. 22 A second set of interrogatories made no mention of Seymour, but his name was mentioned in one of the answers. This appears to have been the first connection between Seymour and Sharington's case. 23

It was to be an unlucky connection for Seymour. Sharington, in various answers to interrogatories, in letters to the Protector, and in confessions, added his testimony to that of Dorset and Rutland in stating that Seymour had wanted to alter the state of the realm; 24 to Dorset and Fowler by saying that he knew of monies given to the king's servants; 25 and to Dorset and Northampton that Seymour had promised to marry Jane Grey to the king. 26 Sharington is the only source of corroboration to the charges that Seymour had money and provisions for 10,000 men. Seymour had showed him a map of England, had pointed out his lands and domains, and had boasted of his strength
and the number of his supporters. He bragged that he could gather a force of 10,000 men "if he should be commanded to serve."
At another time the Admiral asked Shariington how much money would feed ten thousand men a month, and said that it was good "to have always a good mass of money." He asked Shariington is he could make up 10,000 pounds for him at the Bristol mint.27

Shariington's is again the only testimony that Seymour had perjured himself by stating that he owed Shariington rather than the other way around.28 The fact that this statement was made in connection with Shariington's own treason—which he did not deny—and that no other corroboration exists, makes Shariington's testimony somewhat suspect, especially when one remembers that only months after the execution of Seymour, Shariington was pardoned.

Of the royal deponents, King Edward provided the most relevant testimony. Edward confirmed John Cheke's statement to the effect that Seymour had requested the king's signature on a letter to parliament. He testified that Seymour had urged him to take upon himself the rule of the realm, and had done much to try to make him dissatisfied with Somerset's government. He also affirmed that Seymour had provided him and members of his household with money. The king was apparently willing to testify against his uncle and confess to his own role in the affair.29

The Lady Elizabeth was another matter entirely. Placed under what amounted to "house arrest" in the care of the odious Robert Tyrwhit and his wife, Elizabeth withstood all pressure to admit any wrongdoing. She admitted to no impropriety, and to no plans for marriage with Seymour. She knew of the rumours about Seymour's intentions (her own servants had told her) but these rumours were but "London News": unsubstantiated gossip.30 Elizabeth maintained her innocence in the face of daily badgering by Tyrwhit and in the knowledge that those closest to her were in the Tower. In clearing her own name, she offered no testimony which could be held against Seymour. Finally, in a letter to Somerset, she took the offensive and demanded that the rumours about her be scotched.31

And what of Thomas Seymour? Although Seymour was unwilling to answer any charges on February 28, members of parliament visited
him on February 29, and coaxed him into responding to the first three articles. His answers are recorded in the Privy Council register:

1) He admitted having stated to Fowler that he desired custody of the king, and that he thought that the king might be brought to his house. He also said that he had planned to petition parliament for the custody of the king, but had been dissuaded by William Paget.

2) He admitted giving money to the king and members of his household when the king had requested it.

3) He had drawn up a bill and given it to the king or to Cheke, but did not know what had become of it.

At this point he refused to answer any more of the articles. The original of this document with the signatures of those present is in the State Papers Domestic. In a previous examination, on January 25, Seymour admitted to having discussed the king's precociousness with the Earl of Rutland, and that he had said that within two or three years "he would desire more liberty, and the honor of his own things." But he meant no hurt to his brother; if he had "then I desire neither life nor favor at his hand." Two sets of interrogatories for Seymour, one in the hand of secretary Petre and the other by Sir William Paget, exist in the Salisbury manuscripts. No answers appear.

In comparing the testimony against Seymour with the charges, it is clear that the bulk of the evidence refers to the first twenty-two charges, the charges which, taken together, alleged that Seymour "aspired to the dignity royal by some heinous enterprise against the King's majesty's person." At least three of the charges find no support in the extant evidence. No testimony exists to prove that Seymour had refused to come to the Council (#6), or that Seymour had attempted to take the king into his custody (#9), or that he had married the Queen too soon after Henry VIII's death (#20).

There was only one "witness" to charges that Seymour had tried to make Edward dissatisfied (Edward), that he had tried to
make a faction of those noblemen who were discontent (Northampton), and to all the charges referring to numbers of retainers and amounts of money kept in readiness (Sharington). According to the statute of 1547, which required two witnesses to any act of treason, these charges are therefore not valid.

To the charge that Seymour was negotiating marriage with Elizabeth (#19), many deponents testified to his interest, but there is no testimony that establishes actual plans for marriage. The charge which states that Seymour had planned to marry Elizabeth is actually denied by two deponents, Northampton and Russell. If Seymour and Elizabeth had planned to marry, it would have been with the consent of the Council, hardly treason.

Of the first twenty-two charges, only half are substantiated. Leaving aside the phrase "to the danger of the King's person", did these deeds constitute treason? Seymour wanted to be governor of the king's person, a position he thought rightfully his as the king's uncle. He gave money to the king and his household. He had drawn up a bill, which he had asked the king to sign, to change the order of the realm by making him governor of the king. He had threatened to make a "black" parliament if he were "ill-used." He wanted the king to take power for himself. He had promised Jane Grey's father that she would marry the king. He had advised noblemen about how to gain power in their "countries", and to build up power to rival other noblemen in the same area.

If Seymour presented a threat, it was to the power of Somerset and perhaps to other noblemen, but not to the king.

The final eleven charges refer to false testimony given on Sharington's behalf, to piracy and misuse of the office of Admiral, and finally, to provisions for an army at the Castle of Holt.

Although inventories exist for two of Seymour's properties, Cheseworth and Sheffield, no inventory exists for Holt or any other of his holdings. No testimony suggested that provisions for an army existed. No evidence or piracy or neglect of duty exists. As for Sharington, his is the only statement that accuses Seymour of perjury, so that it was Sharington's word against Seymour's.
Sharington's books, which, if accurate, should have proven who owed what to whom, are not among the evidence.

If these last eleven charges were to have provided added evidence of Seymour's perfidy, they fail their purpose.

The wording of the thirty-three charges is such that technically, if Seymour were found guilty on any one of them, he was then guilty of treason: of compassing the king's death. Actually, it is doubtful that Seymour intended any harm to Edward or to anyone. He clearly wanted more power and prestige than he had, but if that was treason, then most of the council and the government were traitors, also.
CHAPTER IV

GUILTY BY ACT OF PARLIAMENT

Several of the charges against Thomas Seymour amount to "treason by words," an offense which, according to the Statute of 1547, had to be reported within thirty days of commission. Testimony relating to such treasons should have been explicit in establishing dates of conversations. For this reason, the dates and sequence of events in Thomas Seymour's case should be significant. The testimony in the Seymour case is undated, however, and only vague references to time exist within the texts. Clearly there was not attempt to comply with the statutory time limit. Indeed, it seems that the timing of these events and testimony was rendered deliberately obscure, and possibly falsified.

The sequence of events in Thomas Seymour's case are recorded in the Privy Council registers, which, as Hoak pointed out, are somewhat irregular in form and were most likely compiled at some later date. Nevertheless, the registers are the most complete contemporary record of the case, and will be used to establish as accurate a timetable of occurrences as possible.

Thomas Seymour was arrested after a meeting of the council on January 17, 1548[9] which he had not been called to attend. The next day the Admiral's signets were taken from his secretary, and John Harington, Seymour's "man" (servant? secretary?) was arrested and sent to the Tower.¹

On January 19, William Sharington and John Fowler were placed under arrest in the Tower. The register records these arrests as being in connection with "the said conspiracy," even though the preliminary examinations of Sharington have nothing to do with Seymour.²

On January 20 "very many did come to declare such things as they had heard and perceived" and the Lord Privy Seal, the earl of
Southampton and Secretary Petre were appointed to take their examinations "by writing or otherwise." On January 21 Thomas Parry and Katherine Ashley, the Lady Elizabeth's servants, were "committed to the Tower for the matter of the Admiral." Two days later Katherine Ashley's husband John joined them.

Several days passed without mention of the Seymour case, but on February 10 a certain Wygmore, who had been "committed to the custody of Mr. Fisher touching matters for which Sharnington was committed to the Tower" was set free. According to a previous entry, Sharnington had been arrested for his connection with Seymour, yet no mention is made here of the Lord Admiral. Was the connection assumed, or is this entry one that was overlooked by the person who apparently edited the daily record?

On February 13, a certain Gainsford, the Lord Admiral's servant, was "committed to the Fleet for inconvenient words" The content of those words is not known, however, Gainsford must not have been considered an important prisoner as he was detained in the Fleet rather than the Tower, and indeed, no examination exists for Gainsford in connection with Seymour.

On February 22, "after diverse examinations . . . it did appear to the Lord Protector and to all the King's Majesty's council that the Lord Admiral was sore charged of diverse and sundry Articles of High Treason." Members of the council had previously questioned Seymour without satisfaction; at this time it was agreed that the entire council except the Speaker of the House and the archbishop of Canterbury would go to the Tower the next day and advise Seymour of the charges against him "to the intent that he should, if he could, clear himself of them, or show some excuse or pretense." The following day the Council confronted Seymour with thirty-three articles of treason charged against him. Seymour refused to answer unless his accusers were brought before him "and except he were brought in upon trial of arraignment, where he might say before all the world what he could . . . ." The members of the council considered this response "very strange" and he was commanded to reply,
whereupon he requested that they leave the articles with him, but insisted he would only answer under the circumstances he had previously outlined. They tried once more to elicit a response, and, failing again, "they departed from hence and left him in his old custody."^11

The next day (February 24) the council reported to the Protector the events of the previous day. Since Somerset was not listed as being absent the day before (as were Cranmer and Speaker of the House Baker), one might assume that this report was a formality, since Somerset should already have known what had happened, having been there. The council decided to go to the king for permission to proceed "according to the order of justice and the custom of the realm . . . and specially for so much as these things have chanced to be revealed in the time of his Majesty's High Court of Parliament, that the Parliament should have the determination and order thereof."^12

The decision was made to handle Seymour's case in Parliament, as that body "chanced" to be sitting. As has been noted, trials in Parliament were an accepted means of trial for peers of the realm in the fourteenth century, but were rare after that time.

The council went to the king immediately after dinner and each member of the council declared his opinion, "lastly, the Lord Protector, declaring how sorrowful a case this was unto him, said that . . . he could not refuse justice."^13 The king readily assented to the request of the council for which he was heartily praised and thanked.

The members of the council decided to give Seymour one last chance to answer, and sent representatives of both houses of Parliament to him to try to elicit a response or defense. It was at this time that Seymour answered the first three articles, as has been discussed. He refused to answer more than that, and the delegation departed. ^14

On February 25, instead of a trial, a Bill of Attainder was framed and put into the House of Lords, were it easily passed. The bill was sent to the lower house, "where it was very much debated and argued."^15 The debate lasted for several days, but the bill was finally passed on March 5, after pressure was exerted by the king.
On March 10, the council met and petitioned the king for permission to proceed against Seymour, which permission was granted. Five days later, the Bishop of Ely was sent to Seymour to prepare him for "the patient taking of his worthy execution." Two days later, on March 17, the Bishop was sent back to Seymour to inform him of the date and time set for his execution, which was to be the following Wednesday between nine and eleven in the morning. The Bishop was also to "instruct and teach him the best he could to the quiet and patient suffering of justice, and to prepare himself to Almighty God." This is the last mention of Thomas Seymour, Lord Admiral, while he was living. Hereafter in the register he is referred to as the "late Admiral." From other sources, it is known that Thomas Seymour was beheaded on March 20, 1549.

Thomas Seymour had been found guilty not in the court of the Lord High Steward, as was customary in treason cases involving peers of the realm, nor in a trial before Parliament as had been customary two hundred years earlier, but by a bill passed through Parliament, an act of attainder. This sort of conviction was not a frequent device of the Tudors, but a rare occurrence, a last resort when for some reason the customary means were found wanting. Bellamy has noted that during the sixteenth century, conviction of treason by attainder alone occurred only in 1533, 1539-40, 1542 and 1549—the year of the Seymour case.

Bellamy demonstrated that conviction of treason by means of attainder was used only when the government deemed it (politically?) unwise to bring the case into an open court: when the facts of the case might prove embarrassing to the crown, as in the case of Katherine Howard; when the judges might find that the charges did not constitute treason, as in the case of Elizabeth Barton; or when the evidence might prove inadequate. It was customary for treason trials to be open to the public; in fact, the crown and council often encouraged public attendance. In this manner were examples set and lessons learned.

Given the three common reasons for any treason case not to be tried publicly, which of these reasons most closely applies to
Thomas Seymour? It does not seem likely that the facts of the case were such that the Protector or the council would not want them made public. In fact, it seems that at least one member of the council, William Paget, was advertising the "facts" of the case via the diplomatic grapevine.

More likely, the charges against Seymour might be found not to constitute treason. Certainly, if taken one by one very few of the thirty-three articles amount to anything nearly resembling treason. Depending on the flexibility or lack thereof of the professional judges on the court of the Lord High Steward, this could present problems. However, the summary paragraph at the end of the articles demonstrated that the result of Seymour's various acts was to endanger the health, life, and crown of Edward VI. Therefore, conviction on almost any combination of the charges would constitute high treason under the treason statute of 1352: to compass or imagine the death of the king. No judge could deny that such acts constituted treason.

Perhaps most likely is that the council, including the Protector Somerset, felt that the evidence gathered might prove insufficient in court. Keeping in mind that for some of the charges there was no evidence, for some only one witness, and that the remainder were highly questionable with regard to treason, there was always the chance that a court might acquit Thomas Seymour, as Lord Dacre was acquitted in 1541. And to someone, the possibility of acquittal was unacceptable.

The key to some of the unanswered questions in the Seymour case may lie in the identification of the person or persons to whom Seymour's conviction was most important, or most beneficial. There is no question that Thomas Seymour was politically ambitious; apparently he possessed a plan to achieve his ambitions. He wanted custody of the king, or at least a larger voice in how the king was to be governed, and ultimately, a larger role in the government. In order to achieve this increase in power, he had given money to the king and members of the king's household. He had attempted to obtain the king's signature on a parliamentary bill which would have made him governor of the king. Failing that, he had tried to convince the
king to take power for himself. He planned to have his ward, the Lady Jane Grey, marry the king. Most likely, he himself hoped to marry the king's sister, Elizabeth. Finally, he tried to elicit support among other nobles by giving them advice about how to become more powerful in their county seats. He was attempting to establish himself as a man of power and influence, and alternative to, if not a replacement for his brother Somerset, the Lord Protector.

Since there is no evidence to substantiate the charges that Seymour was building an army and storing supplies for that army, one can conclude that Seymour was utilizing what he believed to be legal means to achieve his ends, and had no plans to do otherwise. His governorship of the king was to have been established by act of Parliament. Any marriage contemplated with the Lady Elizabeth would have been with consent of the council. To have attempted this marriage without such consent would not have been treason, the Henrician act establishing marriage without consent as treason having been repealed in 1547, but would have left Seymour without the added power he desired: according to Henry VIII's will, if either of his daughters married without consent of the council, they would forfeit their right to the throne, and that of their descendants. To have made any plans for marriage, Seymour must have been reasonably confident of the council's permission, even though he had been warned by Lord Russell, the lord Privy Seal, that "if either you or any other within this realm shall match himself in marriage either with my Lady Mary, or with my Lady Elizabeth, undoubtably whatsoever he be shall [illegible] but himself the occasion of his utter undoing, and you especially above all others, being of so near alliance to the king's majesty." And to the Lord Protector Somerset?

It seems clear that Somerset had the most to lose if Seymour had achieved his goals. He had been made Lord Protector not through the will of Henry VIII, but through a coup engineered within a few days of Henry's death. Up to this point, his authority had not been questioned, his power had not been threatened. Now he was being threatened and questioned by someone who had as much right as
he to be close to the king and who might become even closer through marriage to the king's sister. If his own brother spoke out against him, might not other nobles follow suit? Seymour must be stopped.

The timing of Seymour's arrest and the swift follow-through of his conviction and execution are significant. There was no event or action recorded that would seem to have precipitated Seymour's arrest: no uprising, no attack on the king. William Sharington had not been arrested, if the Privy Council register is to be believed. Yet among the depositions against Seymour is the testimony of John Lord Russell, who warned Seymour against taking Sharington's part. Clearly Sharington was in trouble long before his own recorded arrest or that of Seymour. Much of the damaging evidence against Seymour was established or corroborated by Sharington. And a few months after Seymour's death, Sharington was pardoned.

According to the Privy Council register, Seymour's case was not tried in court because Parliament "chanced" to be in session. This was fortunate for Somerset, who may have believed that Seymour would have been acquitted in a judicial court. There is also reason to believe that Somerset kept Parliament in session longer than necessary in order to win his brother's execution. Did Somerset offer Sharington a pardon in exchange for Seymour's death, and engineer the timing of Seymour's arrest in order to ensure that he could be convicted through Parliament? It seems likely.

Somerset prevented his brother from usurping any of the power that he had gained for himself, but in so doing he demonstrated to the council, Parliament, and the rest of England that a blood tie with the king was no safeguard against charges of treason. It was a lesson that John Dudley, Earl of Warwick, learned well. Months later, he had replaced Somerset at the helm of the government of England, and not long after, he was firmly in power when Edward Seymour, Duke of Somerset, was beheaded.
APPENDIX A

THREE POEMS BY OR ABOUT THOMAS SEYMOUR, FROM HARINGTON'S NUGAE ANTIQUAE

1. "Verses written by the Lord Admiral Seymour, the week before he was beheaded, 1549."

   Forgetting God to love a Kynge  
   Hath been my rod, or else nothy'nge  
   In this frail lyfe, being but a blaste  
   Of care and stryfe, till yt be paste.  
   Yet God did call me in my pryde,  
   Leste I shulde fall, and from him slyde.  
   For whom he loves he muste correcte,  
   That they may be of his electe.  
   Then Death haste thee, thou shalt me gaine  
   Immortallie with God to raigne!  
   Lord! send the Kinge like years as Noye, [Noah]  
   In governinge this realme in joye;  
   And, after thyss frayl lyfe, such grace,  
   That in thy blisse he maie find place.

2. "Upon the Lord Admiral Seymour's Picture - J.H. 1567"

   Of person rare, stronge lymbes and manly shape,  
   By nature fram'd to serve on sea or lande;  
   In friendshippe firme, in good state or ill happ,  
   In peace, headwise; in war, skill great, bolde hande.  
   On horse, on foote, in peryl, or in playe,  
   None could excell, tho manie did assaie.  
   A subjecte true to Kynge, a servante great,  
   Friend to God's truth, and foe to Rome's deceat;  
   Sumptuous abroad for honor of the lande,  
   Temp'rate at home, yet kept great state with staie,  
   And noble house that fed more mouthes with meat,  
   Than some advanc'd on higher steppes to stande,  
   Yet, against nature, reason, and just lawes,  
   His blood was spilt, guiltless, without just cause.

3. "The Hospitable Oake"

   I  
   Erst in Arcadia's londe much prais'd was found  
   A lustie tree, far rearing t'ward the skie,
Sacred to Jove, and placed on high grounde,
Beneath whose shade did gladsome shepherds hie,
Met plenteous good, and oft were wont to shunne
Bleak winter's drizzle, summer's parching sunne.

II
Outstretch'd in all the luxurie of ease
They pluck'd rich mistletoe, of virtue rare;
Their lippe was tempted by each kindlie breeze
That wav'd the branch to proffer acorns fair;
While out the hollowd root, with sweets inlaide,
The murm'ring bee her daintie hoard betrayde.

III
The fearless bird safe bosom'd here its neste,
Its sturdie side did brave the nippinge winde,
Where many a creeping ewe mought gladlie reste;
Warme conforte here to all and ev'ry kinde;
Where hunge the leaf well sprint with honey dew,
Whence dropt their cups, the gamboling fairie knew.

IV
But, ah! in luckless day, what mischief 'gan
'Midst fell debate, and madd'ning revelrie,
When tipsie Bacchur had bewitched Pan,
For sober swains so thankless neer mought be,
Tho' passing strange - twas bruited all arounde,
This goodlie tree did shadowe too much grounde.

V
With much despight they aim its overthrow,
And sorrie jestes its wonted giftes deride,
How 'snaring birdlimes made of mistletoe;
Nor trust their flocks to shelter neath its side;
It drops chill venom on our ewes, they cry,
And subtle serpent at its root doth lie.

VI
Eftsoons the axe doth rear its deadlie blowe,
Aroun'do dothe echo bear each labouring stroke,
Now to the grounde its loftie head doth bowe,
Then angry Jove aloud in thunder spoke,
"On high Olympus next mine tree I'll place,
Heav'n's still unscann'd by such ungrateful race."

[The editor of the 1804 edition notes that this poem was edited and somewhat re-worded during the eighteenth century.]
APPENDIX B

ARTICLES OF HIGH TREASON AND OTHER MISDEMANORS AGAINST THE KING'S MAJESTY AND HIS CROWN OBJECTED TO SIR THOMAS SEYMOUR, KNIGHT, LORD SEYMOUR OF SUDLEY, AND HIGH ADMIRAL OF ENGLAND.

1. Whereas the Duke of Somerset was made Governor of the King's Majesty's person, and Protector of all his realms, dominions, and subjects, to the which you yourself did agree and gave your consent in writing, it is objected and laid unto your charge that this notwithstanding you have attempted and gone about by indirect means to undo this order, and to get into your hands the government of the King's Majesty; to the great danger of his Highness' person and the subversion of the state of the realm.

2. It is objected and laid unto your charge that by corrupting with gifts and fair promises diverse of the Privy Chamber, you went about to allure his Highness to condescend and agree to the same your most heinous and perilous purposes; to the great danger of his Highness' person and of the subversion of the state of the realm.

3. It is objected and laid unto your charge that you wrote a letter with your own hand, which letter the King's Majesty should have subscribed or written again after that copy to the Parliament House, and that you delivered the same to his Highness for that intent; with the which so written by his Highness or subscribed you had determined to have come into the Common House yourself, and there with your factors and adherents before prepared to have made a broil or tumult and uproar; to the great danger of the King's Majesty's person and subversion of the state of the realm.

4. It is objected and laid unto your charge that you yourself spoke to diverse of the Council and labored diverse of the nobility of the realm to stick and adhere unto you for the alteration of the state and order of the realm, and to attain your other purposes; to the danger of the King's Majesty's person, now in his tender years, and subversion of the state of the realm.

5. It is objected and laid unto your charge that you did say openly and plainly you would make the blackest Parliament that ever was in England.

6. It is objected and laid to your charge that being sent for by the authority to answer to such things as were thought to be reformed in you, you refused to come; to a very evil example of disobedience and danger thereby of the subversion of the state of the realm.
[All of the above charges refer to events alleged to have taken place in the first year of the king's reign.]

7. It is objected and laid to your charge that since the last Sessions of this Parliament, notwithstanding much clemency shown unto you, you have still continued in your former mischievous purposes, and continually by yourself and other studied and labored to put into the King's Majesty's head and mind a misliking of the Government of the realm and of the Lord Protector's doings; to the danger of his person and great peril of the realm.

8. It is objected and laid to your charge that the King's Majesty being of these tender yeres, and as yet by age unable to direct his own things, you have gone about to instill into his Grace's head, and as much as lied in you persuaded him to take upon himself the Government and mayning of his own affairs; to the danger of his Highness' person and great peril of the whole realm.

9. It is objected and laid unto your charge that you had fully intended and appointed to have taken the King's Majesty's person into your own hands and custody; to the danger of his Highness and peril of the realm. [Repetition of charge #1]

10. It is objected and laid to your charge that you have corrupted with money certain of the Privy Chamber to persuade the King's Majesty to have a credit towards you, and so to insinuated you to his Grace that when he lacked anything he should have it of you and none other body, to the intent he should mislike his ordering and that you might the better when you saw time, use the King's Highness for an instrument to [t]his purpose; to the danger of his royal person and subversion of the state of the realm. [Elaboration of charge #2]

11. It is objected and laid unto your charge that you promised the marriage of the King's Majesty at your will and pleasure.

12. It is objected and laid unto your charge that you have labored and gone about to combine and confederated yourself with some persons, and specially moved those noble men whom you thought not to be contented to depart into their countries and make themselves strong, and otherwise to allure them to serve your purposes by gentle promises and offers, to have a part and faction in a rediness to all your purposes; to the danger of the King's Majesty's person and peril of the state of the realm.

13. It is objected and laid unto your charge that you have parted as it were in your imagination and intent the realm, to set noble men to countervail such other noble men as you thought would let your devilish purposes, and so labored and travailed to be strong to all your devices; to the danger of the King's Majesty's person and great peril of the state of the realm.
14. It is objected and laid unto your charge that you had advised certain men to entertain and win the favor and good wills of the head yeomen and ringleaders of certain countrys, to the intent that they might bring the multitude and commons when you should think meet to the furtherance of your purposes.

15. It is objected and laid unto your charge that you have not only studied and imagined how to have the rule of a number of men in your hands, but that you have attempted to get and also gotten diverse stewardships of noblemen's lands, and the manreds [dependencies], to make your party strong for your purposes aforesaid; to the danger of the King's Majesty's person and great peril of the state of the realm.

16. It is objected and laid unto your charge that you have retained young gentlemen and head yeomen to a great multitude, and far above such number as is permitted by the laws and statutes of the realm, or were otherwise necessary or convenient for your service, place or estate, to the fortifying of yourself towards all your evil intents and purposes; to the great danger of the King's Majesty and peril of the state of the realm.

17. It is objected and laid unto your charge that you had so travailed in that matter that you had made yourself able to make of your own men, out of your lands and rules and other your adherents, ten thousand men beside your friends, to the advancement of all your intents and purposes; to the danger of the King's Majesty's person and the great peril of the state of the realm. [Restatement of #16]

18. It is objected and laid unto your charge that you had conferred, cast and weighed how much money would find the said ten thousand men for a month, and that you knew how and where to have the same sum, and that you had given warning to have and prepare the said masse of money in a readiness; to the danger of the King's Majesty's person and great peril to the state of the realm.

19. It is objected and laid unto your charge that you have, not only before you married the Queen, attempted and gone about to marry the King's Majesty's sister, the Lady Elizabeth, second inheritor in remainder to the Crown, but also being than let by the Lord Protector and others of the Council, since that time both in the life of the Queen continued your old labor and love, and after her death by secret and crafty means practised to achieve your said purpose of marrying the said Lady Elizabeth; to the danger of the King's Majesty's person and peril of the state of the realm.

20. It is objected and laid unto your charge that you married the late Queen so soon after the late King's death that if she had conceived straight after, it should have been a great doubt whether the child born should have been accounted the late King's
or yours, whereupon a marvelous danger and peril might and was like to have ensued to the King's Majesty's succession and quiet of the realm.

21. It is objected and laid unto your charge that you first married the Queen privately and did dissemble and keep close the same, in so much that a good space after you had married her you made labor to the King's Majesty and obtained a letter of his Majesty's hand to move and require the said Queen to marry with you, and likewise procured the Lord Protector to speak to the Queen to bear you her favor towards marriage; by the which coloring not only your evil and dissembling nature may be known, but also it is to be feared that at this present you did intend to use the same practice in the marriage of the Lady Elizabeth's Grace.

22. It is objected and laid unto your charge that you not only so much as lay in you did stop and let all such things as either by Parliament or otherwise should tend to the advancement of the King's Majesty's affairs, but did withdraw yourself from the King's Majesty's service, and being moved and spoken unto for your own honor and for the ability that was in you to serve and aid the King's Majesty's affairs and the Lord Protector, you would always draw back and feign excuses, and declare plain that you would not do it.

Wherefore upon the discourse of all these forsaid things and of diverse others it must needs be intended that all these preparations of men and money, the attempts and secret practices of the said marriage, the abusing and persuading of the King's Majesty to mislike the Government, state and order of the realm that now is, and to take the Government into his own hand, and to credit you, was to none other end and purpose but after a title gotten to the Crown and your part made strong, both by sea and land, with furniture of men and money sufficient, to have aspired to the dignity royal by some heinous enterprise against the King's Majesty's person, to the subversion of the whole state of the realm.

23. It is also objected and laid unto your charge that you not only had gotten into your hands the strong and dangerous Isles of Scylla, bought of diverse men, but that so much as lay in your power you travailed also to have Londay; and under pretense to have victualled the ships therewith not only went about but also moved the Lord Protector and whole Council that you might by public authority have that which by private fraud and falsehood and confedering with Sharington you had gotten, that is, the Mint at Bristol, to be yours wholly and only to serve your purposes; casting as may appear that if this traitorous purpose had no good success yet you might thither convey a good mass of money, where being aided with ships and conspiring at all evil events with pirates, you might at all times have a sure and safe refuge, if any thing for your demerits should have been attempted against you.
24. It is also objected and laid unto your charge that having knowledge that Sir William Sharington, knight, had committed treason, and otherwise wonderfully defrauded and deceived the King's majesty, nevertheless you both by your self and by seeking counsel for him, and by all means you could, did aid, assist and bear him, contrary to your allegiance and duty to the King's Majesty and the good laws and orders of the realm.

25. It is objected and laid unto your charge that where you owed unto Sir William Sharington, knight, a great sum of money, yet to abet, bear and cloke the great falsehood of the said Sharington, and to defraud the King's Majesty, you were not afraid to say and affirm before the Lord Protector and the Council that the same Sharington did owe unto you a great sum of money; videlz., 2800 l.; and to conspire with him in that falsehood and to take a bill of that feigned debt into your custody.

26. It is objected and laid unto your charge that you by yourself and ministers have not only extorted and bribed great sums of money of all such ships as shuld go into Islande, but also as should go any other where in merchandise, contrary to the liberty of this realm and to the great discouragement and destruction of the Navy of the same; to the great danger of the King's Majesty and the state of the realm.

27. It is objected and laid unto your charge that where diverse merchants, as well strangers as Englishmen, have had their goods piratously robbed and taken, you have had their goods in your hands and custody, daily seen in your house and distributed among your servants and friends, without any restitution to the parties so injured and spoiled; so that thereby foreign Princes have in manner been weary of the King's Majesty's amity, and by their Ambassadors diverse times complained; to the great slander of the King's Majesty and danger of the state of the realm.

28. It is objected and laid unto your charge that where certain men have taken certain pirates, you have not only taken from the takers of the said pirates all the goods and ships so taken, without any reward, but have cast the said takers for their good service done to the King's Majesty into prison and there detained them a great time, some nine weeks, some more, some less, to the discouraging of such as truly should serve the King's Majesty against his pirates and enemies.

29. It is objected and laid unto your charge that diverse of the head pirates being brought unto you, you have let the same pirates go again free unto the seas, and taking away from the takers of them not only all their commoditie and profit, but from the true owners of the ships and goods all such as ever came into the pirates hands, as though you were authorised to be the chief pirate, and to have had all the advantage they could bring unto you.

30. It is objected and laid unto your charge that where order hath been taken by the Lord Protector and the whole Council that
certain goods piratically taken upon the seas, and otherwise known
not to be wreck nor forfeited, should be restored to the true owners,
and letters thereupon written by the Lord Protector and the Council,
to the which letters you yourself among the others did set unto your
hand; yet you this notwithstanding have given commandment to your
officers that no such letters should be obeyed, and written your
private letters to the contrary, commanding the said goods not to
be restored but kept to your own use and profit, contrary to your
own hand before in the Council Chamber written, and contrary to your
duty and allegiance, and to the perilous example of others and great
slander and danger of the realm.

31. It is objected and laid unto your charge that where certain
strangers which were friends and allies to the King's Majesty
had their ships with wind and weather broken, and yet came unwrecked
to the shore, when the Lord Protector and the Council had written
for the restitution of the said goods, and to the country to aid
and save so much of the goods as might, you yourself subscribing
and consenting thereto; yet this notwithstanding you have not only
given contrary commandment to your officers, but as a pirate have
written letters to some of your friends to help that as much of
those goods as they could should be conveyed away secretly by night
further of, upon hope that if the same goods were assured, the owners
would make no further labor for them, and then you might have enjoyed
them, contrary to justice and your honor and to the great slander of
this realm.

32. It is objected and laid unto your charge that you have not
only disclosed the King's Majesty's secret counsel, but also where
you yourself among the rest have consented and agreed to certain
things for the advancement of the King's affairs, you have spoken
and labored against the same.

33. It is further objected and laid unto your charge that your
deputy, steward, and other your ministers of the Holt in the county
of Denbigh, have now against Christmas last past at the said Holt
made such provision of wheat, malt, beef and other such things as
be necessary for the sustenance of a great number of men, making also
by all the means possible a great mass of money, in so much that all
the country doth greatly marvel at it, and the more because your
servants have spred rumors abroad that the King's Majesty was dead;
whereupon the country is in a great mase, doubt and expectation,
looking for some broil, and would have been more if at this present
by your apprehension it had not been stayed.
NOTES

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5. APC, p. 243.
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