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ABSTRACT

BY NO ORDINARY PROCESS:
TREASON, GENDER, AND POLITICS UNDER HENRY VIII

by Sarah Elizabeth Donelson

Using the treason statute of 1534 and the Pole/Courtenay treason case of 1538, I explore how the intersection of treason, gender, and personal politics subverted and then changed the gender paradigm for traitors in the sixteenth century. The Poles and Courtenays were descended from the Plantagenets, the ruling dynasty in England before the Tudors, and as such were a threat to Henry VIII and the stability of his throne. After one member of the Pole family, Cardinal Reginald Pole, was declared a traitor by the king, Henry VIII and his principal minister, Thomas Cromwell, embarked upon an investigation of his family and friends. What they found convinced them that these two families were guilty of high treason and planning to replace him on the throne. The Pole/ Courtenay case shows the instability of customary gender assumptions both in English politics and the legislation and prosecution of treason. Though the process of the investigation, prosecution, and sentencing, the state changed what it meant to be a traitor in terms of gender.

BY NO ORDINARY PROCESS:
TREASON, GENDER, AND POLITICS UNDER HENRY VIII

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Chapter One: Introduction

In May of 1541, Henry VIII was planning to go north with his retinue to quell unrest and manage some of the after effects of the Pilgrimage of Grace, the northern rebellion of 1536-1537. It was a trip he had been delaying for four years, but in 1541 the king felt secure enough in his authority in the south to leave London and travel north. To that end, he had determined that any threat in the Tower of London must be eradicated. Charles de Marillac, Francis I's representative in England, wrote to the French king and informed him that before Henry left, he had ordered the Tower to be cleared of prisoners either by execution or absolution.[1] Given his proposed absence from London and his purpose for traveling north, Henry VIII wanted to prevent any of the prisoners from serving as inspiration for another insurrection. On May 27, Margaret Pole, the countess of Salisbury awoke early in the morning to the news that she would be executed for treason that day. She had been imprisoned for two and a half years since November 1538, first in a private manor, then in the Tower beginning in the spring of 1539, and she had become accustomed to her surroundings and daily routine. Expecting to be in the Tower for at least another year, she had recently asked the Privy Council for, and had received, a new "furred" nightgown and twelve other items of warm clothing from Queen Catherine's own tailor. That they acquiesced to her request the month before her execution indicates that this decision to execute her was a hasty one.[2]

The two long years of imprisonment had not prepared the countess of Salisbury for such an abrupt decision. She was sixty-seven years old and frail after years in the drafty Tower lodgings and having survived her own attainder, imprisonment, and the execution of her son, friends, and servants. She had lived in the Lieutenant's house surrounded by his family and servants and shared their daily lives despite her official status as a prisoner. One can imagine the scene. It was late May in London, early in the morning. It was usually overcast with a breeze coming off the Thames; not yet muggy and probably still cool as she left her quarters in the lieutenant's house and walked the short distance to the block on the Tower green where she was to be killed. In a state of shock, the countess was likely escorted by Sir Edmund Walsingham, the Tower lieutenant who had been in charge of her care since 1539.

The Tower was home to hundreds of people: officials, guards and their families, servants, the proprietors of the Tower tavern, and the priests at St. Peter Ad Vincula, the Tower church. Even early in the morning, there would have been a steady hum of noise and whirling of activity as these people went about their daily lives. A state execution was exceptional and worthy of interest and perhaps many stopped to watch the proceedings. Eustace Chapuys, ambassador for Henry VIII's archenemy Holy Roman Emperor Charles V wrote to Mary of Hungary[3] that over one hundred and fifty people were witness to her execution, though Marrilac, perhaps referring

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1 Charles de Marillac to Francis I quoted in *Calendar of Letters and Papers Foreign and Domestic of the Reign of Henry VIII. Volumes 1-21*. ed. J.S. Brewer, J. Gairdner, and R.H. Brodie (London: Vaduz Kraus Reprint: 1965), Volume XVI, no. 868. (Hereafter *L&P*)

2 British Library (hereafter BL) Arundel MS 97 f. 185; Sir Harris Nicholas, editor, *Proceedings and Ordinances of the Privy Council of England Volume* (London: Record Commission, 1837), 147; The National Archives of the UK SP1/140 ff. 219.

3 Mary of Hungary was the eldest sister of Charles V, who entrusted her with the governorship of the Netherlands in 1531-1555. Prior to this, she was the Queen Consort of Hungary and Bohemia from 1515-1526 as the wife of Louis II.

to official witnesses only, reported the number was so low that he believed the crown was "afraid to put to death publicly those whom they execute in secret."[4]

Traveling the short distance to the block, could she focus on anything other than her imminent death? Could she even hear or see the crowd, or was there a roaring in her ears as she attempted to make sense of what was happening to her? The countess of Salisbury would have considered the possibility of execution over the last few years, of course, but most prisoners had hours or days of warning. She had only minutes. She had survived all previous attempts to silence or dispatch her to obscurity, poverty, or death. By virtue of her birth, she was powerful and had been a threat to four kings: her uncle Edward IV, Richard III, Henry VII, and finally Henry VIII. Salisbury was the head of her family and an accordingly strong and steely woman.[5] For two decades she and her sons had clashed with Henry VIII over religion and politics all leading to that fateful morning in May. She had been resolute but the crown ultimately won. Standing before the execution block, she requested those present pray for the king, Queen Catherine Howard, Prince Edward, and Princess Mary as was the custom. Afterwards, her corpse was taken to the Tower chapel of St. Peter Ad Vincula instead of the elaborate tomb she had built years before at Christchurch Priory in Dorset. She was buried hastily beneath the floor with Anne Boleyn, Thomas More, John Fisher, and other traitors. The story of the prosecution of the countess of Salisbury, her family, and the Courtenays is a case at the intersection of treason, politics, and gender.

Although the king wished to present it as a simple instance of high treason, which required a swift and merciless solution, in truth, both the case and its legacy meant much more. The death of the countess was the last in a series of executions of women and men who opposed Henry VIII's religious changes and policies. By custom, men were presumed to be active in their treason, women their passive helpmeets, but as a result of Henry VIII's new definition of treason in 1534 and the 1538 Pole/Courtenay treason case, the sexual divide disappeared and high treason lost any gender connotation.

The White Rose Party: Redefining Treason and Traitors

The countess of Salisbury's death was the final act in a drama that had lasted eight years and resulted in the execution of seven people. The countess was arrested as part of a group that Henry VIII viewed as a threat to himself and to the crown. As the examples of Anne Boleyn and Catherine Howard demonstrated in 1536 and 1542 respectively, Henry VIII and Thomas Cromwell used treason to rid themselves of women and men they found troublesome and inconvenient, even royal wives. This was the case with the Poles and Courtenays dubbed by historians as the "White Rose Party" for their Yorkist backgrounds.[6] In the fall of 1538 Cromwell built a case against Henry Courtenay, marquess of Exeter; his wife Gertrude

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[4] *L&P* XV, no. 897; *L&P* XV, no. 868.

[5] I will be referring to Margaret Pole, the countess of Salisbury, as Salisbury. I do this for two reasons, one because she held the title in her own right, and two because as a landowner on a par with the men in this case, it is equitable to do so.

[6] The Rose refers to the Wars of the Roses five decades earlier in which those loyal to the Yorkist family used a white rose as their standard and those who supported the Lancastrian faction used a red rose. Additionally, I will be using the terms White Rose Party and Pole/Courtenay interchangeably. See Madeleine Hope and Ruth Dodds, *The Pilgrimage of Grace 1536-1537 and The Exeter Conspiracy 1538. Vols 1-2* (London: Frank Cass & Co. Ltd., 1971).

Courtenay, marchioness of Exeter; Henry Pole, lord Montague; Geoffrey Pole; Sir Edward Neville; and the countess of Salisbury. They were suspected of conspiring with Salisbury's son Cardinal Reginald Pole as well as with each other to remove Henry VIII from power. As a replacement, the supposed conspirators were assumed to favor either Cardinal Pole or Henry Courtenay, marquess of Exeter, both Plantagenets with strong claims to the throne. Ultimately all were accused, indicted, and convicted for treason. Though much about the case of the White Rose Party is murky, it is clear that Henry VIII had two very strong reasons for wanting this group of nobles to disappear. The first has been stated above, that they were potential claimants to his throne; they were powerful nobles who had lost the previous century's civil war, yet whose wealth, status and popularity were still formidable, as were their strong Catholic convictions.

The second reason had more to do with Henry's personality than politics. A year or two before, Hans Holbein the Younger had produced the famous image of the king at Whitehall in which Henry VIII imposingly stands looking directly at the viewer with an expression of swaggering authority. The reality was in stark contrast to this glorious image of the monarch. In 1538 Henry VIII was forty-six years old, aging, corpulent, and plagued with the leg ulcers that affected his overall health and his moods for years. With only one sickly, infant son as his heir threats to his dynasty and sovereignty were real. Henry had also developed an acute personal animosity to one of the potential rival claimants to his throne, the Cardinal Reginald Pole, one of the main antagonists to the king's divorce from Katherine of Aragon and to his subsequent break with the Catholic Church. Pole was not accessible to Henry VIII in the 1530s as he was in the service of Pope Clement VII on the continent, but the king was determined to punish him for his insubordination and betrayal in refusing to accept Henry's divorce. Additionally, Cardinal Pole had defected to Pope Clement VII, further angering the king. If the king could not have Cardinal Pole, he would take his family. Henry VIII had vowed years before to destroy those who constituted the last of the White Rose.[7] The treason plot of 1538 provided Henry VIII with an excellent opportunity for eradicating both a threat and a hindrance to his authority, thus safeguarding his throne, asserting his mastery over even his most powerful nobles, and satisfying his need for revenge. That Henry VIII, or any other English monarch, would use treason as a political expedient or for personal reasons is neither surprising nor novel, but the Pole/Courtenay case combined the political and the personal and necessitated a shifting relationship between gender and treason.

Before the 1530s, there was an established paradigm for treason whereby men were thought to act treason by raising armies, going to war, or attempting to kill the king. There were examples of men charged with inciting others, a kind of speaking treason that was assumed to lead to action on the speaker's part or on those of his listeners. These men were indicted for "active" treason. Women, in contrast were assumed to be passive supporters, speaking encouraging words to their husbands, fathers, and brothers. Before 1534, and particularly in the fifteenth century, there were cases of treasonous words brought to the attention of local justices. In these cases, however, there was an assumed connection between the words themselves and the actions the speaker intended himself to take or others. The connection between words and actions was so ingrained that in these cases, the justices and juries assumed the words were intended to cause action on the behalf of the defendant or others. This changed in 1534 when words alone were believed to be as dangerous as any action that might or might not result from

[7] *L&P* XIII, no. 753.

them. After the 1534 statute, this assumed connection between words and actions no longer mattered. The treason statute of 1534 institutionalized the idea that words alone were treason.

The religious and political upheaval of the 1530s birthed new challenges and it was these challenges that caused the new definitions of what the crown saw as treasonous actions and whom it viewed as actors. Henry VIII was faced with a group of troublesome and dangerous women whose actions and status transformed the accepted model of a passive female traitor. Additionally, the break with the Church and increasing numbers of influential women who actively threatened Henry VIII forced the king to change how treason was defined and prosecuted. In the early 1530s and continuing through the entire decade, the king rewrote the treason laws and instituted new practices to deal with both male and female traitors. Simply put, Henry VIII had to deal with very powerful women such as Elizabeth Barton and the countess of Salisbury whom he believed could unseat him from the throne. In 1538 Henry VIII came to rethink treason, because in this case the men and women did not act according to their prescribed gender roles. In response, neither did the state. For the prosecution of Exeter, Montague, Geoffrey Pole, and Neville, the state convicted the men for speaking about overthrowing the king, of sympathizing with Cardinal Pole, and imagining the king's death. These were all verbal crimes, which with no overt acts would usually be considered unworthy of men. Henry's fear, however, was that because the Poles and Courtenays were such powerful families with strong claims to the throne, their treasonous words would lead to actions. In addition, the presumption was that their actions would be supported by an invasion of continental armies.

When it came to Gertrude Courtenay and the countess of Salisbury, Henry VIII and Cromwell had to improvise, a skill in which both men had years of practice. Their solution was to accuse the women of writing, hiding and keeping letters, and arranging communication and meetings between the men. Previously, their treasons would have been considered masculine deeds and actions. Thus the usual gender divide between masculine violent deeds and the more feminine dangerous words became unstable as women were portrayed as the "active" traitors and men as their apparently "passive" collaborators.

Though the narrative of the Pole/Courtenay case is fascinating, this dissertation's focus is not whether or not there was an actual conspiracy, but rather how the state perceived the threat and the ways in which it then altered the definitions and procedures of treason. The importance of this dissertation lies in its position as the most complete examination of the 1538 Pole/Courtenay case and its discussion of the case's legacy for the gendered nature of treason legislation and prosecution. The crown's use and manipulation of the concept and prosecution of treason in 1538, created an unique connection between treason, gender, and politics. Henry VIII used the treason laws to deal with political issues, the byproduct of which was the change in the gender paradigm for traitors. As a result of Henry VIII's break with the Catholic Church there was a marked rise of criticism against the king from priests in their sermons. As part of the effort to silence troublesome critics (including Elizabeth Barton) of the king's religious changes, Henry and Cromwell endeavored to make slander against the king high treason. As the work of Susan Bardsley, Bernard Capp, Laura Gowing, Susan Ammussen, David Underdown, and others have shown, slander had traditionally been perceived to be a woman's crime in English criminal law. And, as court and church records prove, the majority of those accused of verbal crimes were women. Henry VIII and Cromwell did not change the treason laws with the intent of capturing more woman traitors, rather the increase in treason convictions for women was the accidental by

product. By elevating what had traditionally been viewed as a neighborhood crime committed almost exclusively by local women to an offense against the king, the broader net of high treason, therefore, captured higher numbers of women and high profile women in particular. Additionally, the inclusion of words as high treason destroyed the traditional image of the traitor as a martial male actively leading his retainers against the king. By striking back at slander against himself Henry VIII destroyed traditional gender associations and made treason a gender neutral crime in which men and women could be prosecuted for either "masculine" or "feminine" treasons. In 1538 the prosecution of the Poles and Courtenays was the first big test of the new treason laws. Further proving that the laws were now gender neutral, the male defendants were accused of "passive" treason whereas the women were accused of "active" treason, demonstrating the malleability of gender roles in the face of political challenges and needs. The Pole/Courtenay case shows the instability of customary gender assumptions both in English politics and the legislation and prosecution of treason.

The Case Against the White Rose Party

In the late summer of 1538 Thomas Cromwell began to gather evidence concerning communication between Cardinal Reginald Pole on the continent and his friends in England, namely Pole's brothers Henry, lord Montague, and Geoffrey Pole; family friend Henry Courtenay, the marquess of Exeter; and Montague's brother-in-law Sir Edward Neville. Cromwell believed these written communications, most of which were sent through and held by Gertrude Courtenay and the countess of Salisbury, contained the seeds of a rebellion. Cardinal Pole, Salisbury's son, had long been an annoyance to his kinsman Henry VIII. The king had aided Reginald Pole's education and rise through the clerical ranks and in return had expected to have one more loyal cleric during the divorce and supremacy crises of the early 1530s. Instead, Pole had fled to the continent in 1532, repudiated the king's marriage, and refused to take the Oath of Supremacy. All of Pole's subsequent actions made matters worse, as he soon became employed by Pope Clement VII. That Cardinal Pole served the pope instead of his king deeply angered Henry VIII. In addition, Pole was committed to forging an alliance between Francis I and Charles V, which would have been a great threat to England's security. Pope Clement VII also charged Pole with restoring England to papal authority, a task for which he was appointed as a papal legate.

To make matters worse, in 1536 Pole had also published a scathing tract, *Pro ecclesiasticae unitatis defensione* (the shortened form was *De Unitate*), on Henry VIII's lack of authority in spiritual matters. As Pole was still the king's subject, his criticism of Henry VIII's religious policies and break with the Church were considered high treason under the 1534 act. Henry VIII was determined to bring down Pole and anyone who supported him, especially in the spring of 1537 after the embarrassment and danger of the Pilgrimage of Grace. In April of 1537 Henry VIII sent Stephen Gardiner, the bishop of Winchester, to France as part of an effort to apprehend Pole by enticing Francis I to capture the cardinal. Henry VIII wrote Gardiner on April 8 urging the bishop to be circumspect in his dealings with the French king lest Francis disappoint his "desyre for the apprehension of the persone of which we have written."[8] By the late summer

[8] British Library Additional Manuscripts 25,114 f. 253 (hereafter BL Add. MS).

Pole had evaded the English agents and by the fall of 1537 was safely back in Rome, a development that further infuriated Henry VIII.

The rest of Catholic Europe had their eyes on the tense internal politics of England and especially on the Catholic heirs to the throne: the Poles and Courtenays. As early as 1533, Chapuys wrote to Charles V suggesting that he ally with Pole. Some in England believed the cardinal to be the true heir to the throne and that he should cement his claim by marrying Henry VIII's eldest daughter, the princess Mary. Chapuys argued that Pole had the support of the powerful George Neville, lord Bergavenny, elder brother of Sir Edward Neville, and many others.[9] A year later on August 4, 1534, the Spanish ambassador, Martin de Cornoca, wrote to Charles V and stated that if the emperor backed Pole's claims to the throne, it would help his interests in England, namely its return to a Catholic state. De Cornoca sent assurances that the earldoms of Warwick and Salisbury (both controlled by Pole's mother, the countess of Salisbury) could raise 20,000 men. He also stressed Henry VIII's current unpopularity.[10] In November of the same year, Chapuys wrote to Charles V again to urge him to ally with Pole in the event of a future rebellion. It is unclear at this point in the 1530s whether the Poles and the Courtenays considered this course of action, but the crown perceived the possibility of a continental-assisted insurrection as a very real danger.

For these were no ordinary nobles: they had a clear title to the monarchy, land, and a network of Catholic relations. They were the Plantagenets, the Yorkist claimants to the throne, and Henry Courtenay, marquess of Exeter, had the same birthright to the throne as Henry VIII, as both were grandsons of Edward IV.[11] The countess of Salisbury was the niece of Edward IV and all involved were descended from that progenitor of late medieval nobility, John of Gaunt. In acknowledgement of their claims, Henry VII had gone to great lengths in Salisbury's childhood to remove the threat posed by her brother Edward Plantagenet, earl of Warwick, by imprisoning him for most of his life and then executing him in 1499. Still, together Salisbury and her cousin controlled most of southern England from Cornwall almost to London. In addition, the Poles and the Courtenays belonged to the upper echelons at Court. Salisbury, as the niece of a king, daughter of a duke, sister of an earl and then as a close friend of Queen Katherine of Aragon, had been created the countess of Salisbury in her own right in 1512. For many years she had been Princess Mary's governess and came to command a great deal of influence over the young girl, a fact noted by Chapuys in his letters to Charles V in the early 1530s.[12] After the break with the Roman Catholic Church in 1533, Henry VIII had the Archbishop of Canterbury, Thomas Cramner, nullify the king's marriage to Katherine of Aragon, thus making Princess Mary illegitimate. In March 1534 Parliament passed the First Succession Act, (25 Henry VIII c.22) which made Cramner's actions law and additionally declared the infant Princess Elizabeth as Henry VIII's only legitimate child. Henry VIII's actions in regards to his eldest child thus were another source of conflict with the White Rose Party, who were close to Katherine of Aragon

[9] *L&P* VI, no. 1164.
[10] BL Add. MS 25,587 f.7.
[11] Adding to the problem of rival claimants was the complicated Tudor background. In 1396 John of Gaunt, duke of Lancaster, third son of Edward III, had his children by his mistress, Katherine Swynford, legitimized by an Act of Parliament. They became the Beaufort family and though they were prominent in the fifteenth century, they were not allowed any claim on the throne. Margaret Beaufort was Henry VII's mother. Henry VII's father was the child of Henry V's widow, Queen Katherine, and Owen Tudor, a Welsh courtier.
[12] *L&P* VIII, no. 263.

and the Princess Mary.

Despite minor earlier tiffs between Exeter and Cromwell, and Salisbury's close relationship with the divorced Katherine of Aragon and the now illegitimate Princess Mary, by 1537 Henry VIII still trusted Exeter enough to allow him to raise an army and go north with the duke of Norfolk in order to quash the Pilgrimage of Grace. Had he suspected the marquess of treason then, the king would not have given him the charge of a large army to defend the monarchy against an insurrection. Exeter was also a Privy Council member, a Knight of the Garter, a key part of the king's household and Henry VIII's third closest advisor after Cromwell and the duke of Norfolk. However, the situation changed quickly and violently over the next year. Cromwell, as a loyal minister to Henry VIII and someone who sought the ruin of the Plantagenet and Catholic faction at court because they clashed with his plans for governmental change, seized the first opportunity he found in 1538. Thomas Cromwell had enjoyed a steady rise in Henry VIII's government from an advisor to Henry VIII's chief minister, Cardinal Thomas Wolsey, to his replacement after Wolsey's death in 1530. The son of a blacksmith who was bright enough to be educated and later elected to both Grey's Inn (an Inn of Court) and Parliament, he overcame the strictly codified class structure to rise to a position of power second only to the king. His fierce loyalty to Henry VIII, his willingness to accomplish his sovereign's goals by any means necessary, his interest in the new religion, and above all his audacity, asserting authority without the benefit of noble birth, earned him diverse enemies at court. Among these were the members of the White Rose party. After Cromwell learned in the summer of 1538 of the communication between Reginald Pole and his mother, brothers, and friend Exeter, Cromwell saw an opening. Geoffrey Pole, Reginald's youngest brother, was the weakest member of this group and accordingly Cromwell focused on him first.

Historians have described Geoffrey Pole as impetuous, foolish, and bit of a lovable ne'er do well, a characterization supported by various family members, servants, and friends in the 1538 interrogations.[13] His testimony was one of the two most valuable weapons in Cromwell's arsenal against the White Rose Party. The state's case as found in records of interrogations and in Cromwell's notes revolved around letters to and from Reginald and within the group, as well as a secret visit by Reginald to England and messages and messengers sent back and forth across the Channel.[14] After only a few interviews, it became clear from the examinations of Geoffrey and Hugh Holland, his servant, that there was a great deal more communication about Cardinal Pole than to him. What was most damning to the rest of the group was Geoffrey's admission in his first formal interview on October 26, 1538, that his brother Henry lord Montague and Sir Edward Neville had both spoken of a change in government. Neville reportedly declared that he "trusted the world wold amend one day," clearly referring to some sort of insurrection and deposing of Henry VIII.[15] Geoffrey asserted, however, that it had been years ago and that they had meant no harm to the king.[16] These statements were coupled with his initial testimony that Montague had been communicating with Reginald as had Gertrude.[17] Cromwell used these

[13] Hazel Pierce points to the works of the Dodds and Geoffrey Elton in *Margaret Pole, Countess of Salisbury, 1473-1541: Loyalty, Lineage, and Leadership* (Cardiff: University of Wales Press, 2003), 129.
[14] SP 1/ 139 232-238.
[15] SP 1/138 ff. 12-27.
[16] SP 1/138 f. 695.
[17] Ibid.

statements to launch the investigation in full. Geoffrey was examined again on October 28 and as a result Montague and Exeter were arrested the next week on the fourth of November. On November 12th, Geoffrey revealed that Neville and Montague had called the king's divorce and remarriage, "unlawful," treasonous statements under the new 1534 statutes.[18] The focus of the investigations broadened as Geoffrey continued to confess and provided what Cromwell believed was proof of a conspiracy.

It was Geoffrey Pole's second examination that aroused Cromwell's interest in Gertrude Courtenay and made her the next focal point of the inquiry. Geoffrey Pole's testimony placed her with her husband hearing reports from the continent, or receiving information through her lady Elizabeth Darnell. It also pointed to her as the recipient, sender, and custodian of many of the letters between Montague, Exeter, Neville, and even Cardinal Pole. When she was taken into custody in the Tower and questioned, she admitted to hearing rumors of a plot but refused to disclose either the messenger or method of information received. Cromwell swore to King Henry that he would force her to tell him everything until the bottom of her stomach was empty, or in modern parlance-force her to "spill her guts."[19] There is no evidence that either Geoffrey Pole or Courtenay were tortured, probably because of their social standing, but both were clearly subjected to psychological stress. Geoffrey Pole was so distraught by his imprisonment that he tried twice to kill himself. Richard Morison, official propagandist to Henry VIII, wrote that Geoffrey's jailer left a knife unattended after dinner, with which Geoffrey then stabbed himself. Though he bled a great deal, the wound was not fatal.[20] Later, Geoffrey tried to smother himself with a cushion.[21] These breakdowns may have saved his life as Cromwell and the king either took pity on him or planned to use him for more information and thus decided not to execute him.

Gertrude Courtenay was interrogated for seven days. She was separated from her husband, confined in the Tower, and questioned intensely by Cromwell's agents, Sir William Fitzwilliam and Thomas Goodrich, the Bishop of Ely. She may have faced Cromwell himself. Chapuys wrote to Charles V on January 15, 1539, that many of the letters in question had been found in Gertrude's coffers and that the king was now accusing her of turning his daughter Princess Mary against him. Even worse, this was not the first time Courtenay had incurred the king's displeasure, as she had been involved with Elizabeth Barton, the Holy Maid of Kent whom the king had executed for treason in 1534.

Once Courtenay became the focus of most of the testimonies, even a friendship with her became grounds for treason. King Henry's Master of the Horse, Sir Nicholas Carew, was arrested in late December 1538 and later executed after letters from her were found in his possession.[22] Carew had been one of Henry VIII's closest servants and that he was executed for his connection with Courtenay speaks to the state's perception of how dangerous she was to the crown. Considering the level of evidence against her, her earlier brush with treason, and her position as the focal point of many of the interviews, it deepens the mystery of her pardon in 1540 after only a little over a year of imprisonment.

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[18] SP 1/138 f. 804.
[19] BL MS Cotton Titus B. I. 265.
[20] Richard Morison, *An Invective ayenst the great and detestable vice, treason werin the secret practises and traiterous workinges that suffrid of late are disclosed* (New York: Da Capo Press, 1972).
[21] *L&P* XIV, Part 1, no. 37.
[22] *L&P* XIV, Part 1, no. 208.

This was not the case for the countess of Salisbury, long imprisoned, whose execution came so abruptly in May 1541. Unlike Gertrude Courtenay, Salisbury's interviews did not provide a great deal of information. She was taken from her manor Warblington to Cowdray, the house of Fitzwilliam, later created earl of Southampton and Lord Admiral. She was questioned and placed under house arrest in November 1538. Southampton's increasingly frustrated letters to Cromwell reveal that he was consistently thwarted in his efforts to force Salisbury to confess to any wrongdoing. When she was arrested, she was sixty-five years old, the matriarch of an ancient family, and one of the most powerful landowners in England. She had lived through the execution of her father and her brother, the death of her husband, the repudiation and death of her good friend Katherine of Aragon and religious changes that she privately refused to acknowledge. She was much stronger and more self-assured than either her son Geoffrey or her friend Gertrude Courtenay. In her Cromwell had a formidable adversary. As is clear from her interrogation and Southampton's letters to Cromwell, she calmly countered every charge and denied knowledge of letters, communication, or a treasonous plot. Southampton wrote to Cromwell that either she was completely innocent or was the most errant traitoress that ever lived.[23] She was transferred to the Tower where she stayed with her grandson, Henry Pole, Montague's young son; Gertrude Courtenay; and Courtenay's son Edward.

Sources and Plan of Organization

The story of the Pole and Courtenay families and how their lives moved from ordinary to extraordinary and finally to infamy must be pieced together from two main archives: the United Kingdom National Archives in Kew, England, and the British Library in London. As for the majority of those who lived in the late fifteenth/early sixteenth century, there is not much extant documentary evidence of the early lives of the Poles and the Courtenays. More has survived from Salisbury's life than others, owing to her position as the niece of Edward IV and daughter of the duke of Clarence. (However, even in her biography of Salisbury, Hazel Pierce spent more time on the men in Salisbury's life because of the lack of sources.)

Primary sources in the National Archives came from the State Papers of Henry VIII and the Lisle Papers. One document in the E (exchequer) collection, an inventory of the countess of Salisbury's possessions after her arrest, was the impetus for this dissertation. The State Papers collections, SP 1 and SP 3, produced the bulk of the evidence from Henry VIII's efforts to capture Reginald Pole in 1537, the interrogations from the autumn of 1538, and the gossip thereof. The letters from Henry VIII to his agents on the Continent are in earlier State Papers collections. The interrogations of the White Rose Party and other witnesses comprise much of SP 1/138, as well as Cromwell's notes to himself on the prosecution. The exchequer collection in the National Archives provided a wealth of background information on Exeter's and Salisbury's financial dealings as well as land ownership. The Cotton Collection of Manuscripts forms the bulk of source material garnered from the British Library, which includes the Cleopatra E. VI, Titus B. I, Vespasian, Vitellius B, Otho, and Nero collections. Other invaluable collections were the Harleian as well as the Additional Manuscripts, Lansdowne, and Arundel. These two collections contained background information on the Poles and Courtenays as well as letters written about the attempted capture of Reginald Pole and the 1538 treason case. Royal household

[23] BL MS Cotton Appendix L, 77-78.

accounts were kept with the Additional Manuscripts. Additional evidence on the Courtenay family including Sir Edward Courtenay's will and the document concerning the restoration of his great grandson Edward Courtenay in 1553 was found in the Devon Record Office in Exeter, England.

The printed primary sources include: the sixteenth- and seventeenth-century chronicles by Edward Hall (1548), Richard Grafton (1569), and Charles Wriothesley (1559), John Stow (1615), Richard Morison's account of the Pole/Courtenay case (1539), the nineteenth-century printed *Calendar of State Papers*, as well as other nineteenth-century volumes. Edward Hall's chronicle on English history was the first published: the others took much of their information from it and often directly quoted his account. As Hall's, Grafton's, and Stow's chronicles were dedicated to the monarchs under whose reigns they were written, they were complimentary of the king and condemning of enemies of the state. Despite this, they are an invaluable resource not only for a narrative of the events described in this dissertation, but also as a measure of contemporary attitudes. Richard Morison's *An Invective ayenst the great and detestable vice, treason werin the secret practises and traiterous workinges that suffrid of late are disclosed* was the state's official memory and recorded statement on the Pole/Courtenay case. Morison gives details on the trial and executions not found elsewhere and though one must question his motives and therefore his account, it remains a particularly valuable resource as it is a significant representation of how the crown viewed this case and how Henry VIII and Cromwell wished to justify their actions.

Finally, the 1868 printed version of the *Calendar of Letters and Papers*, an enormous collection of government documents, is a vital resource for any scholar of Henrician England. It contains documents lost since the nineteenth century and those located in less accessible archives. These printed state papers help to fill in the gaps of those extant documents destroyed or mutilated by fire, water, or mold, a common fate in the archival collection of Henrician State Papers. They are an invaluable but incomplete resource. Most entries are summaries of the original documents, rather than exact quotations of the letters and papers themselves. This is particularly true of the interrogations and examinations of the Poles and Courtenays in the fall of 1538. The printed *Letters and Papers* gives the gist and summary of the interrogations, but not the complete record in most cases. For that reason, I transcribed each of the documents that I refer to in this dissertation.

In the spring of 2007, 2008, and the fall of 2008, I carefully photographed and catalogued each primary document from the National Archives. My method was to set up a tri-part Microsoft Word document with the printed summary of the particular source at the top, the photograph of the primary document in the middle, and a blank Word document in which to transcribe at the bottom. I transcribed, letter by letter, from the photograph of the primary document and if the word was unclear, I would refer to the printed summary at the top. In that way, I could go back to the original document and have a better sense of which word I was transcribing. I also utilized several books from the National Archives and various libraries on the idiosyncrasies of Tudor Secretary Hand in a further effort to ensure that I did not miss anything. I used the original spelling and syntax. Spelling in sixteenth-century England was not yet standardized so the spelling of various words changes from person to person and occasionally in the same letter. The sixteenth-century language and spelling in the original sources is difficult, as is Tudor Secretary Hand, but it is phonetic. In chapters five and six, when the quotes are long or

particularly problematic, I have used modern spelling for the quote in a footnote. However, I have not done so for the printed sources such as the *Chronicles* and Morison, just the original documents. As photography is not allowed in the Manuscript Reading Room at the British Library, I hand transcribed on location, when possible confirming each word copied with the printed *Letters and Papers*.

This dissertation is the most complete retelling of the Pole/Courtenay case and of the erasure of fixed gender roles in English treason laws. Its focus on the gendered aspect of the 1538 case and treason legislation in the 1530s stands alone in English historiography. It falls into eight chapters beginning with this introduction. Chapter Two examines the historiography of politics, treason, and gender in Early Modern England and the importance to this case of understanding all three. Chapter Three covers the story of treason legislation in England from the middle ages through the sixteenth century and then treason cases involving women in the 1530s. Elizabeth Barton, Anne Boleyn, and Margaret Cheney were all arrested and executed for committing treason against Henry VIII and the state. What effect, if any, did these earlier cases of women's treason have upon the outcome of the Pole/Courtenay case and the de-gendering of the legal definition and uses of the later Tudor treason laws? In Chapter Four, the focus shifts to the Poles and Courtenays themselves: how much of a political threat these two families were to Henry VIII, particularly the heads of these families, Exeter and Salisbury. From the crown's perspective there was no gendered difference in terms of potential political influence. Chapter Five reveals Henry VIII's increasing rage against the Poles and Courtenays for, as he saw it, protecting and supporting the traitor and rival claimant to his throne, Reginald Pole. It shows that Henry's course of action to capture Reginald Pole was based on the potential for real danger posed by Pole's allies on the continent rather than the paranoia of a tyrannical monarch and ultimately how Henry VIII turned his anger from Reginald Pole and onto his friends and family. Chapter Six demonstrates the ways in which the existing treason laws and definitions were manipulated to combat an immediate political threat posed by the Poles and Courtenays. Through the record of the interrogations, this chapter reveals how seriously the crown took treasonous speech. Additionally the record reflects how the men were guilty of the stereotypically "feminine" crime of speech and the women were believed to be guilty of "masculine" treasonous actions. Chapter Seven addresses the men's trials, the women's attainder, and the consequences of the case in England and abroad. The charges, trials, and attainders demonstrate how the person of the king and the throne became synonymous as well as how the archetypes of "masculine" and "feminine" treason were reversed. Finally, this dissertation concludes with an analysis of the long-term consequences of this treason case and the erasure of fixed gender associations in the legal prosecution of high treason.

Chapter Two: Historiography

As a period of study, the Tudor era from 1485 to 1603 is revered in British historiography and accordingly the field is crowded. Every year historians present new findings from a wide pool of evidence and find different ways to explore established themes. The five hundredth anniversary of Henry VIII's accession in 2009 led to an increase in written works, conferences, and more generalized interest in the Tudors. There is, however, room for more exploration particularly from the perspective of gender analysis and treason. This dissertation on how treason ceased to be a gendered crime as a result of the Pole/Courtenay case covers the intersection of politics, treason, and gender in 1530s England. Sixteenth-century English historiography is thorough, however, no studies have been done on this particular juncture of colliding forces. There is then a gap in the literature. Ordinarily, studies of politics, gender, and treason do not overlap. Of political and treason works, none address gender. The women's historians and gender historians who have looked at politics and treason studies in the past have of necessity examined the political context, but none have covered treason or this case or how treason affected perceptions of gender or why.

This chapter will examine the historiography of four areas of study: politics, treason, gender, and the Pole/Courtenay case. In this chapter I address the historiography of those works in the historical categories that inform my argument. Various historians have offered insights and information that I have used, all indirectly useful for my study on the intersection of politics, treason, and gender. As high treason was a political crime, this study delves into domestic English politics and the personal relationships between those involved. Though arising from his political and personal motivations, Henry VIII used a changing legal and political climate and parliamentary innovation to convict the group of so-called treasonous conspirators, and in so doing, he erased the customary gender paradigm for treason.

Politics

Historiographical debate about the politics of the 1530s includes three principal hypotheses: a "revolution" in government, a theory originally espoused by Geoffrey Elton; the conflict between factions argued for by J.S. Block; Henry VIII's relationship with the nobility, and the threat of foreign invasions. All these pressures affected how Henry VIII and Cromwell viewed their world, which in turn affected the revisions of the treason statute and the events of 1538. Additionally, the Poles and Courtenays were thoroughly immersed in the politics of Henry's court, therefore they participated in, and were affected by, the murky world described by English political historians. They were very much a part of the struggle between court factions and were subject to (and chafed against) the reforms designed by Cromwell. Understanding Henry VIII's and Cromwell's motivations and relationships with the aristocracy is key background for understanding the factional politics behind Pole/Courtenay case. In fact, one of the most influential historians of Tudor England, Geoffrey R. Elton, posited that there was a revolution in government engineered by Thomas Cromwell, a deliberate and calculated bureaucratization. The changes to the treason statute were, according to Elton, part of

Cromwell's overhaul of the government.[24] This dissertation argues that the neutralization of customary gender associations of treason is a further "revolution" or "modernization" of the state as articulated by Elton.

Joseph S. Block's 1993 work *Factional Politics and the English Reformation* examined the role of factions in Henry VIII's government, more specifically how warring ideological groups affected the king's policy and decisions. Block attributed two factions in particular, the conservative and reform factions, as the "major catalytic agent" and prominent feature of Tudor politics.[25] The Pole/Courtenays were in the conservative faction, a group of families who were still Catholic, and who desired a return to the pre-Reformation religious polices, which meant they were often at odds with Thomas Cromwell through the 1530s. The reform faction, with Cromwell at the head worked diligently during the later 1520s and through the 1530s to gain the king's ear and mind.

Like Block, Eric Ives disagreed with Elton's assessment of a Cromwell-driven revolution. Ives argued that if there was an organized and deliberate change of governmental structure, one must not consider it in a vacuum, as there were similar changes in France as well.[26] Additionally, Ives argued that there were too many conservatives on the Privy Council (Exeter among them) for it to have been deliberately engineered by Cromwell.[27] However, Ives also disagreed with Joseph S. Block on the subject of factions, another topic contested by historians of the 1530s. Whereas Block believed that religion was the driving force behind these two factions, Ives argued, "ideology may color Henrician faction, but overt ideological debate was minimal."[28] He asserted that religion had no place in deciding factional alliances, rather it was a preference for tradition versus change. The Poles and Courtenays were traditionalists who disliked some of Cromwell and Henry VIII's changes and fervent Catholics who regretted the break with Rome. Additionally, Ives argued, the goals of those involved in factions were personal because if one advanced so did the rest of the group. This argument rings true for the reform faction in the 1530s with the ascendency of Anne Boleyn, her family, and Thomas Cromwell, as well as the resurgence of the conservative faction after the subsequent fall of Cromwell. It is particularly useful for this dissertation in that it explains the prosecution of the Poles and Courtenays and the king and Cromwell's perceptions of them as an imminent threat.

However, with all these warring and powerful factions, another question arises, why were there no major reactions from the peerage even after the 1538 executions of such important peers? There are two prevailing arguments for the lack of rebellion and civil war. The answer provided by some historians, Elton included, was that on the whole the reforms were not unwelcome and were widely accepted. The second is that they were too afraid to disagree with Henry VIII, a theory espoused by Christopher Brooks and Steven G. Ellis. The first answer points to the relative absence of rebellions as proof of the peers' acquiescence. Ives adds to this, positing that Henry VIII spent much of his reign cultivating the loyalty of rural magnates. By bringing nobles into the Privy Council, making them justices of the peace or magistrates, and

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[24] Geoffrey R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge and New York: Cambridge University Press, 1972).
[25] Joseph S. Block, *Factional Politics and the English Reformation* (Rochester: Boydell Press, 1993), 1.
[26] Eric Ives, "Henry VIII: The Political Perspective" in Diarmaid MacCulloch, ed., *The Reign of Henry VIII: Politics, Policy, and Piety* (New York: St. Martin's Press, 1995), 38.
[27] Ibid., 51.
[28] Ibid., 30.

appointing them to county benches, the king was able to ensure their cooperation. Though Exeter may have been a part of the Privy Council anyway because of his status and relationship with the king, his inclusion in government in the mid to late 1530s supports Ives' theory, particularly when one considers his strained friendship with Henry VIII after the incident in which Mary Tudor refused to take the Oath of Supremacy. Through grants, gifts of office, and a powerful position at Court, Henry VIII believed he had cemented Exeter's loyalty. Block also pointed to Cromwell's widespread use of patronage to further his aims, "each act of patronage produced a significant local impact," leading to a grouping of rural nobles whose advantage it was to support Cromwell and his changes.[29]

Historians who advocate this explanation also point to the apparent popularity of common and criminal law as evidence that religious and treason reforms were accepted. J.A. Sharpe, in his 1984 *Crime and Early Modern England 1550-1750,* connected the importance of sixteenth-century law, which he asserted was "coming to replace religion as the ideological cement which held society together" to the people's acceptance of Henry VIII's reform.[30] Sharpe concluded that not only was criminal justice equal to the king's law, but that "there is every indication that people liked royal justice."[31]

The second explanation for the lack of rebellion (save the Pilgrimage of Grace) was a strong centralized state and the fear of Henry VIII's retribution. Not only were the nobility afraid to oppose the king, some historians argue that the movement towards centralization prevented them from doing so, and effectively removed their power. In *Law, Politics and Society in Early Modern England,* Christopher Brooks asserted that these "unresolved tensions between ascending and descending theories of where ultimate political authority lay" not only resulted in a more powerful monarch, but came from a late medieval legal tradition that espoused the idea that the aristocracy needed to be brought into line.[32] Writings by sixteenth-century legalists such as Sir John Fortescue, Sir Thomas More, and Christopher St. Germain had reinforced these prevalent ideals and must have seemed to promise stability after the previous century's upheaval.

It may be because of memories of the Wars of the Roses a few decades earlier or perhaps Henry VIII's personal insecurities about the lack of a male heir, but much of the centralization can be ascribed to what Steven G. Ellis labeled "pre-emptive strikes" against the nobility.[33] The result of these strikes, according to Ellis, was "a considerable extension of royal authority and central control at the expense of seigneurial power."[34] In Ellis's *Tudor Frontiers and Noble Power: The Making of the British State*, much of his centralization discussion dealt with Irish nobles, but he addressed the result of Henry VIII's campaign against the English aristocracy by arguing "the 1530s saw the fall of a number of long-established regional magnates," which may have led to what he termed a "service nobility."[35] This process began with Henry VII, but was one that his son continued in earnest, particularly with the duke of Buckingham in 1521 and the

[29] Block, 106.
[30] J.A. Sharpe, *Crime and Early Modern England 1550-1750* (New York: Longman, 1984), 12.
[31] Ibid., 175.
[32] Christopher Brooks, *Law, Politics and Society in Early Modern England* (New York: Cambridge University Press, 2008), 51.
[33] Steven G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (New York: Clarendon Press, 1995), 267.
[34] Ibid.
[35] Ibid., 266.

Poles and Courtenays in 1538.

Though Block argued that the reforms found many supporters, he gave another reason for the paucity of major revolts that echoes Brooks and Ellis. He wrote that from 1537-1538, the conservative faction did not dare to raise much opposition to Cromwell's religious policies, lest they be seen as supporting the northerners in the Pilgrimage of Grace.[36] This could partially explain why there was little to no support for the White Rose Party and no reaction from the aristocracy when the Poles and Courtenays were executed. In fact the centralization and fear worked so well, according to historians Anthony Fletcher and Diarmaid MacCullough, that by the 1560s it was "impossible" for rebellions to be largely popular and effective.[37] I found the historians Ives, Ellis, and Block to be useful to this dissertation in explaining why there were no major domestic reactions to the Pole/Courtenay case.

Adding to the delicate balance that Henry VIII had to maintain with his nobility, a final element in the political climate of the 1530s was the perceived threat of foreign invasion. Henry VIII had spent as much of his early reign spoiling for war as his ministers, Wolsey in particular, did avoiding it. Nevertheless, in *Tudor Foreign Policy,* P.S. Crowson argued that Henry VIII viewed invasion as a very real threat, fearing that France, Spain, or Scotland would invade on behalf of the pope.[38] Crowson also pointed to the execution of Edmund de la Pole, earl of Suffolk, the duke of Buckingham, and the Poles and Courtenays as examples of Henry VIII's anxieties about foreign invasion.[39] That Exeter and the countess of Salisbury were Catholics with ties to the continent and controlled much of southwestern England could not have been absent from Henry VIII's thoughts. Ultimately, the political climate of the late 1520s and 1530s led to the events of 1538 and the conclusion of the Pole/Courtenay case, and as Ives posited, "government policy and initiative did not arise from the monarch's exclusive will; they emerged from the shifting political context around him," illustrating that Henry VIII's reactions and motivations changed as foreign and domestic threats arose.[40]

Henry VIII and Thomas Cromwell are as important to this study as are the Poles and the Courtenays. Together these men defined treason and applied their own sense of legalized justice to destroying their enemies. As the king, his minister, and how they approached the definition of treason and threats to the monarchy were central to the Pole/Courtenay case, it is necessary to study both how they moved within their world as well as how biographers have viewed them. The image of Henry VIII is readily called to mind, his material goods are on display in numerous museums, and even those not schooled in English history are well aware of his marriages. The king's life has been the subject of several movies and miniseries and, as a popular cultural historical figure, Henry VIII is the subject of countless literary endeavors. The historians David Loades, G.W. Bernard, Lacey Baldwin Smith, Robert Hutchinson, and others have written on various aspects of Henry's reign, but not on his rule in its entirety. There are many full-scale biographies of Henry but only a few oft-cited works. There are several Victorian treatments, but two early twentieth-century works by A.F. Pollard in 1905 and James Anthony Froude in 1925

[36] Block, 129.
[37] Anthony Fletcher and Diarmaid MacCullough, *Tudor Rebellions, Fifth Edition* (Boston: Pearson Longman, 2004), 112.
[38] P.S. Crowson, *Tudor Foreign Policy* (London: Adam & Charles Black, 1973), 4.
[39] Ibid., 68.
[40] Ives, "Henry VIII: The Political Perspective," 32.

stood alone until 1968 when J.J. Scarisbrick published his wide-sweeping biography on Henry VIII. Still considered the major work on Henry, Scarisbrick's book remained the only serious single-focus treatment until recently.

Pollard and Froude took a similar and predictable stance on Henry VIII. Both admired and praised his strength in meeting challenges both foreign and domestic. Pollard labeled Henry "the most remarkable man who ever sat on the English throne," a characterization that Froude echoed.[41] Dealing mainly with England's foreign diplomacy, both historians painted Henry VIII as a monarch who acted nobly and decisively, if defensively. Pollard and Froude credited Henry (once he moved outside of Wolsey's influence) as the main actor and motivator for the Reformation as well as the creator of a strongly administrative state, a view that Geoffrey Elton's specialized studies would do much to dispel. Scarisbrick also devoted more attention to Henry VIII's foreign diplomacy than he did domestic relations, but he took the middle ground between the hagiographies of Froude and Pollard and the Cromwell-centric Elton. Scarisbrick's Henry VIII was a strong monarch who "raised the monarchy to near-idolatry" but was also a product of his two main advisors, Wolsey and Cromwell, with whom he transformed England. Scarisbrick praised Henry VIII for his governmental accomplishments such as the consolidation of power. However, Scarisbrick also condemned him for a "mishandled" divorce and for throwing away proceeds from the Dissolution that could have been better distributed on social reforms. An underlying theme of Henry's reign, though explained away by Froude and Pollard, is how he discarded those courtiers and advisors who became inconvenient. Scarisbrick highlighted men who had been close friends and influences such as Wolsey, Thomas More, and John Fisher who were discarded and condemned when they were no longer politically convenient. In his discussion of the divorce Scarisbrick asserted that, had Princess Mary been an only child, she may have married Reginald Pole, which would have resulted in a more stable legacy for England.[42] Overall, Scarisbrick presents a deeply flawed, but effective monarch whose rule propelled England into becoming a much stronger state.

Coinciding with Henry VIII's quincentenary in 2009 two more biographies appeared, David Starkey's *Henry: Virtuous Prince* and Lucy Wooding's *Henry VIII.* Starkey's work covers the king's childhood and upbringing and ends just before Wolsey assumed command of Henry's monarchy in 1511.[43] Starkey, whose research is concentrated on the Tudor court and its role as an independent unit, focused on young Henry's influences and dated his accession to the throne as the genuine ending of the War of the Roses. In the person of Henry VIII, the Yorkist and Lancastrian causes were joined, thus creating a new monarchy. By extension Starkey styled Henry VIII as the first true Tudor monarch. Starkey's biography, though it ends years before Henry's transformation into the king recognizable in the Pole/Courtenay case, depicted a blending of the Yorkist and Lancastrians influences, which leaves much to explain considering his wide and bloody swath through the remaining Yorkists in the 1520s and 1530s.

Lucy Wooding's *Henry VIII* is meant to be a companion to Scarsbrick and covers the entirety of Henry's reign. Overall, she constructed a view of Henry VIII as a complex and unpredictable monarch whose whims transformed England. From the beginning of his reign, Wooding argued, Henry VIII "was convinced that he embodied the divine will for the rebirth of

[41] A.F. Pollard, *Henry VIII* (New York: Longmans, Green and Co., 1925), 427.
[42] J.J. Scarisbrick, *Henry VIII* (Berkeley: University of California Press, 1968), 508.
[43] David Starkey, *Henry: Virtuous Prince* (London: HarperPress, 2008).

the English church and the consolidation of the English crown. For him there could be little variance between his own will and that of the God who had placed him on the throne."[44] Henry VIII's tendency to view himself as sacred (arguably more so than other contemporary European monarchs) is a theme that runs throughout the entire biography but is surprisingly absent from Wooding's section on the divorce and break with the Catholic Church where it would have been most useful. Instead, in these chapters she focused on the king's need for marriage to Anne Boleyn and his self-perceived moral imperative in repudiating Katherine of Aragon. Taking a clear side in the historiography of the political role of English factions, she strongly asserted that from early on, Henry was both interested in and capable of ruling for himself and indeed did so. He was involved from the start, rather than allowing Wolsey and other ministers to do the work for him.[45] Writing about the idea that Anne Boleyn and her family pushed him into religious reform, Wooding argued, "The *correlation* is there between an important person in Henry's life, and her associates who might be termed a faction, and Henry's policies. But the *causal connection* is not."[46] Arguing against both Block and Ives, Wooding remarked that Henry used the factions to realize his policies rather than being used by them. In addition, though those around him had influenced Henry VIII, the king chose with whom he was surrounded. Lastly, Wooding concluded that Henry VIII's legacy was the English Reformation, a religious inheritance rather than a political one, despite her emphasis of Henry VIII as an effective administrative monarch.

Thomas Cromwell was then and remains a controversial figure. Discussions of Cromwell usually swing between an evil, shadowy figure who punishingly realized Henry's wishes and a revolutionizing statesman who guided England toward a constitutional monarchy. The foremost and most oft-cited biographies of Cromwell are by Geoffrey Elton, A.G. Dickens, B.W. Beckinsale, J. Patrick Coby, and Robert Hutchinson. Biographers of Henry VIII used some of these works on Cromwell, but denied him the lion's share of the credit for the administering and modernization of English government. Therefore, the main rift in the historiography of Cromwell is to what extent he, himself, changed England. Was he merely carrying out Henry's vision or was this new England all his own? Geoffrey Elton's works on Tudor England all serve to highlight Cromwell's role as the architect of the new English state.[47] Unsurprisingly, the majority of historians who disagree with Elton's view are biographers of Henry VIII. Supporting Elton's series of Cromwell-centric political works, crediting him with introducing reform in policy and administration, came Dickens and Beckinsale's works. A.G. Dickens' *Thomas Cromwell and the English Reformation* presented a thoughtful and intelligent man, "a great English statesman and patriot" who used his own gifts to protect his king and nation. Dickens argued that Cromwell was motivated solely by service to his monarch. He absolved Cromwell of any wrongdoing in the case of the Poles and Courtenays and insisted their fall was solely the

[44] Lucy Wooding, *Henry VIII* (New York: Routledge, 2008), 3.
[45] Ibid., 83.
[46] Ibid., 84.
[47] These works include *England Under the Tudors* (London: Methuen & Co. Ltd, 1955); *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge and New York: Cambridge University Press, 1966); *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge and New York: Cambridge University Press, 1972); *Reform and Renewal: Thomas Cromwell and the Common Weal, and Reform and Reformation: England 1509-1558* (New York: Cambridge University Press, 1973).

work of Henry VIII.[48] Despite this, Dickens still asserted that Cromwell could not take risks with sedition; he had to act swiftly and harshly against assumed traitors.[49] B.W. Beckinsale also professed himself to be an Eltonian, but his portrait of Cromwell was less flattering than was Dickens' treatment and disagreed with both historians. Cromwell transformed his personal ambition into "a vision of the realm and commonwealth fashioned and justified by law," which now "existed as a political being."[50] However, Beckinsale averred that the minister was merely a tool of the king. He wrote that though Cromwell had been accused of making government more oppressive by expanding the treason statute, he actually reined Henry in and maintained a less autocratic the monarchy.[51] He disagreed with Elton by denying there was a governmental revolution of any kind, either engineered by Cromwell or Henry VIII.

Robert Hutchinson's 2007 biography of Cromwell continued the Eltonian and Dickensian traditions of crediting Cromwell with the modernization of the English state. His highly descriptive, narrative work followed Cromwell from his earliest beginnings to the end of his life. It focused on Cromwell's ability to make enemies and his slavish devotion to the king. Hutchinson's Cromwell is a brilliant administrator and political strategist who transformed the nation upon the orders of the king and certainly reflects the view of this dissertation as far as treason legislation. Using the phrase "dutiful servant" more frequently than the other biographers, Hutchinson emphasized Cromwell's role as the man who created what the king dreamed at any cost. He concurred with the contemporary view of Cromwell as a man whose "greed and avarice knew no bounds."[52] Hutchinson condemned his subject for being "single-minded in pursuit of his policy objectives and there was no room in his heart for compassion or…conscience."[53] According to Hutchinson, Cromwell's demise had less to do with the Anne of Cleves debacle and more with his myriad enemies at court who detested the base born and bull-headed man.

The latest biography of Cromwell, by J. Patrick Coby, took a different approach altogether. He discussed Cromwell's career as it related to Niccolò Machiavelli's ideals of statesmanship and organized his work as a larger history that wove in Cromwell's actions. Coby disagreed with the Eltonian view that Cromwell was a brilliant strategist responsible for the governing of England but conversely did give him credit for the making of the new English state and particularly its place in European politics. Coby wrote that it was unclear if Cromwell ever read Machiavelli, as Reginald Pole asserted, but his methods and worldview did go along with *The Prince*. Coby asserted that Cromwell's statecraft was "real-politik" but argued against Hutchinson that it advanced "a purpose larger than his own self-interest" for the good of the English state.[54]

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[48] A.G. Dickens, *Thomas Cromwell and the English Reformation* (London: English Universities Press, 1959), 184.
[49] Ibid., 72.
[50] G.W. Becksinsale, *Thomas Cromwell: Tudor Minister* (New York: The Macmillan Press, 1978), 28.
[51] Ibid., 100.
[52] Robert Hutchinson, *Thomas Cromwell: The Rise and Fall of Henry VIII's Most Notorious Minister* (New York: St. Martin's Press, 2007), 267.
[53] Ibid.
[54] J. Patrick Coby, *Thomas Cromwell: Machiavellian Statecraft and the English Reformation* (New York: Lexington Books, 2009),15. Coby's bibliographical essay on Cromwellian historiography is illuminating and helpful in understanding the variety of opinions on Cromwell: the earlier works by R.B. Merriman in 1902, Peter Wilding in 1935, Theodore Maynard in 1950 all condemned the minister. Later the pendulum swung back to Cromwell's defense in the works covered here by Elton, Dickens, Beckinsale, and Coby himself, but as Coby explains, the mid-1960s revival of Cromwell led to a series of answers from historians who denied his guiding role in English politics

Treason

Unlike most other crimes, high treason was "a crime apart" because of its political nature.[55] For this reason, treason is usually an aside or only given a small mention in larger studies of early modern crime or law. Therefore, the historiography of treason in early modern England is limited and specialized, often focusing on one or two cases. There are three major studies of treason in the sixteenth century: by Elton, John Bellamy, and Lacey Baldwin Smith. Several others deal with the seventeenth century. Bellamy and Elton in particular were helpful in unraveling the history and motivations behind the 1534 treason statute, though again, they did not take gender into account. Understanding the state's perspective on treason and how they viewed differing types of treason is vital to comprehending the Pole/Courtenay case and its legacy. Without a close reading of the laws themselves and the procedures of treason, the gender implications of the 1538 case do not reveal themselves.

One leading question in the historiography of sixteenth-century treason is why the treason statutes were revised and what effect did that have? There are two main explanations for the increased number of statute updates, trials, and convictions. Neither considers the gendered aspects of the events and redefinitions as this dissertation does. With the 1534 revision of the treason statute, not only was it treasonable to imagine the king's death (what the Pole and Courtenay men were accused and convicted of) but also to label Henry VIII a "heretic," "schismatic," or "tyrant." These changes were made in order to protect not only Henry VIII's dealings with Rome and enforce his religious policies but also to protect his authority as the Supreme Head of the Church. The second explanation is that the treason statutes adapted to political changes. Alan Orr in his *Treason and the State: Law, Politics, and Ideology in the English Civil War* asserted that definitions and perceptions of treason moved from a personal crime against the monarch in the early sixteenth century to an illegal seizure of the state's power by the seventeenth century.[56] The Pole/Courtenay treason case had elements of both. Lacey Baldwin Smith put this transition under Mary Tudor, but nevertheless, it is evident that in 1538 the actions of the Poles and Courtenays were seen not only as a personal affront to Henry VIII but also a political threat to the throne.

The answer as to why Henry VIII deemed it necessary to revise the 1352 treason statute comes in two detailed and celebrated works. Geoffrey Elton, the giant of sixteenth-century English historiography, saw the development of the new English treason statute as a political method of securing the king's authority, whereas John Bellamy, the great historian of treason, framed it in a legal and parliamentary context. Both assessments are valid, but in terms of the 1538 case it seems clear that politics were the driving force behind the enforcement of the

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such as G.W. Bernard, Brendan Bradshaw, and Penry Williams. Oddly, he seems not have read Robert Hutchinson's biography though it was published two years prior to his own and about which he certainly would have had opinions.

[55] Gregory Durston, *Crime and Justice in Early Modern England, 1500-1750* (Chichester: Barry Rose Law Publishers, 2004), 475. For a discussion of petit treason and its place in sixteenth-century thought, please see Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca: Cornell University Press, 1994).

[56] Alan Orr, *Treason and the State: Law, Politics, and Ideology in the English Civil War* (New York: Cambridge University Press, 2002), 2.

treason law. Elton, in his *Policy and Police,* examined how Henry VIII and Cromwell enforced the Reformation and out of this comes his contribution to treason studies. Bellamy devoted an entire work to *The Tudor Law of Treason*, a study that followed his earlier book on *The Law of Treason in England in the Later Middle Ages*. Their approaches to the study of treason in the sixteenth century follow their assumptions about motivations. Elton argued that in the late 1520s and early 1530s there was a problem of disaffection and disobedience facing the king, and in order to combat this he needed creative solutions, particularly because he could not control the pulpits.[57] Bellamy asserted that the most important years for treason were the 1530s because of the need to protect the king's anti-papal policy. Additionally, he explained that the definition of treason moved from judicial determination to statutes designed to protect Henry VIII.[58] Andy Wood in his *Riot, Rebellion, and Popular Politics in Early Modern England* combined Elton's and Bellamy's analyses, arguing that the break from Rome "required jurists and legislators to define new categories of secular treason."[59]

Another motivating factor behind the 1534 changes to the statute (begun earlier in 1530) was the unpredictability of local judges and juries. Elton argued that in order to ensure a conviction for the state in treason cases, Cromwell and Henry VIII decided to revise the statute to reflect the new boundaries they were drawing because juries were "unpredictable."[60] However, Elton was quick to follow with an assertion that the state made its case carefully to make sure the allegation of treason was supported by evidence. Wood placed far less emphasis on Henry VIII's and Cromwell's involvement in the adjustments to the statutes than did Bellamy or Elton, and more on the judges and Parliament.

Three books by the literary critics Karen Cunningham, Rebecca Lemon and historian David Cressy underline the significance of verbal treason. Neither Cunningham nor Lemon, however dealt with the historical context in any meaningful way nor did they address the relationship between treason and gender as Cressy does briefly. In *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England,* Cunningham argued that early modern legal studies portray an image of a structured and unyielding law, but that early modern legal customs were much more flexible. Her argument supports the theory that while the law may have prescribed one method for defining treason, i.e. action, Henry VIII was able to subvert this by including and criminalizing verbal treason.[61] Cunningham then turned to the crux of her argument, the interplay between the official documents of the Katherine Howard trial of 1542, the Babbington Plot of 1586, the Mary Stuart trials, and three corresponding and contemporary plays. Rebecca Lemon's *Treason by Words: Literature, Law, and Rebellion in Shakespeare's England* is another work that examines the linkage between "legal and political construction" of treason and literature.[62] Like Cunningham, Lemon addressed the historical and legal context in an introduction before moving on to the focus of her work which is the literary representation of treason, and in particular the "plot" of the earl of Essex in 1600 and the

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[57] Elton, *Policy and Police*, 23.
[58] John Bellamy, *The Tudor Law of Treason: An Introduction.* (Toronto: University of Toronto Press, 1979), 22.
[59] Andy Wood, *Riot, Rebellion, and Popular Politics in Early Modern England* (New York: Palgrave, 2002), 33.
[60] Elton, *Policy and Police*, 306.
[61] Karen Cunningham, *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England* (Philadelphia: University of Pennsylvania Press), 2002.
[62] Rebecca Lemon, *Treason by Words: Literature, Law, and Rebellion in Shakespeare's England* (Ithaca: Cornell University Press, 2006), 3.

Gunpowder Plot of 1605 in John Hayward's *Henry IV,* William Shakespeare's *Richard II* and *Macbeth,* John Donne's *Pseudo-Martyr*, and Ben Jonson's *Catiline*.

David Cressy's 2010 *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England* looked at what English society and government deemed troublesome speech from the late medieval period through the twentieth century. His main focus was sedition rather than treason, but he briefly addressed treasonous speech under Henry VIII. As far as verbal treason, he agreed with this dissertation's argument that though late medieval justices defined treason in varying ways, "the core of both theory and practice was derived by statute."[63] Additionally, he asserted "the medieval statute seemed to require an overt act, like conspiracy or rebellion," even though some judges held that words alone were treasonable, however, imagining and compassing originally meant "planning and plotting, involving a concrete threat to the monarch."[64] He also linked the focus on verbal treason under Henry VIII to insecurity about his throne, as does this dissertation. Cressy's research showed that even when verbal treason was law, it was rarely if ever punished after the sixteenth century. Instead, juries refused to convict or justices charged defendents with the lesser crime of seditious talk. In the concluding paragraphs of Cressy's study, he briefly addressed gender. He stated that an investigation of gender and treason is important, but only mentioned the role of the monarch's gender in dangerous speech or the occasional defendant stating "If I were a man" or "If I were a woman," rather than examining the place of gender in treason legislation and prosecution.[65]

Though Cunningham and Lemon do not focus on the historical context behind the changes to the treason statute, others (discussed in this chapter) have, in particular Henry and Cromwell's methods for introducing the laws and prosecuting traitors. A number of Tudor historians have considered Henry VIII and Cromwell's use of Parliament in prosecuting treason. They help to explain why Salisbury and Gertrude Courtenay were not granted a trial and instead given parliamentary attainders. Cromwell knew he simply did not have the evidence to convict them, particularly Salisbury, and that Parliament was more malleable and less risky than a trial jury. W.R. Stacy, in his article on the use of parliamentary attainder under Henry VIII argued that the use of parliamentary attainder for high treason was not new to the 1530s, but it functioned mainly in cases where the treason had been committed in militant acts of rebellion or as a method to elevate lesser crimes to high treason in order to secure the accused's appearance in court. Once the accused appeared in court, the attainder was dropped.[66] Stacy cited the parliamentary attainder of Richard Roose (for the attempted poisoning of Bishop Fisher) in 1531 and argued that it "effectively demonstrated the usefulness of a weapon which enabled the crown to strike down quickly individuals it perceived as particularly threatening and dangerous, and to do so without recourse to the common law courts."[67] This is the way in which it was used in the spring of 1539 against Gertrude Courtenay and Salisbury. Stacy also asserted "these ad hoc additions to the law of treason raise serious questions about Henry's respect for the fundamental principles of the common law," thus supporting Elton's argument that the treason statutes were

[63] David Cressy, *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England* (New York: Oxford University Press, 2010), 40.
[64] Ibid., 41.
[65] Ibid., 270-271.
[66] W.R. Stacy, "Richard Roose and the use of Parliamentary Attainder under Henry VIII," *The Historical Journal* 29 (1986): 4.
[67] Ibid., 5.

revised in part to work around uncooperative justices and juries.[68]

Andy Wood painted parliamentary changes in a different light. Arguing that English law was an arena of conflict resolution, he wrote, "legal definitions of riot, sedition, treason, and rebellion reflected elite anxieties about popular politics while providing a flexible law code for its containment or repression."[69] He suggested that changes in treason law were supported by the upper classes, if not by the rest of the English population as well. Elton supported this view in part, as he argued that had the Reformation not been accepted by all levels of society, there would have been more unrest than there was.

Bellamy argued more strongly that the 1534 statute was designed to subvert the "unpredictable" jurists and juries, asserting that the statute was intended to "outflank the judges' power of declaration in cases of suspected treason where the overt act was spoken word only."[70] His statement gives credence to the theory that verbal crimes were considered less dangerous, therefore the female usually accused of this crime was also less so. He also emphasized that juries were occasionally punished for leniency in the sixteenth century, which adds credence to Elton's claim that juries did think independently of royal decrees. Gregory Durston in his *Crime and Justice in Early Modern England, 1500-1750* puts this change earlier, arguing that the criminal justice system was more prominent after 1500 as more actions were criminalized, the courts "as a manifestation of the state's power, became increasingly assertive."[71] In his later work on criminal law, Bellamy discussed the role of witness statements, a policy that developed over the 1530s. In 28 Henry VIII c.10, bishops could use uncorroborated witness statements, but by the introduction of the Six Articles in 1539 (31 Henry VIII c. 14) the state's case needed at least two witnesses to corroborate an accusation or evidence.[72] Bellamy posited that the increasing reliance on witness statements may not simply be due to government change, but perhaps to popular opinion and some form of protest to treason policy.[73]

Another question that arises from both the historiography of treason and of the Pole/Courtenay case is why, in an age of increased treason convictions and heightened and strengthened treason laws, would one behave treasonously if not prepared to rebel? Why would a person like Montague or Neville make statements of which he would have known the consequences? Lacey Baldwin Smith in his *Treason in Tudor England: Politics and Paranoia* purported to discover the motivation of those accused of treason by looking at contemporary Tudor literature and four cases of treason: Gregory Boltof, Thomas Lord Seymour, Dr. William Perry, and the earl of Essex in 1601. His argument was that most traitors failed because of their incompetence, which perhaps could be applied to the Poles and Courtenays.

The second half of Smith's work portrayed the sixteenth century as an era of instability and widespread paranoia, which led to a high number of treason cases both reported and prosecuted. This image is supported by other Tudor historians. Wood claimed, in line with Cunningham and Smith, that "legal definitions of riot, sedition, treason, and rebellion reflected elite anxieties about popular politics while providing a flexible law code for its containment or

[68] Ibid., 2.
[69] Wood, *Riot*, 42.
[70] Bellamy, *Tudor Law of Treason*, 35.
[71] Durston, *Crime and Justice,* 779.
[72] John G. Bellamy, *Criminal Law and Society in late Medieval and Tudor England* (New York: St. Martin's Press, 1984), 24.
[73] Ibid., 51.

repression."[74] But if one accepts Smith's premise of England as a uniquely paranoid political landscape, then the high incidences of treason are less applicable; one must also further question the motivation of the Poles and Courtenays. If sixteenth-century England was obsessed with fear, evil, and political treason, then what led this group of people to act as they did? Would they not have been discovered or reported well before they ultimately were? As it turns out, as a number of Tudor historians have argued, the investigation into the Poles and Courtenays resulted more from Reginald Pole's actions than their own, from the intersection of actual criminal affronts to the king and perceptions of political threat to the crown from his family.

Gender

There are a number of early modern gender studies, dealing with Britain from the seventeenth century through the early nineteenth, but works focusing on the sixteenth century are rare.[75] Some are paired with specialized topics, but all strive to demonstrate the social constructions of what it meant in Early Modern England to be male, female, masculine, or feminine. How did society or the state define men's and women's roles? This dissertation highlights the malleability of gender and argues against the patriarchal definitions of gender assumptions. Rather, it shows that not all encompassing gender roles were strict and unchanging especially when faced with political needs. The field of women's history in early modern England is well covered, but again studies do not widely address gender issues and none consider gender and treason in a historical context. However, to be able to comprehend how traditional gender stereotypes were neutralized under the 1534 treason statute and then turned upside down in 1538, it is vital to examine three prevalent lines of enquiry germane to this study: those exploring late medieval and early modern gender stereotypes, particularly those associated with speech and action; the late sixteenth and early seventeenth-century obsession with orderly women and ordered gender roles, which the men and women in the White Rose Party subverted; and those studying the intersection of gender and crimes other than slander. Three scholars, Laura Gowing, Bernard Capp, and Susan Bardsley, demonstrated how medieval and early modern English society was both concerned with and aware of gender distinctions. Not merely in role separation on a daily basis, i.e. the paterfamilias, men as warriors, women as mothers and wives, but in stereotypes and in gendered actions. In her 1996 work *Domestic Dangers: Women, Words, and Sex in Early Modern London,* Gowing asked, "What did gender difference mean to early modern people? In the popular and literate culture of sixteenth and seventeenth-century England, the definition of femininity was a familiar theme. Culture of all levels stressed the manifestations of gender difference."[76]

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[74] Wood, *Riot,* 42.

[75] Joan W. Scott's "Gender: A Useful Category of Historical Analysis" in *The American Historical Review* 91 (1986): 1053-1075 remains the first step for studies of gender. Some works, aside from those cited in this chapter that are also helpful are Carole Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power* (Philadelphia: University of Pennsylvania Press, 1994); Anthony Fletcher, *Gender, Sex, and Subordination in England, 1500-1880* (New Haven, Yale University Press, 1999); Susan Kingsley Kent, *Gender and Power in Britain, 1640-1990* (New York: Routledge, 1999); Merry Wiesner Hanks, *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, 2008).

[76] Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 5.

This is well established in gender historiography, but in the matter of speech versus actions, a popular gender paradigm was also customary as far as women being associated with words and men with deeds. This dichotomy is the subject of Susan Bardsley's *Venomous Tongues: Speech and Gender in Late Medieval England.* Relying on, as do other historians of the early modern period, such as Gowing, Capp, Amussen, and Underdown, cases in both secular and ecclesiastical courts, Bardsley demonstrated how the divide between words and actions was a gendered one. She also asserted that this became of particular importance in the late middle ages. Bardsley wrote that "Excessive" and "Problematic" speech had always been associated with women but in the late middle ages "this association grew both more tense and more tangible in its consequences."[77] According to Bardsley, in the fourteenth century local officials were increasingly concerned with peasants' speech. But whereas men's disruptive speech was viewed as "rebelliousness" or "contempt," and was linked to actions, women's was "scolding" or "defamation," which served to disturb local balances, but not to threaten the security of the king's peace or the throne.[78] Bearing this out, Bardsley pointed to the secular courts of the late fourteenth century in which women counted for between 90 and 95 percent of all scolding cases. (Her research examined manorial courts, those in small towns, larger towns, or composite jurisdictions.) Between 1350 and 1399 in manorial and baronial courts "they accounted for 94 percent of prosecutions …91 percent of prosecutions between 1400 and 1449 and 93 percent of prosecutions between 1450 and 1499." She then cited the research of Karen Jones and Michael Zell (in which women made up 91.9 percent in Fordwich, Kent of the defamation or scolding cases) between 1450 and 1570 and Marjorie McIntosh's work on (women comprised between 4/5 and 9/10 of 175 cases) fifteenth-century secular jurisdictions.[79] Bardsley further argued that "scolding prosecutions and constructions of troublesome female speech sent a message about women's voices in the public arena…Indeed their crime was partly that of inserting their female voices into a masculine public domain."[80] Not only were words disorderly and unwelcomed, their association with women and the feminine came to dominate the popular view to the extent that in the late medieval period men who engaged in gossip, scolding, or disruptive speech were viewed as "womanly."[81]

By their appearance in prescriptive literature in the late fourteenth century, popular warnings against the "sins of the tongue" were spread through all levels of society.[82] As evidence of this Bardsley and historian Bernard Capp (in his *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England*) both point to popular proverbs and literature. Bardsley quotes the opening of Erasmus' 1535 treatise *On the tongue* which cited a Latin proverb "where there is a breast, there is a swelling, facts are masculine, words feminine."[83] Capp included a 1560 pamphlet *Here begynneth the Scole House of Women* which asserted, "and where be

[77] Susan Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2006), 1.
[78] Bardsley, 6.
[79] Ibid., 87.
[80] Ibid., 146.
[81] Ibid., 90.
[82] Ibid., 26.
[83] Ibid., 179.

women, many words."[84] In a later proverb, which Bardsley identified as being first printed in 1598, "Words they are women and deeds they are men."[85]

Whereas Bardsley focused on late medieval England, Laura Gowing and Bernard Capp narrowed their scope to mid-sixteenth-century to eighteenth-century England. Gowing, by examining defamation and scolding cases in her *Domestic Dangers*, asserted, "Early modern England was a society in which spoken words still wielded enormous power."[86] Gowing's work on sexual slander litigation demonstrated the power that words held, in particular the words that women spoke in early modern London. Her essay on "Language, Power, and the Law: Women's Slander Litigation in Early Modern London" pointed out that women "asserted their part through more informal confrontation and penalties, among them slander litigation.[87] Through her research of London court proceedings, Gowing discovered that women were sued for slander five times more than men were, which helped add to the perception of verbal crimes as "feminine."

Capp cited a high number of examples from contemporary sixteenth and seventeenth-century sources that labeled groups of gathered women as "gossips," whether or not that was what they were doing. Where women were gathered the emphasis on the verbal followed. Even if they were together for work and therefore "acting," the popular belief was that the purpose of the meeting was for speech, whereas an assembly of men was not viewed in this manner.[88] In terms of treason, then, a gathering of men who spoke treasonably would likely be viewed as a precursor to action, but a congregation of women verbalizing the same might not. Capp wrote, "Men too made frequent use of insults, slander, and threats but behavioral patterns clearly differed according to gender and were judged accordingly."[89] In the court cases Capp researched, insults between men usually ended in a physical altercation, "a prolonged verbal brawl was regarded as an essentially female form of conflict, and similar behaviour by men appears to have been viewed as unmanly and shameful."[90] Capp cited two cases in particular: a Newcastle craftsman gave evidence around 1560, "how two men had 'chid and brawled like wives' in the street."[91] Fifty years later in Leicester, two men were punished " 'for shameful railing and scolding like women in the street, besides blows and bloodshed.'"[92] Capp argued that the "churchwardens found their 'effeminate' verbal spat more offensive than the violence."[93] The late medieval and early modern focus on speech as stereotypically feminine meant that in 1534, when Henry VIII made words the focus of his treason statute, English society, and in particular the legal apparatus, was already well aware of the problems of slander and associated it with women.

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[84] Bernard Capp, *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England* (New York: Oxford University Press, 2003), 12.
[85] Bardsley, 99.
[86] Gowing, *Domestic Dangers,*111.
[87] Laura Gowing, "Language, Power, and the Law: Women's Slander Litigation in Early Modern London" *Women, Crime, and the Courts in Early Modern England,* ed. Jenny Kermode and Garthine Walker (London: UCL Press, 1994), 43.
[88] Capp, 49.
[89] Ibid., 188.
[90] Ibid.
[91] Ibid., 189.
[92] Ibid.
[93] Ibid., 189.

Two leaders of early modern English gender studies, David Underdown and Susan Amussen, addressed the problem of "orderly women" in the second half of the sixteenth century and first half of the seventeenth. Indirectly, their work offers insights for the earlier period of this dissertation. In early modern England and in the sixteenth century particularly, the Great Chain of Being as well as the Bible provided a framework for gender relations both between men and women and between subjects and the state. Any treason was considered a very serious breach of the Great Chain, but women committed a crime twice over in rebelling first against their king and secondly against a gender hierarchy. In a well-ordered and structured society, women were subservient to men. Salisbury and Gertrude Courtenay fell under that categorization. By their actions, and particularly by Salisbury's refusal to acquiesce to the demands placed upon her by Cromwell and Fitzwilliam, they were by definition, disorderly. When women behaved in a manner that challenged society, they were believed to be out of order, acting outside of "normal bounds." If the state is a microcosm of the family then political transgressions by women were larger than a governmental problem; they were a disruption to the natural order. By acting rather than speaking, Salisbury and Gertrude Courtenay were thoroughly unnatural, betraying their country and in a sense, their father and superior. In an article on scolding in the collection *Order and Disorder in Early Modern England*, Underdown examined this theme. He stated that late Elizabethan and early Jacobean writers were "uncommonly preoccupied by themes of female independence and revolt."[94] He pointed to a sharp increase in court records dealing with scolding, women fighting, and wives beating their husbands from 1560 to 1640.[95] This reflected, Underdown stated, patriarchal anxiety about the role of women in society.

The rise of court proceedings against disorderly women indicates other early modern English attitudes towards the role of men and women and definitions of masculinity and femininity. Though treason in general and the Pole/Courtenay case specifically was defined as political rather than criminal, how the state reacted to these disorderly, dangerous men and women can provide a great deal of understanding of how the malleability of gender functioned in this instance and suggests that the trend identified from 1560 on had its manifestations as early as the 1530s. Amussen, like Underdown, connected anxiety about unruly or independent women to the population expansion and economic downturn in the latter half of the sixteenth century.[96] Sara Mendelson and Patricia Crawford argued in *Women in Early Modern England, 1500-1750* that the period from 1560 to the Civil War was "particularly dangerous to women" as society was obsessed with order.[97] According to Mendelson and Crawford, women who challenged the accepted order were thought to be a "more serious threat" than previously believed and thus

[94] David Underdown, "The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England" *Order and Disorder in Early Modern England,* ed. Anthony Fletcher and John Stevenson (New York: Cambridge University Press, 1985), 117. A scold was a woman in medieval and early modern England who disturbed the peace by habitually arguing with her neighbors or gossiping. Essentially, a scold was an unruly woman who refused to adhere to social norms. She was punished by being tied to a chair (a Ducking Stool) and submerged in a body of water as many times as her sentence dictated.

[95] Ibid., 119.

[96] When the economy was on the decline and the livelihood of men at stake, any woman who defied social conventions was disorderly. To stay within the confines of traditional gender roles was safer.

[97] Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1500-1750* (New York: Oxford University Press, 1998), 69.

more severely punished.[98] In *An Ordered Society* Amussen used prosecutions for scolding as a barometer for gender relations and claimed that they demonstrate "the significance of gender in the social order of early modern England."[99]

Alexandra Shepard in her gender study *Meanings of Manhood in Early Modern England* concurred with Underdown and Amussen on the subject of sixteenth-century anxiety about gender order and articulated the importance of including gender in early modern studies. She argued that because gender construction was integral to how early modern "moral, political, and social commentary made sense of things" it is paramount to include it in larger studies.[100] In terms of contemporary literature, Shepard highlighted that what was expected of men and women "provided constant points of reference in prescriptive discourse."[101]

The third theme in this subset of women and gender in English historiography is the intersection of gender and crime in early modern England. As has been discussed, the undercurrent of contemporary criminal thought was the idea of separate men's and women's crimes. Mendelson and Crawford wrote: "English law and its administration were premised upon assumptions about the different natures of the two sexes," and this pertained to criminal activity in particular.[102] Thus, one of the axioms of the legal system was that women were passive and men were active, leading to the usual assumption that women were accessories to crimes rather than actors.[103] This axiom underlies the unorthodoxy of the crown's prosecution of the countess of Salisbury and Gertrude Courtenay for their supposedly treasonous actions.

In their introduction to *Women, Crime, and the Courts in Early Modern England*, Jenny Kermode and Garthine Walker agreed with Mendelson and Crawford that verbal violence has been portrayed "as the feminine equivalent to the supposedly masculine recourse" of physical violence.[104] They went on to state that there has been "little attempt to conceptualize the gendered differences in either the behavior itself or the meanings of such behavior."[105] In her own work, however, *Crime, Gender and Social Order in Early Modern England*, Garthine Walker addressed the idea of gendered crimes, arguing that women were far more likely to participate in "non-feminine offenses" than previously thought.[106] This dissertation directly

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[98] Ibid.

[99] Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York: Basil Blackwell, 1988), 123. As the economy improved and population numbers balanced out, Amussen asserted, seventeenth-century thinkers and writers became less concerned with women and order. The numbers of court proceedings for scolding decreased.

[100] Alexandra Shepard, *Meanings of Manhood in Early Modern England* (New York: Oxford University Press, 2003), 7.

[101] Ibid.

[102] Mendelson and Crawford, 34.

[103] Ibid., 43.

[104] Jenny Kermode and Garthine Walker, *Women, Crime, and the Courts in Early Modern England* (London: UCL Press, 1994), 5.

[105] Ibid. Kermode and Walker asserted also that women could and did use the courts to their advantage, a claim backed by Tim Stretton in his *Women Waging Law in Elizabethan England* (New York: Cambridge University Press, 1998). His study about women manipulating and using the common law for their own purposes concluded that late sixteenth-century women used male relatives and lawyers to advocate for them in record numbers, demonstrating their manipulation of the system to fit their needs.

[106] Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (New York: Cambridge University Press, 2003), 270. Walker claimed that in terms of physical violence, not much distinguished methods of fighting

addresses these points and supports Walker's concluding hypothesis and extends it to the study of women's participation in the crime of high treason particularly the Pole/Courtenay case and shows the instability of customary gender assumptions in treason legislation and prosecution.

Two historians have already undertaken gender studies, but of men's behavior; Shepard clarified Walker's point by asserting in her project on manhood in early modern England that "violence was one of the main props of patriarchy in Early Modern England and as such was central to the regulation of social relations between men as well as between men and women."[107] Simon Barker argued in his essay "'Alarme to England!' Gender and Militarism in Early Modern England" that militarism, war, and violence were viewed by contemporaries as strictly masculine, while peace was feminine.[108] This social expectation of men's propensity to physical violence fed into the idea that treason was a men's crime and in the realm of the masculine, which it was before Henry VIII's inclusion of treasonous words in the 1534 statute. Adding to this perception of masculine threat posed by Montague, Exeter, Geoffrey Pole, and Neville was the fact that they had all received martial training. They had been raised to be warriors, and indeed Exeter had gone to war in the North to suppress a rebellion. For them to have been convicted of verbal and thus female treason went against what society expected of them.

Sharon Jansen's *Dangerous Talk and Strange Behavior: Women and Popular Resistance to the Reforms of Henry VIII* suggests aspects of the central thesis of this dissertation. She addressed the cases of four women accused of and punished for treason. Three of these women were charged with verbal treason and prophecies and one for "strange behavior," or practicing witchcraft with treasonous intent. Jansen's work did not examine how these women's convictions were gendered or if they were. She did not analyze men's convictions in the same period and only sought to elucidate different examples of women convicted under the treason statute. Jansen, in her discussion of Margaret Cheyne's treason case in 1537, argued that Cheyne was burned as an example to others and served as "a powerful reminder that treason was not limited to acts of armed rebellion."[109] One year later Henry VIII would again remind England that he gave equal weight to words and acts of rebellion; as in Cheyne's case her words were in fact treasonous, linked to an armed rebellion: the Pilgrimage of Grace. However, this dissertation goes beyond the cases discussed by Jansen and is a complete, unique study of the events in 1538, when the state was faced with the new pairing of active, disorderly women and men whose treason was words. The result was a reversal of the gender paradigm of traitors and their treason and the confirmation of the erasure of fixed customary gender associations.

The Poles and Courtenays

In most studies of Henrician politics or treason, the 1538 Pole/Courtenay case usually merits a mention, footnote, or occasionally a paragraph. This is surprising given its contemporary international notoriety and the crimes involved, which touched nearly every offense in the 1534

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but unlike men, women could not draw on the "positive" aspects of violence such as honor, military prowess, and virility. Walker added that female honor was located elsewhere, particularly in reputation.

[107] Shepard, *Meanings of Manhood*, 128.

[108] Simon Barker, "'Alarme to England!' Gender and Militarism in Early Modern England" *Gender, Power, and Privilege in Early Modern Europe*, ed. Jessica Munns and Penny Richards (London: Pearson, 2003), 156.

[109] Sharon Jansen, *Dangerous Talk and Strange Behavior* (New York: St. Martin's Press, 1996), 23.

treason statute. Those political historians who do briefly discuss it, such as Bernard, Russell, Crowson, Miller, Dodds, Elton, and Pierce seem to fall into three groups. Historians believed that Henry VIII deliberately targeted this group either in order to take revenge for Reginald Pole's defiance or to eliminate a dynastic threat. The third option asserts both motivations were correct. All agree, however, there was no real threat to Henry VIII, and most argue that neither the Poles nor the Courtenays were actively plotting to rebel or replace Henry VIII on the throne. My research confirms the second but not the first of these assumptions. Though Hazel Pierce devotes a chapter in her biography of Margaret Pole to the treason case, this dissertation remains the sole work thus far which covers the gendered aspects of this case and the gendered anomalies of the state's investigation and prosecution. Historians' theories of the motivations of the White Rose Party and of Henry VIII were helpful in reconstructing the political aspects of the 1538 case, but none considered the legacy for the history of English politics, treason, or gender. This dissertation stands alone in that is the most complete narrative of the Pole/Courtenay case and the only study that explores the intersection of gender, treason, and politics.

In their larger political studies, both G.W. Bernard and Conrad Russell have mentioned the Pole/Courtenay case and made the argument for the vengeance theory. In the introduction to *The Tudor Nobility*, Bernard used the Pole/Courtenay situation to address the sixteenth-century decline in the number of nobles. He opined that Henry VIII did not originally target this group, but rather was provoked by Reginald Pole and baited into revenge against Reginald Pole's friends and family. Adding to this was the threat of invasion by Francis I or Charles V, which led Cromwell to dig for information on the Poles and thus the rest of the group. Bernard asserted that although there was neither a conspiracy nor a rebellion, Henry VIII did not have a choice but to act the way he did.[110] Russell attributed Henry VIII's anger towards the Poles and Courtenays to Pope Paul III's entrusting Reginald Pole with the delivery of his 1538 bull excommunicating the English king. Henry VIII's retaliation was to discover "a supposed Yorkist plot and executing almost all of Cardinal Pole's relations."[111] Crowson, in his *Tudor Foreign Policy,* while addressing Henry VIII's fear of invasion but ignoring Salisbury's real power, wrote that she was "imprisoned for being the mother of Cardinal Reginald Pole."[112] He saw imprisonment of the rest for being suspected of being willing to aid in an attack by Reginald Pole and his allies, but did not consider the gender reversal connotations of the state's accusations.[113]

In contrast to Bernard and Crowson, Helen Miller asserted that the 1538 case resulted not from Henry VIII's desire for revenge but from his need to eliminate the dynastic threat and negate Exeter's claim to the throne.[114] Additionally, Miller noted Salisbury's political significance and pointed out that together, she and the marquess of Exeter controlled almost the whole of southwestern England, including much of the coast. In the event of a Catholic invasion, Henry VIII feared Francis I or Charles V would have an entry point, powerful allies, and a large number of soldiers at his disposal. Madeline and Ruth Dodds wrote about what they called "the Exeter Conspiracy" in their seminal 1915 work on the Pilgrimage of Grace. Since then, their

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[110] G. W. Bernard, *The Tudor Nobility* (New York: Manchester University Press, 1992), 12-13.
[111] Conrad Russell, *The Crisis of Parliaments: English History 1509-1660* (New York: Oxford University Press, 1990), 116.
[112] Crowson, 116.
[113] Ibid.
[114] Helen Miller, *Henry VIII and the English Nobility* (New York: Blackwell, 1986), 68.

book has been superseded, but it remains an invaluable resource. They also espoused the idea that Henry VIII targeted what they termed the "White Rose Party" because he believed they were plotting to overthrow him and place Reginald Pole on the throne with Mary Tudor as his queen. The Dodds claimed that in order to gain support, Henry VIII attempted to portray their crimes in a more dangerous light, and even fabricated charges. Despite this, the Dodds did not consider the gendered presumptions in this case nor did they dispute the guilt of the White Rose Party as far as their activities constituting treason, just that it was not their intention to rebel.

Elton discussed the Pole/Courtenays in a few of his works. In his 1974 *England Under the Tudors* he combined retribution and dynastic threat by averring that it was the actions of Reginald Pole that triggered the attack on the family which "arose directly out of treasonable activities in defense of the pope and the old faith…but it also completed the dynastic policy of the first two Tudors by removing their last potential rivals."[115] Elton also claimed that Cromwell invented the parliamentary Act of Attainder without trial specifically for Salisbury, an assertion that Stacey disputed and which also does not take into account the Elizabeth Barton case. Three years later, in his *Reform and Reformation,* he contradicted his earlier stance and became the only major Tudor historian to assert that this group was actively plotting. He concluded: "a dispassionate assessment leaves little doubt that the two families were not only disaffected but revolving ways of giving disaffection teeth, however incompetently they went about things."[116] He never, however, considered the differing roles of the men and women in his analysis.

The Pole/Courtenay case received this marginal attention from Tudor historians until 2003 when Hazel Pierce published her biography of the countess of Salisbury. She devoted her last two chapters to 1538 and the aftermath. Surprisingly, Pierce made almost no acknowledgement or discussion of the gendered aspects of the state's actions and the roles of the accused. What that leaves is a simple narrative with some analysis of the political causes and effects that lays out the evidence in the case. She, like Elton, attributed both motives to Henry VIII, that he both wanted revenge for Reginald Pole's insolence and saw these families as threats to his authority. Pierce asserted that by 1536, Reginald Pole had sealed his family's fate, but the perceived threat of invasion in 1538 expedited the matter and increased the urgency for Henry VIII to deal with the potential rebels.[117] She also highlighted the threat posed by Exeter and Salisbury because of their land holdings and lineage, though she scoffed at the notion that they wanted to replace Henry VIII on the throne because one family would have had to relinquish its claim to the other. Pierce did point to an important piece of the puzzle not previously mentioned in the historiography, which was Henry VIII's personal disappointment with Exeter. In 1537-1538 Exeter had placed his friendship with Montague above his devotion to Henry VIII by continuing his relationship even after Cromwell warned him against it. This, Pierce argued, led the king to believe he could no longer trust his cousin Exeter. This distrust led to a treason case that undermined and then erased customary gender associations from treason prosecution.

[115] Elton, *England Under the Tudors,* 155.
[116] Elton, *Reform and Reformation*, 280.
[117] Pierce, 143.

Chapter Three:

The Development of Treason Laws and Earlier Treasonous Women: Elizabeth Barton, Anne Boleyn, and Margaret Cheyne

In the 1530s Henry VIII was under pressure from all sides. Fighting for a divorce he desperately wanted, urgently attempting to make his mark on European politics, and furiously trying to maintain calm in his own realm, the English monarch became quick to react to any threat to his authority. He was casting about for the means to halt all criticism of his policies lest they incite others' action. The king found the answer in the inclusion of treason by words in a 1534 treason statute. The result was a changed England with a new set of laws and legal definitions for acceptable political behaviors. Inspiring and then resulting from these changes in the 1530s, there was an unusual spate of treason cases involving women. Neither before nor since had there been such a large number of high profile women accused of treason. Three in particular, Elizabeth Barton, Anne Boleyn, and Margaret Cheyne, influenced how the crown dealt with traitors, both male and female, including the White Rose Party. [118]

In response to increased criticism from priests in the pulpits, village chatter, and from one woman, Elizabeth Barton, Henry VIII and Thomas Cromwell deemed it necessary to change the treason laws to address the problem of speech. Elizabeth Barton's widely known prophecies on the king and his religious policies slandered and threatened Henry VIII, but he had no legal method for punishing her until he and Cromwell created the treason statute of 1534. The crown's attempted prosecution of Elizabeth Barton led to a change both in the treason statute and the punishment thereof. Thomas Cromwell, upon Henry VIII's orders, crafted a new treason statute in 1534 that now included spoken words alone in the definition of treason. Margaret Chenye was convicted using the new guidelines. Queen Anne Boleyn's case, however, though she was convicted for her words, comprised a miasma of charges and rumors that served the only purpose Henry VIII had, to be rid of a wife unable to bear him a son. In these three cases, it was the women who were the problem for the crown, not the men with whom they were accused, because there was a legal apparatus in place to prosecute men and their active treason, but not women and their words, or passive treason. Barton, Boleyn, and Cheyne necessitated Henry VIII and Cromwell's solution for the problem of female traitors: the elevation of words, a traditionally lesser female crime, to high treason.

From the thirteenth century, the crown and English justice system struggled with the definitions, meanings, and implications of treason laws and traitors. Various kings and royal justices attempted to define treason and its repercussions for individual cases. It was not until

[118] This chapter on treason and previous treason cases involving women in the 1530s is largely based on primary source material, but four historians in particular comprised the historiographic framework from which I depart. John Bellamy is the preeminent source for medieval treason and early modern treason procedures, whereas Geoffrey Elton's *Policy and Police* is the best for the background and analysis of the 1534 treason statute. Sharon Jansen provides background on Elizabeth Barton and Margaret Cheyne. For the history of the Pilgrimage of Grace, see the three historians who are outlined in footnote 180. Almost all historians of Henry VIII's reign discuss his divorce and marriage to Anne Boleyn. For the narrative of the breakdown of their marriage and the trials, see Eric Ives, the foremost biographer of Anne Boleyn. No historian has connected these cases either for the political, legal, or gendered implication for Henry's rule and certainly not for their significance in the prosecution of treason in the future.

1352, under Edward III, that treason had a statutory definition which would stand, more or less untouched, until Henry VIII's statute of 1534. This chapter demonstrates how the statutory definition of treason changed and developed in response to political crises from medieval England through 1534. The new law and the broader net of treason it created arose in response to the female critic Elizabeth Barton, and then allowed the king to also rid himself of a troublesome wife and later the northern rebels, Margaret Cheyne among them. Anne Boleyn and Margaret Cheyne represented the kind of "traitor" the new net could catch. By changing the treason statute to include slander explicitly or words without overt acts, the king could now arrest and convict a new class of traitor, one with a more feminine face than the traditional warrior model. These earlier cases, Barton, Boleyn, and Cheyne, had great significances for the Pole/Courtenay case of 1538. They proved to Henry and Cromwell how to use treason to rid oneself of political problems, whether those problems came from men or women.

Treason in Late Medieval and Early Modern England

The 1530s were a tumultuous decade in England for a number of reasons. Most obviously, the king's "Great Matter" of the divorce and separation from the Church of Rome colored domestic and foreign policy. From the late 1520s until his divorce from Katherine of Aragon in 1533 and the Act of Supremacy creating the Church of England in 1534, Henry VIII spent years reacting to threats both real and imagined. In his pursuit of a legitimate male heir, the king defied Pope Clement VII, his European allies and enemies, and his own people. In response to the dissatisfaction expressed by all three, Henry VIII and Thomas Cromwell, the king's principal minister, sought to stem the tide of criticism. One consequence was their redefinition of treason from the early 1530s that led to the execution of Salisbury in 1538. In turn, this new definition resulted in a higher number of women accused of treason and in fact, was partially inspired by one woman, Elizabeth Barton, whose treasons were not covered under the 1352 treason statute.

A result of this change with far-reaching consequences was the increase in treason cases of both men and women, especially following Henry VIII's 1534 revision of the treason statute. However, the larger numbers of treason cases reflected the broadening of the definition of treason rather than a dramatic escalation of opposition. Previously, the 1352 statute enacted under Edward II defined the challenges to the crown's person and power. The treasons outlined in 1352 reflected the martial threats faced by the monarchy, whereas Henry VIII's changes would mirror the religious turmoil of the sixteenth century. Before the great treason statute of 1352, the definition of high treason was fluid and largely left up to justices.[119]

The first major development came during Edward III's reign after he returned from France. When he approached Parliament in the 1340s for the necessary funds to support the war in France, he was informed by the nobility of a rising crime rate and, as they viewed it, a failing justice system. In the 1348 parliamentary session, the House of Lords called for a treason reform, particularly in regards to a separation of treason and felony and in reaction to the confiscation of lands and possessions.[120] Particularly, the nobility called for reform in the proliferation of treason

[119] Edward I (1272-1307) was the first to define high treason as levying war against the king and the mere accusation of high treason from the king was to serve as indictment and verdict. John G. Bellamy, *The Law of Treason in England in the Later Middle Ages* (New York: Cambridge University Press, 1970), 56.
[120] Ibid., 80.

cases. Edward's nobles asserted that, in his absence, royal justices all over England had been extending the common law of treason by attaching the designation of treason to cases which had never been labeled such before and were therefore mere felonies. It was not until January 1352, however, that Parliament passed the king's new treason statute (25 Edward III st.5, c.2), which was the crown's statutory definition of the crime of high treason.

The statute began by stating the reason behind the new law, "whereas divers opinions have been before this time what case should be adjudged treason, and what not; the king, at the request of the lords and of the commons, hath made a declaration" of what constituted treason.[121] Treason was thus outlined to levy war against the king; or to support the king's enemies within the realm; to violate the king's consort, eldest unmarried daughter, or the heir's consort; or to imagine or compass the death of the king, the king's consort, or the royal heir.[122] The thirteenth, fourteenth, and fifteenth-century definitions of the words "imagine" and "compass" signified intent to act. To imagine or to compass was to plan, to plot, to devise, or in other words to be preparing for action against the king. Additionally it was also treason to forge the Great Seal, counterfeit money, or to kill the chancellor, treasurer, or a justice of the peace while performing the duties of their offices. The last few lines of the statute made a distinction between treason and felonies, which were to ride secretly or openly armed, to slay, rob, or kidnap.[123] In cases where the distinction was unclear, the statute mandated that the case be heard in Parliament before the king, and the governing body would decide if it was treason or felony.[124] The statute also distinguished between action against the king and petit treason, wherein a servant murdered his master or a wife her husband.

In the fifteenth century there were several cases of treason by words in that the accused had either imagined or compassed the king's death. In the spring of 1402 a John Sperhauk, though he only repeated a woman's assertion that Henry IV was not the true king, was judged by the royal justices that his words were intended to "excite the king's lieges against their king" and thereby cause his death.[125] The justices determined that there was a direct relationship between his words and the action he intended to cause. Forty-two years later in 1444, a Thomas Kerver said that the kingdom would have been better off the past twenty years if the king had been dead. During the trial, the jury also said that Kerver asserted the French dauphin had invaded English lands and that "if King Henry had possessed similar qualities he would have held those lands in peace."[126] The jury stated that in making such statements Kerver intended the king's subjects should withdraw their love from him and to encourage other would-be rebels and traitors. So he, like Sperhauk, was judged to have spoken words with the intent of inciting rebellion or anarchy or revocation of the subjects' love from the king and therefore cause his death.

In these two cases and several others, however, either the juries or royal justices,

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[121] George Burton Adams and H. Morse Stephens, editors. *Select Documents of English Constitutional History,* London: The Macmillan Company, 1901, 121 (www.questia.com/Online_Library). (Accessed 1/5/2012)

[122] According to the Oxford English Dictionary, the thirteenth and fourteenth century defintions of *imagine* and *compass* were as follows: Imagine–"to conceive in the mind as a thing to be performed; to devise, plot, plan...to plot against". Compass– "to contrive, devise, machinate (a purpose). Usually in a bad sense." (www.oed.com) (Accessed 12-29-11)

[123] Adams and Stephens, 121.

[124] Bellamy, *The Law of Treason in England in the Later Middle Ages,* 88.

[125] Ibid., 117.

[126] Ibid.,118.

connected these words with direct actions such as adhering to the king's enemies or attempting to launch an insurrection, which would in turn result in the king's death.[127] There was a presumed cause and effect relationship between words and actions. For these cases, the significance of words alone was not the heart of the case. It was what the juries and justices believed would be done with the words. Though the original offense was verbal, the defendants were assumed to be active traitors because their words did or could cause someone to act. The fifteenth-century juries and justices decreed that these words were spoken with the expressed intent to act or to cause another person to act, which distinguishes them from the 1534 addressing of slander in which words were treasonous for their own merits and not contingent upon actions or intent.[128] The next development in treason law came in 1397 when Richard II attempted to redefine treason to deal with specific crimes committed by his Lords Appellant in 1388. He declared that it was high treason to depose the king, or to renounce their liege homage, or to raise men and ride against the king in open war, or to compass or purpose the king's death.[129] This new statute, as well as other laws passed in that particular session of Parliament, was repealed in 1399 under Henry IV.

From 1397 to 1534 there were minor developments in the prosecution of treason, however, it was not until the 1530s that any monarch paid serious attention to creating his own definition of treason or what the implications of such an act meant for his or her rule.[130] Henry VIII commissioned a few drafts from Cromwell in 1530-1531 to halt the increasing outcry against his actions in regards to the divorce, but it was three years before the final act (26 Henry VIII c. 13) went before the parliamentary session, which began on November 3, 1534. In Henry VIII's view, the religious changes (including the break with the Catholic Church, dissolution of religious houses, and creation of the Church of England and Oath of Supremacy) and subsequent uneasiness necessitated modifications to the treason statute. In reaction to a rise in what Henry VIII viewed as rebellious criticism of his divorce and remarriage, it was now treason to wish or attempt bodily harm to the king, queen, or royal heir or to attempt to deprive the king of his title by malicious deeds, writings, or spoken words. This 1534 redefinition was an extension but not a replacement of the 1352 statute. To imagine the king's death remained but the phrase "to attempt bodily harm" replaced "to compass the king's death," which made it a much stronger statement. Criticism of the king and his religious policies was now high treason. Anyone who labeled Henry VIII a heretic, tyrant, schismatic, infidel, or usurper of the throne was now considered a traitor as these words echoed language used by the pope and continental Catholics. In 1536 Henry VIII

[127] There were several other cases in the fifteenth century in which words were connected to actions, please see Bellamy *The Law of Treason in England in the Later Middle Ages*, pp.117-120. In the seventeenth century, particularly during the Interegnum period, words alone again were again defined as treason, though after the sixteenth century were rarely if ever prosecuted as such. David Cressy addressed these cases in chapters eight and nine of *Dangerous Talk*.

[128] Ibid., 117-120

[129] Adams and Stephens, 159.

[130] In this short discussion of treason in fourteenth and fifteenth-century England, I have followed the lead of both J.G. Bellamy and Geoffrey Elton in that, though there were minor changes to the 1352 treason statute, none altered nor replaced the 1352 statute in any significant way. Edward III's 1352 treason law remained the only legal definition of treason and the method by which the crown continued to judge treason until 1534. Occasionally, justices (as Elton pointed out) adjudicated crimes to be treasonous that were not in the statute, but again, these neither changed the law nor altered the crown's definition of high treason, nor were they considered in the 1534 revision which sought to combat new challenges.

extended the 1534 statute by creating a second succession act (28 Henry VIII c.7) that made it high treason to claim the throne or to alter plans he had made for the guardianship of the royal heirs after his death. Along with death, the punishment for high treason was forfeiture of all lands, tenements, and hereditaments, effectively erasing a family's titled and landed legacy. This was, as previously discussed, a response to increased and widespread criticism of the king's divorce and new religious policies. The 1534 attack on speech critical to the king and his policies sought to eradicate slander against the king. Slander was previously a minor crime usually associated with women. The new treason statute elevated what had traditionally been prosecuted as a woman's crime at the neighborhood level to high treason.

According to Elton the motivations behind transforming slander into treason were that Henry VIII and Cromwell believed that verbal and written attacks on the king could cause great problems for the crown but "could not be brought under any definition of compassing the King's death or levying war upon him, unless opposition turned to violence and conspiracy–by which time it might be too late to act."[131] Therefore, the king viewed criticism as slanderous treason that might transform into intent and then rebellion and usurpation, but was not, at the beginning stages, intent itself. Once again, these verbal attacks were classified in 1534 as being different from imagining or compassing the king's death.

The usual process of a treason conviction began when suspicious words or deeds were brought to the attention of a local justice of the peace. The justice would take the statements of witnesses and the accused and pass them along to the king's Privy Council. The accused would then be arrested, jailed, and tried locally before a special commission of *oyer* and *terminer*.[132] After the justice or Council took custody of the accused, the king's Privy Council prepared a set of inquires or interrogatories for examination. These were usually based on witness statements or gathered from previous examinations and were all carefully crafted by the king and his council to induce the accused to admit that he or she had broken the treason statute. According to Sir Edward Coke, the seventeenth-century legalist and Lord Chief Justice, the accused should have been allowed to present his or her answers in writing, even allowed to keep a copy. This procedure seems to have been followed in the Pole/Courtenay case. Several of Geoffrey Pole's examination documents were written as first person testimonies and signed by him.[133]

The majority of treason trials were held before commissions of *oyer* and *terminer* in the shire in which the crime had taken place. *Oyer* and *terminer* commissions came from the Latin *oyer* and *determiner,* "to hear and determine," and were comprised of panels of local gentry who served as jurists. These commissions could include three to forty men. On each commission the most important attendees were the quorum, four or five judges or sergeants at law, whose presence was supposed to ensure some consistency and level of legal acumen. Bellamy discovered that as the sixteenth century wore on, the quorum was less essential and less

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[131] Elton, *Policy and Police,* 263.

[132] See below for discussion of *oyer* and *terminer.*

[133] Sir Edward Coke, *The Second Part of the Institutes of the Laws of England Containing the Exposition of Many Ancient and Other Statutes*. (Abington: Professional Books, 1986), 51. Coke (1552-1634), whose writings on English common law formed the basis for legal texts and precedents for hundreds of years, was a legalist, Member of Parliament, Attorney General, and finally Lord Chief Justice of England. His work remains the best source of material for understanding medieval and early modern common law and comprises an invaluable resource for legal historians.

frequently enforced.[134] This decline may be explained by Henry VIII's parliamentary treason acts which more exactly defined treason and left little to interpretation by judges and therefore occasioned less need for the quorums. The next step in the process was the indictment whereby an indictment jury, usually consisting of twelve local men, listened to the charges and evidence and produced the bill of indictment. With a bill of indictment, the prosecution could then bring the accused to trial, the third step. The trials began with the reading of the charges and the bill of indictment against the accused who was assumed to be guilty. Treason trials were swift and merciless; the prosecution presented the evidence to the jury, and the bill of indictment declared and proved guilt. The accused was asked to enter his or her plea after which time the jury read out the sentence. Only after the sentence had been declared was the accused allowed to speak. The large crowds that usually accompanied the public treason trials were welcomed by the crown who viewed the trials and execution as the best kind of propaganda. The trials and punishment served as a warning to other would-be traitors. The punishment for minor seditious words was the pillory, prison, or whipping, but for high treason, it was execution by hanging, drawing, and quartering. Noble men were spared this gruesome end and were instead decapitated. Separately, the prescriptive punishment for female traitors was burning.

The most notorious and high ranking traitors, such as those in the Pole/Courtenay case, never appeared before the local authorities and were taken straight to London and placed in one of the royal prisons: the Tower, the King's Bench at Southwark, Newgate, Gatehouse, Fleet, the Clink, Bridewell, or Lambeth. This followed custom as trials of nobility were handled differently, held before special commissions of their peers in the court of the Lord High Steward in Westminster Hall. This is the manner in which Exeter, Montague, Pole, Neville and Carew were tried. The women, however, did not even receive a trial. Instead, they were attainted by a 1539 Act of Parliament, a process in which they were denounced as traitors in a session of Parliament and stripped of their titles, lands, and guardianships and thereby rendered legal nonentities. Reginald Pole was attainted with them as he was on the continent at this time and therefore out of Henry VIII's reach and the usual progression of accusation, arrest, and interrogation.

Although there were precedents, there is no obvious reason why the noble women received such different treatment. Of the more famous treason cases involving women under Henry VIII before 1538, such as Elizabeth Barton's, Margaret Cheney's, and Anne Boleyn's, there is no clear pattern to explain why some were tried and some not. Elizabeth Barton, Gertrude Courtenay, and the countess of Salisbury were all attainted by Parliament and thus condemned without a trial. Margaret Cheyne and Anne Boleyn were both tried by a jury. Barton and Cheyne's treasons dealt with speech; Elizabeth Barton, the Holy Maid of Kent, prophesied the king's death. Cheyne was arrested for inciting and encouraging her husband to rebel during the Pilgrimage of Grace. Anne Boleyn's case began as a condemnation of her actions, in what could have been a novel precedent but she was convicted for the more traditionally feminine crime of verbal treason. Gertrude Courtenay and Salisbury, however, were charged with treason by their deeds rather than their words, marking a change from earlier models of female traitors. The fate of the above women suggests that nobility outweighed sex in terms of punishment because while Margaret Cheney was burned for her crimes, Anne Boleyn, and Salisbury were beheaded.

[134] J.G. Bellamy, *The Tudor Law of Treason,* 122.

The Holy Maid of Kent

The case of Elizabeth Barton demonstrated to Henry VIII and Thomas Cromwell that they needed a legal method for dealing with the increasingly loud, popular chatter of dissent that accompanied the king's divorce and eventual break with the Catholic Church. The so-named Holy Maid of Kent, Elizabeth Barton, forced Henry VIII to confront the problem of words and the impact of spoken treason. Details of Barton's early life are few; she was born around 1506.[135] In her adolescent years she joined the household of Thomas Cobb, steward of Archbishop William Warham, in Addington, Kent, about twelve miles from Canterbury. In the spring of 1525 when she was about eighteen Barton fell ill with a sickness that lasted for seven months. While convalescing in November, she predicted the death of Cobb's now ailing child. The child did in fact, die shortly thereafter, and his or her death launched Barton's new role as a prophetess. Her fame spread throughout the countryside and began to attract a great deal of attention particularly after a second event: her vision in Our Lady of Court-in-Street in August of 1526. During her illness, Barton had a vision in which she was told to go to the church of Our Lady Court-in-Street in Aldington where she would be healed. She did so, but nothing happened. On August 25, 1526, Barton returned to the church and according to the witnesses, she fell into a trance, experienced seizures, and uttered speeches.[136] Reports of her "visions" would have spread quickly in the small town anyway, but on this occasion Barton was witnessed by a group sent by Archbishop Warham and approximately two thousand spectators, all waiting outside of the church to see if she was indeed a prophetess. Among those sent by Warham was Edward Bocking, a monk, who later became her spiritual advisor. While stricken by her fit, witnesses reported that a voice spoke from her abdomen and referred to heaven and hell. Barton herself declared that she had had a vision in which she was instructed to take orders as a nun. She joined the Benedictine community at St. Sepulchre's that year under the guidance of Bocking.

Barton's vision attracted much attention and soon a number of books and pamphlets were published about both her and her prophecy.[137] Reports of her by now multiple visions spread to London where she came to the attention of Thomas Cramner, the Archbishop of Canterbury, especially after her visions began to concern the subject of the king's divorce in 1528. Before this, Barton's visions concerned acceptable Catholic matters such as pilgrimages, confessions, and attendance at masses, but they soon turned to Henry VIII's efforts to end his marriage to Katherine of Aragon and to marry Anne Boleyn. Not content to share her visions only with her sisters in the abbey, she asked to meet with the king's principal advisor Cardinal Thomas Wolsey. On October 1, 1528, Warham wrote Wolsey and passed along her message, demonstrating the great trust Warham had in her.[138] Wolsey met with her twice and John Fisher, bishop of Rochester met with her three times. In her 1533 confession in the Tower, Barton later admitted

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[135] For further details of her life, please see Sharon Jansen's in depth account in *Dangerous Talk and Strange Behavior* and Alan Neame*, The Holy Maid of Kent: The Life of Elizabeth Barton, 1506-1534* (London: Hodder and Staughton, 1971).

[136] Jansen, 44.

[137] Ibid., 51.

[138] *L&P* IV, no. 4806.

that she shared her revelation with Rochester: "the king shall not be king a month after he married the Queen's Grace." The bishop supposedly "wept for joy at hearing them."[139]

It is unclear when, but sometime in late 1528, Barton had already met with the king in secret. She convened with Henry VIII twice and perhaps three times and according to Thomas Goldwell, the prior of Canterbury, in two of those meetings she revealed to him her vision and prophesy: that if he married Anne Boleyn, he would not be king more than six months following the marriage.[140] That she was allowed to meet with the king on one or two more occasions (it was likely that it was only two in total) after that pronouncement and not arrested immediately is either evidence of her perceived legitimacy as a prophetess or the king's trepidation about silencing a public and popular figure, or both. According to the examination of an unknown witness in 1533, in early 1529 Barton had a second meeting with the king, this time at Hanworth manor. Barton was accompanied on her journey by her prioress Phillipa John and a cavalcade of servants from St. Sepulchre. A travelling band this large and a gathering of this size would have been difficult to keep secret, so evidently the king was not worried about the public nature of a meeting with a known critic of his domestic aspirations. The anonymous witness testified that in this meeting Henry VIII offered her the position of abbess at an unnamed abbey. Moreover, it seems that Barton met with Boleyn and her mother, Lady Wiltshire, as well because this same examinant testified that the aspiring queen offered Barton a place at court and Lady Wiltshire proffered her a place waiting on Anne herself.[141] Barton refused both offers. The 1533 examinant also claimed that Barton had told him that Henry was planning to marry Anne Boleyn in Calais in 1532, but that the prophetess had prevented it by reminding the king of the consequences of such a union.

By 1533 Barton had been condemning the King and his marriage to Anne Boleyn for five years. Though Henry had ignored her warnings and married anyway, Barton was allowed to continue her prophesies unmolested. Those who now met with her, however, were placed under suspicion, particularly those who had not fully and enthusiastically supported the king's new marriage. For example on March 11, Thomas More felt he must write to the king and protest that though he had met with the "wicked woman of Canterbury" (as had Henry VIII), he had disclosed to Thomas Cromwell, now the king's principal advisor, everything they had discussed and [he] begged Henry not to suspect him of any untoward dealings with Barton.[142] The situation only became more serious as Henry VIII now had a pregnant new wife and had broken from the Church.

Shortly after Anne Boleyn was crowned on June 1, 1533, Henry had tired of Barton's condemnations and decided to act. On July 19, Cramner wrote to Prioress John and requested she send Barton to his estate in Oxford.[143] Richard Gwent, archdeacon of London, wrote Cromwell on August 11 and informed him of Cramner's examination of Barton. He wrote that Cramner had encouraged her to speak freely by leading her to believe that he agreed with her and supported her prophecies. She declared she had received another vision regarding the king, but it was incomplete and she now was required to travel to Our Lady Court-in-Street to finish the vision.

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[139] *L&P* VI, no. 1468.
[140] Ibid.
[141] Ibid.
[142] *L&P* VI, no. 288.
[143] *L&P* VI, no. 869; BL Harl. MS 6,148, f. 28.

Cramner agreed to let her go. According to Gwent, it was Cramner's strategy to appear amenable and "as soon as he hath all he can get of her she shall be sent to you."[144]

Consistent with this policy, Cramner had allowed her visit, but recalled her in September after the Princess Elizabeth was born. With a new (female) heir, widely-known political prophecies about the death of the king were considered even more dangerous than they had been previously. Tired and angered by the increase in verbal and print criticism of his religious policies, Henry VIII would not allow such a high profile critic of his reign or her supporters to continue unmolested. Barton was arrested and sent to the Tower of London along with her closest supporters, among them her spiritual advisor and mentor Bocking. A month later on October 24, Robert Collens sent Cromwell a testimony about Barton and Bocking from Christopher Warener, the anchorite of the Black Friars at Canterbury. When questioned, Warener denied he ever heard one of Barton's prophecies.[145] This letter makes it clear that by October 1533, Henry VIII and Cromwell were tightening their search for anyone associated with Barton and who may have abetted what they now considered her treason. Chapuys reported this in a letter to Charles V on November 12. He wrote that the king had recently imprisoned a "simple and saintly" woman for having visions of his demise and that Henry VIII feared her revelations would cause rebellion throughout the country.[146] Chapuys also claimed that Barton had, on multiple occasions, attempted to contact Katherine of Aragon who had wisely rebuffed the nun, but he feared for the marquess and marchioness of Exeter as well as Rochester, all of whom had communicated with Barton.[147] Significantly, sometime before mid-November, and after she had been threatened with torture in the dungeons of the Tower, Barton recanted her story and denied that her visions were from God. John Hyde wrote to Lady Lisle on November 16 that Barton had confessed "her treason" in the Tower and was likely to be executed.[148]

Imagining the king's death and acting upon it was well-established treason, but simple words alone or passive treason were not themselves covered under a statute at that time. Also, as Barton had purported that the messages came from God, prosecution was more difficult. However, if she admitted (or was made to admit) that her visions were entirely self-created then the king could charge her with high treason. Or so he thought. Chapuys reported that Henry VIII convened a large panel of judges and peers at Westminster on November 20, 1533, with the intent of charging Barton and her associates Edward, John Dering, Henry Gold, Hugh Rich, Henry Risby, and Edward Thwaites with heresy for believing the prophesies and with high treason for concealing prophecies about the king. Chapuys suggested that the king assembled the panel in secret "which the world imagines is for a more important matter," probably related to the break with Rome.[149] To the king's chagrin, the Council reminded Henry VIII that neither one of these charges were acceptable because Barton had told the king these prophecies directly; and, if he did not believe them, he at least had taken them seriously enough not to marry right away and to allow Barton to continue making prophecies for several more years. Perhaps as a result of these disappointing pronouncements from the panel of judges, Lord Chancellor Audley

[144] *L&P* VI, no. 967.
[145] *L&P* VI, no. 1336.
[146] *L&P* VI, no. 1419
[147] Ibid.
[148] *L&P* VI, no. 1433.
[149] Ibid., no. 1445.

laid out new charges against Barton and her associates, including inciting the country to rebel by means of her prophecies. Barton then admitted to high treason and pled guilty to inciting rebellion. Even so, the panel still declined to indict her. Thwarted, Henry VIII and Cromwell began their plan to convict her and her supposed conspirators using an Act of Attainder, a bill passed by the hopefully more cooperative Parliament. The king and his minister felt confident that Parliament would pass the attainder accusing her of imagining the king's death. After all, this was a body that had just agreed to break with the Catholic Church and create a new English Church with the king at the head. Parliament had willingly turned England upside down so asking them to pass one Act of Attainder was not a farfetched request. And after that was finished, the king and his minister would not allow themselves to be stymied again by various justices and peers. They would bend the law to their needs making the verbal, these slanders against the king heretofore a crime with feminine assocations, high political treason, on a par with the action of levying war against the king.

In the meantime, Henry VIII and Cromwell knew that the court of public opinion supported the so-called Holy Maid of Kent, a situation that they sought to remedy. On November 23, Barton and her associates were made to stand on a scaffold at St. Paul's Cross and publicly confess their crimes against the state. The next month on December 7, they were forced to repeat their public confession in Canterbury. Barton and the men remained in the Tower through the winter and into the spring while the bill of Attainder was introduced into Parliament. On March 12 it passed the House of Lords, and on March 17 it passed the Commons. The king signed it into law on March 21, and as was the custom, it was proclaimed throughout the countryside (25 Henry VIII c. 12, Statutes of the Realm 3:451). A month later, on Monday April 21, 1534, Barton and her associates were executed at Tyburn and "there hanged and after cutt downe, their heads smitten off, and two of their heades were sett on London Bridge, and the other fower at diverse gates of the cittie."[150] Barton's head was one of those placed on London Bridge.

A major repercussion of the Barton case was the inclusion of treason by words in the 1534 changes to the statute on treason. Though by 1534 there was already an increase in the numbers of instances of "loose talk" about the king's marriage and religious changes, Barton was the most public with her criticism and most potentially damaging because she claimed her visions were divinely inspired. By changing the country's religion, Henry VIII had put his subjects' souls at risk, so both the king and his people were sensitive to condemnation by a "holy" woman. Therefore Henry VIII was determined that neither she nor anyone else would be allowed to criticize the king or his actions with such freedom again. He and Cromwell assumed that the broader wording of the new treason statute and the use of parliamentary attainder had solved the problem.

The Queen

Removing a widely revered holy woman was difficult enough, but the disposal of the unpopular Anne Boleyn proved to be an even trickier situation for Henry VIII and Cromwell. The courtship, marriage, and spectacular dissolution of the relationship between Henry VIII and Anne Boleyn is one of the most well-known episodes of English history. Most are familiar with

[150] Charles Wriothesley, *A Chronicle of England During the Reigns of the Tudors from A.D. 1485-1559* (Westminster: The Camden Society, 1875-1877), p. 24. (Google Books) (Accessed 12-29-11)

the effect their coming together had on the country, but what of the ending of their marriage? In the spring of 1536 in just a matter of weeks, King Henry's wife and queen of three years was accused, convicted, and executed for high treason. The charges and accusations were wide reaching and bizarre, but they served a purpose: to rid the king of his troublesome and dynastic failure of a wife in order to move on to a woman who would provide England with a male heir.

There have been a large number of misconceptions about Anne Boleyn's treason in secondary literature. The widely held belief is that she was executed for adultery, which she was not. As with Elizabeth Barton, Boleyn's treasons were "passive" and while they were most likely false, they did align with the contemporary idea of "women's crimes." She was charged first with procuring six of the king's servants: Sir Henry Norris, Sir William Brereton, Sir Francis Weston, her brother George Boleyn, Lord Rochford, and Mark Smeaton to commit adultery, though this was not high treason. The second charge was conspiring the death of Henry VIII. Her crimes were passive whereas the men in this case were charged with the active treason of violating the queen. The crown argued that her words were the impetus behind the men's actions to violate her. Anne Boleyn was executed on May 19, 1536, on the Tower green in front of a crowd of thousands. For so public an end result of such an important figure, the official records are silent on the investigation into Anne Boleyn's treason. There are no extant records of any testimonies or interrogations of either the Queen or her accused consorts. Mark Smeaton was the only one to confess to any wrongdoing, but only as a result of torture. Perhaps those examinations were deemed useless in a case so formed upon rumor and conjecture, too damning in a case governed by expediency rather than respect for law or procedure.

The beginning of Anne Boleyn's story gives no indication of its end. Unlike Barton, she neither publicly criticized the king nor his policies, rather she and her family had actively sought the king's favor and were models of loyalty and service to the sovereign. Though the exact year is unknown, Anne Boleyn was born in either 1501 or 1507 to Elizabeth Howard and Thomas Boleyn and raised in typical aristocratic fashion. Her mother was the daughter of Thomas Howard, the earl of Surrey and her father was the son of Sir William Boleyn and Margaret Butler Ormonde, providing Anne with a thoroughly noble background. An intelligent and well-educated girl, she, though reports were mixed on the subject of her physical attractions, managed to captivate two of England's most powerful men, Henry VIII and the earl of Northumberland. Through her family's connections in 1513 she was afforded a place at the court of Margaret of Austria as a maid of honor when she was about thirteen years old. A year later, Anne was placed in the household of Henry VIII's sister Mary Tudor, the new queen of King Louis XII of France. She attended to Queen Mary for a year and then joined the court of Queen Claude, daughter of Louis XII where she remained for seven years, acquiring her famous sense of French sensibilities and fashion. As a young lady-in-waiting, she quickly learned the art of machination and manipulation employed by French courtiers.

In January of 1522 Boleyn returned to England in order to marry her cousin, James Butler, but the match was abandoned. Shortly thereafter, she received a place at court and became one of Queen Katherine's ladies-in-waiting. Her older sister, Mary, had captured the king's attentions first, becoming his mistress in 1520. In the meantime, Anne was secretly betrothed to Henry Percy, the son of the earl of Northumberland. When his father learned of the engagement, however, the earl rejected the pairing, and Anne was again returned to court to serve Queen Katherine after a brief seclusion at her father's estate. Sometime in 1525 Anne came to the

attention of the king and together they embarked upon a relationship that would change England. In a maelstrom of forces, the combination of Henry's desperate need for an heir, Anne's ambition, and their mutual attraction created upheaval in Europe. They were married in January of 1533 after Henry VIII divorced his first wife, Katherine of Aragon. Their only surviving child, Elizabeth, was born in September of that year.

Though Henry VIII's path was strewn with discarded mistresses who had outlasted his use for them, Anne was different. First, she had entered his life as his wife was getting older and further from bearing him a son. Though he had been married to Katherine of Aragon for almost two decades, they had only produced one surviving child, a girl. A miniature portrait painted of Katherine of Aragon in 1525 by an anonymous artist reveals that years of pregnancies and miscarriages had taken a toll on her body. At thirty-nine years old, she was now overweight and unattractive to her younger husband. In contrast, in the late 1520s, Henry VIII was still strong and athletic, but the lack of a legitimate male heir was a stain on his virility and duty as the monarch. In addition, as the second member of an upstart dynasty, it was vital for Henry to secure the throne before his death. Compounding the problem was the surfeit of boys in the Plantagenet line. Salisbury had four sons and Exeter, still in his late twenties/early thirties, had one son and a young wife. Montague, Geoffrey Pole, and Exeter had all fulfilled the expected gender roles for men. They were trained as warriors, were healthy and strong, as well as fathers of sons. They were successful men. Henry VIII, by comparison, had failed by the dictates of the masculine model particularly of a sovereign. He was not a true warrior king. His invasions into France had failed; he was unable to either conquer territory or to force another king into submission. And he was the husband of a failure of a queen who, after so many years, had only given him a daughter. But, as Henry VIII had produced a son with his mistress Elizabeth Blount, it seemed clear to him that the fault lay with his aging, barren wife and that by starting over with a new queen, with Anne Boleyn, he would achieve the desired male heir.

A second factor that set their relationship apart was Anne Boleyn's famous refusal to acquiesce to the king's sexual demands until late December 1532 when she was sure that her campaign for marriage would be successful. She had higher aspirations that may have resulted from witnessing her sister's experience. Though if Henry's goal was a legitimate male heir, it would have been a mutual decision.[151] Once pregnant, she could present herself as the queen who would produce the much needed male heir. Regardless, the woman and the prospect of an heir captivated Henry VIII so thoroughly that he embarked upon a determined course of action to rid himself of his son-less wife.[152] Countless historians have dissected and analyzed the years 1527 to 1533 so this study will not undertake to add to the historiography of the king's divorce from Katherine of Aragon and the corresponding religious upheaval. Instead, this chapter's focus turns to the spring of 1536.

Historians disagree on when and why their marriage began to deteriorate.[153] While there is strong evidence that the king still highly valued his wife in early April 1536, the problems may

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[151] Wooding, 124.

[152] He had a son, Henry Fitzroy, born in in June 1519 to his mistress Elizabeth Blount, upon whom he showered affection and titles. Despite their shared name, the king's mistress was not related to Gertrude Blount Courtenay.

[153] The largest disagreement in the historiography is between Eric Ives and Retha Warnicke. Ives believed that the Aragonese and conservative court faction slowly worked away at Henry's affections for his wife by promoting the foreign policy benefits of divorcing her and then helping to convict her, but Warnicke argued that it was because of

have started in January when Anne delivered a stillborn male child. Henry VIII was upset at another missed chance for a male heir and Anne, perhaps in an attempt to deflect blame away from herself, declared that her miscarriage resulted from witnessing Henry's jousting accident days prior. But by April, rumors were circulating that the royal marriage had begun to fall apart. Though official records are quiet on the matter of Anne's downfall in the spring of 1536, Chapuys, Charles V's eyes and ears at the Tudor court, had much to say. He wrote to Charles V on April 1 and revealed that Anne and Cromwell were on "bad terms" and that the minister was already soliciting suitable candidates for a third marriage for the king.[154] Chapuys asserted that he had this intelligence from Montague, who would have been well placed to know this information. Chapuys then related a conversation he had with Cromwell in which the minister asserted he had not been the cause of the union between Henry and Anne, but that he had merely smoothed the way.[155] If this were true, then Cromwell was already distancing himself from what would soon become a debacle, or at the least, demonstrating what could be judged a remarkable lack of discretion to share such intelligence with an imperial ambassador.

However, Cromwell rarely, if ever, acted without forethought or planning. If Cromwell shared this intelligence with the ambassador, he meant for it to reach Charles V or the Boleyn's enemies at the English court. The latter seems more likely because these families were well placed to assist him in his ousting of the Boleyn faction. His antipathy towards the queen's relatives had been steadily growing because he believed she and her family were interfering with his policies. Anne Boleyn, her brother Rochford, and their supporters at Court felt and acted as if socially superior to Cromwell. According to the Tudor historian Eric Ives, their strong reformist beliefs were also a threat to Cromwell's policies, as they wanted to enact more extreme Protestant reforms than he had planned. Finally, Henry VIII's closest advisor was worried that this spirited and opinionated woman had more influence over the king than he had, an unacceptable situation. Cromwell had worked too hard for too long to lose the king's ear to a mere woman and her upstart relatives.

Chapuys also passed along news he had received from Courtenay of a new woman who had captured the king's interest. Henry VIII had given a "Mrs. Semel" [Jane Seymour] a purse of money, but she refused on the grounds of propriety and had additionally begged him to leave her alone to protect the reputation of herself and her family.[156] Henry VIII responded by promising her that he would only converse with her with a family member present. To that end, he made Cromwell move from his rooms in Greenwich and installed Jane's older brother, Edward, and his wife there in order to maintain contact with his new infatuation.[157] Not only were these rooms close to the Privy Chamber, it was possible to move between the two suites without being seen, a great advantage for Henry. However, shaky as the marriage was reported to be by this

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Anne's last miscarriage. Warnicke claimed that Henry VIII viewed the fetus and was horrified at its appearance, believing it was monstrous and that his wife was a witch who had also attempted to poison his two other children, Mary and Henry Fitzroy. However, if this were the case, Henry would have imprisoned Boleyn that winter and certainly would not have waited and remained in a marriage with a witch until May. Eric Ives, *Anne Boleyn* (New York: Basil Blackwell, 1986); Retha M. Warnicke, *The Rise and Fall of Anne Boleyn: Family Politics at the Court of Henry VIII.* (New York: Cambridge University Press, 1989).

[154] *L&P* X, no. 601.

[155] Ibid.

[156] Ibid.

[157] Ibid.

conservative faction, it seems clear that as of the time of these letters, the beginning of April 1536, Henry VIII was still concerned both for his wife's feelings and her authority as the Queen of England. Chapuys reported that Cromwell had approached him with a request from the king. Henry wanted Chapuys to visit Anne and to pay his respects by giving her a ceremonial kiss, but the ambassador refused.[158] Chapuys hated Anne Boleyn, the "Concubine" as he called her in all of his letters. In his eyes and those of his emperor, Charles V, she had usurped the rightful queen, Katherine of Aragon. It may be that Henry VIII knew that Chapuys would reject that request and wanted to embarrass Anne, but it seems more likely that he wanted the ambassador to honor his queen as a sign that Chapuys finally accepted Henry's religious and political policies, in particular the break with the Church that the ending of the marriage to Katherine had necessitated.

A few weeks later, Cromwell was given an opportunity to act. He would have had a plan in mind for months and needed only an opening. On April 30, Mark Smeaton, musician in the employ of the court, was arrested and taken to Cromwell's house where he spent the night before being taken to the Tower the next morning where he was tortured until he confessed to having had an affair with the queen. Sometime on or shortly before April 30, a rumor spread through court (likely originating from Cromwell's retainers and servants) about a public argument that Boleyn had with a courtier, Henry Norris, in which she accused him of desiring her. This stirred up old gossip from a year before in which another courtier, Francis Weston notified Boleyn of Norris' interest in her as well as his.[159] These two rumors led to a display of anger by Henry VIII in a public argument with Anne Boleyn and a display of calculation by Cromwell. The speed with which Cromwell arrested Smeaton (on the same day) and produced a "confession" demonstrates that Cromwell had his eye on the young and impressionable musician as a scapegoat for some time. Smeaton's confession was all it took for the king to become further suspicious of Norris and Weston. These two men had been very close to the king. Henry Norris had been Henry VIII's Groom of the Stool, a position that necessitated a close and intimate relationship between king and servant. However, merely pushing Boleyn out of favor would not have been enough for Cromwell. He needed to dispense with the entire Boleyn faction and for that, he needed to eradicate her brother, Rochford.

On May 2, Chapuys wrote Charles V and informed him that not only was Smeaton in the Tower, but also Norris, Rochford, and Anne Boleyn.[160] Chapuys also explained that the king had determined days earlier to have his marriage annulled on the grounds that Boleyn's betrothal to the earl of Northumberland had been consummated. Chapuys wrote that the Privy Council had impeded his plans by reminding him that to do so would confirm that the marriage for which he had risked so much and defied the pope had been a mistake. This indicates that Henry VIII was investigating various avenues for extricating himself from his marriage and one which he believed was previously successful in extricating himself from Katherine of Aragon. Additionally, it was a less violent solution that the one Cromwell was promoting. It also shows that the course of action he determined upon was less a response to actual treason and more one to political convenience, a choice he would make again two years later. However, as with Barton, the king was thwarted by a Council he had expected to be compliant. In addition, the earl of

[158] *L&P* X, no. 699.
[159] Ives, *Anne Boleyn*, 365.
[160] *L&P* X, no. 782.

Northumberland wrote Cromwell on May 13 to deny in strong terms that a pre-contract or marriage ever took place between himself and Anne Boleyn.[161]

In the spring of 1536, Henry was nearly forty-five years old and painfully aware of his advanced age. He had been badly injured in a fall from a horse in January in the joust that Anne claimed had caused her miscarriage. The king was approaching the famed massive proportions of his later years. He had no legitimate male heirs and Boleyn had just failed to produce the promised boy. Henry VIII had waited almost two decades for Katherine of Aragon to provide him with a male heir, and he could not afford to delay that long with Boleyn. Additionally, his divorce from Katherine of Aragon had taken years and was politically and religiously messy. Also, it had facilitated a potential alliance between Francis I and Charles V, Katherine's nephew. Henry VIII needed a male heir to secure his throne. When Cromwell came to him with a solution, that Boleyn had been unfaithful, the king likely leapt at the chance to move on and marry a younger, less complicated and encumbered woman whom Henry VIII was convinced would give him a son. Additionally, the king had learned from Barton of the efficacy of ridding oneself of a political problem with an accusation of treason. This was a tactic he would return to in 1538.

Chapuys' report of Boleyn's imprisonment was confirmed in a letter sent the next day. Though the author and intended recipient are anonymous, it was written in Spanish and as it came to be included with other government letters, may have been a diplomatic missive to a bureaucrat in Spain which repeated the information Chapuys had written on May 2 to Charles V. The letter confirmed that "the mistress of the king of England, who is called queen" was placed in the Tower for adultery.[162] On May 3, the fallout began and those closest to Henry VIII began distancing themselves from the queen lest they, too, be accused of colluding with her. That day, Cramner sent a letter to the king swearing he had no knowledge of her actions but revealing that he believed her to be innocent of adultery. Wary of inciting the king's ire, he quickly added that if "she be proved culpable there is not one that loveth God and His Gospel that ever will favor her, but must hate her above all other" and that she will deserve the punishment this crime warrants.[163]

By this time Boleyn had been transferred to the Tower and was distraught about it. Though she was kept in the same suite she had occupied at her coronation, she was now under arrest and in the charge of the Constable of the Tower, Sir William Kingston. Kingston kept Cromwell informed of Boleyn's conduct and state of mind. As one might expect, she was bewildered, upset, and terrified. She did not understand why she was there or the extent of the crimes with which she was charged. Relieved at not being kept in a dungeon as she feared she would be, Boleyn began laughing and crying simultaneously.[164] She inquired about the welfare of her parents and her brother and insisted that her interaction with Weston was innocent.[165] Some time later (though the letter is undated, it was probably written on May 4 or the next day or so) Kingston wrote Cromwell and reported that Boleyn wished to take communion in her chambers and be returned her prayerbook. Additionally, he painted a picture of a stronger Boleyn

[161] Ibid., no. 864.
[162] BL Add. MS 28,588 f. 260; translation in *L&P* X, no. 784.
[163] *L&P* X, no. 792.
[164] Ibid., no. 793.
[165] Ibid.

who had moved past the shock and hysterics of May 3. Cromwell had evidently been to the Tower to question her, but had not acquired the desired result, a confession.

Boleyn also spent her time in the Tower attempting to appeal to her husband's former sentiment. Evidently, she believed the king's opinion could be swayed. Desperately hoping to access his sympathy and the feelings he once held for her she reminded him in her letter of May 6, if she had ever "found favor in your sight, if ever the name Anne Boleyn has been pleasing in your ears," that he must understand that she knew nothing of what she was accused.[166] Boleyn told him that she would willingly admit to any wrongdoing, but protested she had nothing to confess, "Your Grace's displeasure and my imprisonment are things so strange unto me as what to write or what to excuse I am altogether ignorant."[167] She invoked the Princess Elizabeth, begging him not to "blot" his daughter and herself.[168] Aware of the widespread antipathy towards her among those at court, she, presciently, implored the king to grant her a fair trial and "let not my enemies be my judges."[169] She chastised Henry VIII for sending Cromwell, her "ancient professed enemy," to both inform her of the charges and to interrogate her.[170] She also requested mercy for those "poor gentlemen…imprisoned for my sake."[171] Finally, perhaps sensing that her pleading tone and words would fall upon deaf ears and she gained in boldness. She condemned the sham prosecution. With a flash of her old temperament and imperiousness, Boleyn concluded that if Henry VIII had already determined upon this path and if this "infamous slander" would bring him happiness, she prayed that God would forgive him.[172]

Cromwell moved quickly gathering testimonies for the indictments for the trial, which were meted out on May 12 to Boleyn, Rochford, Norris, Weston, Bryerton, and Smeaton in Middlesex where the crimes were alleged to have been committed. The men, save Rochford, were given a trial, headed by Sir Thomas Audley Lord Chancellor, in Westminster on the same day.[173] That afternoon John Husee, Lord Lisle's loyal servant and informant in England, wrote his employer and notified him of the proceedings against the queen and her accused co-conspirators. He wrote that the men, Norris, Weston, Bryerton, and Smeaton, were that day tried and found guilty. All had pleaded not guilty except for Smeaton who probably had been promised leniency in exchange for his confession and plea. (He received it as he was hung instead of being drawn and quartered.) Husee expected them to be executed the next day.[174] They were sentenced to be hung, drawn, and quartered with their genitals cut off and burnt before them.[175] The rumor was, according to Husee, that Boleyn and her brother were to be tried on the thirteenth and would certainly be found guilty as well.[176]

Cromwell gave the exact timeline when, on the fourteenth, he wrote to Stephan Gardiner, bishop of Winchester, and informed him that the queen and her brother were to be arraigned the

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[166] Ibid., no. 808.
[167] Ibid.
[168] Ibid.
[169] Ibid.
[170] Ibid.
[171] Ibid.
[172] Ibid.
[173] Wriotheseley, *Chronicles*, p 36. (Google Books) (Accessed 12-29-11)
[174] *L&P* X, no. 855.
[175] Wriothesley, 36. (Google Books) (Accessed 12-29-11)
[176] *L&P* X, no. 855.

next day, May 15th, and he expected them to share the fate of Norris, Weston, Smeaton, and Bryerton. Cromwell wrote that the queen was guilty of "incontinent living" as well as taking part in a conspiracy to bring about the king's death, though he did not provide any further details of the plot.[177] He did reveal, however, that some members of the Privy Chamber and other Boleyn allies were questioned, though these records are no longer extant; Wriothesely claimed in his *Chronicle* that all evidence produced at Anne Boleyn's trial was subsequently destroyed.[178]

The trial of Anne Boleyn and her brother George, Lord Rochford, was held in the Tower on May 15. Rather than holding the session at Westminster, the king elected to hold it in the less public confines of the Great Hall in the White Tower. Even so Chapuys later reported to Charles V that over two thousand people were in attendance.[179] Henry had a great scaffold constructed and upon it sat the twenty-six peers who would judge the Boleyns.[180] Their uncle, the duke of Norfolk, acting in his role as High Steward of England, headed the panel. The indictments were read out against Boleyn, who calmly denied every charge. However, she was judged guilty of procuring Smeaton, Weston, Norris, Breyerton, and Rochford to be her "adulterers and concubines" by the use of "great gifts" to encourage them.[181] The second charge she was convicted of was conspiring the king's death by declaring she would marry one of them when Henry VIII died.[182] These crimes so affected the king, the prosecution asserted, that "certain harms and perils" have befallen him.[183] This addition was an extrapolation of the 1534 treason statute and was used to show the corporeal consequences of imagining the king's death. Norfolk read out her punishment: she was to be burned or beheaded on the Tower Green.

At the conclusion of her trial when her sentence was pronounced, her former suitor, the earl of Northumberland collapsed and had to be removed from the room. He consequently missed Rochford's trial and his immediate sentencing.[184] Rochford was arraigned, tried, and convicted of committing high treason through violating the queen and conspiring the king's death. His sentence was to be the same as his supposed co-conspirators. At Rochford's trial, Henry VIII's masculinity suffered another, very public blow. According to Chapuys's account to Charles V, Rochford was given a secret question to read to himself and to answer with a yes or no. Scornfully, Rochford read the question out in a loud voice so that all the spectators could hear. He was asked if Anne had told his wife that the king was impotent.[185] This was devastating to the king who needed to maintain the illusion of being strong and virile. Henry VIII was furious and deeply humiliated. A few days later on May 19, Chapuys wrote a letter to Charles V that revealed how far the accusations could have gone if Cromwell had been able to gather more evidence. Apparently, Henry VIII believed Boleyn capable of much more than adultery. The rumors prove, however, that there were limits to what Boleyn could be charged with or at least limits to what evidence Cromwell could or would invent, especially as Chapuys' story appears nowhere else in the official record nor in the *Chronicles*. According to the ambassador, on the

[177] Ibid., no. 873.
[178] Wriothesely, 38. (Google Books) (Accessed 12-29-11)
[179] *L&P X*, no. 908.
[180] Wriothesley, 38. (Google Books)
[181] *L&P X*, no. 876.
[182] Ibid.
[183] Ibid.
[184] Ibid.
[185] Ibid., no. 908.

same day Boleyn was placed in the Tower, when his son Henry Fitzroy came to Henry VIII's chambers to bid him goodnight, the king began weeping. He declared that the duke of Richmond and the Princess Mary had narrowly avoided being poisoned by Boleyn.[186]

On May 17, Norris, Breyerton, Smeaton, Weston, and Rochford were brought to Tower Hill to be executed for treason. All were beheaded, except for Smeaton who was hanged on account of his lower birth. Additionally all proclaimed their innocence, save Smeaton who confessed that he was guilty and deserved his punishment.[187] Rochford's speech referred to the legality of the proceedings, not to his innocence or guilt, rather that since he was adjudged guilty under the law his punishment was just.[188] That same day Boleyn suffered one more indignity when Cramner held an ecclesiastical court at Lambeth Palace and dissolved the marriage between herself and the king on the grounds that she had been betrothed to and bedded the earl of Northumberland prior to her marriage to Henry. The annulment also necessitated that Cramner declare the Princess Elizabeth illegitimate, joining her sister Mary as an unwanted female heir. This was done in order to secure the succession for any future heirs, preferably male.[189] This saved the king from having a queen executed. Boleyn was transformed into just a woman who had tricked him into an illegitimate marriage. The historian Eric Ives rightly argued that the annulment was a strange decision as it would vacate the accusation of Boleyn's adultery, but contemporaries would have realized that the annulment was aimed at Elizabeth, not Boleyn. It cleared the way for Henry Fitzroy to be made the heir by letters patent, which was a possibility outlined in the new Succession Act of 1536.[190] The ruin of Anne Boleyn was completed at eight o'clock in the morning on May 19 when she was beheaded on Tower Green. As a final "kindness" to his queen Henry had summoned a French executioner from Calais known for his deft work with a sword. She, like her brother, cited the law in her scaffold speech, rather than admit to guilt or proclaim innocence (which would have gone against convention and endangered Elizabeth). According to Wriothesley, Boleyn proclaimed "I here humblye submitt to the lawe as the lawe hath judged me," which was not entirely accurate.[191]

Anne Boleyn's alleged adultery and the treason for which she was executed are often discussed as if they were the same. However, this is not the case. Violating the king's queen or consort was a man's high treason under the 1352 statute, and it remained so through the 1534 revisions; therefore, what the men in this case were accused of and convicted of was high treason.[192] What Anne Boleyn was convicted of was procuring those men to commit treason, or misprison (not high) of treason. She was also convicted for imagining the king's death, a verbal treasonable offence. If she had promised to wed any of those men after Henry VIII's death then she was guilty of an action that constituted high treason. As with Barton, words were what brought about her conviction and execution, not actions. She was not, in the legal sense of the word, an "active" traitor, but her prosecution and death confirmed the danger of verbal treason.

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[186] Ibid.
[187] Wriothesley, 39. (Google Books) (Accessed 12-29-11)
[188] Ibid.
[189] Ibid., 41.
[190] Ives, *Anne Boleyn*, 406.
[191] Wriothesley, 41. (Google Books) (Accessed 12-29-11)
[192] Ives, *Anne Boleyn,* 393.

The Rebel

Of the three women charged and executed for treason in this chapter, Margaret Cheyne is the least known and most mysterious. As with Anne Boleyn, the crown considered her words treasonous under the new 1534 statute. Also like Boleyn and Barton, she fell victim to the state's need to make a case where little evidence existed. The crown's motives for charging and punishing her are less clear than with the first two women. The Pilgrimage of Grace took place at the end of 1536 and into the beginning of 1537 and capped off what some have labeled Henry VIII's *annus horribilis*. The loss of a potential heir, the trial and execution of Anne Boleyn, and Reginald Pole's book, *De Unitate*, combined with this domestic rebellion resulted in a tense and angry monarch. So when the Pilgrims, as they styled themselves, mutinied in the name of the king, Henry VIII was of no mind to listen or to show mercy. In fact, despite his assurances of leniency the monarch was determined to make an example of those who defied him. Swept up in a movement in which she had little to no influence, Margaret Cheyne became one of these examples and a demonstration of the reach of the new treason law.

The Pilgrimage of Grace began in October 1536 and continued intermittently until February 1537. Like many rebellions, it was neither well organized nor well articulated, and the rebels had various motivations for risking certain death from a vengeful king.[193] The rebellion was prefaced by an earlier uprising in Lincolnshire on October 1, 1536, in reaction to the dissolution of Louth Abbey. That revolt was quickly put down, but on October 13 the Pilgrimage began in earnest. When the rebels assembled at Doncaster at the end of October, their numbers were between 20,000 and 40,000.[194] By the end of 1536, almost every county in the north contained an uprising. The Pilgrims came from all levels of society. They were comprised mainly of commoners, but included a number of clergy and local gentry. The rebels were upset about economic hardships, political concerns involving the king's marriages, and finally religious anxieties stemming from the break from the Church. Church closures and royal seizure of parish funds exacerbated their fears. Robert Aske, a lawyer from a prominent Yorkshire family, was chosen to lead the rebels. The Pilgrims, headed by Aske, then occupied York, restored previously expelled nuns and monks to their religious houses, and commanded enough power to call for negotiations with the king's representative, the duke of Norfolk. On December 6, acting on the king's orders, Norfolk promised the rebels that if they ceased the rebellion, they would be pardoned, and the King would assemble a Parliament at York to hear their concerns. Aske then disbanded his army and the first wave of rebellion ended. However, Henry VIII had no intention of keeping these promises to the rebels and so in February 1537 the rebellion arose anew. Headed by Sir Francis Bigod, the so-named Bigod's Rebellion was centered in Cumberland and Westmorland and was a reaction to Henry VIII's broken promises. This time, Henry VIII had no patience with resistance. Norfolk was again dispatched to York and by the end of February he had arrested all leaders and prominent members of the rebellion.

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[193] For more information and explanation of the Pilgrimage of Grace, see Ruth and Madeline Dodds, *The Pilgrimage of Grace,* Michael Bush, *The Pilgrimage of Grace: A Study of the Rebel Armies of 1536* (Manchester and New York: Manchester University Press, 1996); and Richard Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s* (New York: Oxford University Press, 2001).

[194] Jansen, *Dangerous Talk*, 6.

Margaret Cheyne was married to Sir John Bulmer, a member of an important family in Wilton involved in both the Pilgrimage and Bigod's Rebellion. Unlike Barton who, as a figure of popular religious adoration was the focus of contemporary biography, or Anne Boleyn who was the queen of England, not much is known about Cheyne's beginnings or even parentage. She was rumored to be the illegitimate daughter of Edward Stafford, third duke of Buckingham. She had been married to William Cheyne of London.[195] She married Bulmer in 1534 and together they had three children. Their marriage would be repeatedly called into question by the crown and prosecution as well as by several authors of chronicles. This seems to be attributable to her questionable origins as well as an earlier marriage to a non-noble.[196] Bulmer was allied with the rebels from the beginning and was present at the declaration of terms to Norfolk in October of 1536. During Bigod's rebellion, Bulmer apparently circulated among the commons attempting to persuade them not to rebel and then, questionably, collecting seditious pamphlets from the crowd which he later claimed he had done for the king. In March Henry VIII sent out a summons for the northern rebels to come to London, which Bulmer refused to answer. He also considered joining another rebellion against the king. These two actions, perhaps more than any other, sealed the fate of Bulmer and his wife.

In late March and early April of 1537, Norfolk began gathering evidence against prominent participants in the rebellions, including Sir Stephen Hamerton; Nicholas Tempest, a lawyer; James Cockerell, former prior of Guisborough; William Thirsk, former abbot of Fountains Abbey; John Pickering, a Dominican of Bridlington; Robert Aske; Sir Thomas Percy; Bigod; Sir Robert Constable; Sir Thomas Darcy; George Lumley; and Bulmer.[197] In his examination of a Yorkshire parson named Sir John Watts, Norfolk discovered that Chenye figured largely in at least one account of the events of 1537. On April 8, Norfolk wrote to Henry that he had arrested a number of the rebels and was sending them down to London along with witnesses to be interrogated. Among these was Sir John Bulmer, his "pretended wife," and their chaplain, Sir William Stanious.[198] They were all placed in the Tower where they would have enjoyed far less genteel accommodations than had Boleyn. Sir John Watts, who was familiar with Stanious, was examined first. Watts testified that he asked Stanious if his master had turned against the king and Stanious replied that Bulmer would not have if not for his wife. According to Watts, Cheyne begged her husband not to leave her and answer the summons in London and that "sche schewyth thynges and tryffulls and makes hym beleve that he may do that thynges that is unpossybyll," thereby inciting an otherwise loyal and humble man to reach above himself and consider treason.[199] Additionally, Watts asserted that the chaplain had told him that Bulmer had declared he would rather die in the fields as a martyr than be executed in London.[200] Watts asserted that he cautioned Stanious against falling in love with her less she turn him mad, thus cementing this portrayal of her as a manipulative, seductive, and thoroughly wicked traitor.[201] Despite the incriminating testimony, Watts' evidence was not included in the state's case

[195] Ibid., 7.
[196] Sharon Jansen certainly posits this in her section on Margaret Cheyne in *Dangerous Talk*.
[197] Jansen, *Dangerous Talk*, 5.
[198] *L&P* XII Part 1, no. 870.
[199] Ibid., no. 1084.
[200] Ibid.
[201] Ibid.

probably because it was secondhand information, as he had witnessed none of the Bulmers' statements.

Stanious was questioned directly about what he knew. He confirmed that Cheyne was unwilling for either her husband or herself to answer the king's summons, saying that she would rather be torn in pieces than go to London.[202] She also asked Stanious if the commons would rise again, apparently hoping for a successful uprising to prevent her from needing to attend to the king's request. She even told him she hoped her husband would lead it and that if Norfolk's head were "off" the rebels could go where they wanted.[203] Bulmer was examined twice and in the first interrogation he discussed the various seditious bills he collected on behalf of the crown, but in the second, perhaps faced by evidence given by Watts and Stanious, he revealed more. He admitted that his son, Sir Ralph Bulmer, had informed him that the rebels were being rounded up and punished contrary to the king's earlier assurances of safe conduct and that "all was falsehood."[204] He also confessed that he had received seditious letters that he had not revealed to Norfolk. Additionally, he confirmed others' testimonies saying that Cheyne had counseled him to leave the realm rather than answer the summons if there were no further rebellions because she did not want to part from him. And most damning of all, Bulmer admitted that Cheyne had told him that if Lumley and other gentlemen rose up in rebellion "he must do the like" or join Bigod.[205]

Finally, the examiners questioned Margaret Cheyne. Though she allegedly had noble blood in her veins, like many others she was not accustomed to being in the eye of a political storm. She was being accused of inciting a man to rebel against his king and one must imagine the examinations were frightening for her as well as for all of them. She admitted that she had mused that the commons lacked a head to lead their rebellion. Further, she testified that she did urge her husband to ignore the summons and more than that, she encouraged him to leave the country. Cheyne confessed she asked Bulmer to find a ship to take them both to Scotland where they would be out of the king's reach and free from his summons and his punishment. This seems an understandable reaction when Cheyne's circumstances at the time are taken into account. She had four small children, one of which had just been born in January, and her husband was being summoned to London after his participation in a rebellion.[206] Whatever promises the king gave, he broke; Cheyne knew her husband would not be returning.

With these testimonies, the king and Cromwell proceeded with the prosecution. Cheyne, Bulmer, Sir Robert Constable, Bigod, Sir Thomas Percy, Hamerton, Aske, and Sir Ralph Bulmer were arraigned on May 14, indicted the next day and tried on May 16. Cheyne, along with the men, per the indictment, was charged with conspiring to "deprive the King of his title," and assembling to levy war in October 1536 and on January 21, 1537. Bigod and Lumley were accused specifically of making "divers traitorous proclamations" to gather an army which they did on January 22, 1537.[207] While the others pled not guilty and proclaimed their innocence, Cheyne and Bulmer, along with Hammerton and Percy pled guilty. This was almost certainly

[202] Ibid.
[203] Ibid.
[204] Ibid.
[205] Ibid.
[206] Jansen, *Dangerous Talk*, 32.
[207] *L&P* XII Part 1, no. 1084.

because they had been assured they would be given leniency. None was given and all were sentenced to death. The men were taken to Tyburn where Bulmer and Hamerton were hanged and beheaded. Tempest, Cockerell, Thirsk, and Pickering were hung, drawn, disemboweled, and quartered. Chenye, on the other hand, was taken to Smithfield (the London meat market) and became the only female traitor under Henry VIII to suffer the prescriptive punishment: being burned alive at the stake. Sir Ralph Bulmer, who had urged his father not to come to London and had accused Henry VIII of lying, was returned to the Tower without judgment.[208]

Taking into consideration Tudor law, and which laws were broken according to the indictment and formal charges, Chenye was not guilty of what she was convicted and was therefore illegally executed. In fact, she had committed treason but was not charged for it. She was charged with (along with the men) conspiring to deprive the king of his title and assembling to levy war in the fall of 1536. Whereas she could be accused of conspiracy per her words to Stanious and by Bulmer's admission, neither of those conversations happened in October; rather, they took place in January which was not covered in either the indictment or the official charges. Furthermore, under the 1534 treason statute for her words to have "constructed" treason they had to be spoken maliciously which neither Stanious nor Bulmer depicted as her state of mind. In Bulmer's testimony and in her own, she urged him to depart the country and ignore the summons in order to stay with her. As the Bulmers claimed, she did not incite her husband to revolt and attempt to depose the king, instead Chenye encouraged him to take the measures necessary simply to keep him close to her and away from danger. She did not want him to rebel, she simply wanted her husband to stay close to her. Neither Bulmer nor she realized that what she was asking was treason. They did not recognize the significance of what she had said or how the crown would perceive it. Where the indictment does address treasonous activity in January 1537, the prosecution specifies the actions of Lumley and Bigod and those actively assembled on January 22, 1537. Chenye was not present that day, therefore the second half of the indictment does not apply to her. Thus, the legal niceties of this case were ignored when it came to Margaret Cheyne. Though she intended no treason, she became an example to any woman who would encourage rebellion. Henry VIII could not have picked an easier female victim and exemplar than Chenye. Unlike Katherine Howard, Lady Rhys, Lady Anne Hussey, and Percy's mother the dowager duchess of Northumberland, all of whom participated in larger and more public ways in the Pilgrimage of Grace, Cheyne had no one to defend her interests, no large and important family to protect her as the other women had.[209] She was just anonymous enough that no rebels would mount a revolt at her treatment, yet she was married into a local gentry family with a name sufficiently recognizable to serve as a warning.

Elizabeth Barton, Anne Boleyn, and Margaret Cheyne were all perceived to pose considerable threats to Henry VIII in the 1530s and in retaliation they were executed. All three cases were legally murky, but what they had in common was words, or passive treason. Barton and Boleyn were the victims of Henry VIII's need for a legitimate male heir. His actions necessitated a change of the treason statute to include words. The inclusion of verbal treason in the statute of 1534 was the only recourse for all the chatter and angry muttering all over England in response to the devastating changes the king had made in his subjects' lives. Cheyne was a casualty of the new law. All three were punished for verbal treason, with the result that their

[208] Ibid.
[209] See Jansen, *Dangerous Talk*, 23-30.

words established precedents and helped to define and later stretch the treason statute to be interpreted to fit the king's political needs. They followed the established model for female crimes and women's treason and though their level of infamy was new in terms of treason, their brand of committing these political crimes was not. These cases showed how the crown could use the law to eliminate political threats. Additionally, these three cases highlight just how singular the 1538 Pole/Courtenay case was. Salisbury and Courtenay were the first women in the Tudor era to be charged with treasonous actions. Indicted under a treason statute which had been expanded precisely to include "women's crimes" of slander, they were still found to have acted like male traitors. Thus, in the service of the sovereign, treason came to lose its traditional gender associations and became a gender neutral crime by which troublesome women and men could be eliminated for their passive words or their active deeds as threats to the realm and the sovereign in particular.

Chapter Four: Two Noble Families of Henry VIII's England

Prior to 1538 the story of the Pole and Courtenay families followed a familiar early sixteenth-century trajectory. They were typical of the upper nobility, heavily involved in both court life and Tudor politics. Walking the line between serving their own interests and those of Henry VIII, they played a political chess game that would have come naturally to them. Over the previous decades both families had survived a waxing and waning of royal favor that threatened their positions as powerful landed nobility with clear claims to the throne. The families were intertwined through ancient bloodlines, marriages, and political allegiances. Like so many other noble families the fortunes of the Plantagenets, and their descendants the Poles, and the Courtenays, were greatly reduced by the previous century's wars and then by Henry VII. After the 1509 ascension of Henry VIII and as part of his wave of noble restoration their position and status were elevated. Through grants, annuities, gifts, wardships, and places at court, Henry VIII was responsible for their dramatic rise and subsequent gains. On a personal level, he was close to several of them. Not surprisingly, the king was both hurt and infuriated when they appeared to reject him and his munificence in 1538. Henry VIII believed that these two families, to whom he had given everything, owed him their complete loyalty.

This chapter will explore the lives of the aristocracy under Henry VIII using the Poles and Courtenays and the leaders of these families as representative examples of Henry VIII's inner circle at court.[210] As the countess of Salisbury and the marquess of Exeter were the respective heads of their families, more documentary evidence is still extant for these individuals than their children and spouses, and they were each the quintessential example of a successful woman and man. Additionally, each was particularly close to the royal family. Exeter was a friend and advisor to Henry VIII from childhood through the 1530s and Salisbury was an intimate of Katherine of Aragon and later Mary Tudor's governess. This chapter demonstrates how much of a political threat to Henry VIII the families were both by virtue of their birth and wealth and by their political connections and religion. Additionally, it shows that the men and women were equally powerful and important. Salisbury, as the head of her family, an influential landowner, and scion of an ancient and royal family, was as much as a threat as was Exeter. There was no gender difference in terms of potential danger and thus there could be none in the definition and prosecution should they turn traitor.

Margaret Pole, the Countess of Salisbury

The Poles and the Courtenays lived in standard aristocratic fashion until 1538. They, like most nobles at the time, owed their good fortune to a combination of ancestry and favors from the king. The countess of Salisbury and the marquess of Exeter were born in similar circumstances and would later be viewed by Henry VIII as equally dangerous. Salisbury was the

[210] Biographical work on these two families is rare. Though briefly mentioned in political historiography, and often as a result of their treason trials, neither family was thought to have merited its own biography until Hazel Pierce's 2003 work on Salisbury. Helen Miller cursorily discussed Exeter in her 1986 *Henry VIII and the English Nobility,* but seldom is he mentioned anywhere else. Pierce, along with the chronicles, was the most helpful to me in piecing together Salisbury's early life as well as that of her children's. For Exeter, I relied on the chronicles and primary documentation. For descriptions of the typical life of a noble, see K.B. MacFarlane, J.L. McIntosh, and Kate Mertes. All other information I derived from the primary documentation cited in footnotes.

daughter of Isabel Neville and George, duke of Clarence, the brother of Edward IV. Isabel Neville was the daughter of Richard Neville, earl of Warwick, known in the fifteenth century as "Warwick the Kingmaker" for his successful political maneuverings during the Wars of the Roses. Salisbury was born at Farleigh Castle near Bath on August 14, 1473, and joined by a brother, Edward, three years later in February 1475. She was raised with all the trappings of a princess of the royal blood for the first five years of her life, until her father was executed in February 1478 for suspected treason.

Her family's status merited a mention of the situation in Hall's *Chronicle*, "there fel a sparkle of priuy malice between the king and his brother the duke of Clarence whether it rose of olde grudges before time passed or were it newly kyndeled and set a fyre by the Quene or her bloud which were euer mistrusting and priuely barkyne at the kynes lingage or were he desirous to reigne after his brother."[211] Another rumor involved a prophecy that the king would have his throne usurped. Taken together, Edward IV chose to act and the duke was arrested, placed in the Tower, and reportedly "was priuly drouned in a But of Maluesey," leaving behind his two young children who had already lost their mother two years previously.[212] And with the benefit of hindsight, Hall wrote, "Thys duke left behind two yonge infants…by destinye or by their awene merites folowynge the steppes or theyr auncestors succeded them in lyke misfortune and semblable yll chauce."[213]

Initially, however, from 1478 until 1483 Salisbury continued to be pampered and coddled but now under the care of her uncle, King Edward IV. When her other uncle, Richard III, ascended the throne, he viewed both her and her younger brother, Edward, the young earl of Warwick as a threat and raised them under his close supervision in Sheriff Hutton castle in Yorkshire. This was a place she might have known as it had previously belonged to her maternal grandfather before Edward IV granted it to his brother Richard in 1471. It was designed for defensive purposes and looked imposing, yet seems to have been comfortable and well appointed inside as befitted their status.[214] A few years later Henry VII also believed that both Salisbury and Edward were dangerous to his recently acquired power. After he won at Bosworth in 1485, the new Tudor king moved the children to his mother's household. Salisbury continued to be well educated and prospered even though a member of the defeated dynasty. She also spent time at Henry VII's court before being married in 1487 to Sir Richard Pole, a minor member of the gentry on his mother's side and friend of the king. Though in terms of social status the match was uneven, their marriage seems to have been a happy one. Additionally, it served Henry VII's purpose of having the daughter and sister of the Plantagenet heir to the throne under the control of one of the king's loyal retainers. Her brother was not so fortunate. A year later in 1488 the king arrested Edward and placed him the Tower where he remained for eleven years until his execution in 1499. A number of attempted rebellions, among them Lambert Simnel's and Perkin

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211 Edward Hall, *Hall's Chronicle: Containing The History of England During the Reign of Henry IV and the Succeeding Monarchs to the End of the Reign of Henry VIII, in which are Particularly Described The Manners and Customs of Those Periods. Carefully collated with the editions of 1548 and 1550* (London: Printed for J. Johnson; F.C. and J. Rivington; T. Payne; Wilkie and Robinson; Longman, Hurst, Reese, and Orme; Cadell and Davies; and J. Mawman, 1809*),* 327.

212 Ibid.

213 Ibid.

214 Pierce, 9.

Warbeck's, had used the young Edward Plantagenet as a rallying figure.[215] It was no wonder then that several decades later Henry VIII would look upon Salisbury with suspicion as she came from a treasonous line. She and her sons would always be viewed with a critical eye by the throne.

Salisbury and Richard Pole had five children, Henry (born in 1492), Arthur, Ursula, Reginald (all born by 1500), and Geoffrey (born in 1504). Henry, later Lord Montague, her beloved eldest son and heir, seems to have been her favorite.[216] They were very close, and she would have relied on him later in life. As the heir and eldest, Montague was a serious and dutiful man. He faithfully served Henry VIII though he later admitted he never had any affection for the king and certainly not for his principles. Until 1537-1538 Montague put his duty to the monarch above his personal feelings, a skill he would have certainly been taught. Arthur, as the second oldest boy, devoted his life to the enjoyment of his privileged status. He was a friend of Henry VIII in the early years of the young king's reign, served as a squire of the body, and by 1516 was part of the rowdy group of courtiers that surrounded the young king and irritated Cardinal Wolsey. In fact, Wolsey's purge of the boisterous young men of the privy chamber in 1519 included Arthur. By 1520 he was again being described as a squire of the body and of the privy chamber, so his friendship with Henry VIII did not suffer long-term effects.[217] Arthur was a skilled jouster and garnered a great deal of attention in tournaments in England and at the Field of the Cloth of Gold in 1520.[218]

The younger children led equally privileged lives. Reginald was the third son and from early in his childhood his intelligence and position in the family made it clear that he was destined for the church. Ursula, the only daughter, was measured and savvy enough to avoid the king's ire through two family debacles: the Buckingham case and the 1538 treason trials. She was close with her nieces, Montague's daughter Catherine in particular. Geoffrey, the youngest, was born soon after his father's death to a grieving and distressed mother, which must have affected their relationship and the role he played in his family. He was never as successful as his brothers, nor did they place much trust or responsibility in him. Through his mother's and the king's beneficence, he was awarded grants of land and office, but never acquired the brilliant careers of the other Pole men.

Salisbury and Richard Pole's marriage was spent traveling from court to the manors of Stourton Court in Staffordshire and Bockmer in Buckinhamshire, where Salisbury spent most of her time.[219] Despite his lands, when Richard Pole died in 1505 he left behind an impoverished widow without a place at court or a means to provide for her family. Salisbury was a close friend of Katharine of Aragon, whom she had met at court soon after the Spanish princess arrived in England in 1501 to marry Henry VIII's older brother, Arthur. This royal marriage only lasted a short while because Arthur died of tuberculosis weeks afterwards. Salisbury and Katherine

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[215] Famously, Edward has been labeled as insane or mentally disabled by contemporaries and subsequent historians as a result of Hall's description of him as a man who "coulde not descerne a goose from a capon" (Hall, *Hall's Chronicle*, 490). This is more likely because Edward was kept in prison for most of his life away from much personal interaction or because of Hall's need to exonerate his patron's father than any indication of mental illness or disability.
[216] Pierce, 74.
[217] Pierce, 86.
[218] Ibid.
[219] Ibid., 18

remained close, however: both had lost their husbands, status, and income. Perhaps overwhelmed by her situation, Salisbury left her children in the care of others and lived at the Abbey of Syon for four years from at least May of 1505 to May of 1509.[220]

In 1509 her fortunes changed dramatically again. After the smitten and practical Henry VIII wed his brother's widow in that year, Henry agreed to reward Salisbury for her loyalty. She was called to court along with her eldest son Henry, and given a royal annuity of £100, a princely sum in the sixteenth century. Three years later in December of 1515, Salisbury was restored to her ancestral lands and holdings and created countess of Salisbury in her own right.[221] Her restoration was certainly due to her friendship with Katherine but also may have been part of Henry VIII's efforts to gain support from the nobility by restoring lands and titles his father had removed from them. In 1513 her heir, Henry, was given charge of Medmenham and Ellesborough (both had belonged to his father) and the next year was knighted as Lord Montague, though he was not summoned to Parliament until 1529.[222] Her other sons also enjoyed a succession of royal favors. Her second son, Arthur, served at court as one of Henry VIII's young companions and in October 1524 was knighted by the duke of Suffolk.[223] In 1512 King Henry began to pay for Reginald's education, £12 to a Mr. Cole for school fees.[224] Reginald received his B.A. at Oxford in 1515 and was the dean of the Church of Wimbourne by 1518. On August 7, 1519, Father Edward Laborne, the schoolmaster of Wimbourne, sent Salisbury a letter informing her that Wimbourne was "not governed to the comforte of her son the Dean," owing to several disruptive persons.[225]

The king's favor meant that Salisbury never lived in poverty again. Along with the title came a large parcel of land in southern England, making her one of the greatest, wealthiest, and most powerful landowners in the country, a decision that Henry VIII would have cause to regret. As many aristocratic women did, she preferred opulent dresses and robes in black, lined with satin and sable. A 1538 inventory revealed she had at least three extravagant black gowns lined with fur and satin as well as several sets of satin and "martens" sleeves.[226] The countess when not at court lived at her grand manor at Warblington in Hampshire as befitted her status. She had an elaborately painted bedroom as well as a lavish chapel, a room within the chapel, a great hall, two parlors, a dining chamber, a kitchen, scullery, buttery and a number of receiving chambers, rooms for her servants, and rooms for guests. The inventory only specifies quarters for her male servants, but she would have had numerous female servants as well. Her granddaughters and wards would have slept in her bedchamber with her, or had rooms of their own. The castle was made of the newly fashionable brick and accented in stone.[227] Her inventory gave other

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[220] Sue Powell, through an examination of Lady Margaret Beaufort's accounts, discovered payments on a regular basis to Lady Margaret Pole at the abbey from 1505 to 1509 until a month before Beaufort's death. Sue Powell, "Margaret Pole and Syon Abbey," *Historical Research* 78 (2005): 563-567.
[221] *L&P* II, no. 1363.
[222] Pierce, 45.
[223] John Stow, *The Annales or Generall Chronicle of England begun first by maister John Stow and after him continued and augmented with matters forreyne and domstique, ancient, and moderne, unto the ende of this present yeere 1614 by Edmond Howes, gentlemen* (London: Inmpenis Thomas Adams, 1615) 521.
[224] *L&P* II. "The King's Book of Payments, 1512," 1455.
[225] SP 1/18 f. 235.
[226] *L&P* XIII Part 2, no. 838.
[227] Warblington Castle was destroyed in the Civil War in the seventeenth century, but one octagonal tower and a gate survive. A more extensive and detailed look at Warblington can be found in Pierce, 39-41.

indications of her wealth. She had a number of coffers that contained silk and gold that she used for her embroidery, one that held a case of silver knives and an elaborate silver service, a gold salt cellar (which may have been the most ornate item on her table when she entertained; salt cellars were another standard symbol of wealth and status that the nobility kept both to emphasize their affluence and to demarcate the social position of their guests by seating them at varying distances from the salt).[228]

Her wealth and status meant that she could arrange politically beneficial marriages for her children. Montague married Jane Neville, daughter of the powerful and wealthy George Neville, Lord Bergavenny. Arthur married Jane Lewknor, daughter of Sir Roger Lewknor. Geoffrey married Constance Pakenham, daughter of Lord Pakenham, another affluent noble, but it was Ursula who, in 1518, made the most advantageous (at the time) match of all when she wed Henry Stafford, heir to Edward Stafford, third duke of Buckingham and one of the most powerful nobles in England.

Henry Courtenay, Marquess of Exeter

Exeter was also reared in a manner befitting his birth and relationship with Henry Tudor. He was born in 1498 or 1499, the son of Sir William Courtenay and Catherine of York, who was one of Edward IV's daughters and the sister of Elizabeth of York, Henry VII's queen, making Exeter the cousin of Henry VIII as well as of Margaret Pole. His claim to the throne, as well as Henry VIII's and Montague's, was through a female line, making them equally eligible in the event of an insurrection or invasion. As a result, the family's fortunes rose and fell in the chaos of the Wars of the Roses. Both his grandfather and his father were attainted for treason, but exonerated by subsequent monarchs. Both proved their loyalty to Henry VII during the Perkin Warbeck uprising in 1498: "Edward Courtney, earle of Devonshire and William his sonnse …came into the citie of Excester to helpe the Citizens so that the Earle was hurt in the arme with an arrow….When Perken saw he could not winne the Citie of Excester, he went from thence to Tawnton."[229] Edward Courtenay, Exeter's grandfather, had been a loyal subject of Edward IV but joined Henry Tudor in the revolt against Richard III in 1483. The next year he was attainted for treason by Richard III, but after Richard III's defeat and death at Bosworth, he was knighted and created earl by the victorious Henry VII. He remained loyal to King Henry VII. In contrast, his son, William, Exeter's father, was charged with treasonable associations with his friend Edmund de la Pole, earl of Suffolk, and placed in the Tower in 1502.[230]

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[228] *L&P* XIII Part 2*,* no. 838; *L&P* IV Part 1*,* no. 100.

[229] Stow's *Chronicle*, 481.

[230] Edmund de la Pole, earl of Suffolk (no relation to Sir Richard Pole) and another Plantagenet claimant to the throne, was impoverished by the Tudors when Henry VII became king. Despite this, he remained loyal to the monarch and led armies on his behalf against smaller uprisings in 1497. He was indicted for the murder of a man named Thomas Crue in 1498 in a case that involved, among others, his friend William Courtenay. Suffolk fled the country without royal permission in 1499 to Picardy where his aunt, Margaret of Burgundy held court. She, of course, was already out of favor with Henry VII for supporting Perkin Warbeck in his unsuccessful bid for the throne. Suffolk returned to England under the impression that his peaceful submission would result in leniency and restitution, which it did after he paid a fine of £ 1000. By 1501 his restlessness and dissatisfaction led him to defect to the continent, this time with his brother Richard. The de la Poles took refuge at the court of Holy Roman Emperor Maximilian, whom they believed would support their claim to the English throne and accordingly began to plot an invasion. Henry VII defended his throne by rounding up Suffolk's friends, including William Courtenay. Per the treaty Emperor Maximilian signed at Augsburg, the emperor agreed in 1502 not to harbor English fugitives, though

William Courtenay was attainted by an Act of Parliament in 1504 and transferred to Calais where he remained as a prisoner from 1507 to 1509, when he was released and pardoned by Henry VIII. As further demonstration of the family's loyalty to the king, in 1509 William's father Edward included the following provision in his will: his son would only receive his inheritance on the condition that "he do obtain the king's Grace and Pardon and be at his Liberty and after that as long as he doth observe and keep his due allegiance to the king our Sovereing Lord and to his heirs kings of England."[231] In any case, in 1511 Henry VIII restored his ancestral lands and title, though William died before his attainder was officially reversed in Parliament. The title and lands then passed to Exeter who was richly rewarded for his years of loyalty and friendship to the young king. Like Salisbury, Exeter was both an asset and liability to the throne. From the early years of Henry VIII's reign through the early 1530s, Exeter's birth and position (despite his father's treason) was a boon to the king as long as Exeter supported the monarch. After the divorce, however, Exeter's Catholicism and relationships at court came to cause Henry VIII to regard Exeter as a potential enemy, though Exeter would remain at court and on the Privy Council until the late 1530s.

Though a son of an accused traitor, Exeter, as the first cousin of Henry VIII, was raised alongside the young prince, brought up with "his Grace in his chamber" as it was described in the sixteenth century.[232] Despite his father's perceived treachery, Exeter remained a close friend and confident to Henry VIII for decades. Initially their bond mitigated any early worries about another heir to the throne, as Henry VIII had been assured of Exeter's devotion and love since childhood. Exeter would have partaken in court rituals particularly as Henry Tudor was raised to be a prince, not a king. For the first ten years of his life, Henry VIII had grown up in an atmosphere of complete luxury and power without any of the looming responsibility that weighed on his elder brother Arthur. Exeter, in addition to the martial training that legitimized his aristocratic position, would have received the humanist education that Henry had given. In order for men to serve in the king's administration, Parliament, and certainly on the Privy Council, they would have had to been highly educated.[233] A noble man was, in effect, a soldier. He was raised with the understanding that he would one day have to serve the king, the ultimate warrior, in battle. The two cousins were particularly close and Exeter lived and traveled with the young prince when he ascended the throne. He journeyed to France as a member of the official court in 1522 when Charles V visited, fought for his king in the North and even acted as a royal hostage in 1536 during the Pilgrimage of Grace.[234]

On June 16, 1525, in the same ceremony in which Henry Fitzroy was created Duke of Richmond, "The earl of Devonshire was also created marquis of Exeter. He was led in, in a

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he housed Suffolk for a few months following the pact. Suffolk was captured by the duke of Gueldres, returned to Calais in 1506, and then transferred to the Tower of London. He was executed in 1513 after his brother Richard's aborted attempt to claim the English crown. Sean Cunningham, "Pole, Edmund de la, eighth earl of Suffolk (1472?–1513)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, http://www.oxforddnb.com/view/article/22446 (accessed September 25, 2011).

[231] Devon Record Office 1508 M/ Devon Wills 8.

[232] *L&P* IV, no. 1939.

[233] K.B. McFarlane, *The Nobility of Later Medieval England: The Ford Lectures for 1953 and Related Studies* (Oxford: Clarendon Press, 1973), 236.

[234] *L&P* X, no. 494.

marquis' robes, between the duke of Suffolk and the marquis of Dorset."[235] That he was awarded such a rank alongside Henry VIII's beloved illegitimate son speaks to the high regard in which the king held him. Later, he was a valued member of King Henry's inner cabinet, served on the Privy Council, and was a constant companion to the monarch. Exeter was first married to Elizabeth Grey, viscountess of Lisle who died in 1519.[236] In 1521 he married his second wife Gertrude Blount, the daughter of William Blount, Lord Mountjoy.[237] They had one son, Edward, who was born in 1526 and was notably named after his Plantagenet great-grandfather, rather than his grandfather whose loyalty to the Tudors had not always been clear. Salisbury and Exeter possessed many characteristics common to the women and men of the upper nobility: birth and education, how they lived, their relationship with the king, participation in government, income, but also the occasional misstep along the way. Their Plantagenet blood and the confidence and loyalty it engendered made their mistakes exceptionally dangerous.

An Aristocrat's Sources of Power: The Manor, London, and Court

For the upper English nobility, there were three centers of power that needed to be maintained. The first was the manor seat and the source of wealth. The second was a household near the central court in London and the third was at the court itself. The center of a noble's life was the manor seat. This was also the center of a noble's martial power with hundreds and perhaps thousands of loyal retainers and from where, under past monarchs, large scale rebellions and insurrections had been launched. Whether the family lived at court full time or not, it was necessary both practically and politically to have a functioning manorial household. The vital skill of maintaining personal authority and political maneuvering began at home, running not only a household but a series of demesnes as well. What must not be underestimated was the training and intelligence required to run an extended household such as Salisbury's. In her husband's absence, and after his death, a widow would manage retainers and servants, oversee their tenants, pay tithes and taxes and settle any disputes that arose on the demesnes. As the lord of the manor, after her husband's death, she was responsible for managing not only her lands, but also those who lived on them. She would have adjudicated disputes among her tenants and learned to deal with her powerful neighbors, both skills that helped her at court.[238] Though according to the customary gender stereotypes, it would have been considered "unwomanly" for Salisbury to handle many of these matters, as the head of a family, land magnate, and "lord" of the manor, she essentially functioned as a man. All of this would have made plausible an active role in the treason case of 1538.

Tudor historians have identified two types of household: the "riding household" and the "inner household." The riding household travelled, either with the king as part of the court or as a separate unit, to war, abroad, to baronial courts, or to other manors belonging to the family.[239] In the sixteenth century the households split as the two no longer travelled together. Usually, the

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[235] BL Add. MS 6,113 f.61.
[236] BL Cotton MS Vesp. C.1. f. 274 in cipher and translated in *L&P* III, no. 312; BL Cotton MS Vit. B. XX f. 181.
[237] E.W. Ives, *Anne Boleyn,* 125.
[238] J.L. McIntosh, *From Heads of Household to Heads of State: The Preaccession Households of Mary and Elizabeth Tudor: 1516-1558* (New York: Columbia University Press, 2009), 11.
[239] Kate Mertes, *The English Noble Household, 1250-1600: Good Governance and Political Rule* (New York: Basil Blackwell, 1988), 132.

riding household then was comprised of a lord and his retinue and was intended to be its most impressive when on the move.[240] It was meant to be a show of power for both allies and enemies, intended to influence perception of the particular lord, especially among those who might have been inclined to attack. This made the riding household, in effect, a small scale moving army easily turned to challenge the king. Exeter and occasionally Montague, Arthur Pole, and Geoffrey, travelled with Henry VIII around the country and abroad to France, so Exeter was most often a part of the most important riding household in the kingdom. Montague, Geoffrey and Neville would have traveled with their own riding household, when not simply alone with a few men.

From the late medieval period through the sixteenth century, the term household encompassed two groups of people, or political and economic "abstractions."[241] The household contained two categories: the affinity and the family. The affinity was the broader term and included tenants and neighbors, retainers, and clients. The term "family" referred to those who lived in the central household itself, those live-in relatives and servants. Often noble families and their servants had been together for generations and shared a relationship more like kin than employer/employee. Exeter's grandfather was close with his household and in his will, he specified "my household be kept by the space of one year after my decease for those that will honestly continue for their succour after the discretion of mine executors."[242] At the time of his arrest in 1538, Exeter had over one hundred and forty-four in his employ including yeoman, launderers, a "rocker" and a keeper.[243] In 1538 Salisbury maintained and employed seventy-one people in her household including her granddaughters, Lady Margaret Stafford, Ursula's daughter; Winifred, Montague's daughter; Mary and Margaret, Arthur's daughters; and Katherine, Geoffrey's daughter.[244] All combined to serve as a loyal political and familial network that a noble could rely on in times of trouble. Additionally, all servants were required to swear an oath in a formal ceremony to their overlord, which made them a potential danger to the king if their overlord was inclined to rebel.[245]

The household also served as a self-contained religious community led by the lord or lady of the manor. Most upper nobility employed their own priests to serve them in their own chapels. What would become a dangerous practice in 1538, keeping a priest and saying mass in one's manor, was common in the early sixteenth century. Salisbury as a fervent and later unrepentant Catholic employed "a company of prestes" in her household. So devout was Salisbury that she disavowed any religious texts in English by not allowing her household to possess them.[246] Cromwell's spy, Gervase Tyndall, was informed that this cabal of priests "dyd her muche harme and kepte her [from] the trewe knolyche of God's Word."[247] Thus, Salisbury's open defiance of the king's religion was common knowledge in the neighborhood. In addition, her main rector, John Heylar, vociferously disagreed with the king's new religious policies and was accused of

[240] Ibid.
[241] McIntosh, 6.
[242] Devon Record Office 1508 M/ Devon Wills 8.
[243] *L&P* XIII Part 2, no. 754.
[244] *L&P* XIII Part 2, no. 838; SP 1/139 f. 83.
[245] Again, this serves to show how very frightening Cromwell's interrogations would be and how fearsome his reputation must have been for servants to break their oath and testify against the Poles and the Courtenays.
[246] BL Cotton MS Appendix L f.82.
[247] Ibid.

treason. Heylar later escaped from England and incurred Henry VIII's ire by meeting with the presumed traitors, Reginald Pole and Hugh Holland, which could have reflected on Salisbury's loyalty as well.

Exeter also kept his own Catholic chaplains and had an elaborate chapel at his seat at Horsley. According to a 1528 inventory, Exeter possessed a number of velvet vestments with crimson crosses in silver and gold thread, some green velvet vestments with an image of the Virgin Mary and Mary Magadalene embroidered on them, ten linen altar cloths, four printed mass books, two matins books that belonged to the marchioness, various silver chalices and gilt, and furniture for the chapel and books. The Latin religious works cited were *The Appostelar, Ortus Vocabulorum*, *Catholicon,* and *Legenda Aurea*. Though his house was lavishly decorated, it is clear from the inventory that this well-appointed and cared for chapel was a priority and was a visible symbol of his disagreement with the monarch's break with Rome.[248]

A Noble Family's Income and Expenses

Being part of the nobility was an expensive venture. Obvious displays of wealth were a main part of being a noble, as one had to demonstrably prove himself or herself worthy of the title. Nobles also needed to pay their retainers and clients, travel to and from various obligations, host the king and his retinue, and supply their household. Along with the monetary obligations to the household and others in a noble's network, the largest expenditure was food. They needed to feed themselves, their families, and any guests that they entertained. This could come to an enormous sum, particularly if the king visited on progress, which he did at Warblington. Housing and feeding the king's retinue could bankrupt a noble family for years.

Most noble income came from the lands they had inherited or held at the king's favor, which could be removed at the king's pleasure, and Exeter and Salisbury's families were among the most favored in the realm. With the regular instances of death and attainder for treason (particularly in the 1530s) as well as the dissolution of the monasteries between 1536 and 1541, manors and lands were in constant flux under Henry VIII. The king used these as bribes for political capital by regularly gifting them to his aristocracy. In times of war, plunder and rewards of land were not only a source of new wealth but also a vital way of strengthening the bond between the nobility and the monarch. After fighting alongside Henry VII, Salisbury's husband, Sir Richard Pole, had been given a place at court, manor houses, and grants of office, not to mention an heiress to marry. After the duke of Buckingham was convicted and executed for treason in 1521 Henry VIII seized his numerous holdings and distributed them to his loyal retainers. Exeter was a particular beneficiary. In 1522 Exeter received the manor of Calilond in Cornwall from Buckingham's lands.[249] In the summer of 1525, along with the title of marquess of Exeter, he was given the manor of Dertyngton in Devon.[250] A few months later in August Henry VIII gave Exeter a more lucrative holding: the mansion in the gardens of St. Lawrence Parish in London and the patronage of the college of St. Lawrence, previously owned by Buckingham, as well as the manor with the inauspicious name of "Coldhardborough" in the parish of All Saints which had belonged Buckingham but had been held by the earl of

[248] SP 1/46 ff. 51-56.
[249] *L&P* III, no. 2482.
[250] *L&P* IV Part 1, no.1432.

Shrewsbury.[251] The year before, as the earl of Devon, Exeter was given another kind of gift in the form of a wardship of "Roger, son and heir of Anthony Buttiside." This ceded him control of any lands the heir possessed until the boy's majority and control over the boy's marriage contract.[252]

The sale of grain and wool from these lands made up the majority of their revenues, though tenants on their land also were a source of a small percentage of their earnings. Exeter and his wife co-leased a mill to "John Hille of the pirshe of Branghyyng in the countie of Hertford myller" and "his exeentowrs and a signes" on January 1, 1531.[253] Nine years earlier, Exeter had leased the Liston bailiwick (an area under the jurisdiction of a bailiff) to his servant Haydon (who was probably then made bailiff) for £173 a year.[254] Extant records for Exeter and Salisbury's rents to local yeomen reveal this was a common transaction between local nobility and those who lived near them.[255]

Another major source of income came to the nobility directly from the king in the form of annuities, gifts, and grants. The Poles and the Courtenays certainly benefitted in this way on more than one occasion. Salisbury's annuity in 1509 from the king was the first of many monetary favors that her family would receive. In 1512 her son the young Montague, received forty shillings for delivering a gift to the king from his mother.[256] In addition, Henry VIII's courtiers were well rewarded for doing favors for the king. Exeter received compensation for "brynge a couple hounde," and bringing another "blak hounde" in the summer of 1530.[257] In December 1530 Elizabeth Darrell, a friend of Gertrude Courtenay, was rewarded for "the bryng of chese to the kyng to Hampton Corte," while Salisbury was paid for gifting Henry VIII with a "brace of blak dogge" in August 1531.[258] They also repaid each other for gifts. In 1525, Exeter's accounts showed he paid two of Salisbury's servants for delivering a "leash of lanners" or falcons from the countess.[259]

Annuities, subsidies and wardships were also bestowed either for good service in the past or to ensure loyalty in the future. In 1520 Montague received a subsidy. Seven years later in March 1527 Henry VIII levied a subsidy for Salisbury in the amount of £1,220 a year, and Sir Edward Neville received £2,201 a year.[260] On September 29, 1520, Henry VIII granted Exeter an annuity of £66, thirteen shillings and four pence.[261] The subsidies were awarded for assorted reasons and the varying amounts most likely resulted from the amount the king had given the two families previously or his relationship with the subject.

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[251] Ibid., no. 1610.
[252] *L&P* IV Part 1, no. 546**.** Wardships ended for young men when they attained their majority and young women when they married.
[253] E 312/12/ 52. This lease is unusual because the marchioness is noted in the contract as a co-leaser, whereas normally the contract would be between just Exeter and the miller. Perhaps these lands served as part of her dower.
[254] *L&P* IV Part 1, no. 2332.
[255] The records are short and written in a legal formula. They simply identify the lessor and lessee as well as the location of the plot of land and terms of the lease.
[256] *L&P* III Part 2, The King's Book of Payments, 1454.
[257] BL Add. MS 20,030 f. 33.
[258] BL Add. MS 20,030 f. 48 and f. 81.
[259] SP 1/23 f.123 A.
[260] *L&P* IV Part 2, no. 2972.
[261] SP 1/21 f. 60-63.

Grants of office and commissions were another mutually beneficial exchange between the monarch and the nobility. In this mutually beneficial feudal relationship, the noble was given more land, authority in those lands, and in return the king could expect him to settle disputes and to quash any smaller rebellions, insurrections, or disturbances. By virtue of this office, nobles also became the justices of the peace whose duties included investigating local treason cases. In other cases, taking it away often indicated the king's desire to neutralize potential rivals in his nobility. Grants of office conferred status, power, and meant a great deal of work.[262] For decades, the Poles and the Courtenays prospered. Exeter and Montague were often on the receiving end of these grants, which demonstrated the trust Henry VIII placed in them. Geoffrey was given a few grants of office as well. From 1528 through the mid 1530s, Henry VIII granted Montague commissions of the peace in Dorset, Somerset, Sussex, and Wiltshire, among other places. This gave Montague responsibility for keeping the king's peace.

Exeter also received commissions of peace all over England, but neither Exeter nor Montague were expected to attend every judicial commission; they often sent trusted retainers instead and only occasionally were present in person. Along with smaller commissions of peace in Cornwall and Kent, in July 1525 Henry VIII granted Exeter "To be commissioners and assessors of all lands now accessible and of all stannaries tolls of tin, moors and wastes belonging to the duchy in Cornwall and Devon as well those which were leased to freemen as those held by bondsmen," which would have brought in a steady and large income from tolls and profits.[263]

In the Service of the King

The upper echelons of the English nobility were a relatively small group. They travelled with Henry VIII, lived with him, governed with him, fought with him, and leisured with him. Their close proximity to the center of power could be both an asset and a threat to the king if these nobles, who knew so much about him, chose to turn against the throne. In the early years of Henry VIII's reign, the Poles and Courtenays, along with a few other families, enjoyed a close and intimate relationship with the king at court. The daily liveries (account rolls) for October through December in 1519 at Greenwich show that Exeter and the countess of Salisbury regularly attended breakfast with the king, queen, and Princess Mary in their private chambers.[264] In the early sixteenth century, public dinners took place in the Presence Chamber, but breakfasts and lunches in the privy chambers were reserved for only those courtiers who were in Henry VIII's inner circle.[265] Exeter was involved in major policy decisions first as part of Henry VIII's inner circle and later the Privy Council; Montague, Geoffrey Pole, and Neville travelled with the king to Calais and attended diplomatic meetings. When Henry VIII journeyed to France, he needed an impressive court to accompany him as part of the display of wealth and power. Geoffrey Pole mentioned in his 1538 depositions that he had snuck over and hidden in his brother's chambers, likely in an effort to strike a favorable relationship with some of the

[262] Miller, 164.
[263] *L&P* IV Part 1, no. 1533.
[264] SP 1/19 ff. 85-87 and ff. 117-118.
[265] Simon Thurley, *The Royal Palaces of Tudor England: Architecture and Court Life, 1460-1547* (New Haven: Yale University Press, 1993), 122.

powerful nobles there, though how he planned to do this remains unclear.[266] At Calais in 1519 Exeter was one of the earls elected to serve at the main congress with Francis I.[267] At the 1520 meeting at Gravelines between Henry VIII and Charles V, Exeter was again selected to wait on the king, as he was in two year later when Charles V came to Canterbury and Windsor in July 1522.[268]

Salisbury and Exeter's wife, Gertrude Courtenay, were close friends of Katherine of Aragon and continued to be after she was replaced with Anne Boleyn. Each one of this group was alternately trusted with important and symbolic duties. In 1519 Salisbury was given a great honor when she became governess and Lady Mistress of the household of Princess Mary from 1519-1521 and 1525-1535. In June of 1520 the young princess and Salisbury received an entourage of French ambassadors at Richmond.[269] Five years later, in July 1525, Katherine of Aragon wrote to her daughter and bade her "recommend me to my lady of Salisbury" who had rejoined Mary's household after an absence caused by the Buckingham fallout.[270] As governess, Salisbury evidently brought along her daughters-in-law as part of Mary's riding household. A note cited the women traveling with the Princess Mary to her court in Wales and included Salisbury's daughters-in-law, "Mrs Katharine Montecue, Mrs Elizabeth Poole, Mrs Cunstance Poole," all of whom were to be provided with black velvet as compensation.[271] In June 1533 Salisbury and Gertrude Courtenay had been part of the coronation of Queen Anne (though it is not hard to imagine how they felt about that duty) when "every marchionesse put on a demy coronel of Golde, and every Countesse a plaine circle of gold without flowers."[272] A few months later, Gertrude Courtenay was given a public honor at Princess Elizabeth's christening. She was made godmother to Elizabeth and the "first sire John Dudley bare the gift of the Ladie of Excester" as part of the procession.[273] Exeter was made Constable of Windsor Castle on April 10, 1535, a position entrusted only to the most favored courtiers. He earned £30 a year and was responsible for the safety, security, and upkeep of the castle.[274] This position revealed just how much trust Henry VIII still placed in Exeter as Windsor was one of the most ancient, strongest, and defendable of the king's castles.

The king also occasionally stayed at their houses while on progress. In 1526 the king and his riding household made a last minute visit to Warblington. The earl of Southampton, William Fitzwilliam, wrote to Wolsey and informed him that the parish they were intending to visit was afflicted with plague so they would be staying at Warblington instead.[275] Hosting the king's

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[266] SP 1/138 ff. 213-230.
[267] SP 1/19 f. 235-236.
[268] SP 1/24 f.161-209.
[269] BL Cotton MS Caligula D. VII. f. 231.
[270] BL Cotton MS Vesp. F. XIII f. 72.
[271] *L&P* IV, no. 1577.
[272] Stow, *Chronicle*, 566.
[273] Richard Grafton, *Grafton's Chronicle; or History of England (to which is added) His Table of the Bailiffs, Sheriffs, and Mayors or the City of London From the Year 1189 to 1558, Inclusive.* London: Printed for J. Johnson, F.C. and J. Rivington; T. Payne; Wilkie and Robinson; Longman, Hurst, Rees, and Orme; Cadell and Davies, and J. Mawman, 1809), 1220. Though Eric Ives speculated this was an intentional and malicious move by Henry VIII as Courtenay was required to give expensive presents to the daughter of the woman who had usurped her friend Katherine of Aragon.
[274] *L&P* IX, no. 476.
[275] SP 1/39 f. 1.

riding household was an enormous expense and required a great deal of room and organization. Salisbury's manor must have been impressive for it to be able to handle a last minute visit from the King and his court. It also reveals much about her talents that her household was both ready and able to host that many people and an exacting monarch. Such visits also represented a sign of royal favor. One of Montague's later complaints about Henry VIII in 1538 was that since 1526, Henry VIII had not returned to visit his mother at Warblington, though on several occasions he had been only two hours away.[276] Henry VIII and his household also had been planning to visit Exeter's manor of Horsley in 1528, but when the king learned "my lady Marquese of Exeter is sick of the sweat" he hastily moved elsewhere, such was Henry VIII's horror of disease and the sweating sickness in particular.[277]

Court life and friendship with the king came with other benefits.[278] In 1519 after his first wife died, Exeter remarried and to celebrate Henry VIII arranged a small tournament with jests in honor of his cousin's second marriage.[279] Additionally, Henry VIII acted as a royal bank by lending money to his friends and courtiers, including Salisbury. An account entry book from February 1521 shows that under a heading "Casual Obligations" she owed him over £ 2,331.[280] Two years later, she had not yet repaid the debt.[281]

The Perils at Henry VIII's Court

Life at court with an English monarch could be volatile for even the most skilled of courtiers. Under Henry VIII, especially during the late 1520s and 1530s, court life was dangerously unpredictable. Despite the close connection between the Poles, Courtenays, and the king, being a Plantagenet at the Tudor court was a bit like walking a tight rope. For Henry VIII, there were strong political advantages and disadvantages to having members of the last ruling dynasty so close and so favored at his court. On one hand, it gave the appearance of a strong monarchy, one in which the previous ruling family was subservient to the new dynasty. Part of the reasoning behind the king's generosity was to create a class of nobles dependent on and beholden to him. He had raised these two families up not only so that they would owe him everything, but so that he could watch them. For the Plantagenets at court, it gave them the appearance of influence and kept them near the center of power, often able to influence the king's thinking and benefit from his generosity.

The disadvantages, on the other hand, were threefold. For Henry VIII, the first was having a popular and formerly royal family too close to the throne with potential heirs theoretically poised to take over in the event of an insurrection. This threat became immediate as the years stretched on with no male heir to the throne. For the Poles and Courtenays were not

[276] SP 1/138 ff. 213-230.
[277] SP 1/49 f. 99.
[278] Not only were such families expected to look the part of a wealthy and powerful courtier, Exeter's records reveal they were also supposed to participate fully in the court's leisure activities as well. Exeter's household accounts reveal his propensity for card playing and gambling. In his June 1525 ledger his household manager had a standing entry for multiple pay periods for £ 20, 3 pence for "playing mony" or to "play at cardes."[278] The frequency of the entry suggests that Exeter's enthusiasm for cards outweighed his talent.
[279] *L&P* III Part 2 "The King's Book of Payments," January 15, 1520, 1551.
[280] SP 1/21 f. 194.
[281] *L&P* III Part 2, no. 3694.

lacking sons. Salisbury had four and Exeter was healthy with one young son, Edward, and the possibility of more sons to come. Secondly, not only were the Plantagenet heirs powerful, wealthy, and free from dynastic concerns, they were fervent Catholics. Until the late 1520s this, too, would have been an unremarkable characteristic but after the split with Rome strong adherence to the old faith could signify treason. For the most part, Catholic nobles were still allowed to practice their faith privately as long as they swore the Oath of Supremacy and supported their monarch. Only when Mary Tudor and Reginald Pole defied the king did the Poles' and Courtenays' overt Catholicism arouse suspicion and enrage Henry VIII.

Beginning in 1533 Mary Tudor, with the aid of Salisbury, began to defy her father and his closest advisor, Thomas Cromwell. The past few years had been nightmarish for the teenage princess. Her mother was set aside for her father's paramour and her father, his Council, and Parliament had declared her illegitimate. She was removed from court, her father's affections, and favor. A series of letters between John Hussey and Cromwell reveal a struggle over even Mary's jewels and plate. To add insult to injury, Henry VIII intended the items for his new bride Anne Boleyn, the woman who had usurped her mother and caused her distress. Cromwell, who was charged with the uncomfortable duty of reclaiming the jewels and plate ran into a formidable hurdle: the countess of Salisbury, then Mary's governess. He sent John Husey to Beaulieu to retrieve them from Princess Mary. Two of John Husey's letters to Cromwell in August 1533 state that Salisbury refused to hand over the jewels and plate unless directly ordered by the king. On August 21 Husey wrote that he wished to God that Cromwell and Henry VIII "did know what I have had to do here of late."[282] Seven days later he attempted to broach the subject again with Salisbury, but she said that Princess Mary was still using the plate and could not part with it, though she added, if it was the king's pleasure the princess would surrender the plate.[283] This early defiance revealed to the king and Cromwell, Salisbury's, a mere woman's, intransience when faced with a challenge from the throne, a lesson not forgotten in their stand off with Salisbury in 1538.

A few years later Mary Tudor refused to take the Oath of Supremacy, enraging her father even further and placing her friends in danger. As Exeter and Salisbury were among the princess' closest confidents, the king blamed their influence for his daughter's stubborn refusal to take the oath. In 1534 Martin de Cornoca wrote Charles V and informed him that Henry VIII was suspicious of the Poles' wealth, their "title," and their loyalty to Katharine of Aragon.[284] By February of the next year, Salisbury was removed as Mary's governess, according to a letter from the ambassador Chapuys to Charles V.[285] The separation was to be a short one, as the household accounts of Princess Elizabeth reveal that Salisbury was Mary's governess again by March 1535.[286] According to Eustace Chapuys, Henry VIII was incensed with the entire group in 1533 because he suspected they were encouraging Mary not to take the Oath. In late 1535 Salisbury was finally fired from her post as governess; apparently the king had had enough.[287] In November of 1535 Chapuys revealed that his source for court gossip was the marchioness of

[282] *L&P* IV Part 3, no. 1009.
[283] *L&P* IV, no. 1041.
[284] BL Add. MS 25,587 f. 7, translation from *L&P*.
[285] *L&P* VIII, no. 263.
[286] *L&P* VIII, no. 440.
[287] *L&P* IX, no. 263.

Exeter, Gertrude Courtenay, who had told him that Henry VIII was infuriated with Mary Tudor for her refusal to accept his religious changes.[288] Gertrude Courtenay, also a close friend of the princess and her mother, would remain Chapuys' source for gossip through much of the 1530s. By 1536 King Henry was out of patience with his daughter and with anyone who he believed was influencing her. Chapuys informed Charles V that Exeter was thrown out of the Privy Chamber and off of the Council in retaliation, even stating he had it from multiple sources that the king had sworn revenge against Exeter.[289] Geoffrey Pole later revealed that when Exeter was cast out of the Privy Chamber, others were "putt out att the same tyme was due to color the putting forth of the lord marques," thus allowing Exeter to save face.[290] Though the marquess was soon allowed back in the Privy Chamber, Henry VIII authorized Cromwell to keep watch on Exeter's movements and friendships, a development of which, as Geoffrey Pole would reveal in 1538, Exeter was fully aware.

The third disadvantage to the king was that the Poles and Courtenays had, because of his generosity, once again become very landed, wealthy, and powerful. Additionally, as Plantagenets, they had powerful allies at court and beyond the borders. Not only were they rich, titled, and powerful in England, the perception on the continent was that these two families could be a martial threat. Chapuys wrote the emperor on September 27, 1533, calling for his support of Reginald Pole's claim to the throne and asserting that if he did, Pole would have the support of George Neville, Baron Bergavenny (son-in-law to Edward Stafford, the third duke of Buckingham and brother of Sir Edward Neville), who was looking to be revenged upon the king for his ill treatment after the Buckingham treason debacle of 1521.[291] In his letter to Charles V on August 4, 1534, Martin de Cornoca described the merits of sponsoring Reginald Pole for the English throne citing his Plantagenet ancestry and his Catholic faith. More importantly, de Cornoca stressed that the earldoms of Salisbury and Warwick (both under the countess) could raise twenty-thousand men. Perhaps Charles V could provide forty-thousand, he suggested.[292] Indeed, after the attainders of Salisbury and Gertrude Courtenay in the spring of 1539 Henry VIII ordered the muster of all able-bodied men in London and shored up his defenses on the coast in the event of an invasion.[293]

The king's fears were justified as England in the first half of the sixteenth century was vulnerable to foreign invasion. The ruling Tudor dynasty, which from an international perspective had never been strong, lacked both a navy and a standing army; Henry VIII's coffers were depleted, and some once-powerful families from the Wars of the Roses a few decades before, nursed resentments. Unlike the Poles or Courtenays they remained impoverished from the civil wars and Henry VII's economic punishments meted out to the former ruling aristocracy. In addition, when Henry VIII ascended the throne in 1509, England was diplomatically isolated from the more powerful ruling houses of the continent. Dealings with Spain were frosty as a result of Henry VII's refusal to return Katherine of Aragon's dowry after the death of her first husband, Prince Arthur. Relations with France were no better given the historical English claims

[288] *L&P* IX, no. 776.
[289] *L&P* XI, no. 7.
[290] SP 1/138 ff. 213-230.
[291] *L&P* IV, no.1164.
[292] BL Add. MS 25,587 f.7.
[293] Grafton, *Chronicle,*1238.

on France; though Henry VIII only controlled the small port town of Calais, he dreamed of further French conquest. Diplomatic ties were improved temporarily when Louis XII married Mary Tudor, King Henry's elder sister, but by 1515 the old French king had died and was succeeded by the young and powerful Francis I. Charles V would not rule the Holy Roman Empire until 1519 (a position that Henry VIII had briefly courted) and at first his relationship with his aunt, Queen Katherine, was an asset for England, though that quickly turned into another hindrance for Henry VIII's grand plans when the English king attempted to annul his marriage to Katherine in favor of a young wife. This all meant that invasion from the continent, particularly after the split with the Church and the king's divorce, became a clear and present threat. That the Poles and Courtenays could have a possible alliance with Charles V was neither out of the question, nor out of Henry VIII's mind.

Missteps on the Tightrope

Though the Poles and the Courtenays benefitted from good relations with Henry VIII for decades, there were some missteps on their part which endangered their favored position. These were: the 1521 Buckingham treason case, their support in the early 1530s for Katherine of Aragon in the divorce, and their well-known adherence to Catholicism despite the split with the Church in 1534. When, in 1521 Buckingham was convicted and executed for treason, most of his friends and relatives were under suspicion and some, including Montague, Edward Neville, and Bergavenny, even spent ten months in the Tower.[294] Eventually Henry VIII came to believe that Buckingham acted in isolation, and "the Lorde Mountacute the kinges cosyn was abou this tyme reconciled to his graces favour which had bene prisoner in the Tower, with sir Edward Neuell knight."[295] Though free of the Tower, Neville's punishment continued as "this sir Edwarde Neuell was forbidden the kinges presence for bearing fauour to the Duke of Buckingham."[296] Salisbury's daughter Ursula was married to Buckingham's son and because of this connection the countess was also under suspicion.

Though Exeter and Montague took the 1534 Oath of Supremacy, their fervent Catholicism was well known to Henry VIII and Cromwell. Their disapproval of the divorce was multilayered because of the close relationship between Katherine of Aragon, Salisbury, and Gertrude Courtenay. It should be no surprise then that the king had Cromwell watch them, nor were they the only nobles that Henry VIII charged Cromwell with monitoring. Henry VIII had acknowledged how ancient and established the Pole and Courtenay families had been and awarded them accordingly. In 1538 he felt, however, that since he had restored both lines and granted them land, positions, annuities, and wardships, they owed him a great debt of loyalty. As he saw it, this debt went unpaid. It was as if his patronage had been rejected. Contemporaries such as Edward Hall, one of the official royal chroniclers, remarked on this idea and were particularly condemning of Salisbury.

> Margarete … beyng much bound to kynge Henry the vij for her auancement in marriage beside manifold benefites, by her of hym

[294] Ibid., 1045.
[295] Ibid., 1053.
[296] Ibid.

> receuyued: But most of all obliged to that excellent prince kynge Henry the eight, for restoring her aswell to the name and title of countess of Salisbury as to the possessions of the same[297]

As much as Salisbury knew she owed to Henry VIII for her position, she also would have believed that it was her birthright. She was a Plantagenet. Her title and demesnes belonged to her as the only heir to her father's line. So yes, the king gave her much. But it was hers to begin with, something she would not have forgotten. Hall's characterization of Salisbury as astoundingly ungrateful could extend to the rest of the two families as well. Adding to this was the king's own growing unpopularity over the divorce and schism. Either Exeter or Salisbury might lead a popular rebellion. For the king, the merest suggestion of treason by a group of Plantagenets with clear, equal claims to the throne was too formidable to ignore. From 1534 onward there was a legal apparatus in place to defend against whatever kind of threat they posed whether it be slanderous words or treasonous actions, a plot imagined or led by a man or a woman.

[297] Hall, 327.

Chapter Five: The Royal Hunt for Reginald Pole

Early in his reign, the bonds of kinship between Henry VIII and his cousins, the Poles and Courtenays, were strong. However, the decade of the 1530s bore witness to the deterioration of the relationship with awful consequences for the former royal favorites. Cardinal Reginald Pole, the countess of Salisbury's son, had long since been an annoyance to Henry VIII. Pole's education and rise through the clerical ranks was due in part to the king's sponsorship and largesse. In return, Henry VIII expected to have his cousin's backing during the divorce and supremacy crises. Instead, Pole refused to support the king's marriage or to take the Oath of Supremacy. In 1532 he fled to the continent where he traveled from one country to another in the service of Pope Clement VII and later Paul III. That Cardinal Pole served the pope instead of his king deeply angered Henry VIII. To make matters worse, Pole was committed to bringing about an alliance between Francis I and Charles V and to restoring England to papal authority, a task for which he was appointed a papal legate. Reginald's scathing tract, *Pro ecclesiasticae unitatis defensione*, (*De Unitate*), on Henry VIII's lack of authority in spiritual matters in 1536 was in the king's mind the pinnacle of familial ingratitude. Henry VIII spent 1536 to 1538 in a futile effort to capture and arrest Reginald Pole for treason. He sent spies, diplomats, and assassins to France and the Netherlands and appealed countless times to Francis I and Mary of Hungary to aid him in the search for the traitor. When that failed, Henry VIII sent assassins.

The sudden violence of the king's response requires analysis of Henry VIII's motivations. The king was determined to bring down Pole and anyone who supported him, especially after the embarrassment and danger of the Pilgrimage of Grace in the spring of 1537. Certainly, Reginald Pole's treason and his relationship with the papacy and Catholic monarchs on the continent proved to the king and to Cromwell that they were correct about the potential threat posed by the Poles and the Courtenays. After Reginald's flight to the continent, with his criticism of Henry VIII's religious policies and marriage, and his protection by powerful Catholic factions, the king was convinced that invasion from the continent was a real and immediate possibility.

It was then in April of 1537 that Henry VIII began the hunt for Reginald Pole. He sent Stephen Gardiner, the bishop of Winchester, to France as part of an effort to apprehend Pole. Henry VIII hoped to convince the French king to capture the cardinal, writing on April 8 that he was afraid that Francis I would disappoint his "desyre for the apprehension of the persone of which we have wrytten."[298] In the same letter, Henry VIII wrote that he had dispatched his agent John Hutton to Flanders to ensure Mary of Hungary's cooperation. Henry VIII believed that Mary of Hungary would be easier to convince than the stubborn Francis I and allowed Hutton to take a more forceful tone with the potentially malleable regent. Despite Henry VIII's diplomatic wrangling and efforts at assassination, by the late summer Pole had evaded the English agents and by the fall was safely back in Rome, further infuriating Henry VIII. The letters to and from the continent reveal an increasingly frustrated and angry king and, while his ire was centered on Reginald Pole in 1537, it would shift to Pole's family and friends a year later.

An Answer to "Satisfy" a King

After Henry VIII funded Reginald Pole's education and provided him with various

[298] BL Add. MS 25,114 f. 253.

positions including a stint as the Dean of Exeter in 1518 and a fellowship at Corpus Christi College at Oxford in 1523, the king expected to be able to rely on Reginald as an asset in his campaign for divorce. Most likely, Henry had viewed Reginald as somewhat of a surrogate son in the absence of a legitimate son of his own. Significantly adding to the danger posed by a disaffected and well-connected subject was the deep sense of personal betrayal felt by the king. Pole's actions went beyond simple ingratitude. Henry VIII had supported both Reginald's upbringing and education, only to be rejected by Pole when the king had most need of him. Reginald would become a traitor on a multitude of levels. Not only had a father figure been rejected by his "son," the supposedly masculine and virile monarch, as Henry VIII viewed himself, had been thwarted by a sniveling, weak cleric.[299]

In 1530 Reginald was part of a delegation to France to acquire support for Henry's campaign. In May of that year, at the University of Sorbonne in Paris, he wrote Henry VIII that as soon as more delegates arrived he would apprise him of "of the spede be made in publshyng yor cause."[300] Though he would not write his most famous work, *De Unitate,* until 1536, as early as 1531 Reginald was writing eloquently against the king's proposed actions in letters to his friends, which suggest his ambivalence in fulfilling the royal wishes. He did not support Henry VIII's plans, but had been ordered to represent the king's cause. Thomas Cramner, the archbishop of Canterbury, wrote to the earl of Wiltshire in June 1531 that Pole's argument that Henry VIII should yield to the judgment of the pope was so persuasively made that if the English subjects read it, they would (not) be convinced (otherwise).[301]

Despite Reginald's suggestion in his 1531 letters that Henry submit to the pope, the king refused to accept that his subject, his cousin, could not be used to his advantage. Although clearly feeling that Reginald not only owed him support for his cleric's position but also obedience as his sovereign lord and father, Henry VIII offered an additional incentive. He would trade the archbishopric of York for support of the divorce. Though this would have made Reginald the second-highest-ranking cleric in England, Pole refused on the grounds that his conscience would not allow him. Eustace Chapuys wrote to Charles V on January 22, 1532, that Henry VIII then refused to grant Pole leave to travel again outside of the country. Reginald called the king's bluff, reportedly saying that if he were forced to remain in England, as a peer he would be called to Parliament where he would be compelled to give his opinion if the subject of the divorce were to be raised. The king immediately gave Reginald permission to leave and an income of four hundred ducats.[302] So, he left England again in January of 1532.[303]

If Chapuys' account is true, Reginald may have simply foreseen the outcome as Henry VIII's need for a divorce was reaching its zenith and wisely removed himself from the situation. As a potential claimant to the throne, he was, however, the focus of a great deal of attention from

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[299] Thomas Mayer is the best and most comprehensive source of information for Cardinal Reginald Pole. However, Mayer's primary focus is on Pole's role in continental and papal politics and later career rather than his relationship with Henry VIII. To that end, the narrative of Pole's falling out with and flight from Henry VIII in this chapter is recreated from primary source work as outlined in the footnotes.

[300] SP 1/57 ff. 99-100.

[301] BL Lansdowne MS 115 f. 1.

[302] *L&P* IV, no. 737.

[303] Reginald Pole's biographer, Thomas Mayer, asserts this exchange did not happen; rather unnamed friends helped him to leave the country. Thomas Mayer, *Reginald Pole: Prince and Prophet* (New York: Cambridge University Press, 2000), 57.

Charles V's ambassadors. Chapuys and de Cornoca wrote to Charles V extolling Reginald Pole's many virtues and long, illustrious bloodline. In August 1534 de Cornoca wrote the emperor a lengthy missive about the political support that he would have should he chose to help depose Henry VIII and replace him with Pole. He added that the entire country no longer supported Henry VIII since the Divorce and schism from the Church of Rome.[304] A few months later in November 1534 Chapuys wrote Charles V to remind him of his previous letters about Pole and to recycle a bit of old gossip that Edward IV's daughters were illegitimate because of a pre-contract their father had made before he married their mother, Elizabeth Woodville (if true, this would exclude Exeter from the succession as well).[305] Thus, according to Chapuys, Reginald Pole was the only legitimate heir. Chapuys was hoping that Charles V, a member of the house of Hapsburg, a dynasty with claims as complex as the Tudors', would be swayed by these arguments.

For the next few years, Reginald Pole remained in Italy, mostly Padua, and studied. He built up a large circle of friends and supporters and his correspondence reveals him to be a widely admired cleric and a rising star in the Catholic Church.[306] The extant record shows his absence from the English political and religious fray until February 1535 when Thomas Starkey, who had been one of his early supporters, wrote him to reconsider his position on the divorce and return to England. Starkey, who had been Pole's chaplain in Padua was now chaplain to the king and clearly Henry VIII and Cromwell wanted him to utilize his rapport with Pole to their advantage. Though Henry VIII had been firmly ensconced by an Act of Parliament as the Supreme Head of the English Church for a year, apparently it still stung that England's greatest scholar was, embarrassingly, on the side of Rome. To remedy this, Henry VIII commissioned Pole to write him with his opinion. This letter, if the king had contacted him directly, no longer exists, but there are a number of letters from Starkey and Cromwell that provide context. On February 15, 1535 Cromwell wrote Pole and requested that he "use his learning and understanding to answer the things contained in Starkey's letter to him which is written by the king's express commandement."[307] In response to the repeated requests from Starkey and Cromwell, Pole began writing a literary response on his opinion of the Divorce in the fall of 1535. In February Starkey wrote and appealed to Pole's sense of civic duty and then finally played on his filial attachments, saying that if he stayed in Italy it "wold give paine" to his poor mother and brother.[308]

Starkey's prediction would ultimately prove to be correct. As early as February 1535, rumors of Reginald's great work in progress had already reached England as Starkey informed him that the king wanted to know Pole's opinion plainly, not in a convoluted book. It seems clear that this was a repeated request. Reginald Pole's absence from England was well known and becoming humiliating to the king. To combat the whispers of dissent against his religious policies, Henry VIII wanted Pole's support. After the disastrous dissensions, treason convictions and executions of Thomas More and John Fisher, in 1532 and 1535 respectively, both of whom

[304] BL Add. MS 25,587 f. 7, author translation.
[305] *L&P* VII, no. 1368.
[306] See Thomas Mayer, *The Correspondence of Reginald Pole: St. Andrews Studies in Reformation History* (Burlington: Ashgate, 2008).
[307] BL Cotton MS Cleopatra E. VI f. 367.
[308] BL Harl. MS 283 f.131.

had refused to swear the Oath of Supremacy, the king needed it known in England and abroad that his divorce and new church were blessed by Pole. Henry VIII still could not believe that Pole, his cousin, his client, his "son" would deny him when all other peers of the realm and members of the Church in England had sworn the Oath. The deaths of Thomas More and John Fisher showed the king's determination. And if Reginald Pole in his written answer did refuse to give his blessing to the new course of action Henry had taken, the king would have irrefutable proof of his treason.

Later that February of 1535, Starkey wrote again to implore Reginald to answer the king on the matter of the divorce, his leadership of the church, and related matters. Meanwhile, Edward Harvel, another friend of Reginald, was writing to Starkey to plead Reginald's case for a delay in order to finish the essay, which had now been transformed into a book. On April 12, 1535, Harvel asserted, "I dowbt not but Card Pole by his love wil satisfy the king" but he had to remain in Italy so that he would not be "interruptyd...from fryndes."[309] Harvel wrote Starkey again in June asking for patience because in due time "By Pole's awne lettr you shal know his mynd concerning al thyngs."[310] Reginald's delay in answering Henry VIII was well known in Italy. In July the Bishop of Faenza wrote to Cardinal Palimieri and stated that if Pope Clement VII were to make Pole of the "Rosa Bianca" (White Rose) a bishop and give him a cardinalship, it would be a praiseworthy revenge for the schism and all the trouble Henry VIII had incited but also a direct insult to Henry VIII.[311]

Reginald continued working throughout the summer and in October he wrote Cromwell to assure him that the answer was still forthcoming. Cromwell had spoken with one of Reginald's brothers (probably Montague) and assured him that Reginald was still in the king's good graces. In his letter, Reginald professed to be grateful for the "continuance of the kyngs gracious favour unto me," though he followed that by asserting "I never deserved otherwyse."[312] Though Reginald did admit to "some feare of some alenation" resulting from his actions and writings, he ended the letter by affirming that he possessed a "promysed mynde to do hym [the king] servce at all tymes."[313] Some mollifying of the king was in order because it would still be months before he finished his reply. Harvel wrote Starkey on December 6 that Pole was still in "vehement study of wryting to satysfy" the king.[314]

The king would not be satisfied. On May 27, 1536, Reginald Pole finally delivered his answer, *Pro ecclesiasticae unitatis defensione*, (*De Unitate*). He introduced his work with apologies for neither its tardiness nor its contents, "obeyng to yr pleasur have comprised in a boke my sole sentemt" but "how it wyll satysfy yr grace I have wrytten I thynk only knowth he cuius manus corda sut regii. [in whose hands are the hearts of kings]."[315] Pole began his "book" with an angrily composed address to the king. Although Henry VIII had commissioned him to give his views on the divorce and schism, Pole understood the king's real purpose. He declared "you are not really inquiring what my opinion in this matter might be…Nor do you really want me to speak out freely…As long as you insist upon your view however you will certainly

[309] BL Cotton MS Nero B. VII f. 108.
[310] BL Cotton MS Nero B. VII f. 93.
[311] BL Add. MS 8,715 ff. 89-90.
[312] SP 1/98 ff.100-101.
[313] Ibid.
[314] BL Cotton MS Nero V VII f. 106.
[315] SP 1/104 f. 55-56.

consider as an enemy and traitor anyone who chooses to argue with you."[316] Though Pole "certainly [did] not want to arouse the wrath and anger of one who has been so generous to me, one whose many favors I so gratefully acknowledge," he did not shy from condemning the king for the executions of Thomas More and John Fisher, "who were guilty of no other crime than holding an opinion identical to mine."[317] One can imagine how Henry VIII, a monarch accustomed to neither defiance nor criticism and given to violent rages, reacted to these opening statements. In an attempt to explain why his answer was so forthright, Pole continued by comparing himself to a doctor administering medicine to a sick patient. Henry VIII was afflicted with "a disease of the mind" and it was Pole's duty to return him to health by convincing him to return to the Church. Henry VIII and his supportive clerics Cramner, Gardiner, and Richard Sampson asserted that the king had scriptural support for appointing himself the head of an English Church. Pole scoffed at that notion and argued scornfully if that were the case, why had no other king attempted this action before? Avaricious kings desirous of wealth and power had ruled England before, so why had they not aspired to what Henry had decreed? There was no scriptural basis for his actions. Additionally, no other monarch in Europe supported Henry VIII in his endeavors, and all were horrified by his break with the Catholic Church.[318] Further, Pole addressed the appropriate role of church and state, "…the king acting in his capacity of king never instructs the priest in his duties but rather, on the contrary, the priest prescribes what the king should do in his royal office, we cannot doubt which of the two is superior."[319] These points were inspired by Gardiner's and Sampson's, the Bishop of Chichester's, written tracts defending the king's divorce and Church of England, which the king had forwarded to Pole in Janurary 1536. Much of *De Unitate* is a mocking refutation of Sampson's work, which Pole believed was intellectually inferior. Throughout the rest of the work, Pole careened between these two approaches: passionate and derisive condemnations of the defenses of the king's actions and pleas for the afflicted Henry VIII to reconsider his position and return to the Church.

The Last to Fear

Reginald Pole, confident in his faith and his noble lineage, was the last to fear the consequences of his actions. Although Reginald seemed unaware or indifferent, those still at court and in England knew just how far Henry would go to avenge a betrayal. Others understood that after all the events of the past decade, Henry VIII was not a man to be either denied or defied. Immediately, Cardinal Pole's friends and relatives still in England began to take

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[316] Reginald Pole, translation from Joseph G. Dwyer, *Pole's Defense of the Unity of the Church* (Westminster, Maryland: The Newman Press, 1965), 1. Mayer, in a footnote on the translation of *De Unitate* in *Prince and Prophet,* pointed towards his article, "A Reluctant Author: Cardinal Pole and His Manuscripts" in *Transactions of the American Philosophical Society,* New Series 89 (1999): i-vii, 1-115. In the article, Mayer gives three sources for translations of *De Unitate*: one in English, one in French, and one in German. Dwyer's is the English translation. Reginald Pole intended his original essay for Henry VIII alone, but in 1537-1538 a copy of *De Unitate* circulated Europe based on a manuscript that Pope Paul III had received from Pole's friend Cardinal Contarini. Dwyer's translation comes from this 1537-38 version. For accuracy, I only included the sections confirmed by the summary in the *Letters and Papers* and cited by Mayer in his brief translations of the original.

[317] Pole, *Defense of the Unity,* 1.

[318] Ibid., 13.

[319] Ibid., 63.

precautions to protect themselves and their families. Though they would not have, as of yet, read *De Unitate*, none could have conceived just how vociferously Pole had stated his position or what kind of language he had dared to use, though they could not have failed to hear of or observe the king's past rages. On July 15 Reginald wrote his mother to explain himself, though it is unclear if this was in response to a letter she had written or because he had realized the position in which he had placed his family. Aware that she was angry, distressed at his actions, and afraid of the king's retribution, Reginald defended himself by asserting that he could not go against his conscience. He argued that his first master was God, rather than Henry VIII, and it was to his spiritual king that he owed his complete loyalty, not the temporal monarch.

She answered him a few weeks later. Salisbury knew the relationship that Henry VIII and Reginald had shared as well as how the king had viewed her son. She comprehended how personally Henry VIII would take this betrayal and what was at stake for the rest of her family. The countess reminded him how much they were indebted to the king and that she had hoped her children's loyalty would repay that debt. As a result of Reginald's dishonorable conduct, she was more aggrieved over this than the death of her husband or "of any child."[320] She ordered her son to "take another way" and "serve our master as thy duty is" unless he wanted to hurt her.[321] In answer to his declaration that it was God, not Henry VIII to whom he owed his loyalty, she wrote that unless he served his king, he would not please God. She added, "For who hath brought you up and maintained you to learning but his Highness?" She concluded that she would pray that God would change Reginald's mind.[322]

From this letter it is evident that Salsibury understood the perils of her position. After the Buckingham debacle in 1521 and the Princess Mary's refusal to take the Oath, Salisbury knew the king must distrust her and exactly how much danger she and her other children were in. Salisbury also knew her child. She would have known that Reginald would not change his mind and submit to the king. Perhaps her correspondence was being monitored and so it was imperative that she appeared to be a loyal subject, putting her king ahead of her son. Additionally, she was probably angry with Reginald for putting the rest of his family at risk.

Henry VIII's anger fell upon Reginald's friends. On July 24, 1536, a timorous Starkey wrote Cromwell and assured him that he had tried his best to bring Reginald back to England and to change his opinion, but Reginald would not be swayed.[323] Pole wrote to Cuthbert Tunstall, bishop of Durham, on August 1 to defend himself. He was spending the summer outside of Padua to escape the heat and perhaps to evade the constant stream of letters from England. Pole argued that Tunstall had not truly read the book if he detected vehemence towards the king, that what he had written was out of love for a misguided monarch, not a condemnation. Tunstall had criticized Reginald for sending a long and highly publicized letter (as it had been shown to the Privy Council) instead of a short and personal missive, but Pole rather disingenuously refuted this by saying where was the harm if they were "trusty?"[324] At the close of the letter, Reginald proudly mentioned that the following winter the pope was convening a council of only the most

[320] *L&P XI*, no. 93. I was unable to locate the letter where The National Archives had indicated that it should be, nor where Hazel Pierce cited it, so I am using the printed *Letters and Papers.*
[321] Ibid.
[322] Ibid.
[323] BL Cotton MS Cleopatra E. VI 370.
[324] SP 1/105 ff. 216-229.

learned men and that he was invited to attend. He sent a copy of the invitation to the royal secretary.

As Salisbury had assumed would happen, court life once again became uncomfortable for her family. Realizing the ever-increasing danger, her eldest son went to considerable effort to convince Reginald to change his mind and submit to the king. Montague wrote his brother on September 13 and begged him to reconsider his stance. Montague said that he had hoped that Reginald would revoke his objection to the schism and return home but "when I received yor letter whych made me greatly to dowbt of that whych afore I was in great hope of."[325] He reminded Reginald of his duty to Cromwell, "to whom you are almost bounden as if you were his...kinsman."[326] Montague reported how Cromwell had refused to speak with him about Reginald, but instead had told him to go explain himself to the king. When faced with an angry king, Montague disavowed his brother protesting that Reginald's book made "my poor harte so to lament that if i had lost mother, wyff, and childryn it cold no more harm done."[327] In this letter Montague appealed to Reginald's sense of duty to his king, saying "then maye we reken it was the wyll of God that your ingratitude shuld show the meekness of our prince. Who hath borne your slanders so patienally that the poorest in our countrey could have done."[328] Montague asserted that Reginald had not only offended the king but the rest of England as well, "alas...that I shuld se the day you shuld set forth the contrary or trust...your own wytt above all the rest of your countrey. And of hym of whych you requwerd shold read your boke. By whom you shall not only perceive hys mynde. But the mynde of all our countrey."[329]

Moving from the subject of his responsibility as an English subject to the very real possibility that Reginald's actions endangered his family, Montague chided, "And for our familie whych was clean trodden under foote he set up nobelly whych showed hys charitie, hys clemence and hys mercy."[330] By this Montague meant that Henry VIII could as easily remove their good fortune as he had made it. He asked his brother to abandon his current line of action and to "joyne together to serv hym [the king] as our bounden dutie so (require)."[331] Montague reserved his anger and harshest criticism for the end of the letter. Reginald was out of the reach of a vengeful king, but Montague was not. He was particularly furious that after sending *De Unitate* Reginald had openly defied the king; not only was he going to Rome, he had even sent a copy of his invitation to Henry VIII. Montague swore, "if you should take that waye then farewell all my hope. Learnyng you maye well have but doubtless no prudent nor pity, but showeth yourself from somme mischeif to another adn then farewell all bonnds of nature not only of me but of all myne. Orelse instede of my blessyng you shall have my curse."[332]

Pressure on his family and friends had not altered Pole's opinions, so the king decided to

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[325] SP 1/106 ff. 168-169.
[326] Ibid.
[327] Ibid.
[328] Ibid.
[329] Ibid. "alas…that I should see the day you should set forth the contrary or trust…your own wit above all the rest of the country. And of him of which you required should read your book. By whom you shall not only perceive his mind. But the mind of all our country."
[330] Ibid. "And for our family which was clean trodden underfoot he set up nobly which showed his charity, his clemency, and his mercy."
[331] Ibid.
[332] Ibid.

resort once again to bribery. Like the promise of the archbishopric of York years earlier, this attempt did not work either. Cramner wrote to Henry VIII on November 18 that "yr the king had sent ffor him home inso Engld and desired him and promised him also great things if he would come or at least if he would not goe to Rome."[333] But still Reginald went to Rome. In the same letter, Cramner gave Henry VIII the outrageous news that "I think surely this Pope will make him Cardinal and now he hath given him lodgings for himself within the Palis and will have him hears him. And amonge those great men wll be here for this matter yrselfs same Raynold Pole is here truly most estemmed and most sett by of all."[334] This may have not been the first time the king had been told of the pope's plans, but it was proof of continental approval of Pole's actions.

The pope did indeed offer Reginald the cardinalship, and it was not long before Starkey wrote Reginald and begged him not to accept this honor, "whych shuld be most dissonent to the wordes and promyses of your said letters for if you proced that waye and take...with hym that is enemy to the king. otherwyse judge you then to be of hys same faction as he is."[335] Starkey again offered Pole an opportunity to change his mind, "So we wold...be gladd to her that by the utter refusal thereof you shuld in deed express that love towards his highness whych in wordes and... in your last letters you have professed."[336] Perhaps Starkey did not expect that to happen so he followed the carrot with this stick, "in doing...the contrary you shall offend both and...declare yourself open enemy to hys highness and hys hole realm as in such case he must and will accept you."[337]

On December 22, 1536, Reginald Pole was created a cardinal.[338] Still, Starkey refused to (or was ordered not to) give up on Pole, and wrote him again in January 1537 outlining more explicitly the consequences of his actions. Starkey reiterated that Pole could still refuse the pope and come home to England, but if he did not, he would draw the king's displeasure on himself and his family.[339] Meanwhile, the king and his advisors continued with their campaign to entice Reginald Pole back to England, but to no avail. The Privy Council issued a summons to Pole to cease and desist, which went unanswered. In February Reginald compounded the insult by informing the Privy Council that he was now papal legate, a position for which he had been charged by the pope to draw Henry VIII back into the fold. Reginald Pole's very public opposition had impressed Pope Paul III and Pole's rise in papal favor could only encourage Henry VIII's continental enemies. In a summary of Charles V's May 1537 correspondence drawn up by his secretaries, the Emperor had intelligence from his agents the count of Cifuentes and the marquis d'Aguilar that Pope Paul III made Pole a legate in order to show support to what they presumed were "insurgents" in England.[340]

The King Plots His Revenge

By March of 1537 there could be no question that Henry VIII had abandoned reasoning or

[333] BL Harl. MS 787 f.18.
[334] Ibid.
[335] SP 1/111 f. 151-152.
[336] Ibid.
[337] Ibid.
[338] BL Add. MS 26,837 f. 25.
[339] BL Cotton MS Cleopatra E. VI f. 363.
[340] BL Add. MS 28,589 f. 216 B, translation from *L&P XII Part 1*, no. 1141.

negotiating with Reginald Pole and turned to vengeance. With all hope of reconciliation gone, it became obvious that the king's apparent ministrations in November 1536 had all been with the intent of getting Pole onto English soil in order to arrest him and mitigate the threat posed by his travels on the continent. When this strategy failed, the king escalated the situation and turned to force. The king was determined to capture Pole and drag him back to England to face charges of treason. To that end, Henry VIII dispatched a number of agents to the continent. By the middle of March he had already sent Gardiner, the bishop of Winchester, to convince Francis I to hand Pole over, as the new cardinal was staying outside of Cambrai. Pole had come to France as part of his own legation and it is unclear if he ever really meant to continue on to England. As the papal legate it was part of his job to travel there, though if he did, it is unlikely he would ever have been able to return to Rome. Unfortunately for Henry VIII, Reginald's exact location was secret. On April 3, Henry VIII wrote Gardiner to insist that the French king apprehend Pole and if Francis I refused, Gardiner was to send a copy of this letter to John Hutton in Flanders so that he could present the same case to Charles V's regent, Mary of Hungary.

Henry VIII began to unleash a torrent of letters and orders to monarchs and diplomats alike, all with the same message: capture Pole and send him to England. This is also when the king began referring to Pole as a rebel and traitor so that no one would misunderstand the seriousness of the matter and how the king's view had changed. On April 8, Henry again wrote to Gardiner and another English agent in France, Sir Francis Brian. He addressed a section to "our good brother the french kynge and requiryd of hym the delyvry of our rebelle, Renold Pole...according to our Request."[341] With the niceties out of the way, he ordered Gardiner and Brian to demand Francis I turn over Reginald. Apparently Francis I did not wish to anger the English monarch and informed Gardiner that Pole was in France by way of a safe conduct, but he would order the cardinal to leave within ten days. The same day, Henry VIII wrote a letter to his agent in the Netherlands, John Hutton, and issued his instructions to deliver his letters to "the regent requiring hir by...of his graces frenship...to inhibit…beyng his higness traitor and rebell to enter in to any of the said emeperors domynyons."[342] Hutton was not to deliver the letters until he heard from Winchester in case Pole was already captured in France. Henry's plan was that Hutton could tell the regent that "there is a great rumor that...man shuld come in to those partes who is the kinges most henynous traitor and rebell…that she shuld not permyt hym to enter."[343] Hutton was to lead Mary of Hungary to believe the information was coming from him, rather than the king. Probably this was to stave off any ideas that Henry VIII was being too heavy-handed with a foreign monarch. The king would not worry about such appearances long.

Despite Francis I's ostensible wish to help a brother monarch, a week later, by April 15, Reginald Pole had been received in Paris and escaped again. Henry VIII was furious. How could he, a strong English king, be outsmarted by a mere churchman? He wrote Gardiner and Brian, blaming them both for this failure. Brian had stopped to meet with Gardiner before he went to Francis I, putting him off schedule by a few days. Henry VIII wrote that these few days could have made all the difference, and Brian should have found out if Pole had a secret audience with the French king.[344] Henry then demanded Gardiner go back and meet with Francis I, even though

[341] BL Add. MS 25,114 f. 255.
[342] SP 1/118 f.70-80.
[343] Ibid.
[344] BL Add. MS 25,114 f. 257.

Reginald was on the move again. The same day, Henry VIII sent a letter to Hutton and told him not to wait for Gardiner, but to deliver his instructions to Mary of Hungary immediately. Allowing for the possibility that she would not cooperate, Henry wrote, "And if the regent or any of the court shall say they cannot...or shall allege he be entered already ...you shall then pressure them...to avoyd within the tyme limitd by the treaty afforged."[345] In the event Pole was there, Henry directed Hutton to spy on him, to see where he went and with whom he spent his time.

Hutton replied on the twenty-first and wrote that as soon as he received Henry VIII's letter, he secured an audience with the queen. She was in the presence of the cardinals of Liège and Palermo, among others. He delivered the letters "and that done I [informed] her of my intentions of yor grace touching the same wherin she affirmyd that as yet she had not no knowledge that he intendyd to come in to these partes." Hutton wrote that he heard Pole was in Cambrai.[346] But the queen said, "if he intendyd to come hither it is only the commandment...of the french kyng that suffered hym to pass throo hys hole domynyon."[347] As Henry VIII had instructed, Hutton reminded her of the obligations of the treaty signed at Augsburg in 1502, that as an imperial agent she must hand over all enemies in her lands, to which she replied "he shall have neither...nor assistans in any thyng that may be hurtful to your maiestie...she trusted to do no thyng that shuld offend thamnitie between you but desyre as she myght for an outreach."[348] Satisfied for the moment, Hutton left her presence.

Four days later on the twenty-fifth Henry wrote Gardiner and Brian and demanded they return to Francis I. The king knew that Pole was in a protected location, Cambrai, but told them to suggest to the French king that perhaps the cleric could be captured and taken to the English marches around Calais. Impatiently, Henry VIII wrote, "we would be very glad to have the said Pole trussed up and conveyed to Calias."[349] He also ordered this be done in secret. Meanwhile, at an abbey outside Brussels, Hutton had returned for another meeting with the queen and changed the tone of "requests" to threats. Hutton reminded her that Pole should not only be prevented from entering Flanders, he should not be allowed in her presence. Putting forth a loophole, the queen "aleged he had not com thether as your grace subiect but as the byshoppe of romes legat."[350] Mary of Hungary and Francis I were in a difficult diplomatic position, as leaders of Catholic countries, they could not deny entry to one of the pope's legates into their territories, however, they still wished to maintain a semblance of cooperation with the irate English king. Clearly, their loyalty was to the pope, not Henry VIII, and from their perspective they were in no danger from this "rebel" Reginald Pole. This was in contrast to joining Henry in his defiance to the Church of Rome. For Mary, Charles V was brother and overlord both, and the pope was the personal spiritual leader of their subjects. Mary of Hungary pleaded her case, declaring, "I know not what danger I shuld have come in agaynst the popes holyness."[351] Hutton argued a new

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[345] SP 1/118 ff.177-182. Henry VIII was referring to a treaty between his father, Henry VII, and the Emperor Maximilian in 1502 whereby the emperor agreed not to harbor English fugitives.
[346] SP 1/118 ff. 241-242.
[347] Ibid.
[348] Ibid. "he shall have neither…nor assistance in anything that may be hurtful to your majesty…she trusted to do nothing that should offend the amnity between you but desire as she might for an outreach."
[349] BL Add. MS 25,114 f. 262.
[350] SP1/119 ff. 45-58.
[351] Ibid.

point: and then, "shoid unto hir that it shuldbe to dangeros for all princes and give to enemy courage to traitors that of myght obtayn alegacy from rome to woorke myscheif."[352] He wanted her to see that she was in more danger from Henry VIII than the pope and that the Treaty of Cambrai meant England could become a safe haven for her enemies. The Treaty of Cambrai took place in 1529 between Francis I and Charles V, in which they agreed not to shelter fugitives from each other's countries. In an attempt to try any tactic he could think of, Henry VIII cited an agreement in which he was not involved, because he was suggesting that their enemies could be harbored in England.

To Mary of Hungary, though Hutton was acting as the voice for a powerful king, he was a lowly ambassador and with this last argument may have gone too far: "I had endid this my sayng she was in a heit having gotten muche collor and in that I cold perceve she swet."[353] She replied that she was "sorry that the kinge my unkill or his consell shuld take this...not for i eyther intendyd nor...to break...any part of the trety...but if we had taken in this partie...notwithstanding I have not hard more of hym than I told you at your last beyng with me soo as yet ther was nothyng done nor shuldbe but that...morebe done obsarvyng the treaty."[354] Seemingly weary of demands coming from this royal representative, Mary of Hungary fobbed him off on her council, likely to avoid outright defiance or acquiescence. Hutton reported the words of her dismissal: "it is as i told you before the kinge of frances dryft...I will god wylling be at brussels to morrow and then i pray you tell the same tale to my counsell that you have told to me."[355] Hutton subsequently wrote to Henry VIII that he heard there was a great division in the council over the best course of action, but that they had side-stepped acquiescing to Henry's demands by deciding to wait until Pole applied to enter the country.[356]

In his next letter Hutton wrote Henry VIII on May 9, that Reginald did write for permission to enter Flanders, but he had sent the letter to the Cardinal of Liège, Erard de la Marck, asking for permission to travel to his abbey. This saved Mary of Hungary from having to refuse his entry for according to Hutton, the council "otherwyse detarmynyd for as myght he did not wrygt unto hir it was thought not requirid she shuld wryght unto hym and so consedered the answur to be made by the cardynall of liege for yet the letter was sent unto hym."[357] Additionally, "the effect of whych answer i am informed was that he shuld not attempt to com into these partes."[358] The council did seem to prevaricate on the matter of forcing Pole to leave "consederyng the many dowbtis that was made by the cowsill consarnyng the same advertysing him to depart before ther shuld be any further bruyt or remorse."[359] At the time of Hutton's May ninth letter, Mary's council was waiting for an answer from Pole to see if he would leave voluntarily.

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[352] Ibid. "he showed unto her that it should be too dangerous for all princes and give to enemy courage to traitors that of might obtain a legacy from Rome to work mischief."
[353] Ibid.
[354] Ibid. "sorry that the king, my uncle, or his council should take this letter [otherwise]…not for I either intended nor…to break…any part of the treaty…but if we had taken in this party…notwithstanding I have not heard more of him than I told you at your last being with me so as yet there was nothing done nor should be but that…more be done observing the treaty."
[355] Ibid.
[356] Ibid.
[357] Ibid.
[358] Ibid.
[359] Ibid.

Hutton apparently believed that de la Marck would aid the English cause or at the least, allow him to get close to Pole. The next day, May 10, Hutton wrote to Cromwell, promising, "i have and will and complisthe to the uttmoste of my power" "for the denencion and delyvere of the bysshop of romes legat."[360] To help in this endeavor, Hutton also asked "if myght stand with yor lordshippis pleasure i wold gladly ther now alett wryttyn to the cardynall of leige ayther frome the kinge highness or frome yr lordshipp yeldyng thankbe for that he hath shoyd hyme self to be his favor and good will in ...of all the kinge affaires and specally in the mattr consarnyng the cardynall pole."[361] He explained that de la Marck's assent was important "for as I percerve it is he who may do moste in thies partes as this present."[362] Hutton would ultimately prove to be correct, but not in the way he believed.

Instead of intimidating Pole, Henry VIII's actions had the reverse effect. By the middle of May Reginald was incensed. He was the papal legate, the Pope's personal representative, yet he was being forced to slink across Europe hiding from a monarch whose authority he no longer recognized. He soon answered de la Marck's letter by emphasizing his position and angrily sending "aman of cambray to the queyn with avery sharpe mesage as she hir selfe made export unto me yestarday sayng that he did conjure hir uppon the obediens that she (owed) unto the apostolyke that she shuld not only ymyt his entry into th emperors domoyons but also audiense to declare his legacie for that it had never byne seyne any legat soo ussid."[363] Instead of a direct response to Pole's letter from the queen, the council decided to send Sir Jois Aemson to answer Pole's demands. He was to inform Pole that she was not defying the Holy See by "any obstinacy or disobedyens that she protendith agayst the so apostolike as will shuld have apriried."[364] The council reminded Pole of Henry VIII's accusations against him, "yf he had not byne as he is aperson suspect."[365] They ended firmly, "therof yf it shall plais the popes holyness by that terme to send his legacy by some other she wold do therin."[366] The council stressed that the queen would neither speak with nor admit Pole himself. The council then charged Aemson with bringing Pole to Liège without delay. Informed about the letter, Hutton took issue with this, asserting to Henry VIII that, "i explind that it cold not stand with the queyns promyse for the obsarvacion of the treatie between yo highness and themperor but rather shud bynd hir that if she did grant hym entry to do hym to be arestid and soo to cause hym to be conveid unto yt grace," as he had requested previously.[367]

The queen was still, understandably, attempting to find a middle position between her duty

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[360] SP 1/120 ff. 32-36.
[361] Ibid. "if might stand with your lordship's pleasure, I would gladly there now a letter written to the Cardinal of Liège either from the king's highness or from your lordship yielding thanks be for that he has shown himself to be [in] his favor and goodwill in…of all the king's affairs and specially in the matter concerning the Cardinal Pole."
[362] Ibid.
[363] SP1/120 ff.120-123. "a man of Cambrai to the queen with a very sharp message as she herself made export unto me yesterday saying that he did conjure her upon the obedience that she [owed] unto the apostolic that she should not only admit his entry into the emperor's dominions but also audience to declare his legacy for that it had never been seen any legate so used."
[364] Ibid.
[365] Ibid.
[366] Ibid.
[367] Ibid. "I explained that it could not stand with the queen's promise for the observation of the treaty between your highness and the emperor but should bind her that if she did grant him entry to do him to be arrested and so to cause him to be conveyed unto your grace."

to her brother and the pope and her unwillingness to deny Henry's request outright. Hutton tried to assuage her by a return to his last point in their meeting, arguing Pole was more traitor than papal legate: "the offis of alegate nor have any defense by the prvelegig of yosame having utterly lost them for that he had comittid a cryme of his maisties as to be a rebellion agaynst hys prince."[368] That when Reginald Pole rebelled, "prevelegs ought not to be aymd but only by thois that exarcis the said offis be bonified wheras he had forsaken his princes soveragn," and "atraitor to hys native countrey and hath dismyd hym selfe to the nations adversaries."[369] However, Hutton's case that Pole was a traitor and could not be trusted to be loyal to anyone would hold little sway on the continent. To Charles V and Francis I, the "adversaries," he was a hero who stood up to Henry VIII's blasphemy. Mary of Hungary's council continued its effective policy of delaying matters by deciding on the need for more investigation: "that the mattr tochid the byshopp of romes authoritie and tht the debatyng thereof cold take no place onless ther were comissioners apoyntid by hym to make answares ther."[370] The council informed an unhappy Hutton that "th counsell hath had communcatcion to semeone to the b of rome" but that for now, "the have refused audiens of his legate."[371]

Within a few days, Pole was ensconced in the Abbey of Awne, which was headed by de la Marck. Despite knowing since mid-May that Pole was soon to be escorted to Brussels, on May 26 Hutton complained that he was angry that Pole was not under arrest and berated the queen for not following Henry VIII's orders. Testily she replied, "yf the kynge ma were advertysid of the trouth what she had done therin she had no dowbt but that his grace wold [discover] that she had not only acomlissid his promyse but also for his sake done more than the treatis did bynd hyr," for in all treaties, the papal legate was exempt.[372] The most she could do, she said, was to give him two days to leave her lands, and to not allow him to stay.

Having been thwarted thus far and desperate to do his duty for his impatient king, Hutton changed strategies when one Vaughan, a fugitive from England who was fleeing charges of manslaughter, was brought to his attention. Vaughan came to Hutton and said he had encountered a man named Henry Phillips who said he had an "aquanatns with one of hys gentilmen named thogmorton" and could get Vaughan a job with Cardinal Pole.[373] Phillips told him that Throckmorton was going into England and needed to smuggle letters to "ca. pooles frendes and ther is great dost how to convey the said lettrs but i have devysed so do as i did by sarton lettrs that I put to my father which was I [caused] them to be baked with in aloffe of bred and so as was appoyntid to do with thoes."[374] Hutton gave Vaughan forty shillings and told him to accompany Throckmorton and to make sure the letters got to their destinations, and then to report all he saw and heard.

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[368] Ibid.
[369] Ibid.
[370] Ibid.
[371] Ibid.
[372] SP 1/120 ff. 209-212. "If the king's man were advertised of the truth what she had done therein she had no doubt but that his grace would [discover] that she had not only accomplished his promise but also for his sake done more than the treaty did bind her."
[373] Ibid.
[374] Ibid. "Cardinal Pole's friends and there is great doubt how to convey the said letters but I have devised so do as I did by certain letters that I put to my father which was I [caused] them to be baked within a loaf of bread and so was as appointed to do with those."

Back at Awne Abbey, Pole, unable or unwilling to see anything wrong with his actions, now believed he had enemies who were creating these difficulties for him with his king. In a revealing letter to Cromwell on May 29 he complained that he had tried to send letters to the king through the French court, but "by no meanes could be prosuadyd to meddyll wyth them or to take any charge for to send them the whych semeth to me a strang matt of handlyng them selve in thatt rome thatt wold refuse any letters that was wrytten to any of the kinges counsell."[375] Reginald, rather disingenuously, wrote that he understood if letters had come from one of the king's enemies, but that could not be the case with those from him. Becoming increasingly sharp, he threatened, "butt yf ys a new fashion in handling prynces affayres off most assured and faythfull hath as may be found in nature preserveng theyr dewtye to god by all means to prvoke them to change theyr loveng mynd to the kyng."[376] By this time, Henry VIII and Reginald were in a battle of wills. Reginald, confident in his bloodline and his faith, believed he was on the side of God would not be defeated by a heretic king. Henry VIII, the English king by grace of God, was determined not to be cowed by a potential usurper, a man lesser in virility, status, and power. Neither was willing to concede and a great deal of masculine pride was now at stake on both sides.

Henry VIII had run out of patience with this confrontation and had changed strategies once again. Diplomacy with foreign leaders had failed and attempts to capture Reginald, a self-confessed traitor, and bring him back to England by force had been unsuccessful. The king decided to put an end to all the trouble that Reginald had given him. If it proved too difficult to capture and extradite Reginald, Henry would simply have him killed, a justifiable punishment for determined traitors such as Pole. In his letter to Cromwell, Reginald also revealed that he knew how far Henry VIII was willing to go in order to silence him and how much the situation had escalated. Reginald disclosed to Cromwell that he knew the king had sent agents to kill him. Pole haughtily asserted that he did not fear Henry VIII then, nor would he ever. He had a higher purpose than being an English subject: his work for the Church. No further justification was needed.

The next day, Hutton wrote Cromwell from Brussels with the troubling news that the de la Marck was, as Hutton feared, too sympathetic to Pole. In a conversation with the regent, Hutton had demanded Mary of Hungary answer for the cardinal's actions. Next he turned his ire on the cardinal himself. De la Marck skillfully replied to Hutton that he was as loyal to Henry VIII as he was to any man, saving the emperor, which Henry could not have been too pleased to hear however expected it may have been. The cardinal declared he never spoke to Pole nor would he ever.[377] Meanwhile, the emperor had been kept informed on all Henry VIII's efforts to capture Pole. On June 2 Charles V wrote his agent Cifuentes and complimented him on sending Pole through France rather than Flanders as it was safer.[378] Since Mary of Hungary skillfully avoided compliance and open defiance, it seems it was Francis I upon whom Charles V now more readily relied as less fearful of offending the English king. On June 3, Hutton wrote Henry VIII to

[375] SP 1/120 f. 231-232. "by no means could be persuaded to meddle with them or to take any charge for to send them the which seemeth to me a strange matter of handling themselves in that room that would refuse any letters that was written to any of the king's council."
[376] Ibid.
[377] SP 1/120 ff. 235-236.
[378] BL Add. MS 28,589 f. 313.

inform him of the queen's recent actions. Deftly portraying herself as sympathetic to Henry VIII's plight, she had told Hutton that Pole had written to the pope to complain of his treatment, but she was not overly concerned. The next day Hutton wrote Henry VIII again with information about Pole in Liège who by then "lay in the old palis."[379] Adding that Pole was "pontifically receyved in to the citie of liege whereas it appreithe both by report and by the provsis for his howshold that it is detarmynded to tary ther until he has answer from rome," presumably about what he should do next.[380] Moreover, Hutton continued, de la Marck may have betrayed them as well because "ther was aprasent made to pole of m thesand dildyns as it is thought by the cardynall of leige the tak hum ther for a yong god he cometh but littill abrod..."[381]

After disappointing Henry VIII with his inability to convince Mary of Hungary to help capture Pole, Hutton embarked upon another plan of action, feeble though it was. Hutton came close to placing a spy or assassin of his own in Pole's household. His spy, Vaughan, had received an audience with Pole and asked the cardinal for a job. Thwarting Hutton's plans, Pole deftly answered "that yf he had not had his full numbre (number of servants) he wold have byn well contentid to have acepted hum in to his sarvis."[382] But if Vaughn were to come to Italy when Pole returned, "he were ther he wold be glad to take hym," though for Hutton's purposes, that would be too late.[383]

Also, Reginald Pole seemed to have finally understood the situation in England and shifted his thinking accordingly. Vaughan revealed that Reginald Pole declared he would never come to England in Henry VIII's lifetime, even if pardoned because he did not trust the king. But he sent his servant Throckmorton, who was now in "yngland for he is not with his car," to distribute the letters he had smuggled in to Reginald's friends and family.[384] Pole also admitted being apprehensive about this trip back to Rome because of the "passage throgh almayn (fearing) yo grace to have provi(sed) some myscheiff agaynst hym."[385] Pole must also have had informants who discovered who had been sent to assassinate him and "told this vaughan that sir thomas palmar peter meotas john wyngfild francis Hall and I with dyvers other were sent in to theis parts with comyssion by yo grace to destroy hym."[386] Woefully misjudging the king's anger, Pole would always believe that any attempt on his life originated with Cromwell. Hutton believed that Pole learned of this from "one antony that was sent in eseyall from Sir thomas Palmar."[387]

Reginald Pole's Escape

Despite the measures that Henry VIII took to eradicate the great threat posed by Pole and his allies, he was to be thwarted. The king's rage and disappointment and Cromwell's efforts on his behalf, in turn, would deflect onto those who were accessible to Henry, Reginald Pole's friends and family in England. In the meantime, efforts to stop Pole continued. Cromwell

[379] SP 1/121 ff. 38-41.
[380] Ibid.
[381] Ibid.
[382] Ibid.
[383] Ibid.
[384] SP 1/121 ff. 38-41.
[385] SP 1/121 ff. 138-141.
[386] Ibid.
[387] Ibid.

expected the help of Michael Throckmorton. Throckmorton, Reginald Pole's right hand man who played a key role in his master's escape from the assasins, is a bit of a mysterious character in the letters. His omnipresence was noted but rarely commented upon, a mark of a good servant. Pole trusted him with almost all of his messages and errands. Ironically, the beginning of their association was more auspicious from the king's perspective because Cromwell engineered it. On August 20, 1537, Throckmorton wrote to Cromwell from his location in Liège that he "thought your sylens to have byne as nott regarding whether I had (stayed) on or not...as a consentyng to my remayning w hyme to whom i was sent."[388] Evidently Cromwell had sent Throckmorton as a spy, however, the agent had switched his loyalties from the king to Reginald Pole and now it seemed that Throckmorton was attempting to use his connection with Cromwell to Pole's benefit. Pole's instincts about Throckmorton had been correct, because he remained a faithful servant to the cardinal for years. For Throckmorton to defy Thomas Cromwell and endanger his life and the lives of his family by switching loyalties gives some indication of the devotion Pole engendered in others.

In the summer of 1537, however, Throckmorton could still present himself as Cromwell's agent. On August 20, Throckmorton wrote to Cromwell that he knew he was now perceived to be "myghter grett rebell than others he or i wolde have thougth, att hys departyng from rome."[389] He now wanted to clear up why he had not written, and claimed that Pole had moved so frequently that it was impossible to send a message. Pole had asked him in Paris whether "i thought hyt not a conven(ient) onto tyme for hym to send me now with any lettr off credence to the kyng grace" though Pole was thought to be "so grevious a nuisans and rebell as he wolde now have thought fynding no cause...that hys grace take all tyngs to the contrary that he either dyd sayd."[390]

Throckmorton painted a sympathetic portrait of Reginald Pole. In an argument probably crafted by Pole, Throckmorton claimed that Pole still believed his sole purpose was to bring England back to the Church and that he was the only one who could do this because no one loved the king as much as he did. Pole did tell Throckmorton that though he was not a traitor, Henry VIII treated him as such, giving him cause to actually rebel, thereby justifying his actions. Throckmorton also revealed that Pole had been recalled to Rome to attend a General Council on November 1.[391] Throckmorton closed the letter by writing that if Cromwell wished to answer him, he should not contact him, rather to send the missive to Hutton as it was safer. Throckmorton's last statement served three purposes. First, by referencing the safety of the passage of intelligence, he wanted to assure Cromwell of his loyalty to the king. Secondly, it absolved him from further communicating with a man for whom he no longer felt exclusive allegiance. Thirdly, Throckmorton could use this contact with Hutton for information on Cromwell.

Cromwell ignored Throckmorton's letter. Believing that Pole would allow fellow clerics in his presence where assassins had failed, in August 1537 Henry VIII sent two of his chaplains, Wilson and Hethe, to Flanders to once again offer Reginald Pole an opportunity to change his

[388] SP 1/124 ff. 76-90.
[389] Ibid.
[390] Ibid.
[391] Ibid.

mind and return to England. It is unclear whether they were supposed to convince him to return to England through persuasion or to assassinate him. Cromwell clarified Henry VIII's commission and had particular instructions in his September letter to Wilson and Hethe: they were to call him Mr. Pole and not to show him any pre-eminence or any recognition of his status as a legate. If he did decide to submit, they were to order that he put it in writing. If Pole met Cromwell's conditions of submission, as the king's agent, he would write and offer clemency.[392] Hutton confirmed on September 19, that Reginald had left Liège on August first and had made it through Utrecht escorted by two men from the Cardinal of Liège's household.[393] Ultimately, Henry VIII and Cromwell's plan for the chaplains failed as well, as they never met with Pole.

A few weeks later Cromwell sent Throckmorton a long, scathing letter with the first formal threats against Pole's family and retainers. His anger was as palpable as was his intent to frighten Throckmorton into submission. Echoing Henry VIII's intial tactics with Pole, Cromwell exhibited paternal disappointment with the employee who he believed had deserted him. Cromwell chose to begin with quiet admonition, "Yor part was to do as the king yor soverayn lord hadd commanded youe…but now you follow a traytor, to serve a frende of his whych mortally hateth yor soverayn lord."[394] Moving on to false sincerity and in a message that was doubtlessly meant for Reginald's eyes, Cromwell declared his intentions for the family Reginald left behind in England, "Pity is, that the folly of one brayn sick poole or to say better, of one witless foole, shuld be the ruyn of so great a famylie."[395] He soon abandoned any semblance of concern and let his words express his rage and characteristically chilling threats. Cromwell asserted that the cardinal did not have the support in his home country that he may have been counting on: "I think there shalbe very few, but they will think (as I do) he hath as he deserveth …a most shameful dethe."[396] Lest Throckmorton misunderstand his meaning, Cromwell added, "There maye be found manye ways in Italy to rydee a trayterous subiect."[397] Obviously, he intended them to understand that Henry had not abandoned his efforts to have Pole assassinated. Finally, he turned to blatant threats to Throckmorton's family and himself, "Mychel, if you were eyther natural towarde yor countrey or yo famylie you wold not thus shame all yor kynn…the lest suspision shalbe ynough to undo the greatyst of them…Doubt ye not, but yor ende shalbe as of all traytours."[398]

On November 30, 1537, to the fury of Henry VIII, Reginald Pole was received into Rome with "a great triumphe" and thanks for his safe return.[399] At the end of December Hutton wrote Cromwell from Antwerp with the information that he had received a letter from Throckmorton detailing Pole's triumphant entry into Rome and his place of honor with the pope. Despite Cromwell's sinister letter from a few months earlier, Throckmorton was still maintaining the façade that he was a loyal agent of the English king and "lamentid his Car. beyng not off the kynge maiesties favor."[400] Throckmorton, perhaps in an attempt to mollify his infuriated

[392] SP 1/124 ff. 145-152.
[393] SP 1/124 ff. 163-164; SP 1/125 ff. 3-4.
[394] SP 1/125 ff. 87-89.
[395] Ibid.
[396] Ibid.
[397] Ibid.
[398] Ibid.
[399] SP 1/127 ff. 174-175.
[400] Ibid.

employer, promised Hutton he would "do his utmost [to] stay the puttyng fforthe of the book made in favor of the byshoppe of Rome agaynst the kynge hiyhness but he makithe about that it shall not in the end be in his power."[401]

Henry VIII was not a man who accepted such defiance and betrayal. The past two years, 1535 to 1537 had brought him a treasonous wife, a rebellion, the death of his third wife, Jane Seymour, the only woman who had given him a male heir, and intrigue and suspicion at court. He could no longer stand aside and suffer the actions of a treasonous cleric. Particularly one to whom Henry VIII had played so many roles as king, patron, and surrogate father. Efforts to cajole, bribe, and intimidate his cousin had failed-Pole could neither be captured nor killed. Additionally, the English people (along with their monarch) were watching and waiting to see if Paul III would excommunicate Henry VIII. This would justify rebellion at home and invasion from abroad. This made Reginald Pole not just a troublesome domestic antagonist, but also an ally and favorite of Henry VIII's powerful enemies, the pope, Charles V, and Francis I. Reginald Pole's supporters on the continent were in position to invade with powerful armies, which, joined with disloyal Catholic nobles such as the Poles and Courtenays in England, could topple him from his throne. To prevent this, Henry VIII believed he had to remove the cardinal's potential support in England. This meant the Pole family with their extensive lands and revenues and the Courtenays, the remaining members of the White Rose Party and the only other claimants to the English throne. And this time there would be no cajoling or negotiating. Once the king decided he must move against the Poles he gave Cromwell permission to utilize his spies and considerable legal acumen to bring them and their cousins down.

[401] Ibid.

Chapter Six: The Autumn of 1538 and Case against the White Party

After two years spent futilely chasing Reginald Pole through Europe, Henry VIII turned his attention to Pole's family. After the near misses and all the mistakes in his quest for revenge, Henry VIII was determined not to take any further chances. In order to silence Reginald Pole, the king needed a way to mitigate the threat posed by Pole's supporters, more specifically his family. Surely his family had communicated with the elusive cardinal and must have been sympathetic to his rebellious views. Though the Poles were the original target, the Courtenays' sympathies and friendship with the Poles also attracted Cromwell's attention and pulled them into the investigation. Henry VIII believed that if he attacked Pole's family and eliminated the family's political and personal network, it would lessen the threat of an invasion from the continent in the cardinal's name.[402]

If the king was determined to destroy the Poles and Courtenays, then Cromwell would make it happen. Henry VIII's most devoted and closest advisor, Thomas Cromwell had been the king's right hand man for eight years since the fall of the king's previous advisor, the aged Cardinal Wolsey. Like Wolsey, Cromwell came from humble beginnings, a fact that neither he nor the nobles at court ever forgot. His father was a blacksmith and brewer in Putney. Because of his base birth, and perhaps because it was easier to blame Cromwell for Henry VIII's unpopular actions rather than the king himself, the nobility hated the new advisor. In return, Cromwell detested them. When Henry VIII presented Cromwell with the chance to eradicate the Poles and Courtenays, he was eager to fulfill the king's request.

His early life is a bit mysterious as very little documentation survives, but his education seems to have been spotty. After a number of years spent on the continent, Cromwell returned to England and entered into business in London's bustling mercantile community.[403] In the meantime, he married Elizabeth Wickes and they had three children. In 1527 Wickes and their two daughters died of the sweating sickness; only their son, Gregory, survived. By 1523 Cromwell was an elected member of the House of Commons and a year later joined Gray's Inn, which gave his thinking a legalistic bent. This was also when he entered the service of Cardinal Wolsey. Cromwell served on Wolsey's council and was very close to him until the end of the cardinal's life. Despite his position and loyalty to Wolsey, after the cardinal's fall in 1529, Henry VIII recognized Cromwell's intelligence and dedication and placed him on the Privy Council. From then, the king's causes and problems became Cromwell's own.

Cromwell was a proponent of religious reform and designed Henry VIII's reform of the Church. A mark of Cromwell's administration was his adherence to (or creation of) legal solutions to the king's problems. Cromwell used Parliament and the passage of laws to engineer the break with the Catholic Church, a divorce from Katharine of Aragon, and a new line of succession. Rather than simply imprisoning or executing those the king deemed threats to the state, Cromwell had adjusted the definition of treason to include the dangers that Henry VIII

[402] In one chapter of her biography, Hazel Pierce addressed the state's case against the Pole/Courtenays. In the chapter offered here as well as the one that follows are the most comprehensive discussions of the motivations, timeline, interrogations, evidence, and outcomes in the historiography to date. For my version of these events I drew on the state's record of the interrogation as well as other primary documents.

[403] The historian Robert Hutchinson argued that Cromwell was a mercenary, which certainly gave him skills to survive at the English court.

feared. Not only did Cromwell adjust the definition, he constructed a treason plot by taking words, suspicious actions, and connections and connected them to create a plausible accusation of treason.

The case was simple from the royal perspective. The royal person and the throne had become synonymous, particularly in response to threats, so when these two families had conspired against the king and colluded with his enemies, they had therefore had committed treason against the crown. They needed to be removed. There were two main treasonable offenses that surfaced in the investigation. The first was that this group had communicated with and supported a known enemy of the state: Reginald Pole. Pole had attacked the king with words and had spent years consorting with Henry's enemies. Henry and Cromwell assumed that the Pole family had been in contact with the cardinal and was privy to any treasonous plans. The second and more dangerous was they had imagined the king's death and discussed rebellion. The Poles had not yet built an army, nor had they made plans for an insurrection, but it was vital for the crown to prevent them from doing so. If the king waited for the Poles and the Courtenays to take action, it would be too late, therefore Henry and Cromwell had to act at once. When they did, their interrogations revealed a great deal of slanderous treason from the White Rose Party.

In the fall of 1538, the king and Cromwell took action. From August through November, Cromwell, acting on the king's orders, arrested and interrogated the principal members of both families: Geoffrey Pole, Montague, Salisbury, Exeter, Gertrude Courtenay, Neville, and their servants. Geoffrey Pole's arrest followed the detention of his servant Hugh Holland, and together their testimonies implicated and condemned the rest of the group, who were subsequently brought in and questioned. One of the most important duties a noble had was the distribution of money to retainers, clients, and friends. In this way the household could be used to organize and fund political maneuvers.[404] As part of this financial web of obligations, messengers were vital. They served as a conduit for the most important aspect of noble relations: communication. They were trusted servants and relatives whose discretion was believed to be sacrosanct. In 1538 the Pole/Courtenay treason case would be revealed as a result the activities of such a messenger, Hugh Holland, Geoffrey Pole's servant. Trusted servants were a noble's most effect political weapon and, in the case of Holland, liability. From Holland and Geoffrey Pole's testimonies, Cromwell learned that these treasons were verbal. Despite the early knowledge that none of the participants were building armies or planning armed rebellions, Cromwell and Henry VIII interrogated and prosecuted the Poles and Courtenays just as harshly as if they had been.

This chapter demonstrates the ways in which the old and new treason laws were manipulated to combat an immediate political threat. The record of the interrogations are significant because they reveal to what extent the crown believed words to be a threat. The men's words and verbally-expressed dissatisfaction with Henry VIII's rule were judged to be more dangerous than Gertrude Courtenay's writing and keeping of letters in which treasonous thoughts were written down and circulated, for they were executed and she was not. The outcome of the investigations and interrogation was a great success for the crown. Henry and Cromwell could congratulate themselves for destroying the powerful Plantagenets, and ending a rebellion before it began. In so doing, they set two legal precedents for treason and proved the instability of gender. They prosecuted men for the stereotypical feminine crime, verbal treason; and women

[404] Mertes, 122.

for the stereotypical masculine crime of active treason, showing pragmatism in superseding customary gender roles in the service of political needs. And in the process, they changed the past martial definition of treason and ended any gender associations with the crime whether by words or actions.

Rumors and Gossip

For a year rumors had swirled around the English countryside, London, and the continent that the marquess of Exeter and the king had had a falling out. In a letter on November 5 from Louis de Perreau, Sieur de Castillon, the French ambassador to England, to the constable of France, Anne de Montmorency, after Exeter and Montague had been arrested, Castillon mentioned that for years, Henry VIII had been determined to quash the threat and had vowed to destroy Montague's family, the last of the White Rose lineage.[405] In England, local justices of the peace collected these rumors in depositions and passed the testimonies, many concerning the king's presumed death, along to the Privy Council. Demonstrating how seriously the crown took speech, even rumors were punishable and closely monitored. In June of 1537, a carpenter from Somerset, Thomas Benyng, testified that he heard the butcher, John Howel, say that Exeter had pulled a dagger on Thomas Cromwell and had been ordered to the Tower. However, Exeter had been saved by his position, as the other nobles refused to let him be incarcerated.[406] Benyng stated that he had heard this a fortnight before Christmas of the previous year. Later that year in December 1537, the abbot of Reading wrote to Cromwell and related rumors that the king and Exeter had died.[407] Five days later on December 18, Sir Walter Stonore, Sir W. Essex, and Thomas Vachell had been ordered by the king to look into the matter and a fuller, Edward Lyttleworke, was found to be guilty of spreading the rumor. He was sentenced to time in the pillory in Wallingford and later in Reading, both times for an hour at midday.[408] It was highly unlikely that these were isolated incidents.

Rumors concerning a marriage between Cardinal Pole and Mary Tudor also had been circling for years, particularly by Eustace Chapuys in his letters to Charles V. Most of these involved replacing Henry VIII and letting Reginald and Mary rule jointly, a statement which even by itself was treasonous. In the spring of 1538, Robert Brantseur, an agent of Emperor Charles V, wrote to Robert Pate, the archdeacon of Lincoln, to report that an English expatriate, Thomas Dingley, had stated at a dinner party in Rome that should the Pilgrimage of Grace go poorly for the king, i.e. should he be deposed, Mary Tudor "might marry with the marquis of Exeter's son and so they to enjoy the realm."[409] Brantseur reported that these sentiments were spoken openly with no desire for secrecy, indicating that not only did English men feel safe from retribution in Europe, but also that the idea of deposing Henry VIII was casually bandied about and viewed as certainly possible if not inevitable.

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[405] BL Add. MS 33,514 f. 5. "Il y a bien longtemps que ce Roy m'avoit dict qu'il vouloit exterminer ceste maison de Montagu, qui est encore de la Rose Blanche, et de la maison de Polle dont est le Cardinal. Je ne sçray encore qu'on veult faire dudit Marquis; par le premier je vous en advertiray. Il semble qu'il cherche toutes les occasions qu'on peult penser pour se ruyner et destruyre. Je croy que peu de signeurs sont asseurés en ce pays; je ne croy pas qu'il n'en advienne quelque miquemaque."
[406] SP 1/121 f. 67.
[407] L&P XII Part 2, no. 1205.
[408] Ibid., no. 1256.
[409] SP 1/132 f. 208.

Then, beginning in the late spring and early summer of 1538, rumors about the Pole family's involvement with the exiled Cardinal Pole began to circulate. Aware of these suspicions, Salisbury, Geoffrey, and Montague had professed their loyalty to the king in the past, and Henry VIII had seemed mollified by their protestations. Cromwell, through his loyal dependents and spies, was certainly made aware of the rumblings concerning the Poles and Salisbury in particular. With her money, connections, and the lands at her disposal, from Cromwell and Henry VIII's perspective her gender was not a consideration. She could be just as much a martial threat as a man. Gervase Tyndall, a schoolmaster, was employed to garner information on the countess of Salisbury. In the spring of 1538, Tyndall had fallen ill and was staying with Richard Ayer, a surgeon near Warblington associated with Salisbury's household.[410] Tyndall said in a November 1538 deposition that he came by intelligence about Salisbury's religious leanings by "whyspering off the hole howse" and by direct conversation with Ayer who reported that Salisbury had "prestes in hir howse whych dyd hir muche harme and kept hir from trewe knowlydge of Gods worde."[411] Ayer had had a falling out with one of these priests because they revealed his confession to Salisbury. In fact, Ayer told Tyndall that the countess was unhappy that he was convalescing there as he was a man of the new learning. Her dislike may have also been because he was known to be Cromwell's man and thought to be seeking evidence against her and her sons.

Tyndall had freely offered to Ayer that he had a close relationship with Cromwell, after which the surgeon had revealed some damning information. Ayer told him that one "Hewe Holland," in his capacity as a broker and merchant for Geoffrey Pole had gone overseas to convey letters to John Heylar, the rector of Warblington, vicar of East Meon and Salisbury's personal chaplain, and to Cardinal Pole and that all the "secretes" of England would soon be known to the bishop of Rome.[412] News of these conversations reached the justice of the peace, Geoffrey Pole, who then sent for Tyndall and asked him to be candid. Tyndall repeated some of his information and told him "yt ys truth."[413] In his deposition, Tyndall's testimony of the events of the past summer were varied and detailed, demonstrating that he was thoroughly questioned about all he saw and heard in Warblington. Whether he was sent to Warblington explicitly to spy on the Pole household by Cromwell is unclear, but it was Tyndall's testimony and gathering of evidence that seems to have been the basis from which Cromwell then built the entire case against the Poles and Courtenays.

The atmosphere of mutual suspicion intensified. Richard Ayer's loose tongue was well known in Warblingon, as Morgan Welles, servant of the Poles, made clear in his November 1538 testimony that "he was at Bokmer this past somer when Hugh Holland and one Ayre came thither and it was spoken in Bokmer that the sayd Ayre shuld open the sayd Hugh Holland goyng over seas."[414] Who revealed that Ayer was going to discuss openly the mission is unclear, but as of the summer, it was known in Montague's household that Holland's trip was no longer a secret. The information was passed on to Cromwell and Henry VIII who seized this opportunity to act against the Poles by arresting Hugh Holland, a former mariner and Geoffrey Pole's servant, in

[410] BL Cotton MS Appendix L 82.
[411] Ibid.
[412] Ibid.
[413] Ibid.
[414] SP 1/139 ff. 21-24.

June 1538.

The swirling of gossip in the West Country proved increasingly valuable to Henry VIII and Cromwell. William Fitzwilliam, later the earl of Southampton, the main interrogator of the Poles and Courtenays, and Cromwell's protégé, began the more formal interrogations. Even small town talk was not too insignificant to include in the official records. The interrogations focused on seditious words, religious convictions, and assessments of threats to the king's authority. According to Alice Pachet from Stoughton, Laurence Tailor witnessed Sir Geoffrey Pole meet Hugh Holland in custody and ask him where he was "bound to go."[415] Hugh was reported to have replied that it would not be long before Geoffrey Pole followed him. Pachet and another witness, Johane Sylkden of Waldreton, said that if Sir Geoffrey Poole had prospered until next March he would have sent a band of men overseas to his brother, Cardinal Pole. Sylkden also confessed to saying that "if my lady of Salisbury had been a young woman," the king and his Council would have "burnt" her when they were in that part of the country.[416]

This kind of local gossip was enough for the king and Cromwell. On August 29, 1538, Geoffrey Pole was arrested and brought to London to the Tower in order to be questioned later. The same day he was arrested, Sir Thomas Denys (Salisbury's steward in Plymouth) interrogated a Breton priest, Gulphinus Abevan, who gave inflammatory, if uncorroborated, testimony. According to a letter from John Husee to his master, Lord Lisle in Calais, rumors were already circulating about a "breton prest put in to the tower, some thynk for treason."[417] After being imprisoned in the Tower, Abevan stated he had been Cardinal Pole's chaplain for six years, first in Paris and later at the University of Louvain. He asserted that he and Reginald Pole had entered England in September of 1537 and were secreted around the country in an attempt to recruit his friends to appeal to the king for him. According to Abevan, Reginald travelled to a town a few miles outside of London where he met with the marquess of Exeter. He went from there to stay with Geoffrey Pole and later with Salisbury, his mother. Abevan, fearing the king's displeasure, had then separated from Cardinal Pole and applied to Reginald's brother Montague for a job. Montague, he said, refused the priest so as not to anger the king.[418] All this time, Reginald Pole was supposed to have been safely ensconced in Liège. However, whether there was any truth in this testimony (it was not mentioned again in the interrogations) is less important than if Henry VIII and Cromwell believed it. Abevan supported the case they were building.[419]

Initially, Cromwell planned the state's case against the Poles and the Courtenays to be centered on two interlocking themes: communication with Cardinal Pole and active support for those against the king. Support for and communications and dealings with Reginald Pole was the original target of the interrogations, but through the testimonies, Cromwell and Henry VIII became aware of a more explicit and nefarious plot on which to focus. It is clear from the

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[415] SP 1/136 ff. 151-152. The testimony of Alice Pachet has been called into question because Laurence Tailor denied the Hugh Holland story, but later recanted his revocation.

[416] Ibid.

[417] SP 3 f. 4. Arthur Plantagenet, 1st Viscount Lisle, was the Governor of Calais. As the illegitimate son of Edward IV, he was also a first cousin to Salisbury.

[418] SP 1/136 ff. 178-179.

[419] Though this questioning was the same day Geoffrey Pole was arrested in August, Abevan added that he had heard Pole had "lost his head," meaning he had lost his wits. See SP 1/136 ff.178-179. This would be recorded in various reports later, but if one assumes Abevan was telling the truth about that detail, perhaps the stress of Hugh Holland in the Tower and the assumption that he was next was affecting Geoffrey Pole's mental state.

testimonies that among Montague, Exeter, Neville, and Geoffrey Pole, there was a great deal of animosity not only towards the king, but also towards his actions over the last decade. The Pole brothers, at least, held a great deal of sympathy for their exiled brother, and all of them had publicly voiced approval of a dynastic change. The king and his lord privy seal were also convinced that by the act of communicating with Cardinal Pole, the Poles and the Courtenays were aiding and encouraging the king's continental enemies and thus advancing their own claims to rule the kingdom. Geoffrey Pole's admissions and confessions revealed to Cromwell and Henry VIII a picture of a very dissatisfied group of nobles who spoke critically of the king and his policies. Had the king and his minister not altered the treason statute to explicitly include speech in 1534, they might have been frustrated in their efforts to bring down these two families. As it was, their statute made such slander high treason and allowed them to delve deeper into the Poles' and Courtenays' meetings and conversations.

Cromwell Constructs the Treason: Imprisonment and Interrogations of Pole and Holland

In 1538 The Tower of London was an enormous and imposing fortress whose storied history and bloody reputation alone was enough to coerce information out of intimidated suspects and witnesses. The Tower was a hulking complex of stone with a ring of towers on the outside surrounding the White Tower, a contradictory structure in the center which contained both sumptuous and beautiful chambers for entertaining and torture dungeons and small dank cells. The outer ring of towers was where prisoners of rank were traditionally kept, particularly the Beauchamp and Bloody towers, being roomy enough for their belongings and servants and providing views of the river and the city beyond the walls. If the king chose to allow nobles to maintain a certain standard of comfort, one could almost forget the danger he or she was in, with daily strolls around the interior of the Tower, books, fires, and lavish meals, all paid for from the prisoners' personal funds, of course. For nobles the fee was ten shillings a week and five for each of their servants. Ladies of rank were most often kept in the Lieutenant's house with his family. That is probably where Gertrude Courtenay, Salisbury, Montague's son Henry Pole, and Exeter's son, Edward Courtenay, would be kept. The Lieutenant's house had been newly constructed in 1530 and was on a par with wealthy merchants' houses in London.[420] Knowing that many had gone into the Tower and never returned must have been terrifying for the Poles, Courtenays, and especially their servants. Neville and Montague had already served time in the Tower, but in November 1538, circumstances were different, whether they recognized it at first or not. Exeter, Montague, and Neville were likely kept in the Beauchamp or Bloody Towers as befitting their rank and were allowed their servants with them. It does not seem likely that Geoffrey Pole was, as later reports of his mental state attested to his extreme discomfort and fear. Geoffrey Pole was probably kept in the White Tower, which contained smaller and darker cells, used primarily to house suspects of lower rank and to question witnesses and traitors.

Despite the commodious trappings of some of the lodgings, the Tower remained a harsh

[420] Additionally, the Tower of London was a community. Populated by over a hundred guards and their families, there was an alehouse, shops, and a parish church St. Peter Ad Vincula. Whole families lived within the walls for generations as the posts were often hereditary. For further information on the Tower see Christopher Hibbert, *The Tower of London* (New York: Newsweek Book Division, 1971) and Derek Wilson, *The Tumultuous History of the Tower of London from 1078* (New York: Charles Scribner's Sons, 1979).

place to live. In the summer it was humid and rank with the smells from the Thames and the surrounding moat, and in the fall and winter it could be a cold and miserable place. The towers were drafty, the stone walls and floors would have provided no comfort or warmth and the winds gusting off the river would have cut through windows, clothing, and blankets (if the prisoner had any). For those kept in the smaller cells of the White Tower or rooms without fireplaces, lacking warm clothing or blankets, the biting cold would have been unrelenting. The king personally controlled access to heat and the quantity and quality of food provided and adjusted these levels according to his whims.[421] If a prisoner were promised some relief from the chill in exchange for information it is not hard to imagine he or she would have taken the bargain. Cut off from access to one's family, with little or no food, and the constant threat of torture or death usually produced the results that the crown desired.

If these pressures did not break a prisoner, the White Tower's more unsavory accessories usually did. The rack was in frequent use under the Tudors as well as a device named Skeffington's or Scavenger's Daughter after the Lieutenant of the Tower, Sir Leonard Skeffington. It was a metal apparatus that compressed a victim into a circle. In the dungeon, there was a chamber known as The Pit, twenty feet deep and completely without light, and the most infamous Tudor chamber of all, known as Little Ease, which was a tiny room only four feet square and designed so the prisoner could neither fully stand up nor lie down. One had to crouch in this lightless and stuffy stone box completely without rest or "ease."[422] Such were the horrors the Tower contained, of which the Poles, Courtenays, and their servants were certainly aware.

In this case against the Poles and Courtenays, and as he had in others, Cromwell bypassed the Privy Council and took charge of the investigation himself. Cromwell and the king knew that the Privy Council, particularly given the networks and position of the accused, was not guaranteed to deliver the desired results, so they ignored traditional procedures of treason investigations of the nobility as they later would in the prosecutions and trials. Cromwell directed and Fitzwilliam carried out the interrogations. Though Geoffrey Pole's first official interrogation was not until late October, it is evident he had been questioned on numerous previous occasions. His testimony confirmed that from the early summer he, and probably his brother and mother, knew they were under investigation. His official interrogations focused on who said what and when. Hugh Holland was also questioned before his official interrogation on November 3, but as with Geoffrey Pole's examinations, only his official examination was recorded. On October 26, Geoffrey Pole was asked about the proceedings of his brother, which he had previously said he "well liked" in an earlier examination.[423] Most of the questions in Geoffrey Pole's October 26 interrogation came directly from Holland's testimony. Out of all the testimonies provided in the fall of 1538, those of Holland and Geoffrey Pole were the most damaging. Their answers and confessions provided the frame for and starting point of the prosecution's case. What Cromwell was able to glean from these two men damned mainly themselves, but led to the condemnation of everyone else.

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[421] Hibbert, *Tower of London*, 50; Wilson, *Tumultuous History*, 97.

[422] Wilson, *Tumultuous History*, 106; See also Brian Harrison, *A Tudor Journal: The Diary of a Priest in the Tower 1580-1585* (London: St. Paul's Publishing, 2000). *A Tudor Journal* was published in 1585 and written by an anonymous Roman Catholic priest, thought to be John Hart, who survived torture and imprisonment in the Tower under Queen Elizabeth I.

[423] SP 1/138 ff. 12-27.

The creation of the case is most easily reconstructed by beginning with Holland's interrogations. On November 3 Holland testified that three or four years prior, in the early summer of 1534 or 1535, he was on the Isle of Wight with Geoffrey Pole and John Heylar (Salisbury's former chaplain who had refused to recognize the Church of England and fled the country before he could be arrested) when Heylar asked him if he would accompany him to Amiens. Holland replied he would if Geoffrey Pole would allow him to go. Sir Geoffrey said, "I wyll dsyre you and command you to, for he wyll go to Amayas and I thynk Paris to studie there. And wyll tarry at Paris and nott return again with you butt is no matter to you why he tarry there or come agayn he shall honestly recompensense you for yor labors."[424] Holland does not mention in his testimony if he knew the reason for Heylar's journey but once they had crossed the Channel, in the late summer, the priest stated that he was glad he was in France "for if he had tarryd in England he feared he should fain bee putt to death" as he considered recent religious changes in England "agaynst Godd's laws."[425]

It was at this point in Holland's testimony that he moved to protect the countess of Salisbury and assert her innocence. Having already stated that Geoffrey Pole encouraged him to go to France, he declared that Heylar asked him if the countess knew he was with him. Holland replied that he departed secretly because "my ladie of salysberry would give no leave partly because his mother if she had had any knowledge…wold…muche lament," and thereby excused her of any knowledge of the trip overseas.[426] When Holland returned home and reported his delivery of Heylar in Paris, Geoffrey Pole thanked him for his service and said, "mary I thank you for it, it is well done, you shall not lack as long as I live."[427]

Over the next few years, as Holland related, letters passed back and forth from Heylar to men such as Sir William Paulet, the king's comptroller; Stephen Gardiner, the bishop of Winchester; and Sir Geoffrey Pole, all through the priest's brother-in-law John Fowell of Warblington (the town surrounding Salisbury's castle). Around Easter of 1537 Holland intended to go to Flanders to see about a shipment of wheat. After Hugh had sold his wheat in Nieuwpoort in Flanders, he travelled to a monastery some forty miles outside Cambrai where the cardinal was staying. He met with Michael Throckmorton, who asked him if he came from England. Holland affirmed that he had, which led Throckmorton to inquire if he came from the king or from the countess of Salisbury. Throckmorton was likely assessing the threat that Holland might have posed. Did he come from his former employer Cromwell or from Pole's family? Holland told him that Geoffrey had sent him, but it is important that the steward asked first if he was the king's representative or if he was from the cardinal's mother. Given the reports of the king's assassins, this was a prudent first question. However, Throckmorton's second query indirectly incriminated Salisbury. It either indicated that Salisbury had been communicating with Reginald, or that the cardinal hoped she would out of maternal attachment and emotion.

After Holland explained his purpose, Throckmorton arranged a meeting with Reginald after mass. Holland gave the cardinal Geoffrey's message. Reginald's answer was revealing of

[424] SP 1/138 ff. 91-205. "I will desire you and command you to, for he will go to Amiens and I think Paris to study there. And will tarry at Paris and not return again with you but is no matter to you why he tarry there or come again he shall honestly recompense you for your labors."

[425] Ibid.
[426] Ibid.
[427] Ibid.

both his confidence in the king's favor and his arrogance. He replied "would my lord privy seal so fain to kyll me? Well I trust it shall not lie in his power. The king is not contented to bear me malice hymself but provoketh other agaynst me."[428] The cardinal told Holland that Henry VIII had written to Francis I and asked him not to allow him into France, but "I was recyeved into Paris better than some men wold."[429] The cardinal also revealed he already knew Brian and Peter Meotes had been sent to kill him, but he trusted it did not lie within their power. Whether he was saying that they were operating outside of the king's wishes or if he believed that his continental patrons would protect him is unclear.

Then, as Holland related, Reginald sent a message to his mother. Reginald bid him "commend me to my ladie my mother by the same token that she and I looking uppon a wall together read this spea mea in deus est and desyre her ble[ssing] for me. In tyme she wyll be gladd of myne also." (my hope is in God)[430] Hearing this testimony Cromwell took this to be a coded message and later his interrogators, Fitzwilliam and Thomas Goodrich, the Bishop of Ely, asked Salisbury about it. She replied that it was a common enough slogan, which decorated windows in her house, but signified nothing secret between her and her son.[431] During her interrogation, the topic was dropped, but as she was later charged with secretly communicating with Reginald, it was not forgotten and continued to be an assumed coded phrase. Despite this tender message to his mother, Holland stated that the cardinal had followed it by asserting in a very unfilial manner that if his mother was not pleased by his message (or, presumably, his actions) he "wolde tread uppon h[er] with my feet."[432] Why was this stricken from the record, or was it? It could have been blacked out, but instead was simply crossed out and remains quite clearly. Throughout the various examinations there are notes in the margins and crossed out phrases. Perhaps Holland retracted these parts, but the interrogator still wanted Cromwell to see the phrase. It takes the statement from a personal fit of pique against the cardinal's family and transforms it into a more menacing claim. Was Reginald threatening his mother, should she turn out to be one of the king's loyal subjects, or all loyal subjects? Or did Holland, tired and fearful, invent the claim to make Reginald Pole sound worse or to switch the focus from his own treasonous activities? Reginald went on to direct Holland to commend him to his brother Geoffrey and "bid hym meddle lyttle and lett all thyngs alone," perhaps indicating that he knew Geoffrey had tried to come with Holland, or at the least would like to help him.[433] Either the cardinal was protecting his brother from Geoffrey's rash behavior, or he believed that Geoffrey could not entirely be trusted with political affairs.

Reginald did not want to send a message to his elder brother, Montague, because as he told Holland, "his brother the lord Montacute was out of hys mynd and wolde show all to the lord privy seal by and by."[434] With this statement, it is evident that Reginald believed that familial loyalty should trump fidelity to his king. In that regard, Montague was a failure. This, had it stood alone, might have mollified Henry VIII, had Holland not included another bit of damning

[428] Ibid.
[429] Ibid.
[430] Ibid.
[431] SP 1/138 ff. 242-247.
[432] SP 1/138 ff. 191-205. Interestingly, in the recorded version of the testimony he also said he would tread upon his mother or "any other of my kynge," but that is crossed out.
[433] Ibid.
[434] Ibid.

testimony. Though Reginald would not send his regards to Montague, Michael Throckmorton "desyred him to commend him to the lord Montague by the token that they hadd communed together at his last beying in England," though where they had met, Holland said he did not remember.[435] Reginald had previously vouched for Montague's loyalty, but if Montague had secretly met with Throckmorton, it did not bode well for him. Holland testified that upon his return to England he gave the message to Geoffrey, but did not deliver the messages to Salisbury and Montague. The omission was never explained. To meet with one of the king's enemies had long been considered treasonous and was likely along the lines of "traditional" treasonous activities that Henry VIII and Cromwell had expected to find.

In the year after this 1537 trip to Flanders and France, Holland testified that Geoffrey had often remarked he was "pressed...to go over sea agayn and carry hym with hym for he doubted not they should both merrily there...And he trusted one to kyss the pope's feet."[436] Holland again said that he refused Geoffrey's request to travel. Why would Holland, as Geoffrey's servant, prevent his master from traveling? There is no obvious explanation. Holland had twice at this point in the interrogation revealed that Geoffrey not only wanted to join Cardinal Pole, but Pope Clement VII as well. This was outright treason, as Geoffrey Pole would have known, however the Poles and Courtenays never seemed concerned that their words and actions operated well outside of Henry's laws. Holland did not conceal Geoffrey's wishes to go, but emphasized that on all these occasions he stopped him. Holland may have been attempting to curry favor with Cromwell and interrogators by painting himself as the man who stopped Geoffrey Pole from becoming an outright traitor by joining the cardinal and the pope. On the same subject, Holland declared that he alerted Montague to his brother's wishes when he delivered some knives to Montague, a gift from one of Reginald's servants, John Walker.[437] He reported that Montague had told him not to meddle.[438] In the same section of the testimony where he described a connection between Reginald's servants and Montague, he again claimed that he "showed him no part of the conversation with the cardinal," which is difficult to believe considering they had already spoken of Geoffrey's desire to go to France to visit Reginald.[439]

From Hugh Holland's testimony on November 3, there was an obvious direction in which to take the investigation: Holland had also revealed that he brought a "lytle sckrol" from Heylar for Geoffrey to give to one Monteys, a servant of Chapuys. Thus, Holland must have been the link between the traitor Pole and his brother Geoffrey, who in turn was now linked to Charles V's agent in England. One of the last items of information that Holland admitted was that John Babham, Salisbury's steward at one of her manors, came to him and asked if he had been to see Reginald. Holland lied and said that he had only spoken with Reginald's servants. Babham replied, "I advyse you keep that secret; it may hap to cost you your life."[440] It was now known in the Pole family and to Cromwell that Holland had been with Reginald and probably that Geoffrey had wanted to go as well. Resulting from his testimony, the government charged Hugh Holland with communicating with both John Heylar and Reginald even though he knew them "to

[435] Ibid.
[436] Ibid.
[437] Ibid.
[438] Ibid.
[439] Ibid.
[440] Ibid.

be enemys and traytors to the kyng."[441] He was also charged with being sent by Sir Geoffrey Pole to Reginald and "to shew hym the kyng's actes and secrets of the realm."[442] These were more traditional active treasons but they would be the last stereotypical masculine active treasons as the interrogations began to reveal the newly defined traitorous activities and new models for who a traitor could be.

The investigation now turned in earnest to Geoffrey's possible treason. Geoffrey Pole was the youngest son and was never considered as important as his older brothers. He was impetuous and certainly his desire to go to Reginald without heed to the effect this action would have had on his family reveals how rash he could be. Hugh Holland's characterization supports that view. Holland's revealing testimonies contrast with those of Montague, Exeter, and Neville, but perhaps Cromwell found it easy to entrap him. Holland, Geoffrey's closest servant, had already damned him with his answers to the interrogation. However, Geoffrey Pole, having been made aware of Holland's interrogation by his examiners, could have lied and refuted Holland's testimony to save his family and himself, but he did not. Judging from previous treason cases, Geoffrey may have seen his execution as inevitable, as well as that of his brothers, friends, and mother, and decided to reveal all. Or he could have been threatened with torture, terrified and weary of the interrogations and his imprisonment in the Tower. Whatever the reason, his interrogations provided key evidence for the prosecution's case against the rest of his family and friends.

Geoffrey's testimonies broke open the case for the prosecution and shattered the illusions the White Rose Party might have had, that their careless words and deeds had gone unnoticed. It also revealed to the suspects and the rest of England just how neatly their verbal treachery suited the crown's political purpose. The date of Geoffrey Pole's first official interrogation was October 26, 1538, though he had certainly been examined before. The questions he was asked were mostly derived from Holland's testimony. The majority of them dealt with Holland's journey to France, but in answering the inquiries, he raised many more. The total number of questions in this round was one hundred and thirty-one. The first set were concerned with Holland's trip and the second group focused on Geoffrey Pole's views on the king and his own communications with Reginald. His interrogator was Fitzwilliam, a taciturn and serious man empowered by his position as Cromwell's representative. Fitzwilliam was accompanied by the scribe, Edmund Walsingham (the secretary for most of the interrogations and Lieutenant of the Tower), Richard Pollard (also a scribe and employee of Cromwell), Richard Cromwell (Thomas Cromwell's nephew), Nicholas Heyth, and William Peter. They began by reminding Geoffrey Pole that he had stated that he liked some of his brother's (Reginald) proceedings and asking him what specifically he liked.[443] To this Geoffrey answered, vaguely, "that he hath liked well the doyings and proceedings of his brother the cardinall and hath mislyked the order and proceedings of the realm."[444] He did claim that he wanted to go to Louvain to meet with John Heylar, but not with Reginald. In a move designed to ferret out all instances of verbal treason, they then asked him a question that was to become the principal evidence against his family and friends: with whom have you discussed your opinions on the king's policies? Geoffrey answered, "he and many

[441] Ibid.
[442] Ibid.
[443] SP 1/138 ff. 12-27.
[444] Ibid.

others with whom he hath conferred have wyshed a change of this world nott meaning…. (any hurt to) the kinge," a distinction that Geoffrey and the others likely thought would save them. Geoffrey was arguing that they were loyal to the king, but disagreed with his religious policies. However, Henry VIII and Cromwell did not recognize the distinction, and since 1534 neither did the law. To Henry VIII and Cromwell the Poles and Courtenays were simply too dangerous to be allowed to slander the king in this manner, too powerful, too wealthy, too Catholic, and most of all, too connected to the king's enemies. Geoffrey soon indentified the "many others": George Croftes; a Langley of Chichester Cathedral; Thomas West, Ninth Baron de la Warr; Exeter; his brother Montague; John Stokesley, Bishop of London; a Mrs. Roper and a Mrs. Clement.

After naming these people, Geoffrey insisted that they meant no harm by their words and had, in some instances, abandoned such views. Geoffrey asserted that lord de la Warr was of a similar opinion seven months ago, but had since become "indifferent." Additionally, Montague had also disagreed with Henry VIII's policies before his wife's death, but had since been apathetic. Exeter, according to Geoffrey, was of the same opinion as Montague. Geoffrey hastened to add that all of these men "desired this world of plucking down abbeys…and pilgrimages and this manner of preaching to be changed but not the king's person to be changed."[445] He also told them that he heard that Sir Edward Neville "trusted the world wold amend one day," clearly referring to some sort of insurrection and deposing of Henry VIII.[446] Geoffrey's testimony in this interrogation session ended with a direct, but naïve message to the king promising his fidelity and cooperation, "the sayd examinate most humbly besought the kings highness that he may have good keeping and cherishing.... And he sayd that they wold truly and fully open all that he dyd know or may remember whomever and whatever it touch whether it be mother, brother uncle or any other."[447]

This document, the account of Geoffrey Pole's first interrogation, is followed by sixty-two additional questions Fitzwilliam wished to ask Geoffrey. Most of these queries dealt with the testimony Geoffrey had given, such as when and where he discussed the proceedings of the realm with Croftes, Clement, and Roper. Did any of them discuss the king's authority as the Supreme Head of the Church? Did Geoffrey Pole tell them that his brother was in Rome with the pope? Did they approve of Reginald's actions? Questions number thirty-seven, thirty-eight, and thirty-nine strike at the heart of Henry VIII's fears about this group. They intended to ask Geoffrey what the lords (Exeter and Montague) intended to do if there were a change and if there was an agreement among them to depose the king?[448] The questions were designed to, and ultimately did, determine just how far the treason extended and how close to action these words became. Did these treasonous words contain intent? Or were they just slander? It made no difference to the crown, they recognized the danger in speech, whether or not it contained intent to act.

Geoffrey was questioned on October 26, 28, November 2, 3, 5, 7, 9, 11, and the 12. In between his first and second interrogations, the enormity of the situation he was faced with began to affect him. Lord Lisle's informant in England, John Husee, reported to Lisle in a letter two days later on October 28 that "Syr Jeffrey Poole was examined wythn th Tower of my Lord

[445] Ibid.
[446] Ibid.
[447] Ibid.
[448] Ibid.

Admyral...Poole as herd say was so in despayr that he wold have murdered hym selfe and hath as it was tolde hath hurt hym selfe sore."[449] Richard Morison, official propagandist to Henry VIII wrote that Geoffrey's jailer left a knife unattended after dinner, with which Geoffrey then stabbed himself. Though he bled a great deal, the wound was not fatal.[450] Geoffrey had been ruminating on this disastrous situation for two months. He was imprisoned, away from his wife and eleven children, and as a frequenter of court, painfully aware of what happened to traitors and to their families. Geoffrey was alone and frightened. His state of mind may explain or may have been caused by the examinations taking place every few days instead of consecutively.

In the midst of Geoffrey's examinations, Fitzwilliam and his team had been busy corroborating his and Holland's story. They interviewed the Poles' and Courtenays' servants, for who better was better placed to overhear careless speech, slander against the king, or plans for a rebellion? They interviewed even those of the countess of Salisbury and Gertrude Courtenay, for these women might be equally dangerous traitors. As Holland had proved, servants were an invaluable part of any investigation into the nobility. The interrogators began with one of Montague's most trusted servants, Jerome Ragland, on October 28. He too would be an invaluable resource whose testimony would refute Geoffrey's assertion that his brother was indifferent to Henry's policies. In another small, dark cell within the confines of the White Tower, Ragland began by confirming that Montague was in communication with Reginald because Montague was in possession of letters from Reginald to the bishop of Durham. Later Ragland saw Montague burning these letters, in theory to conceal any treasonous involvement. Ragland also reported that Montague lamented Neville's brother's, Lord Abergavenny's, death because, "yf my lorde burgavenny were still alive he would able to make a great number of men in Kent and Sussex as have sayd also that the sayd lorde montague…often sayd that the sayd lord burgavenny was a noble man and assured friend."[451] In the margin, the scribe Walsingham noted the confirmation of Geoffrey's testimony, "affirmth the saying of geoffrey pole of lord burgavenny."[452]

Montague was also said to have lamented the dissolution of the religious houses, particularly Bisham Abbey, "And that he trusted to see bickam abbey as good state as ever."[453] Complaining about the Dissolution bordered on speaking against the king's religious policies, which was treason. Ragland also admitted that Montague had all Sir Thomas More's books and greatly enjoyed them. In his most dangerous statement, Ragland feigned not to know where he had heard it, but testified that "He hath herde also but of whom he cannot tell it would be meet marryage if Raymond Pole have the lade mary the kinge's daughter."[454] By the end of the examination, however, he had evidently been threatened or tortured enough to admit that the informant was a servant of Montague's named Perkyns.

Ragland revealed that after the Pilgrimage of Grace and the king's cancelled trip to the north in 1537, Montague derided the king saying "that in tymes [past] the kynges words wolde be belyved but now a days…wherefore yff the comons do ryse again th[ey] trust no fayr promise

[449] SP 1/138 ff. 217-218.
[450] Richard Morison, *An Invective ayenst the great and detestable vice, treason werin the secret practises and traiterous workinges that suffrid of late are disclosed* (New York: Da Capo Press, 1972), 82.
[451] SP 1/138 ff. 42-43.
[452] Ibid.
[453] Ibid.
[454] Ibid.

nor woordes."[455] In a prescient exclamation about the king's policies, Montague was supposed to have sworn "that the actes as the kynge hadde caused to be made in parlyment were very cruelly made and as the acte of treason and other actes and yff he was of the couseyll he wold nonwithstanding those actes he wolde …advyse to be charitable punishment so that men would not die therfor."[456]

Ragland had one last revelation of his own before the examination shifted to confirming or refuting other parts of Geoffrey's testimony. He disclosed that Montague "showed him at bokner about these 12 months that he hath seen more gentleness and benignity in tymes past at the kynge's hands than he doth now a days."[457] Ragland supported Geoffrey's testimony by affirming that Montague did say that knaves ruled about the king and that if there was a change, they would be punished, that if the world came to a change they would then have much to do, that they would lack nothing one day so much as honest men, that the king's sore leg would soon kill him, and finally if the king sent him overseas, he would stay there until England was in a better state.[458] Ragland also corroborated Geoffrey's claim that Montague did not want his younger brother working for the king as he did and that Montague had avowed that Reginald had been ordained by God to do good works.[459] In two new disclosures, Ragland stated that Montague had wanted to take his son and go overseas with six other people, though Ragland claimed he did not know who they were. Ragland related that when Montague had recovered from an illness, he sent Ragland to inform Exeter of his recovery; of which the marquess was glad. Curiously in the margin next to this statement, the scribe wrote "against the lord marquis." Though why this was considered detrimental to Exeter is unclear as Henry VIII was already aware of their friendship. In one of the last statements of evidence in this first examination, Ragland recounted another of Montague's keen observations of the king's character and of his unfortunate ability to make prophetic statements. Montague had said in the past to Ragland that Henry VIII "never made man but he destroyed him again either with displeasure or with the sword."[460]

On November 2, the interrogators returned to Geoffrey. The crown again attempted to find material or supporting evidence of a conspiracy in which the Poles and Courtenays acted treasonously but could find none. This would ultimately not matter. In keeping with the 1534 statute, the prosecution would assert that such words were as dangerous to the king's safety as actions. At this point the traitors were all male but, with testimony that led to the addition of Gertrude Courtenay and the crown's intensifying focus on Salisbury, that would change. The gender of the traitors and the preconceived gendered stereotypes of particular treasons meant nothing given the danger to the crown posed by these two powerful families. The written record begins with Geoffrey's statement that he had read the previous interrogation record and "knowledgeth the examination, being at this time wholly read unto him, to be true in every part

[455] Ibid.
[456] Ibid. "that the acts as the king had caused to be made in Parliament were very cruelly made and as the act of treason and other acts and if he was of the Council he would notwithstanding those acts he would…advise to be charitable punishment so that men would not die therefore"
[457] Ibid.
[458] Ibid.
[459] Ibid.
[460] Ibid.

thereof."[461] For this examination he repeated much of what Holland had revealed, that the king was not able to kill Reginald, and thus had sent others and even hoped that the French king would help to accomplish the task. Geoffrey also claimed that, to his knowledge, neither his brother nor his mother had sent any messages or letters to Reginald. Next Fitzwilliam asked him where he had heard that Henry VIII had sent an assassin to eliminate Reginald. Geoffrey replied that Mrs. Darrell had told him. Elizabeth Darrell, a friend of Gertrude Courtenay, Montague, and Geoffrey, had close connections with Henry VIII. She was the daughter of Sir Edward Darrell and the mistress of Sir Thomas Wyatt, English ambassador to the imperial court. Significantly, from at least 1530 to 1541 she received money from the royal treasury. She was first mentioned in 1530 for bringing capons and cheese and later listed as part of the Royal Household accounts with all the other employees.[462] Through her lover, Darrell was kept informed about the hunt for Reginald Pole, and as Charles V had a particular interest in the cardinal, the imperial court had all the latest news. A few days earlier in Ragland's October 28 interrogation, he confirmed the connection between Montague and Darrell. He stated that Montague had been in contact with Elizabeth Darrell and, in a peculiarly placed aside, Ragland related how she told him that while Wyatt was in Spain, Reginald Pole was also there, but that the two men studiously avoided each other.

Geoffrey confessed that Holland had asked Reginald if he and Montague could come join him on the continent, but Reginald replied that they should stay there. Geoffrey also testified that Thomas Starkey told him to be careful in his dealings because "the lord privy seal would destroy all the poles and …the byshoppes of durham and chichester read together the cardinal pole book," which they likely got from Rome.[463] Finally, this interrogation record ended with a plea from Geoffrey to the king directly in his own handwriting. In what reads like a confession and a plea for mercy, he wrote:

> Sir I beseech your noble grace to pardon my wretchedness that I have not done my bounden duty unto your grace heretofor as I have ought to done but Sir Grace comyng to me to consider your nobleness always to me and now especially in my extreme necessity as I perceive by my lord admiral and Mr. Controller your goodness shall not be lost on me but surely as I found your grace always faithful unto me so I refuse all creature lyving to be faithful to you. Your humble slave, Geoffrey Pole.[464]

The phrase "in my extreme necessity," suggests that he was faced with the possibility of torture, but it may have only been the realization of all he was admitting to and all he had done, in addition to the conditions in which he was kept. Or he may have been hoping to escape punishment by admitting he now knew the seriousness of his actions. His revelations would not end there as Cromwell had Geoffrey just where he wanted him.

Geoffrey's third examination, coming just a day later on November 3, again verified that the previous day's confession was true and then repeated some of what Holland had said about

[461] SP 1/138 ff. 92-93.
[462] BL Add. MS 20,030 ff. 27, 48; BL Arundel MS 97 f. 122.
[463] SP 1/138 ff. 92-93.
[464] Ibid.

sending letters to Reginald and Geoffrey wishing to stay with him in France. Then Geoffrey began to speak about his brother, Montague. Geoffrey confessed that when he was "forbydden by the court," or out of favor with the king, his brother Montague began to be more open with him. One day Montague came to Geoffrey's house where he avowed that he "wyshed that they were both over sea with the byshopp of Luke for he sayd this world wyll one day come to stripes," through an insurrection and political coup.[465] Montague went further by asserting, "And yett he sayd if it shold come to thatt…our being here may bee occayson more favor to be showed in the realm."[466]

Later, upon learning from Darrell that Henry VIII had ordered Reginald to be assassinated, Geoffrey explained that he sought out Montague and found him in his garden. Geoffrey testified that Montague then assured him that Reginald had escaped. Montague revealed to his brother that he had received this information from Gertrude Courtenay and Darrell. Geoffrey also stated that he saw letters from Gertrude to Montague in which she revealed that her husband had so much faith and trust in Montague that he "offered hymself to be bound bodie for bodie for hym."[467] Geoffrey went on to declare that he received information from Thomas Starkey who told him that the bishops of Chichester, Richard Sampson and the bishop of "Duresrae"[468] had read *De Unitate* and "lyked the boke wrytten by the cardinall at such tyme as they read the same...saying it was wrytten very vehemently."[469] Geoffrey finished the day's testimony by claiming that he had revealed all he had learned from Holland to his brother Montague, going against Reginald's wishes and again endangering Montague. Two days later, the interrogation resumed. On November 5, Geoffrey stated that he disclosed everything he had learned from Reginald to his friend George Croftes, the chancellor of Chichester Cathedral, who replied that he believed Reginald "shall restore the church agayn."[470]

Given all that had been said by Holland and Geoffrey Pole, it is not surprising that on November 4, Montague was arrested and brought to the Tower. Despite the paucity of evidence against him so far, Exeter was arrested the same day. Meanwhile, Henry VIII may have begun to have second thoughts about the implications of this investigation. Whereas Reginald Pole had very publicly defied him, the rest of the Poles and certainly the Courtenays had not. Whatever disaffected statements they had made were in private and the king was concerned how a coordinated attack on such high-ranking peers would seem. In addition, he had been very close with Exeter. Henry VIII may have decided it was important to portray himself as reluctant to prosecute the Poles and Courtenays until such time as overwhelming evidence of their perfidy could be presented. In that way it could be assumed the rest of the aristocracy would support him. In a letter to Sir Thomas Wyatt, Wriothesley wrote that the king was loath to arrest them despite the testimonies of their servants, but because of the threat against his person and Prince Edward, his heir, he felt he had no choice. Wriothesley stated that even though the evidence was substantial, it was not known what the king would do about it because he loved them so well.[471]

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[465] SP 1/138 ff. 213-230.
[466] Ibid.
[467] Ibid.
[468] He is probably referring to the Bishop of Durham, Cuthbert Tunstall.
[469] SP 1/138 ff. 213-230.
[470] Ibid. That statement goes unchallenged in Geoffrey's interrogation, though it would feature largely in Croftes' own examination.
[471] BL Cotton MS Appendix L f. 71.

Cromwell had no such compunction, nor did he have emotional ties to the Poles and Courtenays. He believed they were guilty and continued gathering the evidence he needed to convince the supposedly cautious king and the rest of the nobility. Cromwell knew that when he presented the whole of the evidence to Henry VIII, it would not matter to the king where they had proclaimed such treasonous statements nor would the absence of traitorous actions lessen the impact of their treachery. The men had not yet acted in a traditionally masculine or active manner, but as of 1534 those stereotypes no longer mattered. Cromwell was convinced that once Henry VIII had the totality of their slanderous statements, their words, their traditionally feminine or passive treasons would ensure their execution.

Confirming the breakdown of the gender stereotypes, on the same day Montague and Exeter were brought in, Gertrude Courtenay, Exeter's wife, was arrested as well, now suspected of traitorous actions, not words. With the addition of Gertrude Courtenay to the conspiracy, the gendered upheaval of the 1538 case continued. She featured enough in Geoffrey's testimonies for Cromwell and his men to be very interested in her role and justified in imprisoning her. The records for her examination cover the period from November 6 to November 12, though why it was taken over so many days in contrast to the other interrogations is unclear. In marked contrast to Geoffrey, Holland, and Ragland's behavior at their interrogation, she remained calm and admitted very little. She may have been kept more comfortably than the others, but she was certainly questioned in one of the interrogation chambers, a daunting experience. Perhaps she divulged what she believed would not lead to trouble and endeavored to seem cooperative without incriminating herself or her husband. She did admit that she "hath showed the lord montacute that the lord marquess her husband was admonished by certayn his friends to keep no company with the lord montacute," which only revealed that this group knew they were being watched.[472]

The rest of her testimony dealt with the verbose and happily indiscreet Sir Edward Neville. She testified "she had herde Sir Edward Nevill divers tymes say and sing merrily and offensivly that he trusted the world would amend…and thatt honest men would rule one day and she hath blamed the sayd Sir Edward for so saying."[473] This statement echoed what Geoffrey admitted in his earlier interrogation. At the time Geoffrey did not say he heard it himself, so it is clear that Geoffrey and Gertrude had been discussing this issue, though she never alluded to communication with Geoffrey nor did he name her as his source for this information. She confirmed that Neville was also the one who told her about Peter Meotes being sent to assassinate Reginald, though, oddly enough, he did so also in a song in her garden. When her husband was sent north with his own army to deal with the rebels, "Sir Edward came by the house saying Madam how do you. Bee you merry...she sayd be merry, my lord is gone to battle and he will be one of the foremost. Sayd Sir Edward…agayn Madame be not afeared of thys war nor of the second but beware of the third."[474] Gertrude swore that she admonished him for the seditious words about a future rebellion, saying, "Ah Sir Nevell you will never leave your Welsh prophecies butt one day thys will turn you to displeasure."[475] Finally, she testified that Neville sang "many tymes in the said garden [he] trusted that [knaves should be] put down and lords

[472] SP 1/138 ff. 158-159.
[473] Ibid.
[474] Ibid.
[475] Ibid.

reign one day."[476] She did not clarify which lords, but it is probable that the king assumed Neville meant himself and his friends. It does not seem from her answers that she was asked about any possibly treasonous actions, though her letter writing and keeping would feature in later interrogations.[477] From her testimony it would seem that Neville was a harmless fool, but Henry VIII would not have seen him in this light. In 1521 the king had thrown him in the Tower for his connection to the duke of Buckingham and seventeen years later Neville was again revealed to be behaving treasonously.

The only examination of Elizabeth Darrell, who figured so prominently in some of Geoffrey's testimonies, took place on November 6 and was remarkably short. Unlike the others involved in this case, her close relationship with the king protected her from further scrutiny. After all, she could claim that she had just spread gossip learned from Wyatt, though she did reveal the king's secret plan to kill Reginald. There is not much in her examination, but her last line was significant. First she admitted that she knew that the king had sent Peter Meotes to kill Cardinal Pole with a handgun. She claimed she did not remember where she had heard it, though it was certainly from Wyatt. Interestingly, after she said she heard the rumor, the next line "and found joy in the" is crossed out.[478] Perhaps she was attempting to ingratiate herself by expressing her support for the assassination. The last line of her testimony demonstrated both Geoffrey's high emotional state and his recklessness with his opinions. She declared that she did not remember who told her about Meotes, but that she did alert Geoffrey Pole to the attempt and he "sayd att the same tyme by God's blood and if he speaking of the said peter meotes hadd slain hym I would have thrust my dagger [in] him [althou]gh he had been att the king's heels."[479] Drawing a weapon in the presence of the king would have seen Geoffrey executed and constituted the kind of overt threat for which Henry VIII and Cromwell had been seeking.

Spreading the Net: Brothers and Cousins

Before Fitzwilliam went back to Geoffrey on November 7 and before he began the interrogations of Exeter, Neville, and Montague, he and the other interrogators organized their questions in light of the testimonies of Gertrude Courtenay, Ragland, and Darrell. There was now enough testimony to give direction to subsequent interrogations. Neville's questions came from Gertrude's testimony, whereas Montague's came from Geoffrey's and Ragland's. Exeter's questions all dealt with his relationship with Montague and what had been discussed with him, which the state would soon believe was the greatest danger.[480] With their evidence collected and strategy set, Cromwell and his interrogators turned their attentions to those they believed were the most dangerous traitors: the three peers Montague, Exeter, and Neville. So powerful were these three men that mere suggestions of treason from their mouths condemned them. Geoffrey

[476] Ibid.
[477] Writing, sending, and keeping a letter in which treasonous words were contained was considered an action rather than treason by words. Slander and verbalizing treason were not overt acts but when written down, they were. (A view articulated and espoused by Sir Matthew Hale in his 1678 *Pleas of the Crown; or, A Methodical Summary of the Principal Matters Relating to that Subject* [London: Printed by the assigns of Richard Atkyns and Edward Atkyns, Esquires, et. al, 1678, 13], and in Elton's *Policy and Police*, 280.)
[478] SP 1/138 ff. 160-161.
[479] Ibid.
[480] SP 1/138 ff. 168-173.

Pole's more egregious words and planned actions seemed less consequential. Montague's examination took place on November 7. For much of it, he confirmed what Geoffrey had revealed, but he provided no new insights. In an example of Exeter's loyalty to his friends, if not his king, was a curious story that Geoffrey related that others would echo. Regarding a 1537 incident involving Exeter's bearward (or bear wrangler) who had been accused of treason for seditious words, he stated that Exeter had told him he had answered Cromwell by declaring "that he would not disclose his friend if it touched not the king."[481] One can imagine Cromwell's reaction to Exeter's refusal to cooperate particularly as it came from someone with whom he had been reported to be feuding. At the time, Thomas Cromwell came to see him. Later versions of this story would confirm Exeter's refusal to testify against the bearward.

Montague testified that Exeter had told him that he had been warned about their relationship and declared that "he [Montague] hath lived in prison these 6 years" since his brother had fled for the continent.[482] Montague also stated that Geoffrey had cautioned him against keeping letters, and that he replied they could not hurt him as he had burned all his letters, thus confirming Ragland's testimony.[483] He also confirmed Gertrude's tale that Neville had sung of rebellion in her garden and that she had told him to stop, but "he never heard Sir Edward Nevell utter a[nything] in those songs other than merry things."[484] Finally, he was asked when he had last spoken with Darrell; he answered that he had been there the Sunday before to discuss a loan she owed to Sir Anthony Hungerford and she told him that his brother Sir Geoffrey had almost slain himself, and lamented that act.[485] This would be Montague's only interrogation. Despite the volume of evidence against him, Montague was questioned on very little of it. The record of Exeter's examination has not survived, but given how short Montague's interrogation was and the few number of questions the marquess was to be asked, it is unlikely it was a long testimony.

Neville, no stranger to either the king's suspicion or the Tower, gave a brief testimony on the seventh. Having been in the Tower before and released, it seems likely he was not overly worried this time either and thus did not reveal much, or he did not know anything to reveal. In an attempt to shield his friend Exeter, he said that the bearward in question was his, and Exeter had been protecting him from Cromwell's accusation of earlier treason. On the twelfth of November, Neville stated that the "king's highness hadd exhorted to leave the company of the lord marquis of exeter he showed the same to the lord marquis declaring un to hym that the lord pr[ivy seal] was present when the kyng so exhorted hym and sa[ying to the] lord marquis I may no longer keep you company…sayd lord marquis answered I pra[y our Lord be with you]."[486] Thus Neville revealed that the king was watching his friendship with Exeter as well. After the threat posed by Reginald, the king was eager to separate Montague, Exeter, Neville and all those with sympathies that Henry VIII found threatening. The examination ended with a statement, "And more he wyll not confess," demonstrating that, once again, Neville either had no knowledge or had refused to be cowed by the king's men.[487]

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[481] SP 1/138 ff. 174-175.
[482] Ibid.
[483] Ibid.
[484] Ibid.
[485] Ibid.
[486] SP 1/138 ff. 208-209.
[487] Ibid.

Disappointed with Neville's lack of admission, the examiners went back to Geoffrey. Though Geoffrey's first four examinations had been damaging enough to his brother, the fifth sealed his fate as well as the fates of many others in his family. Geoffrey's fifth interrogation on the seventh of November focused on Exeter. Oddly, in a claim he did not further explain, Geoffrey asserted that Gertrude Courtenay did not trust him after it was perceived that the king favored him.[488] If this is true, it reveals more about Gertrude and her views on Henry VIII than about Geoffrey. He went on to assert that once, after gifting Cromwell with a summer coat and a knife, Exeter "wynking uppon thys examinate sayd Peace! Knaves rule about the kyng and holdyng [up] and shaking his fist sayd I trust to gyve them a buffet one day."[489] Exeter also said that they lacked nothing so much as honest men, but "we shall do well enough."[490] Coupled with his earlier pledge to give a blow to the king and his knaves, it could be interpreted to mean that he was counting on being in a position of power after the king's demise. Geoffrey testified that when Exeter had been stripped of his constableship of Windsor Castle but was reimbursed with abbey lands. Geoffrey asked him "be you come to thys poynt to take abbey lands now?"[491] Exeter had answered, "Yea…good enough for a tyme they must have all again one day."[492] That made three times in Geoffrey's examination that he had testified that Exeter was counting on a future free of Henry VIII and restoration to the position the marquess had once enjoyed and still believed he deserved. From the crown's perspective, Exeter was clearly in violation of the 1352 statute by imagining the king's death, though it was unclear from testimony whether he intended to help bring about this change. Before 1534 such intent would have been needed, now his expectations put into words sealed his fate.

Having done irreparable damage to Exeter, Geoffrey's testimony turned to his brother Montague. Geoffrey claimed Montague declared that he was spending less time at Warblington because, as he said, "I wold rather dwell in the west partes, my lord marques of exeter is strong ther and I am sory lord Abergavenny is ded for if he was a lyve he was able to make ten thousand men."[493] Not only did Geoffrey report that his brother was wishing for a rebellion, but Geoffrey also asserted that Montague "sayd to thys examinate I dreamed…thatt the kyng was ded."[494] Two days following that statement, Geoffrey testified that Montague "in hys greatt chamber at bokmer" continued to speculate that, "the kyng is nott ded butt he wyll some day dye suddenly hys legg wyll kyll hym and then we shall have jo[ly] stirring. He sayth also thatt after the last insurrection."[495] Geoffrey's examination ended with a last revelation that demonstrated just how "open" the king's secret plan to assassinate Reginald was. Geoffrey claimed that Montague had told him that he ordered one of his servants, a Morgan (probably Morgan Wells), to go over seas and kill Peter Meotes or any other that purported to assassinate Reginald. Geoffrey went on to assert that Elizabeth Darrell told him that "ther was one of the privy chamber with the French kyng beyng very friendly with Sir Francis Bryan whych gave the

[488] SP 1/138 ff. 213-230.
[489] Ibid.
[490] Ibid.
[491] Ibid.
[492] Ibid.
[493] Ibid.
[494] Ibid.
[495] Ibid. "the king is not dead but he will someday die suddenly his leg will kill him and then we shall have jolly stirring. He said also that after the last insurrection."

cardinal Pole warning that it was intendyd to slay hym."[496] If true, this offers a fascinating image of the machinations and counter machinations of the era: that the king's man, Bryan, potentially alerted the source at the french court who in turn kept Reginald abreast of the plot to kill him.

Cromwell continued to build the case against Montague and returned to interrogating servants who might have heard their master's treasonous speech and plans for action. George Tyrell, another of Montague's servants, was next to be questioned on November 8. According to Ragland's earlier interrogation, Tyrell had been in Montague's household for three years and was the main messenger between the two houses.[497] It was a short interrogation and served to confirm that there were many letters between Gertrude, Exeter, and Montague. Tyrell was careful to assert three times that he had not known the contents of the messages, but that the majority of the letters were between Gertrude Courtenay and Montague, which raised more suspicion about her role.[498]

On November 11, Geoffrey's wife, Dame Constance Pole, was interrogated. One can only imagine how she felt about being questioned after her husband had been in the Tower so long. She fit the model of what a "typical" noblewoman looked like and functioned, and served as a marked contrast to Salisbury and Gertrude Courtenay. She was alone, vulnerable, brought into the imposing fortress, and the mother of eleven children. Her family could not support all of them, and she had been separated from Geoffrey for months with little information. She also knew that Geoffrey had collapsed and believed him to be in a "frenzy."[499] Her testimony began: between Midsummers and Whitsuntide of the previous year, a priest named John Collins came to her house bearing a ring as a token from Montague. After he arrived, "by that...token brought the sayd priest to hir husband's closet where he burned 5 or 6 letters and certayn other writings and contents of which she knowth not as she sayth."[500] Then she related a story about Geoffrey and Montague traveling to London together, but in the middle of the examination she exclaimed frantically that she had told Montague that Geoffrey was suffering from hysterics and might utter rash things. According to her, Montague replied, "it forceth not what a mad man [speaketh]...whom wyll take God what a mad man sayth."[501] After her exclamation, she continued answering questions. She testified that Montague and Geoffrey often travelled together and one time had visited Henry, lord Stafford, but she did not know what they spoke of or why they went.[502] Later, John Collins would demonstrate just how much this ordeal was weighing on Constance Pole, stating that "she dyd as a woman in hir case myght meaning she was in heaviness for such news as was of hir husband Sir Geoffrey, and [the opening] of Hugh Holland's going over seas."[503]

Armed with these disclosures, once again Cromwell turned towards Geoffrey Pole. His next examinations were taken on the ninth and eleventh of November. Geoffrey claimed he had surreptitiously travelled to France with the king's entourage on a state visit in 1532 and had hidden in his brother's room. Geoffrey said that since that trip, "lord monatcute was not contente

[496] Ibid.
[497] SP 1/138 ff. 42-43.
[498] SP 1/138 ff. 183-184.
[499] SP 1/138 ff. 189-190.
[500] Ibid.
[501] Ibid.
[502] SP 1/138 ff. 189-190.
[503] SP 1/139 ff. 27-30.

with any thyng doon by the kyng." This could be used as a confirmation that Montague's feelings of dissatisfaction and rebellion had been building for years and could be a vital support for the crown's theory of treason.[504] Geoffrey explained that Montague also warned him not to reveal anything about the trip, "shuld [Geoffrey] happen to be examined for if he opened one, all must nides come out."[505] According to Geoffrey, Montague continued to express his dissatisfaction with the current state of Parliament as did the earl of Huntingdon, "together wolde say they [were but] knaves and heretics that gave over and that such as dyd [agree to] thyngs ther that dyd the same for fear and dyd always murmur and grudge agaynst thyngs determined ther."[506] It was also in this examination where more was revealed about Geoffrey's mental state and what Montague thought about his own imprisonment. Geoffrey had been hearing from his wife who had told him "the lord montague asked hir how thys examinate dyd synce his coming to the tower adding that he herde say thatt thys examinate was madd and in [and that it] forcth not whatt a mad man sayth."[507] Given her situation, it was natural that Constance Pole would turn to her stalwart brother-in-law for comfort and assistance. Though his assessment that his younger brother was insane could not have been of much help.

Besides, Geoffrey was not insane. He was deeply afraid. Cowardice may have been attributed to him, but his wife and children were threatened and he may have believed that his only recourse for protecting them was to give the state the testimony they sought. But his eighth examination on November 12 was his most revealing and inflammatory interrogation yet. It began in the same vein as the others. Geoffrey stated that George Croftes encouraged Geoffrey to go to Reginald and even gave him money to go.[508] With Croftes addressed, Geoffrey turned on his brother, Montague. Who, as Geoffrey claimed, was offended that King Henry did not visit their mother when he was last in Stansted. Montague declared, "well let it pass we shall thank them one day. This world wyll turn uppso down and I fear me we shall have no lack but of honest men."[509] Montague's words about the world turning upside down became one area of focus for the treason case, and Geoffrey's next statement became another. Geoffrey reported that Montague told him that when Holland was arrested, "that he hadd burned many letters at hys howse."[510] Geoffrey also asserted that Montague had shown him "letters wrytten by the ladie marques of exeter whcyh letters thys examinate wer all wrytten with the sayd ladies hand."[511] With this third confirmation of correspondence between Gertrude and Montague, Cromwell finally had his "active" traitor, though it was not whom he had expected.

Geoffrey continued to incriminate his brother and Gertrude Courtenay. As an example of how Cromwell spied on the nobility, Geoffrey revealed that during the past summer, Cromwell had sent his nephew Richard to Exeter with the intent of finding out what he knew about Montague. Geoffrey reported that Exeter refused to talk to Richard, saying "he wold not open not thing to the hyndrance of hys frynd," which would ultimately fulfill his offer to be bound

[504] SP 1/138 ff. 213-230.
[505] Ibid.
[506] Ibid. "together would say they [were but] knaves and heretics that gave over and that such as did [agree to] things there that did the same for fear and did always murmur and grudge against things determined there."
[507] Ibid.
[508] Ibid.
[509] Ibid.
[510] Ibid.
[511] Ibid.

"bodie for bodie" for Montague.[512] Geoffrey stated that Richard Cromwell travelled to Exeter in February of 1537 because, "at the kyng's last beyng with the lord marquis he [noticed] a certayn strangness between the sayd lord marquis and the lord montague…lord montague wherfor sayd marry, sayd the lord montague my lord marques hath wylled it so because ther is noted a certayn suspyson between us."[513] It is unclear when this was, but it once again proves that much earlier than the state's official gathering of evidence in 1538, Exeter and Montague, as well as the rest of the families knew that they were being watched.

One can imagine the increasing level of pressure placed upon Geoffrey over the previous fifteen days. He had been left in the Tower for weeks and not officially questioned until the end of October. In this last examination on November 12, he finally gave the examiners what they wanted on Neville and Montague. If one assumes that Geoffrey had been telling the truth, why would he save these inflammatory revelations until the last? This could be another indication of the presence or threat of torture. Perhaps under the threat of physical pain, Geoffrey either decided to reveal what he knew would seal his brother's fate or to exaggerate a less provocative story. He began with Sir Edward Neville, that "he hath herd Sir Edward Neville at many tymes most always deprave the kyng saying that hys highness was a beast and worst than a beast."[514] After an occasion when the king had been at Cowdray a few years prior, Geoffrey stated that Neville declared, "Pole let us not be seen to speak together we be hadd in suspysion. But it forceth not we shall do well enough one daye."[515] They all knew that they were being watched. Geoffrey reported that Neville also told him of his discomfort in the Privy Chamber, that the others joked at his expense, "but I laugh [and] make merry to dryve forth the tyme. The kyng keepth a sort [of] knaves here that we dare nother loke nor speak and [if I were] able to lyve I wolde rather lyve any life in the worlde [than] tarry in the privey chamber."[516] This day's testimony ended with Geoffrey restating that Gertrude and Montague were in constant contact. It is an odd and abrupt end to the interrogation, but probably he was asked to reiterate his earlier intelligence about Gertrude and her letters. Perhaps Cromwell needed to confirm the extent of her involvement before accusing the wife of a peer and a woman as the active traitor.

Neville was not the only one reported to be uncomfortable in the king's presence. Geoffrey gave a startling revelation when he stated that Montague once told him that "he never loved the kyng from childhood. And that King Henry the 8th had no affection nor fancy unto hym."[517] Montague also related a story, according to Geoffrey, that one day King Henry, frustrated by his unruly nobles, vowed one day he would leave them and then what would they do? Montague declared to Geoffrey, "if he wyll serve us so we shall be happily ryd."[518] In a statement that confirmed what Henry VIII believed about the Poles' loyalties, Geoffrey confessed that Montague told him that he "was not willing that thys examinate (meaning Geoffrey) shuld serve the kyng's grace but he was content he shuld serve the ladie dowager. And further the lord montague advysed thys examinate not to goo from hys mistress."[519] Geoffrey had asked him if

[512] Ibid.
[513] Ibid.
[514] Ibid.
[515] Ibid.
[516] Ibid.
[517] Ibid.
[518] Ibid.
[519] Ibid.

he would support his claim to garner a position in the king's household. Montague replied he would not, but he "wolde have the lord marquis of exeter advyse therin."[520] Ironically, after all Geoffrey had revealed about Montague, he related a story about a conversation with his brother-in-law, Henry, lord Stafford, who "showed thys examinate he was afrayd to converse with lord montague. I lyke hym not he dare speak so largely. And the said lord Stafford at the same tyme said to thys examinate you fo[llow] so much the lord montague that [he will be your] undoyng one daye."[521] Stafford did not know at that time but the man he was warning would be the undoing of them all.

In a mutilated document, there is a summary of some of Geoffrey's next testimony about Montague on November 11. Though not much can be discerned from the first half, it is clear that Geoffrey was revealing more information about his brother's loose traitorous tongue. According to Geoffrey, Montague called Henry VIII's lineage "accursyd" and regarding their own situation: "the Kyng to be revengyd off Reynold, I fere, wyll kyll us all."[522] Reginald, according to Geoffrey, had been helped by Montague to escape the country because "he should not be ayder to forward the kyng's yet purpose yn the forsaking of hys wyffe."[523] Montague was also to have stated that "because the pope wold not grawnt to the incestous marriage the kyng fosoke hys authority with all his good uses and abuses."[524] In another statement so extraordinary the veracity of it must be questioned, Geoffrey averred that Montague had said that "we sholde do more and here when the tyme sholde come what power and frendshype nor it is not the plucking down off thes knaves that wyll help the matter we must pluck down the hede and that I was a fole to thynk otherwyse butt for all hys wysdom [I] beshrew hys hed for hys so meaning and so saying."[525] This statement, the vocalization that Montague wanted to depose the king, is so strong and so overtly treasonous that it must be viewed with some reservation. If it was true, it was an incredibly bold statement, especially coming from a peer well aware of the consequences of imagining Henry VIII's downfall. Its significance lies, however, in the effect it had upon Cromwell and the king. If there had been any doubt before, their suspicions of Montague had just been confirmed. He was a threat, a warrior who had both criticized the king and imagined and compassed his king's death. By either the 1352 or 1534 definitions, he was a traitor, and he would have to be executed.

On the twelfth of November, after Geoffrey's last examination, Fitzwilliam compiled a list of additional questions for him, though his answers are not with the state papers. Either they were asked and the answers have been lost, or he was never questioned again. The interrogators wanted to know where he was hidden at the meeting with Francis I in 1532, what Montague had told him about the French king deceiving Henry VIII, and what intelligence he had regarding the betrayal. Additionally, they wanted to continue to investigate how far the conspiracy had spread. In the first recorded mention of Henry VIII's master of the horse, Nicholas Carew, in the examinations, they had planned to ask, "Any conference…between the lord montague and the

[520] Ibid.
[521] Ibid.
[522] SP 1/138 ff. 206-207.
[523] Ibid.
[524] Ibid.
[525] Ibid. "we should do more and here when the time should come what power and friendship nor it is not the plucking down off these knaves that will help the matter we must pluck down the head and that I was a fool to think otherwise but for all his wisdom [I] beshrew his head for his so meaning and so saying."

sayd lord Stafford or between the lord montague and the master of the kyngs horse or Sir John Walloppe or any other... whether you have byn present at any tyme with the lord marques when the said master of the horse or John Wallope ...have byn also ther and what conversation...what you have herde of any meeting?"[526] On the basis of these suspicions, Sir Nicholas Carew would be attainted in the spring for conspiracy against the king and communicating with Gertrude Courtenay.

More Evidence from the Household Staff

By the middle of November, Cromwell had begun to tie up all the loose ends and connect the members of the "conspiracy" together. Cromwell continued using servants to build a case against their employers. Even years of sustained loyalty ended with Cromwell's threats, and all of those questioned gave Cromwell valuable information. Cromwell seems to have resigned himself to finding evidence of verbal treason. The questions asked what a particular man or woman had said, not what they did or if they were preparing for invasion or insurrection. Neither Henry VIII nor Cromwell had forgotten Gertrude Courtenay's earlier transgression with Elizabeth Barton and on November 12 the interrogators interviewed her servant Constance Bontayn about the marchioness' dealings with Barton. Though her dealings with Barton were not connected to the plot, Courtenay's propensity to surround herself with those the state perceived to be traitors was. The second part of the interview concerned recent events, but the first part was devoted to Gertrude's actions five years prior. In June of 1533, Gertrude Courtenay sent for Elizabeth Barton to consult her about the chances of conceiving a healthy child and about her husband's safety during war. In November of the same year, after Barton had been arrested, Gertrude Courtenay, realizing the danger she was in, wrote to Henry VIII begging for his forgiveness. She professed herself to be his most loyal subject who had been "seduced" by that "mooste unworthy subtle and detestable woman."[527] Bontayn testified that three years prior (which was off by two years because Barton was executed in 1534) Gertrude met with Barton at Canterbury in disguise, but Bontayn was not privy to their conversation. A short while after that, Barton came to Horsley to see Gertrude and "lay in a trance but what she spake [at any] tyme during hyr abode there she knowth not..." nor did she know if Exeter was there at the time.[528] Bontayn also said that Gertrude and Montague wrote to each other often and that "lord marquis reckonyd the lord montague to bee hys most assured frynde."[529] Bontayn testified that Courtenay had said Exeter had never been more aggrieved as when he was put out of the Privy Chamber, and that Courtenay had complained that men of noble blood were being replaced with commoners in the household.

The examination kept returning to Barton. Bontayn obliged her interrogators by revealing she "herde it spoken in my lord marquis howse and else where also that the sayd nonne shold say that the kyng shold flee the realm one day."[530] It seems she was then pressed harder on Exeter's presence in the house when Barton was there. They must have been asking very pointed and forceful questions for Bontayn either admitted to facts she had left out before to protect Exeter,

[526] SP 1/138 f. 230.
[527] BL MS Cotton Cleopatra E. IV f. 48.
[528] SP 1/138 f. 210.
[529] Ibid.
[530] Ibid.

or invented evidence in order to give them something of what they wanted to hear. She stated, "uppon better remembrance that the lord marquis was att Horsley at the beyng of the nonne ther but she sayth that she never herd the lord marquis speak any thing touching the noon nor of the lord montacute for she sayth that att all tymes when for when he conversed any thing with the ladie hys wyfe or any other thys examinate and others always departed and att no tyme herd any of hys conversation."[531]

Also on the twelfth, examinations began for George Croftes, the chancellor of Chichester Cathedral. Though he was a friend of Geoffrey's, not a servant, Cromwell treated him as such by conducting his interrogation at the same time as the other employees. There would be four sessions in total, and much like Geoffrey's they were illuminating and damning to himself and others. Croftes began by testifying that he often met with his friend Geoffrey at "some tymes as the sayd Sir Geoffrey hath come from the Parlamente and other tymes. And he sayth that…that he lyked not many of the sayd procedyngs as he saying he myslyked thyngs about the abolition of byshopp of Rome and of the payment of first fruites," though Croftes did say that Geoffrey later changed his mind on the "first fruits."[532] Geoffrey had also told him that he greatly admired the bishop of London and believed the king would be lenient on him for dissenting on the divorce. Geoffrey said "att same tyme as the byshopp of London was in truble for the praemunire the sayd Sir Geoffrey Pole showed this exminate that he was very sorry for hym be cause he had byn his good lord and gyven hym the keeping of a park and lent hym money."[533]

In his examination on the next day, Croftes averred that lord de la Warr had warned him that Sir Henry Owen was speaking openly against Croftes and urged him to go to the king and offer his service. Croftes said that he did so. Croftes also claimed knowledge of the case against the Poles, stating "Colyns...the prist showed this examinate that the ladie of Salysberry and the lord Montague hadd wrytten letters...to the sayd Cardinal Pole" and those letters were shown to the Privy Council.[534] What those letters contained is unclear since Fitzwilliam searched futilely for any evidence that the countess of Salisbury had contacted her son. Collins, though, told Croftes that he believed the letters were innocuous. Croftes' testimony about these letters would have been the opening for which Cromwell had been waiting. Finally, evidence of Salisbury's alleged treason. And once again, like Gertrude Courtenay's, it was active treason. Not the "feminine" words that the men had spoken, but overt acts of treason through letter writing. Salisbury was a powerful and connected magnate whose lands accessed the sea, making her desmenes the perfect landing point for a continental invasion. That made Croftes' accusations of her contact with Reginald more insidious and dangerous than the others' treason, regardless of her gender. Croftes testified that a year before, he had heard Reginald had been captured: "one Luberden he showed me he shuld bee in England agaynst his will befor this tyme," but that Geoffrey said no, "he is out of the danger of the king and the french king to. Hugh Holland hath byn with him and brought me word from hym."[535] Croftes added that Geoffrey told him he

[531] Ibid. "upon better remembrance that the lord marquess was at Horsley at the being of the nun there but she says that she never herd the lord marquess speak anything touching the nun nor of the lord Montague for she says that at all times when for when he conversed anything with the lady his wife or any other this examinate and that others always departed and at no time heard of any of his conversation."
[532] SP 1/138 ff. 211-212.
[533] Ibid. Praemunire was a law prohibiting the assertion of foreign (mainly papal) legal authority in England.
[534] SP 1/139 ff. 7-10.
[535] Ibid.

wanted to take his son (though which one of his five sons was unclear; he was probably referring to his eldest, Arthur) and plan to leave the realm. When asked if Geoffrey had shown him any letters or if he knew the contents, Croftes claimed he did not, though he confirmed that he had heard of them.

In the Tower on November 13, the next set of witnesses of what was shaping up as the White Rose Party conspiracy were Mr. and Mrs. Crouper, goldsmiths who occasionally did work for Exeter on his horses' harnesses. Mrs. Crouper testified that one Eleys, yeoman of the horse for Exeter came to see Mrs. Crouper. They began speaking about the religious changes, and Eleys told her that heretics like herself would burn one day. Mrs. Crouper replied his master would do well to keep the Gospels in English for his servants to read. Eleys swore, "If my Lord know any of his servants either to have any of these books in English or to read any of the same they shall neverdo him any longer service."[536] On the thirteenth, Robert Crouper demonstrated that (more of) the king's secret plan to capture Reginald Pole was widely known. He testified that he boarded a boat near Paul's Wharf and had a conversation with a man named Baynard who worked at the Tower. After gossiping about the "grete min" that were currently lodged there, he told Crouper that "there was one in our howse prysoner beyng delyvered by our kinges favor and sent to the said poole to show unto hym the kynges pleasure doth yet there remain and now is one of the gretest favor with hym."[537] Crouper had demanded to know his name, "and baynard said his name was Frogmorton," which confirmed that Michael Throckmorton was once an agent of Cromwell's who had shifted his loyalty to Cardinal Pole.[538]

George Croftes and John Collins had now been mentioned a few times in various testimonies, but on the thirteenth of November, a knight named Sir Henry Owen was brought in and connected them to each other and to Exeter, Montague, and lord de la Warr. Owen began by revealing that "he hath herd many tymes the lord delawarre openly say that he lyked not this world of plucking down of abbeys and that he hath openly spoken agaynst sundry acts and statutes whcyh have passed by...Parliament...and that a tyme would come when God punish the plucking down of abbeys and the reading of these new English books and such other thyngs."[539] He also affirmed that Exeter and de la Warr were very close, sending gifts back and forth. Owen ended his testimony with the claim that there was much familiarity between Croftes, Collins (Montague's chaplain), and Stephen (Exeter's chaplain).

On November 14, another servant of Gertrude Courtenay, Jasper Horsey, was examined regarding his mistress's earlier, possible treasonous relationship with Barton and Neville. Horsey admitted that "he [Neville] was present with the lad[ie marques] then beyng in disguised apparell att Canterbury," but he did not know what they spoke about, and that later "he saw the said noon and a moonk callyd Bocking in a noonrye [nunnery] at Canterbury att dynner att which tyme the sayd ladie marques dyned with the sayd noon and doctor Bocking."[540] This dinner was an event that Bontayn had not mentioned, or perhaps was not forced to invent as Horsey may have been. Horsey stated that he did know Barton came to Horsley, Exeter's estate, but he did not see her then. He also confirmed there were meetings between Gertude, Montague, Carew, and Geoffrey:

[536] SP 1/139 ff. 1-4.
[537] Ibid.
[538] Ibid.
[539] SP 1/139 ff. 5-6.
[540] SP 1/139 ff. 14-20.

"he hath seen the lord montague, the master of the horses, and sir Edward Nevell many tymes resort to the lord marques howse as well the lord marques beyng at home as when the ladie marques hath byn at home and the lord marques absent butt for what purpose ...this examinate knowth nott."[541] This was the third mention of a meeting that involved Gertrude and these suspected traitors without her husband present, perhaps it was at one of these meetings that Neville sang in her garden.

Also on the fourteenth, the group of examiners continued with Croftes' examination. The interrogators asked if Croftes had discussed matters of the realm with Geoffrey, or if had they had discussed Sir Thomas More. Croftes answered that yes, he had seen More's books in Geoffrey's house and had been assured that the books were safe to keep, "Yea, for they treated not of the King's matters" and then he had been loaned one.[542] When asked if Collins had communicated with Reginald, or if either he or Geoffrey had written to John Heylar, Croftes answered that it had been so long that he had forgotten, but there had been none since Collins entered Montague's household. "I confess that Hugh Holande told me 2 yeres ago that he had spoken to the vycar of est maygn (Heylar) that he had commended hym unto me."[543] Croftes claimed that when Geoffrey was considering going to the continent, he and his wife consulted Croftes. He had warned them that if Geoffrey left England, his family would be destroyed. Croftes also offered more of the relationship between Geoffrey and Montague, "And wythyn a fortnyght after...I told John Colyns that I had stayed...to see Sir Geoffrey polles dets payd for I fearyd thatt thys shold bee a grete occasion for hym to flee. And uppon that there was always takyn by my lord thatt all hys debts, amounting to grete sums, were payd."[544] In a demonstration of how fast both gossip and royal justice moved, and how avaricious the atmosphere at court, the same day, Thomas Cramner wrote Cromwell asking about a benefice for his chaplain, Dr. Champion, because Croftes was in the Tower and "lyke to be attaynted for Treason."[545]

The fourteenth was a busy day for the interrogators as they interviewed, in addition to Croftes and Jasper Horsey, John Collins, William Brent, and Morgan Wells. As part of his overall strategy, Cromwell had returned to these servants to either confirm testimony or to uncover more evidence of treasonous words and actions. He still had very little on Exeter. Montague employed Collins and Brent, and Horsey was one of Exeter's servants. It is unclear if the interrogators separated or travelled from cell to cell en masse, a formidable sight for anyone, let alone servants accustomed to following orders from nobles. Collins, Montague's chaplain, began by confirming Geoffrey's testimony that Montague had cursed the knaves ruling about the king and the world coming to stripes, but he then went on to provide more harmful evidence against himself. First, he admitted that after the dissolution he had said to both Geoffrey and Montague "thatt both the king and the lord pryvy seal wold hang in hell for that matter one day."[546] He reported that Montague, in a rare moment of stark realization of the danger they could be in, asked on last Palm Sunday that "all such conversation as hadd by them of the king, cardinall pole, change of the world and plucking down of the abbeys shuld kept pryvy."[547]

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[541] Ibid.
[542] SP 1/139 ff. 21-24.
[543] Ibid.
[544] Ibid.
[545] SP 1/139 f. 69.
[546] SP 1/139 ff.14-20.
[547] Ibid.

Collins also stated that Montague and Exeter were great friends and if there were such a change one day, Montague would have had a very assured friend of Exeter. Collins followed that by repeating the now familiar rumor that he heard Geoffrey say Reginald should marry Mary Tudor. During his examination on the twentieth of November, he was questioned about this again, but swore he made it up himself because there were rumors that after Anne Boleyn's death Mary would be restored to the throne.[548]

William Brent, the second of Montague's servants to be examined testified that he saw many letters in Montague's possession that had come from Gertrude, but he did not know their contents. Brent's next statement was a testament both to Montague's rebellious feelings and his strong sense of duty to his king. It must be noted that this expression of fidelity took place in the Tower, as Brent served Montague in his prison. By this time in the investigation, Cromwell was grasping at any evidence he could find and Brent obliged him. Brent affirmed that "he herd the lord montague say synce his imprisonment that he hadd rather lyve ther in a pryson than abrood in suspysion" and repeated Montague's earlier statement that he felt he had lived in prison for the past six years.[549] Brent confirmed that he had seen Montague burn letters or put them down the jakes,[550] but again, he did not know what they contained. He also stated that he witnessed Collins, Montague, and Ragland in secret meetings, but he did not know what was being said.

When Morgan Wells, a servant of the Poles, was questioned about his threat to a would-be assassin on November 14th, he freely admitted that he had planned to go overseas to protect Reginald. Wells also disclosed that Collins sanctioned his mission: "he hath told this that he wold so do to Colyns, a chaplan of lord Montague bydd hym be of good mynde and make a crosse in hys fore head."[551] Wells asserted that he had heard the rumor of the assassination plot from George Legg, one of Lord Hastings' servants. Revisiting Ayer's loose tongue about these matters, Wells declared, "he was at Bokmer (Montague's main residence) this past somer when Hugh Holland and one Ayre came thither and it was spoken in Bokmer that the sayd Ayre shuld open the sayd Hugh Holland goyng over seas."[552]

The next day on "Idibus Novembris" John Collins was interviewed again. He stated that Geoffrey sent him from Bokmer to Lufftington to burn certain letters, which he did in Lady Constance Pole's presence. He said he did not know the contents, except for one from John Heylar that contained "Popish prayers."[553] That he had burned the letters according to Geoffrey's instructions does not seem to have been enough for the interrogators because later in the document, "uppon better remembrance" he stated that he had also told Montague about burning the letters, thus implicating not one but two targets.[554] He also clarified that Geoffrey gave him a ring to give to Lady Pole as a token that she could trust Wells. He also revealed what Wells had told him which he had then reported to Geoffrey, "that who so...dyd kyll the cardinall poole, he wold kyll him agayn with a hand guun if he myght know hym and thys examinate byd hym agayn take hede whatt he dyd."[555]

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[548] SP 1/139 ff. 152-155.
[549] SP 1/139 ff. 14-20.
[550] A toilet or garderobe.
[551] SP 1/139 ff. 21-24.
[552] Ibid.
[553] SP 1/139 ff. 27-30.
[554] Ibid.
[555] Ibid.

Collins' memory either improved or he was further threatened because he began to remember the contents of the letters he had burned. One was from Geoffrey sent to the "Ejmperor's ambassador, wherein the said Sir Geoffrey [desired the ambass]ador [to] bee good to the vicar of Estmayn."[556] Another was from John Stokesly, the bishop of London, and a third from John Heylar. Collins explained that when Geoffrey discovered that he had burned all these, Geoffrey told him he had shown these letters to the Council and the duke of Norfolk assured him they were safe to keep. This was a problem for Cromwell. Not only had these potentially treasonous letters disappeared, along with them the evidence of an overt act of treason by Geoffrey, but also according to this testimony, they had been shown to his greatest Catholic enemy at court. So there seemed to be no way he could use them as evidence.

Regarding Montague again, Collins said that "he hath herd the lord montague many tymes grudge all the world and proceedings within the realm," but he was not more specific than that.[557] Collins was even questioned about Montague's young son, Henry, "whether the lord montagues son dyd know any thing of the letters of which he spake before or nott answereth he can nott tell."[558] He stated that Montague showed him letters from Reginald to the king and to Cromwell and "byd this examinate read them saying you shall see he hath byn playn and hath opened his mynde playnly unto them," but he did not address the contents of the letters or their number.[559] Collins then testified that Montague told him, "walking by the church at bokmer that it wyll a strange world saying words it be treason."[560] Though he does not specify by whom, Collins said he was advised to protect himself and his employer after Montague was arrested because "Last somer delyveryd a coffer of his own and other wrytten sermons to the vicar of Medmedham. And now at the imprisonment of the lord montague ... this examinate was send for, he should burn all the sayd writings."[561]

Five days later on the twentieth, Croftes faced his final interrogation. He declared himself to be a true Catholic and lamented the religious changes. He declared that nothing grieved him more after the break with Rome than swearing the Supreme Oath.[562] Most of his last examination dealt with de la Warr's sympathies with these religious beliefs, but he did mention Sir Henry Owen again. Owen, according to Croftes, told one Thomas Allen that he should make Cromwell aware that Croftes could tell him about a great confederacy between Exeter, Montague, and de la Warr and that "thys examinate shuld bee common messager between them."[563] Allen had answered that "he wolde nott open these thyngs because he perceyvd he spake of malice."[564] Croftes was also asked what he meant when he had said de la Warr never wavered in the old opinions. Croftes quickly asserted that he meant purgatory, saints, and freewill, all of which were still safe topics.[565]

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[556] Ibid.
[557] Ibid.
[558] Ibid. Henry Pole does not appear in any other testimony and not in the records until he was recorded as being in the Tower in the spring of 1539.
[559] Ibid.
[560] Ibid.
[561] Ibid.
[562] SP 1/139 ff. 25-27.
[563] Ibid.
[564] Ibid.
[565] SP 1/139 ff. 118.

In a last ditch effort to find any incriminating evidence on Exeter, Cromwell interrogated a number of Tower guards and other servants. A Gilbert Becket asserted that Exeter kept a standing army of men to be ready to fight at any given time, as did a John Amadas, serjeant-at-arms. John Litel, another Tower guard, swore that Exeter's servant William Kendal told him that Exeter had sent for men to rescue him. A woman named Joan Saye heard a clothier named John Davy declare that the king would only survive for a few years more and then Exeter would be king.[566] The scribe, Richard Pollard, wrote in the bottom margin that "First, Coryngeton, Bekett and Amadas have certef[ied] th opinion of certayn persons that the lord Marques s[hould] wear the crown and some say the garland."[567] It seems probable that Cromwell "guided" their testimony. Months of investigation and numerous interrogations had yielded little evidence that proved Exeter guilty of anything. Regardless, Exeter was a threat to Henry VIII as a rival claimant to the throne with a young wife and a healthy male heir. Thus, all reasons to incriminate him seemed justified.

Most of the servants questioned until this point had been those of Montague and Geoffrey, but on November 20, the countess of Salisbury's longtime comptroller, Oliver Frankleyn, was interrogated. He was questioned about Holland's trip overseas and Geoffrey's involvement. Frankleyn stated that he knew Holland was over seas at Louvain, but he had heard Cromwell had sanctioned it. He admitted that he had heard people say Reginald shall be pope one day, but claimed not to remember who they were. Frankleyn declared that he warned Salisbury about her son's foolishness, after Geoffrey was taken to the Tower, and said, "I pray God, Madame, he do you no hurt one day."[568] When asked why he had told her this, Frankleyn answered, "but because his stomach pave him (he knoweth not wherefor) that the said Sir Geoffrey should one day turn her to displeasure."[569] Frankleyn stated that she had replied, "I trow he is not so unhappy that he will hurt his mother, and yet I care neither for him, nor for any other, for I am true to my Prince."[570] This strong denial of her child and profession of loyalty towards her monarch within the confines of a private conversation was either invented by Frankleyn to help his mistress, or if true, it could be the frustrated sentiments of a mother who had done everything for a son who had in turn ruined everything.

The Matriarch: Salisbury's Interrogation

Meanwhile at Warblington, Fitzwilliam and Thomas Goodrich, bishop of Ely arrived to interrogate the countess of Salisbury on November 12. As Reginald Pole's mother and a powerful landowner, she was a prime target for Cromwell and Henry VIII. Additionally, she stood accused of writing letters to a known traitor and one of the king's greatest enemies, her son Reginald. The crown believed that this overt act of treason was just the beginning. Though she was a woman, Henry VIII and Cromwell firmly believed she was a traitor. And not just any traitor, but an immediate and powerful threat to the state, as much of a danger as any warrior preparing to rebel. Therefore, it was imperative that Fitzwilliam and Goodrich find the evidence for her indictment and justify her execution. Owing to her stature and advanced age, she had not

[566] SP 1/140 ff. 3-8.
[567] Ibid.
[568] SP 1/139 ff. 152-155.
[569] Ibid.
[570] Ibid.

been immediately imprisoned in the Tower. Instead, she was kept under house arrest. In Salisbury they had a formidable adversary. She was implacable and would prove to be the strongest under intense questioning despite the incredible amount of stress of having two of her sons in the Tower and a third the target of assassination attempts on the continent. Like Gertrude, Salisbury refused to admit to any wrongdoing, refused to incriminate her sons, and generally frustrated her interrogators. Over the twelfth and the thirteenth of November she was questioned repeatedly on the same topics. When asked if she knew why Reginald was fleeing to the continent, she said they did not discuss politics, and it was "sore agaynst her minde" that he left.[571] She asserted she only knew he went abroad on the king's business. They asked her if she had any letters from Michael Throckmorton, but she declared that she did not have "any letters or messuages by Throgmorton or any other concerning raynold poole saving one from the kyng which she hath the copie."[572] She denied that she had knowledge of Holland's trip to France. Asked about the assassination plot, she admitted that Geoffrey told her of it, and she "she prayed to God ...to change the kinges mynd."[573] She also said that both her sons told her that Reginald had escaped "and for motherly pity she colde not but rejoyce."[574] Though she was glad her son was not killed, when asked if she had heard that Montague and Geoffrey intended to go to Reginald, she asserted, "she prays God she be torn in pieces…if she herde any such thing of her sons."[575] Fitzwilliam and Goodrich asked her if she and her sons had had any conversations in which they had praised Reginald's views and alliances, to which she denied that "they ever had such conversation together. But she hath wyshed often...to see hym home agayn in England in the kynges favor though he were butt a poor parish priest."[576] It appears that she counted on her maternal demeanor, status, and aplomb to counter their accusations and during this interrogation at least it seems to have silenced her accusers. They turned to her personal views and asked if she, too, was disturbed by the dissolution of the monasteries? She replied that she was sorry for those where her ancestors lay, but that was all.

Upon being examined about events after she had heard that Holland had been arrested, she was asked, had she, Geoffrey, and Montague by mutual agreement burned their letters from Reginald, Exeter, or Gertrude? She replied that she had burned some letters, but never any concerning the king. She also denied ever receiving any letters from Exeter or Gertrude prejudicial to the king or his realm.[577] The next part of the examination consisted of Fitzwilliam and Goodrich asking the countess to confirm various testimonies against her sons. Salisbury denied knowing anything. They asked if she knew Montague preferred the west country, i.e. within Exeter's marches and she said no. She said she had no knowledge of Montague wanting to "pluck the hede" of England.[578] She denied knowing anything about Henry VIII being betrayed by Francis I or that Montague had said the world would come to stripes. She testified that the king had showed her how "hir sonne had written agaynst hym. Alas…what grief is this to me to see hym whom...set up to be so ungracious and unhappy. And upon...when hir son

[571] SP 1/138 ff. 242-247.
[572] Ibid.
[573] Ibid.
[574] Ibid.
[575] Ibid.
[576] Ibid.
[577] Ibid.
[578] Ibid.

montague came home to his...she saith to him what hath the king shown me of [my] son? Alas son, sayd she, what a chyld have I [in] hym."[579] According to Salisbury, Montague made her call her servants and declare Reginald a traitor so that they would know where she stood on the issue, which she did. The examination originally ended there. Grasping for anything he could salvage from this interview, after this initial examination, Fitzwilliam found a copy of a letter sent to Montague in one of her chests and returned to question her about it. She swore that her steward, John Babham, wrote the letter, but even had she written it, that was before Montague was sent to the Tower, therefore she would not have been writing to a known traitor. This stalemate concluded her first round of interviews.

The next day Fitzwilliam and Ely wrote Cromwell to apprise him on their lack of progress with Salisbury. Fitzwilliam stressed how hard and long they had interrogated her, "sometime with doulx and mild words, now roughly and asperly," but she would reveal nothing.[580] In a show of courage by Fitzwilliam against pressure from above, he allowed for the possibility that she may be innocent, "For in her answer and declara[tion] she behaveth herself so…all thing sincere, pure, and up[right] on her part that we have concey[ved] and needs must deem and th[ink] the tone of…things in her, that [either] her sons have not made her pr[ivy] ne participant of the bottom and pit [of] their stomachs, or else is she the [most] errant traitress that ever [lived]."[581] This was not the answer Cromwell wanted to hear. In fact, they reported that the only time she seemed upset had been when they told her that her possessions were being seized and searched, "she seemeth thereat to be somew[hat] appalled."[582] It is not hard to imagine that so powerful a woman who had survived so much already truly believed her innocence and position would allow her to escape unscathed from this dangerous situation. Fitzwilliam and Goodrich concluded their letter by telling Cromwell that they had appointed some local men, a White, Waite, and Talke to be on the lookout for rebellion and stirring, resulting from the arrest of this popular matriarch. On the sixteenth, Fitzwilliam wrote again. They had arrived at Cowdray the day before and in the process of packing had finally discovered a letter from Reginald in one of her coffers, but it was from years earlier and evidently contained no treason.[583]

Formulating The Indictments

At the end of November, with most of the interrogations concluded, Cromwell began compiling lists of evidence and notes for the prosecution, some in his own hand indicating that he worked on them alone without the use of his personal secretary. This case was too important and the stakes too high for Cromwell to make any misteps, so he worked feverishly to make sure he had everything he needed. He was also trying to shore up the evidence against Exeter and his wife, whom he was so certain were traitors. The longest list of evidentiary notes gleaned from confessions dealt with Gertrude. He included information from her testimony, from that of Montague, Bontayn, and Tyrell. The excerpts from the examination deal with two subjects: the first was her presence at meetings where controversial topics were discussed and her part in those discussions. The second was concerned with her role as letter writer, keeper, and

[579] Ibid.
[580] BL Cotton MS Appendix L f. 77.
[581] Ibid.
[582] Ibid.
[583] Ibid.

messenger-mostly letters to and from Montague, who by this point in the investigation was the main defendant owing to the overwhelming amount of testimony against him.[584] From the interrogations it was clear that while the men, i.e. Geoffrey and Montague, had slandered the king and his rule, Courtenay had kept or written many of the letters in which Cromwell was interested. He had his male traitors who had spoken their treason and Courtenay who had acted by writing, sending, and keeping letters containing the treasonous words of others and perhaps herself. He probably believed these contained written communication about or to Cardinal Pole who was still seen as the main threat to the king's security. The problem was, however, despite all the verbal allusions to the letters in the testimony, Cromwell did not possess any of them; this lack of tangible evidence was a difficulty he would have to overcome.

Therefore, in his notes on "Objections of high [tr]eason to be objected against Henry lor[d M]ountacute" Cromwell focused on Montague's words. Collins had testified, "the lord M and he comyng by the Augmentation howse said thys howse is the cawse of the commotion," a cynical and dangerous statement to make about the religious changes.[585] His most often repeated declaration that knaves rule about the king was not repeated here, but Collins' report that Montague had called both the king and Cromwell dishonest was. Among the articles of indictment, formulated later from several testimonies, was Montague's verbal support of his brother Reginald that he "wold doo good one daye."[586] From Holland's report, it was recorded that Montague wished that he was overseas like Reginald. From Geoffrey's testimony the notes included that Montague swore "the King never made man but he destroyed him again, other by displeasure or with the sword."[587] The last objection against Montague also came from Geoffrey's testimony and dealt with Montague's declaration that he "misliked the proceedings of the realm."[588]

In a later document, Cromwell wrote additional charges to be included in the final indictment against Montague, such as his slightly menacing declaration that he would one day thank the king for not coming to Warblington and that the world is "uppso down."[589] Cromwell recorded Ragland's evidence that Montague lamented the dissolution, that he mourned the death of Lord Abergavenny, had "secret" correspondence with Exeter, and finally that he did not trust the king's promises.[590] Cromwell also included Montague's statement about "pluking down the hede," as well as saying a change would come. Additionally, he included Salisbury's statements that her sons told her about the assassination attempt, and Collins' hastily included proviso that Montague did, indeed, know about the letter burning at Lufftingdon.

When it came to formulating the articles against Exeter, Cromwell focused on Exeter's familial relationship to the king and his position as one of the heirs to the throne and compiled them almost exclusively from previously unrecorded testimony. It is only near the end of this set of notes that Cromwell again turned to verbal evidence and included testimony against Exeter from Neville, Geoffrey, and Montague: that Exeter had declared the knaves would be replaced

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584 SP 1/139 ff. 64-68.
585 SP 1/140 ff. 1-2.
586 Ibid.
587 Ibid.
588 Ibid.
589 SP 1/140 f. 229.
590 SP 1/140 f. 230.

by noble men one day, that he misliked all the king's proceedings, and the situation involving the bearward. Thus, after countless hours of evidence-gathering and interrogations, Cromwell believed that he finally had what he needed to go to trial against the Poles and Courtenays. He had numerous treasonous statements from the men and actions attributed to Gertrude. Salisbury still proved a problem, but Cromwell had confidence in his man Fitzwilliam and did not doubt that he would soon have enough to prosecute her as well.

It must have been strongly gratifying for him to realize that he could now eradicate a group of nobles who had been a thorn in his side for so long. Not only was he eliminating a threat to his king and the realm, Cromwell was scoring a personal victory over his enemies. And in so doing, Cromwell was setting a useful precedent for the prosecution of any future treasons against his king. The men's and women's actions treasons were judged to be an equal threat. No longer did treason have to be an active crime committed by men. For the first time in a treason prosecution the traitors' crimes, men's carelessly voiced slander against the king and women's supportive actions, did not align with their stereotypical and traditional gender roles. Henceforth, treason was a gender neutral crime and traitors might play any role regardless of their sex.

Elsewhere in England and abroad, letters were written back and forth about this sensational case. Husee kept Lisle apprised of developments, as did Chapuys for Charles V. A Robert Warner in London reported to Lord Fitzwater that "upon Monday was fornyght this was led to the tower of London. The lord marquis of Exeter the lord Montague and the next day after ward lorde...Edward nevell and they are all thogt to suffer deth," with Geoffrey who had been there since August. Warner added that Montague's brother was Cardinal Pole, an "arrant traytor" and had they not been arrested, would have made foul work in England.[591] On November 28, 1538, after the evidence had been gathered, the suspects interrogated and imprisoned, Cromwell wrote to Thomas Wyatt to apprise him of the latest developments. It was time to make the king's actions more widely known. Given Wyatt's position in Europe, it was important to both keep him informed and provide him with the latest intelligence so he could notify Mary of Hungary and Charles V. Though the emperor's ambassadors, most notably Chapuys, kept him abreast of events as they happened, it was vital for Henry VIII and Cromwell to make sure foreign leaders received the state-sponsored version. Cromwell wrote to Wyatt that "Doubtless" he had heard that Exeter and Montague were arrested and placed in the Tower "for horrible treasons" which were not only suspected, but proven by confession.[592] Cromwell asserted that Exeter and Montague had been committed to the Tower on the basis of the "proofs and confessions" of testimonies and witness statements rather than "light" suspicion and rumor.[593] He stressed their ingratitude to a king who had given them all they had and that when all was disclosed, people would be shocked at their "abomination."[594]

[591] BL Cotton MS Titus B. I f.140.
[592] BL Harl. MS 282 f. 217.
[593] Ibid.
[594] Ibid.

Chapter Seven: The Aftermath: Trials, Sentences, and Executions

After Cromwell completed the indictments and reported his findings and evidence to the king, the process moved swiftly. A succinct entry in Grafton's *Chronicle* reflected the speed at which Tudor justice moved. Grafton recorded that "the thirde day of November [1538] were Henry Marques of Excester and Erle of Devonshire and Sir Henry Poole knight and Lorde Mountagew and Sir Edward Neull brother to the Lorde Burgany sent to the Tower which three were accused by Syr Geffrey Poole brother to the Lord Mountagew of high treason."[595] A month later, "the two Lordes were arraigned the last day of December at Westminster before the Lorde Audeley of Waldon Lorde Chauncellor and the then high Stewarde of Englande and there found giltie likewise on the thirde day after was arreinged Sir Edward Neull Sir Geffrey Poole and two Priestes called Croftes and Collyns and one Holand a Mariner and all attainted."[596] Grafton, with this mention of arrests and trials, finished his entry on the downfall of two great families in the same matter of fact manner in which he began, "the ninth day of January were the sayde two Lordes and Sir Edward Neull behedded at the Tower hyll and the two Pristes and Holand were drawne to Tiborne and there hanged and quartered and Syr Geffrey Poole was pardoned."[597]

Though Grafton's dates were inaccurate-the trials actually took place on the second of December and the executions on the ninth-his entry does reflect how quickly the state dispensed with traitors. The charges, trials, and attainders demonstrate the consequences when the person of the king and the throne became synonymous. A threat against the king was a threat against the crown and, as would be articulated by the king's propagandist, Richard Morison, an attack against England. After 1534 the old gender assocations were irrelevant because the "masculine" and "feminine" archetypes of treason were made equally dangerous and the stereotypical roles of male and female traitors were reversed.[598]

At the time of the trials, Gertrude Courtenay, her son Edward, and Montague's young son, Henry, were imprisoned in the Tower, while Salisbury remained with Fitzwilliam and faced additional interrogation. She was not sent to the Tower until March 1539, leaving behind a frustrated Fitzwilliam. However, Henry VIII and Cromwell had not finished with their investigation. In late January 1539, the activities of Sir Nicholas Carew, Henry VIII's master of the horse, came to their attention. He was imprisoned, questioned, tried, and executed for associating with the Courtenays and sympathizing with Katherine of Aragon and Mary Tudor. The entire group was attainted by an Act of Parliament in April, which would serve as Gertrude Courtenay and Salisbury's only public legal proceedings. Gertrude Courtenay was released and pardoned in late 1539, but Salisbury would remain in the Tower until her execution in May 1541. Salisbury's death served as the impetus for a flurry of interest in this case in England and in

[595] Grafton, *Chronicles*, 1283.
[596] Ibid.
[597] Ibid.
[598] The trials, charges, and Morison's account are mentioned briefly (footnotes or paragraphs) in many other political works by historians including Bellamy, Elton, Miller, Bernard, Russell, Smith, and Pierce. None of these works, however, addressed the gendered nature of the case itself or its meaning for the prosecution of treason laws. This dissertation is unique in that it reveals the legacy of the Pole/Courtenay case on treason prosecution. Once again, I relied on the above historians for background and on the primary sources for the narrative and analysis of the trials, sentences, executions, and after-effects of the Pole/Courtenay case.

Europe. Reginald sought and received a great deal of sympathy on the death of his mother, labeling her a martyr. In fact, her fate attracted such great interest in Europe that Henry VIII became convinced that an invasion was imminent and prepared his defenses for war. Eventually this treason case faded into historical obscurity in light of larger insurrections before and after, leaving the legal consequences of the gender upheaval occasioned by the king's need to rid himself of the treasonous threats to his person and his right to the throne posed by the remaining members of the White Rose Party.

The Trials

The trial of two men that the crown had judged to be the principal traitors, Exeter and Montague, took place on Monday December 2, 1538, in the Great Hall of Westminster Palace. Through the forum of a trial, these men and their words were presented as much of an immediate threat to the throne as if they had marched on London. Sir Thomas Audley, the Lord Chancellor of England, was appointed High Steward of the trial. Audley's loyalty to Henry VIII had never been in question. He had fully supported the king through the divorce and supremacy crises and was a steadfast defender of the king's legal might. He and Cromwell had crafted the 1534 Treason statutes together, with Audley handling most of the work, according to the eminent Tudor historian Geoffrey Elton.[599] In late November, Audley had been created baron and soon thereafter learned he would preside over the Pole/Courtenay treason trials. His first official act as a new peer was to order that Exeter and Montague be brought from the Tower to Westminster Palace for the trial. There were twenty-seven peers present to act as the jury. Those who had answered the king's summons were the dukes of Norfolk and Suffolk; the marquess of Dorset; the earls of Oxford, Shrewsbury, Derby, Rutland, Sussex, Huntingdon, Hertford, and Bridgewater; and the lords Dacres of the South, Dacres of Gillesland, Morley, Cobham, Matravers, Grey of Wilton, Clinton, Mountjoy, Sandys, Windsor, Wentworth, Burght, Mordaunt, and Hungerford.[600] Fitzwilliam was also in attendance as was Cromwell in his capacity as the Lord Privy Seal, a baron, and the king's closest advisor. A trial like this, of such high nobility, had not taken place since 1521 when the duke of Buckingham was tried for treason. One can imagine how these jurors felt at being summoned to see two of their own sentenced to death. There was, naturally, a great deal of competition at Henry VIII's court, but these men had grown up, fought, traveled, and leisured with both Montague and Exeter for the last three decades and it must have been a somber and frightening occasion. The trials of Montague and Exeter in particular proved that no one was immune to the king's dangerous whims. As the charges demonstrated, no conversation was too insignificant when it was perceived to affect the king's security.

Having been imprisoned in the Tower for months, Montague and Exeter were led from their rooms, through Traitor's Gate, and ferried to Westminster by boat. Both had experienced treason trials before; Exeter had been present at Buckingham's and neither would have harbored any illusions as to his fate. Though Montague and Exeter had been in the king's displeasure before and had witnessed the fall of many great men, they probably did not foresee this. It is not difficult to conceive of the rising fear and alternating resignation they felt on the short boat ride to Westminster. At least while in the Tower, there was a chance they could be pardoned or

[599] Elton, *Policy and Police*, 267-272.
[600] KB 8/11.

forgiven as they had been before. None of them had admitted to any wrongdoing, though they must have been aware of what Geoffrey Pole had said. They may have hoped that their peers would see that they had done nothing to harm their sovereign; they had not committed active treason only some ill-chosen words exchanged in passing. That matters had progressed to a trial would have given them no comfort. Sixteenth-century trials were not to exonerate, they were to condemn, especially if the accused traitors were high-born men who were presumed to have threatened the crown. What were careless criticisms to the defendants were seen by the king as the prelude to dangerous attacks.

As customary in treason cases, the men's indictments were meted out in the counties in which the offenses had taken place. Then the bills of indictment were given as proof of guilt and used to charge the traitor at their trial. The indictments in this case came from London, Sussex, Middlesex, Surrey, and Buckinghamshire and referred in most instances to provisions of both the 1352 and 1534 statutes defining treason. The London indictment against Montague and Exeter also included a condemnation of Reginald Pole for traitorously denying the king's supremacy and allying himself with the king's enemy, the pope. Audley laid out Montague's statements, gathered from Geoffrey's testimony and others, presenting what the crown believed to be his worst transgressions. Montague's verbal crimes were that he promoted his brother Reginald's activities; that he told Geoffrey Pole on March 24, 1538 he feared they "lacked nothing so muche as honest men;" that he dreamed the king had died; and on March 28, 1538, that when Henry VIII died they would have "a jolly stirring."[601] Even worse, on April 1, 1538, Montague had told his brother he had never loved the king and the next day he stated that knaves ruled about the king, but he trusted the world to amend one day. Finally, he was condemned for saying that Cromwell would be an honest man if the same could be said of Henry VIII as well, thus implying the king was dishonest.[602]

The Sussex indictment also consisted of verbal crimes but with the suggestion of more traditional men's actions to come. Without these inferences their words could have seemed like the slanders of a disgruntled village crone against her neighbors. The indictment stated that Montague spoke to Geoffrey at Lurdynton on May 12, 1538, and declared he preferred the West Country because the marquess of Exeter was strong there and he was sorry the lord of Bergevenny was dead because he could have mustered ten thousand men.[603] The next charge in the Sussex indictment was his statement on July 10, 1538, that Lord Darcy was wrong to attack the Privy Council because he should have begun with the head, i.e. King Henry.[604] Under the 1352 Treason Act, Montague was guilty of imagining the king's death and supporting his enemies within the realm. As Reginald was still an English subject, it could be argued, Montague was implicated by maintaining a friendship with his brothers, Exeter, and Neville. Under the 1534 statute, Montague was guilty of wishing bodily harm to the king by malicious words.

The London indictment of Exeter was similar to that of Montague in language and charges. Exeter was accused of supporting Reginald as well, saying on July 26, 1538, that he "lyked well

[601] Ibid.
[602] Ibid.
[603] Ibid.
[604] Ibid. This, one of his strongest statements, is not included in any of the extant Tower interrogations, nor was it mentioned in other examinations as his other declarations were. This was significant because it was a strong threat against the king's person and unequivocally a treasonous promise of action.

the proceedings of Cardinall Pole" but not those of the realm and he trusted to see a change of the world.[605] He was also indicted for holding "divers treasonable conferences" with Montague in the parish of St. Laurence Pulteney. At one of these meetings, Exeter declared on August 20, 1538, that knaves rule about the king and asserted a month later on September 20 that he "trusted to give them a buffet one day."[606] Indictments for Exeter were also given in Surrey, but they included the same statements as the London proceeding, and were repeated at Horsley on July 24, 1538. Therefore he was indicted for the same verbal crimes in two places. Exeter was guilty of treason under the 1352 statute by imagining the king's death and supporting his enemies within the realm, for the same reasons that Montague was. However, according to the statements outlined in the indictments, he was not guilty of treason under the 1534 statute because he wished to strike the knaves who ruled about the king, not Henry VIII himself. It is ironic that the king and Cromwell were so desperate to prosecute him that they had to rely on the 1352 statute, not the 1534 law that was designed to catch slanders such as Montague's.

Cromwell was following all the customary procedures in this case. Having heard the indictments, Montague was brought to the bench at Westminster on December 2, where he pled not guilty. He was found guilty by the jury and sentenced to death. The next day Exeter also pled not guilty before the bench, again was found guilty, and sentenced to death. Both men were sentenced by Lord Audley to be executed at Tyburn. Defendants were allowed to speak in their own defense after sentencing and it would have been a chance for them to proclaim their innocence, but neither man did.

On December 4, Lord Audley called for Geoffrey Pole, Neville, Hugh Holland, George Croftes, and John Collins to be brought from the Tower to Westminster. This journey would have been terrifying for Holland, Croftes, and Collins. Exeter and Montague had been in Westminster Palace and in the Great Hall, Geoffrey and Neville had probably been there before as well, but for Holland and the two clerks, a great palace and this imposing hall were well outside their experience. Westminster Hall was an enormous twelfth-century hall with the largest hammer-beamed and arched roof in England, over five thousand square feet of floor space and over two hundred and forty feet in height. At one end was a colossal window and a dais for the Lord High Steward to sit on, and all around the hall was a statue gallery of fifteen kings glaring down at the proceedings.[607] Angels carved into the beams holding up the ceiling heralded God's judgment upon traitors. Because of its size, the Hall was impossible to heat and in December it would have been cold and drafty. On either side there were high scaffolds for the peers of the realm and for spectators to sit and watch. Thousands of pairs of eyes observed them enter as accused traitors and would witness their exit as walking dead men. To Exeter, Montague, Neville, and Geoffrey, the opulence of the furnishings and ornateness of the décor was neither new nor impressive. The symbolism of Westminster as a physical representation of wealth and power would have ceased, by then, to impress the noble defendants. But Holland, Croftes, and Collins had lived their whole lives subjected to the commands of the powerful. With their masters accused and condemned in such a place they would have felt even more powerless. Their words and actions may have escaped the king's notice if not for the men they served.

Geoffrey was a peer and the state's star witness, so his indictment was read first. Though

[605] Ibid.
[606] Ibid.
[607] Patrick Cormack, *Westminster: Palace and Parliament* (London: Frederick Warne, LTD, 1981), 11.

he had given the state their case and helped bring down the "conspiracy," his self-confessed verbal crimes were too numerous and too outrageous to be ignored. He was charged in Sussex as well as London for saying to his brother Montague on May 12, 1538, that he supported Reginald's actions but not those of the king and he hoped to see a change of the world.[608] On April 28, he was to have said to Holland, whom he labeled "an abominable traitor," "Commend me to my brother" and tell him that Geoffrey wished to come to him for "the world in England waxeth all crooked" and he hoped to see a change of the world. He was charged with warning Reginald that Henry VIII had sent assassins to kill him.[609] In the London indictment, the criminal statements were said to have taken place at Salisbury House in London. Under both the 1352 and 1534 treason laws Geoffrey Pole was guilty of the treasonous act of supporting the king's enemies and the treasonous imagining of the king's death.

At the Sussex indictment, Sir Edward Neville was charged with stating "openly" on August 4, 1538, at Cowdray that the king was worse than a beast and he hoped that the knaves surrounding the king would one day be destroyed and the world would amend itself.[610] At the Middlesex indictment the charges were the same, with the exception that the "traitor" Geoffrey Pole was the recipient of Neville's comments and that they would be "merry" when the world changed.[611] Neville's words, too, made him guilty of imagining the king's death.

The indictments of the three commoners followed a similar pattern: the principal crime was verbal. George Croftes was indicted at Sussex with the others for denying King Henry as the Supreme Head of the Church in conversation with Montague on June 1, 1538, as well as his statement on the same day that nothing grieved him so much as taking the Oath of Supremacy. Croftes was guilty under the 1534 laws as his treasons were criticizing the king's religious policies and, though he did not name the king as heretic, that was the presumed essence of his statements. Collins was indicted in Buckinghamshire for telling Montague at Medmenham on May 21, 1538, that Henry VIII would hang in hell for the dissolution of abbeys, and that he feared Henry VIII would destroy the parish churches next. According to the statutes of 1352 and 1534, Collins had both imagined the king's death as well as wished him harm by malicious words. Only Geoffrey Pole and Hugh Holland had committed what could be considered treasonous acts. Holland was indicted at Sussex for conveying the known traitor John Heylar to France as well as delivering Geoffrey's message to Reginald and carrying back letters from the cardinal to his brother Geoffrey. Holland was also charged with ferrying letters from Heylar to Geoffrey at Ludynton on September 14, 1537. He was guilty of supporting the king's enemies.[612]

Their trial ended as it had for Montague, Exeter, and Neville; the sentence and punishment were predictable. Since 1534 it was widely known that the king would not tolerate slander against himself or his policies. The crown viewed criticism of him or his policies, even speculation about his death, as high treason against the crown. In the Great Hall, after the indictments had been read, the five men were brought together before the bench to enter their pleas. Geoffrey Pole, Holland, Croftes, and Collins all pled guilty, but Neville pled not guilty.

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[608] KB 8/11.
[609] Ibid.
[610] Ibid.
[611] Ibid.
[612] Geoffrey Pole and Hugh Holland were the only men in this case to be convicted for treasonous actions rather than words. All other men, including the principal targets of the state's case, Exeter and Montague, were adjudged guilty of verbal and thus stereotypically "feminine" crimes.

The jury pronounced them all guilty, and Audley sentenced them to execution at Tyburn. Neville said nothing at his trial, but in a written statement to the king, he later took the opportunity to protest his innocence. He avowed, "I holy put me to the marsse of Gode ande to my kyng and soveryn lord, that I never dede nor syde the thyng that scholde be contrary to my ellegens nor harde no oddar, as Gode schalle joge me at my dethe."[613] On December 9, Exeter, Montague, and Neville were beheaded on Tower Hill, the punishment due to noble men, while Holland, Croftes, and Collins were hanged, drawn, and quartered at Tyburn.[614] After being kept in a perilous legal state for a month, Geoffrey was pardoned on January 2, 1539, and escaped the fate of his brother and friends, whether in gratitude for his testimony or because, as others believed, the king thought he could extract more information from him is not known. It could also be that even Henry had balked at executing a man who was widely believed to be mentally unstable.

Shortly before the state's case went to trial, the king and Cromwell had attempted to charge Thomas West, lord de La Warr with treason as a result of Collins' testimony about Lord de la Warr's religious sympathies. Baron de la Warr was a friend of both the Poles and Courtenays and a staunch Catholic. In a rare show of courage, the Privy Council had refused to send de la Warr to the Tower as Henry VIII had instructed. They wrote the king on December 1, 1538, saying they had used all diligence to get to the "bottom and pith" of suspicion that the baron had committed treason, but had found no "sufficient ground" with which to charge him.[615] The Privy Council, which included Lord Audley, sought a way to avoid the king's wrath at being denied. In a deft bit of political language, they wrote that it would "touch the kinges honour" if de la Warr was imprisoned on weak grounds.[616] The letter was signed from Audley, Cromwell, the dukes of Norfolk and Suffolk, the earls of Sussex, Herford, and Fitzwilliam. Coming on the heels of the accusations against the Poles and Courtenays, it is likely that the other Privy Council members wished to put a stop to Cromwell's investigations and keep it from spreading to other noble families. Unlike the White Rose party, there was no mound of evidence against de la Warr, no rocky relationship on which to base suspicion. It was interesting that Cromwell signed the letter and acquiesced to the Privy Council's decision. Perhaps he recognized the limits of what he could accomplish in terms of finding evidence of a conspiracy. Whatever the reasons, Cromwell and Henry VIII let it go.

Spreading the News and the Response on the Continent

The news of the state-constructed conspiracy and the king's and Cromwell's actions against the accused traitors spread quickly in England and abroad. Rumors proliferated and official reports were disseminated around London and then the continent. To justify the executions and to show how mere words could threaten the existence of both the king's person and the throne, Henry VIII commissioned an official version of the events. The king requested Richard Morison, his propagandist, to publish a work condemning the Poles and the Courtenays

[613] Ibid.; *L&P XIII Part 2*, no. 987. "I wholly put me to the mercy of God and to my king and sovereign lord, that I never did or said the thing that should be contrary to my allegiance nor heard no other, as God shall judge me at my death."
[614] Grafton, Hall, and Stow; SP 1/140 f. 95.
[615] BL Cotton MS Titus B. I. f. 70.
[616] Ibid.

as well as warning any others who might be tempted to act against the king. As soon as Morison's book was completed, Henry had it sent to Charles V and his agents on the continent to serve as the government's formal position on treason and the reason for the execution of these traitors in particular. On December 13, Hugh Latimer, bishop of Worchester, wrote to Cromwell congratulating him on successfully prosecuting the Poles and Courtenays and striking at Reginald Pole. He wrote that he once heard Cromwell swear that he would make Reginald eat his own heart, which Cromwell had done figuratively (now that Pole's family had been imprisoned, tried, and executed) and that Reginald must now be seen to be as heartless as he was graceless.[617] Three days later, the public condemnations continued when the Order of the Garter drew up a document officially expelling the late Exeter from their ranks and "digrading" him for committing high treason against the king by "imagining the distruction of his moste royall person.[618] For doing so he "deserveth ...to be thrown downe" from the Order.[619]

News of the executions spread gradually. Louis du Perreau Castillon, the French ambassador, wrote to Montmorency on December 31 that the intention of Exeter, Montague, and Geoffrey was to replace the king, but Reginald had ordered them to wait until he came to England. Castillon also revealed that Geoffrey was still in the Tower and was being kept alive in order for the king to learn more from him.[620] Since November Wyatt had heard nothing. He asked Cromwell for news on the second of Janurary 1539, saying, "here ar alredy news off the codemnation of the marques and montagu of his brother of edward nevell and of three svants of no particulars."[621]

On January 9, Chapuys wrote Charles V with all the information he had gathered about-the recent events. First, he addressed the rumors of additional White Rose plots. Chapuys wrote that copies of letters between Exeter and Reginald Pole found in Gertrude Courtenay's coffers had proved Montague's, Exeter's, and the others' guilt. Chapuys had heard that the originals had been burned, but the copies were damning. Cromwell informed Chapuys that there had been a plot to marry Exeter's son, Edward Courtenay, to Mary Tudor, to murder Prince Edward, and replace Henry VIII on the throne, a plot that varied only slightly from Chapuy's own speculation five years earlier. According to Chapuys, Cromwell asserted that Exeter and Gertrude Courtenay had spoken to Mary Tudor about this, urged her to defy her father and refuse to take the Oath of Supremacy. Chapuys reported that Cromwell had accused him, the emperor's ambassador, of communicating with Exeter and the others and passing along information about this plot to Charles V.[622] Chapuys wrote that Geoffrey was still a pitiful creature because he had tried to suffocate himself with a cushion after his brother's execution. [623] Chapuys had evidently written the emperor and asked him to intercede on behalf of Geoffrey Pole, but Charles V had wisely refused, understanding that any interference from him would create more difficulty for relations between himself and Henry VIII. Intervention proved unnecessary, as by the time that Chapuys sent the letter, Geoffrey had been pardoned on January 2, 1539.[624]

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[617] BL Cotton MS Cleo E. IV f. 264.
[618] SP 1/140 ff. 95-96.
[619] Ibid.
[620] BL Add. MS 33,514, f. 9, translation in *L&P XIII Part 2*, no. 1163.
[621] BL Harl. MS 282 f. 227
[622] *L&P XIV Part 1*, no. 37.
[623] Ibid.
[624] Ibid., no. 191.

Later in this letter of January 9, Chapuys had informed the emperor that the investigations had been continued and that another noble had been drawn into the fray: Sir Nicholas Carew. Chapuys wrote that Carew had been arrested after letters were found in his possession from Gertrude Courtenay that concerned Mary Tudor and conversations that had taken place in the king's chamber. The letters indicated that Carew had passed along confidential information he had heard in the king's private apartments. Upon being interrogated, Carew stated that Exeter had been upset when Prince Edward was born. Cromwell inferred from this that there was a plot to kill the young prince, but Chapuys offered a different interpretation to Charles V: that Exeter was merely worried for his friend, Princess Mary.[625]

Nicholas Carew had been taken to the Tower on December 31, 1538, and questioned shortly thereafter. It is clear from the direction of the questions that the king and Cromwell considered Gertrude Courtenay a real danger despite her gender and still hoped to find the intermediary letters mentioned by others that would be evidence of her and her husband's treason. Carew was asked if he had sent any letters to Exeter or Gertrude Courtenay and if so, what had she written to him? They asked him if he had signed the letters, an interesting question, particularly if they wished to attribute earlier and more damning letters to him. Had he conversed with Exeter or Gertrude about the king or about Princess Mary? Where were all his letters now and who were the messengers who had delivered them?[626]

Shortly thereafter, one of Katherine of Aragon's servants (identified by Gardiner and Brodie in 1894 as Anthony Roke) was questioned and testified in part about Nicolas Carew. Roke asserted that he never saw any letters between Carew and the queen, but his own wife did write to Katherine of Aragon. Roke went on to state that he once spoke with Carew who assured him that he and other friends of the princess urged her to follow the king's wishes, which likely referred to her taking the Oath.[627] He went on to say that later Exeter came to him and asked him to copy some letters the princess had written to her father so that Exeter could distribute them among his friends.[628] The whole interrogation seemed to exonerate Carew as there was apparently nothing in these letters that could be construed as treason. Only one statement touched an objectionable topic: Roke claimed that Carew told him years before that King Henry would have to reinstate Mary as his heir unless he had a son.[629] Referring to the king's heir was walking a fine line. This could be considered imagining the king's death, which was high treason. Perhaps a case against Carew could be made based on this charge. Regardless, there was nothing else in Roke's examination that would indicate that Carew was himself guilty of treason. However, for Cromwell and Henry VIII Carew's admitted connection with Exeter and Gertrude Courtenay was enough to justify his indictment and trial a month later.

On February 14, 1539, Audley ordered the constable of the Tower to bring Carew to Westminster for trial. Like the other men in this case, he was indicted in Surrey and Middlesex. He was indicted for corresponding with Exeter, a known traitor, on September 4, 1538; for burning letters with treasonous content on September 1 at Horsley; and finally, for stating that he marveled at Exeter's indictments, which he declared were done secretly, thereby criticizing the

[625] Ibid., no. 37.
[626] SP 1/142 ff. 199-200.
[627] SP 1/142 ff. 201-204
[628] Ibid.
[629] Ibid.

king's justice and policies.[630] The Middlesex indictments were for the same crimes, with the exception of the burning of the letters, which the crown said took place at Westminster and Hampton Court.[631] As it is unlikely that Carew would burn treasonous letters at the two centers of Henry VIII's power, this last charge seems to have been invented to strengthen the indictments with a more obvious and explicit example of treason. Though the two interrogations had connected him to Gertrude, indeed had pointed to her as the most important factor in his arrest, she was not mentioned in the official records of his trial. Instead, he was indicted for communicating with Exeter, whom the state wished to portray as far more dangerous. This serves to illustrate how by 1539 the trials had become nothing more than ceremonies of politics and public opinion rather than law. Carew pled not guilty, but he was found guilty and sentenced to execution at Tyburn. Grafton and Hall's *Chronicles* both reported a very satisfactory outcome to the crown's most recent prosecution. At the March 3 execution, "Sir Nicholas Carew of Bedington in the County of Surrey, knight of the Gartier and Maister of the kinges horse before attinted of treason behedded at the Tower hyll where he made a goodly confession both of his follye and superstitious faith geuing God most harty thankes that ever he came in the prison of the Tower where he first favoured the life and sweeteness of Gods most holy worde meaning the Bible in Englishe."[632]

A few months before Carew's execution, on February 2, Sir Thomas Wriothesley, then English ambassador to the Netherlands, had written to Cromwell and described a dinner with the "best wits" there. The conversation turned to the treasons of the late marquess and his accomplices, "even from the beginning when God drove the King's majesty into Hamshir against his will how Holande and Geoffrey Pole were there taken, how Carowe's letters were by chance found."[633] This is an instructive letter. It shows how widely this treason case was already known on the continent and how effectively the English ambassadors and other diplomats abroad were spreading the official Tudor version of events in which words had been transformed into a full-blown plot against the king. Three days later Wriothesley had written again to Cromwell about a dinner with "Count Bure," Floris D'Egmont, Count of Buren, a courtier of Mary of Hungary, to whom he also related the story of the Pole/Courtenay treason case. Wyatt informed Buren that Exeter had conspired for over twenty years to replace Henry VIII on the throne and to murder any of his royal children.[634] Wriothesley reported that Buren was glad to hear of their fate, given that they were such errant traitors and wished that the narrative was put into print and distributed. Wriothelsey had replied that this was already partially accomplished.

This account, Richard Morison's *An Invective ayenst the great and detestable vice, treason werin the secret practises and traiterous workinges that suffrid of late are disclosed*, had been started a month earlier. It would be the state's official record of the Pole/Courtenay case, their final explanation why members of the upper nobility had been executed for speaking privately against the king. It was an effort to prove to the rest of Europe how dangerous words could be and a defense of their treason laws. On January 16, 1539, Castillon had written to Montmorency that he was sending a little book in English "by the king" about the death of Exeter and

[630] KB 8/11.
[631] Ibid.
[632] Grafton, 1238 and Hall, 827.
[633] *L&P* XIV Part 1, no. 208.
[634] Ibid., no. 233.

Montague. Castillon probably had sent a rough manuscript version, as it was not published until mid-February.[635] Richard Morison, the author of the book, was Henry's official propagandist.[636] Born in humble surroundings, Morison had, like Cromwell and Wolsey before him, risen through the ranks of Church society as a scholar. In 1528 he earned a degree from Oxford and was employed by Wolsey in the cardinal's household, later making the acquaintance of Cramner and Latimer. He left for Italy in 1532 to study theology in Padua and lived in Reginald Pole's household. In a constant stream of letters back to England, he began to correspond with Cromwell, who paid for his return passage and offered him a place in his household in the spring of 1535 shortly before Pole sent *De Unitate* to the king.[637] Like Thomas Starkey, who was by this time the king's chaplain, Morison found himself in a delicate position because of Pole's, his former patron's, actions. To counter this, he produced a vehement anti-Pole tract, *Apomaxis,* in 1536. The publication of *Apomaxis* was delayed by the Pilgrimage of Grace. Morison was charged to write the state's official response to the Pilgrims. Morison produced *A lamentation in whiche is shewed what Ruyne and destruction cometh of seditious rebellion* and *A Remedy for sedition wherin are conteyned many thygnes, concernynge the true and loyall obeyance that comes owe unto their prince and soveraynge lorde the kynge*.[638] A year later, the Pole/Courtenay case provided another opportunity for Morison to please Henry VIII, which he did when commissioned to write the crown's official version of events. Morison was rewarded after *An Invective* was published when Henry VIII appointed him to Parliament in March 1539.

From the crown's perspective, the book could not be published soon enough, for Reginald Pole still had access to the king's powerful continental enemies. In partial response to Henry VIII's recent actions, Pope Paul III excommunicated the king on December 17, 1538. The pope used the papal bull drawn up by Clement VII in 1533 and it was read out in Scotland, Boulogne, and Dieppe. This led to negotiations and the conclusion of a treaty on January 12, 1539, between Francis I and Charles V that stipulated neither would sign a treaty with Henry VIII without consulting the other. In February 1539, Henry VIII had heard that Pole was once again traveling in his capacity as a papal legate and was going to see Charles V in Spain on behalf of Pope Paul III. On the thirteenth he fired off a strongly worded letter to the emperor and asked him to refuse Pole entry.[639] Anticipating that the emperor would ignore his request, the king wrote a letter to Wyatt on the same day with an alternative plan. Wyatt was to demand in person that Charles V refuse Pole entry. If Reginald was already there, Wyatt was to brandish a copy of the Treaty of Cambrai of 1529 and remind Charles V of his duties as an ally of England. If the emperor would not listen to Wyatt, using the excuse that he was for the peace of all Christendom, Wyatt was to argue that Pole owed his education, his family's status, and well-being to the king who had given him everything, and that he had proved himself to be an ungrateful subject and a traitor.[640] Wyatt was also to emphasize how Reginald had conspired with his brothers and Exeter to rebel and replace Henry VIII on the throne. Henry VIII hoped that these arguments would serve to remind Charles V that he was choosing to ally with a dangerous man, one who recognized neither

[635] BL Add. MS 33,514 f. 11.
[636] W. Gordon Zeeveld, "Richard Morison: Official Apologist for Henry VIII," *PMLA* 55 (1940): 406-425.
[637] Ibid., 409.
[638] Ibid., 411.
[639] BL Harl. MS 282 f. 67.
[640] Ibid.

secular laws nor the natural duties one owed a monarch and overlord. The implication was that Reginald Pole could be, by example if nothing else, as dangerous to the security of Charles V's monarchy as he was to Henry's. Finally Henry VIII told Wyatt that he would soon send Charles V a "pretty book" describing the Poles' heinous crimes.[641]

The Official Story: *An Invective*

In late February of 1539, the king's printer, Thomas Berthelet, published Richard Morison's book in London. The book's ninety-eight pages were to be the government's official memory, the authorized narrative of the Pole/Exeter case, a defense of its actions, and a warning to those who would dare to challenge King Henry. They designed the piece to be read and distributed in England and elsewhere. It was the king's answer to criticisms and forewarning to those who might have been tempted to question his decisions. His answer to those monarchs, like Charles V, who supported Reginald Pole as a papal legate, was to paint Pole and the other traitors like Exeter or Montague as so morally corrupt, so damaged, so heretical that they would forsake nature and society. Traitors are absent from God; they betray their family, their social class, and most horribly, their loving king and it did not matter if they chose treason by words or by action. If a monarch did not support Henry VIII against these abominable traitors, the same could happen to them. Morison and King Henry were advising other monarchs to examine the people around them, particularly if they had ties to Reginald Pole. Their goal was to make Reginald a pariah in Europe and to warn the king's subjects in England that the danger was still out there, lurking on the continent under the protection of the sinister papacy. As a result, Morison's harshest language was reserved for Reginald Pole, that "archtraytor" and mastermind of the plot. It also inadvertently reveals the significance of gender. His official history painted Reginald Pole as an unnatural son and bad person because of the position in which he had placed his mother. Interestingly, Morison did not address Salisbury's role in the 1538 case, glossing over those parts he found distasteful and most likely, disorderly. It seems that at that juncture, it was important for the state to excuse her as a bereaved and innocent mother and to portray her sons as treasonous monsters. The White Rose men had not actively gone to war against their king, rather they had committed "feminine" treason and it was vital for Henry VIII that Morison demonstrate how dangerous and potentially martial words could be, especially as part of a message to monarchs who did not recognize words as treason or as a dangerous offense.

Morison wove the Poles and Courtenays throughout the narrative but in the tradition of sixteenth-century political works organized the book into a preface, historical and Biblical background, condemnation of the traitors, and finally a brief account of the trials of Reginald, Montague, Exeter, Geoffrey Pole, Neville, Holland, Croftes, and Collins. As expected, Morison portrayed Henry VIII as an abused monarch, a generous father, and a sad figure whose favors and love had been rejected. Morison emphasized the dangers posed by such ungrateful subjects in his opening address to the readers, "I dovbte not gentle reders but that if ye haue ben conuersante in old histories a lo perceyued both howe many moo prynces haue ben endaungered

[641] Ibid.

by treason of theyr famylyer seruantes then by open warre of theyr enemyes."[642] He declared that treason by familiars was more dangerous to a country than invasion and asserted that only when subjects fulfill their God-appointed duty to their sovereign can a state flourish. This story then served as a lesson both to the English readers and foreign leaders. Then Morison addressed the traitors, "These whiche of late lost their honor landes, and iyues are not the fyrste that haue bene moued with to many benefittes to become traytours no nor yet the fyrst that came to shamfull death for soo foule an enterprise."[643]

In the preface, Morison wondered how anyone could be so foolish as to betray his king as "dydde the Marques, the lorde Montacute and suche other as by their example teache all men that be nat yet werye of their lyues and honstie to be ware of treasone."[644] In answer, he listed some of the hazards of embarking upon treason other than death, "hoew few there be that a manne maye truste howe soone menne maye be decyued takynge some to beare them mochgreatter loue than they do howe no experience can soo utter one man his hart to another that in suche a cage he may leaue lyfe in his handes."[645] He decided it was only "the losse of goodis" that would make a man "so madde to venture uppon treason."[646] The picture he painted of a traitor was a man alone, without loyalties, without trust, and without duty, the absence of which made him, as Morison suggested, confused or mad. Morison also attempted in the preface to assure would-be traitors that the fame, fortune, and religious changes they sought, would not result from treason. The Pole/Courtenay case proved that their anointed King Henry was invincible and could not be shaken by insurrection: "Rede this lyttle inuective … ye shall perceyue it very unlyke that any traytour here after maye or can hurte his highnes."[647] Rather, "that traytours can but worke their owne confusion when so euer they seke to do his highnes any displeasure God hitherto hath wonderfully troden downe his graces enemyes."[648]

As a sixteenth-century political work, Morison's *Invective* contained all the usual Biblical and historical examples of acceptable and unacceptable behaviors: discussing Judith, Marc Antony, Commodus, Nero, and Judas, among others, as examples of historical treason and amoral behavior. Concluding the preface with this general characterization and warning, Morison then moved on to the heart of his narrative, the royal version of the Pole/Courtenay case and their condemnation as traitors. The first few paragraphs Morison devoted to praising both God and King Henry, stressing how lucky English subjects were to have such a monarch and highlighting how unnatural these traitors were. Later in the book, Morison stressed how treason was not only a crime against nature, but against God, "men that know not the goodness of god towarde his electe rulers," may not be aware that "god woll not suffer a prince, whom he hath chosen to greater affaires than grosse heedes can attayne unto, to be vyolated of his trayterous subiectes."[649] The Poles and Courtenays were unnatural because "whome might his grace haue

[642] Richard Morison, *An Invective,* 1. Morison's work does not contain page numbers past the preface. For ease of reference, I have given them page numbers beginning with the first page of the preface and have labeled the backs of pages with the notation, verso, or v.
[643] Ibid., 1v.
[644] Ibid., 3v.
[645] Ibid.
[646] Ibid.
[647] Ibid., 9.
[648] Ibid.
[649] Ibid., 77, 77v.

take for his more trusty seruents for his trewer subiectes then henry courtenay late marques of exettter then henry pole late lorde montacue than edwarde neuell late of his graces privue chaumber."[650] Their connection with Henry VIII was closer than monarch and subject, than king and nobility: "what subiectes were more bounde to their soueraygne lorde I say moch more what men were more endetted to man, than were all these thre to his highnes who in more daunger than his grace which neyther coulde mystruste them ne yet without his great peryll truste them," painting them and Henry VIII as partners whose symbiotic relationship not only benefitted themselves but the entire country.[651] How could the king suspect them, "who of all men he knewe hadde greatest causes to loue hym to desyre his hyghnesse prosperytie and longe reygne."[652] Rather "His grace dydde not use them as men whome he mystrusted no he ble more familiarnesse with few of his subiectes than he dydde with the Marques and Syr Edwarde Neuyll."[653] The king believed that with their military experience, "them whome he toke to be the rediest of all menne to spende theyr bloud if nede shuld require them so to do."[654] Morison continued his theme of ingratitude and wrote, "I am ashamed that euer it shulde come into writyng that there haue ben among men some that recivying to hyghe fauour and so greate benefytes foughte to make hym a way."[655] Not only were the Poles and Courtenays subjects of the king, they were part of a great extended family, and it went against the natural order to betray one's family. Not only were they disrupting the Great Chain of Being, they would have committed a kind of patricide if they had deposed their king, father of the realm.

In Morison's account Reginald Pole's ingratitude was particularly heinous: how could Reginald "intende his death for whome he ought with all harte to haue shedde his best bloud reknyng the losse of his owne lyfe" and preserve the king "from peryl and danger. howe many fathers haue bene more tender ouer their sonnes than hath his grace bene in bryngynge up the thou false Pole thou shamefull and shamles traytour from thy chyldhode."[656] Pole was the root, as Henry VIII would have him portray it, of all this evil, the "archetraytour," "whom god hateth nature refuseth all men deste yea and all beastes to, wolde abhore if they could perceuie how moche viler he is then is euen the wroste of them."[657] Sir Richard Pole had died when Reginald was very young, which gave Morison the opportunity to paint Henry VIII as a literal as well as figurative father to young Reginald, paying for his education and finding him employment. Morison shows that Pole acknowledged these special ties and tried to used them to his advantage: "thou sustredit thy self to be callid the king of Englandes nephew this title beinge fals wrought moche and made manye in loue with the for thy nobilties sake."[658] Morison even taunted Reginald, "god be thanked though arte nowe a Pole of lytel water and that at a wonderfull lowe ebbe. Can I wyshe the any more hurt than that though mayste lyue longe in suche shame in suche infamie as I thynke neuer traytour was in I think as obstinate a wrethch

[650] Ibid., 25.
[651] Ibid.
[652] Ibid., 25v.
[653] Ibid.
[654] Ibid.
[655] Ibid., 27v.
[656] Ibid., 31.
[657] Ibid.
[658] Ibid., 33.

thou art."[659]

Morison then turned to the cousins and brothers. He regretted that "thy famylie which myghte haue continued in honour disteined thy bloud which before was myngled with a kinges."[660] In order to illustrate how far these families had fallen and how much they owed to Henry VIII, Morison delved into their backgrounds. "Fyrst the Marquise of Exceters father by king Henry the vii most noble father to our moste draddde soueraynge lorde...was for certayne treasons committed to prison where he law in teoperdie of losse of landes and lyfe untyll the deathe of the sayd kynge."[661] But then "not withstandynge there were gret and weighty matters layde ayenst hym yet our soueraygn lorde that nowe is didde not only pardon hym of his lyfe ans restore hym to his landes."[662] Not only had King Henry VIII restored his father, but also he had treated Exeter "more lyke a companon than a seruaunt always encreasynge his landes and reuenues."[663]

For the discussion of Montague, surprisingly, Morison stressed not his crimes but the damage he was doing to his mother with his "lewde prophecies" about the king's death.[664] Given the state's lack of evidence against her this might have made sense but it was incongruous, because she was still being questioned and held under house arrest at Cowdray. Perhaps at home and abroad she could still be used for the king's purposes if painted as a sympathetic figure. Using Gertrude Courtenay and the countess of Salisbury as the malefactors does not seem to have occurred to Morison. Though they were the "active" traitors as defined by law, Courtenay and Salisbury were still mere women and popular conceptions of gender held that women were by and large assumed to commit passive treasons. The English public and foreign rulers might not find widows and mothers threatening, despite what Courtenay had done and what Salisbury was suspected of doing. Instead, Salisbury could serve as the perfect wronged and grieving mother betrayed by the treason of her sons. Morison wrote, "noew on the other syde was the lorde Mountacute nothynge in the kynges debte was not also his mothers landes loste."[665] Salisbury was "a poore gentyll woman dwellynge amonge the systers of the Syon he a poore gentyll manne not hauynge a fote of lande towarde his lyuynge was it not a thynge worthy thankes to comme from the nothynge to iii or iiii thousande marketlande his mother to haue this for her lyfe."[666] Later in the document, he once again portrayed Salisbury as a victim of her sons: "as for Reynolde ... which sent his mother word that if he knew her to be of the sam opinion that the king is of he wold treade her under his fete mother his as she was, what beast could use suche langage to his mother excepte he had ytterlye forgeotten the reuerence that nature techeth all creatures to ward their parentes."[667] This was not the end of Pole's crimes; not only had Reginald shattered his filial ties to his monarchial father and birth mother, he had "slaine thy brother the Marques and thyne other brother [Geoffrey] was at deathes doore."[668]

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[659] Ibid., 41.
[660] Ibid., 39v.
[661] Ibid., 47, 47v.
[662] Ibid.
[663] Ibid., 43.
[664] Ibid., 55.
[665] Ibid., 53.
[666] Ibid., 53-53v.
[667] Ibid., 55v-57.
[668] Ibid., 57.

Morison expanded on Pole's betrayal of his brothers and cousins. He painted treason as a crime committed by persons who were made evil by their heresy: "if these men had not ben enemies to the gospel haters of goddis worde, they could neuer haue fallen in to such an abhomynambe sorte of treasons."[669] As a result, this transgression was not entirely Pole's and Courtenay's fault, for perhaps according to Morison, "Reynolde [Reginald] that traytour put this in theyr heedes or whether god thought it best that they had chaplaynes accordyng to thier hartes menne desyrefull to kepe them styll from the knowlege of their duties from the ligth of god his worde whiche they hated aboue all thynges."[670] This was an artful qualification on the part of Morison that not just anyone became a traitor, only those so damaged by Catholic heresy they had no choice. The king's subsequent leniency towards Geoffrey then was additional proof of royal wisdom. King Henry VIII in all his magnanimity "pardoned hym all his offences so that his clemecie hath saued Gefrey whome they knauishe letters and messangers had brought to the galowes."[671]

In this way Morison could even use Geoffrey Pole to bolster the grand image of his sovereign. Therefore Morison painted Geoffrey as a sympathetic wretch, particularly in light of his suicide attempts, who had realized the errors of his ways. "He sawe before hym the losse of his soule and...what daunger he shulde leave his soueraygne lord whose benefyttes beganne anowe to muster before hym and the vele of malyce layde asyde to tourne his harte he sawe the damages the slaughters that mygte come to his countrey."[672] Morison could then portray Geoffrey, his conscience wearing on him, freely offering evidence: "thereupon of his own mynde no man rewuirynge hym to it no manne thynkynge of any such thynge he desyred to speake with the lieutenant of the toure and after the speake with some of the kinges priuie counsel."[673] There had been no threat of torture; "he had no outwarde tormentes no racking no manicles no he was put in frer of non of al these peines but enforced by god."[674] During his trial, Geoffrey "sayde at the barre it was frankely uttered not only ayenste his brother and cousyn but ayenste suche as whan then they came to the barre grated them selfis giltie without any verdite of quest."[675] Morison asked rhetorically, "is it possible that a man not forced shoulde swere uppon a boke hym selfe to be a traytour hym selfe of al men to be most worthy deathe?"[676] At the trial, Morison wrote, the contrite and humble Geoffrey was calm and peaceful in contrast to the unrepentant "croftes and colyns also the other all the tyme of theyr arraynement stode styffe with castyng up of eies and handes as though those thyngs had ben nuere herd of before that thenne were laide to theyr charge."[677] All these descriptions served to prove that there had been no false confession and to explain Geoffrey Pole's pardon, a surprising decision that needed justification.

Morison did not write much in this last section on the trials, perhaps because they were public, and he assumed most would hear about them through word of mouth. He did, however, provide a number of details not found in the official trial documents that are at times, at odds

[669] Ibid., 55.
[670] Ibid., 55v.
[671] Ibid., 57v.
[672] Ibid., 81v.
[673] Ibid., 83.
[674] Ibid., 87v.
[675] Ibid.
[676] Ibid.
[677] Ibid., 87v.

with the indictment records. The speeches he ascribed to Exeter and Geoffrey were, no doubt, embellished, and perhaps entirely made up as they are not mentioned in any other extant source. Morison described how Exeter tried to refute Geoffrey's testimony: "he began to charge Gefrrey Pole with frensye with foly and madnesse."[678] As the most taciturn of the accused men, Exeter's Morison-invented outburst served as a point of high drama. Morison had Geoffrey answer, "Some men saythe Geffreye... laye to my charge that I shulde be out of my wytte and in a frensye. Trouth it is I was out of my wytte and in a great frensy when I fell with them in conference to be a traytour disobediente to god false to my prynce and eneiye to my natiue countrye."[679] Morison went on to have Geoffrey declare, "if I had had tenne brothern yea tenne sonnes I wolde rather bringe them al to this perylle of deathe than leaue my countreye my sourayne lord and myn own soule in suche daunger as they al ther stode in, if I had kepte these treasons secrete."[680] Some readers might have interpreted this strong statement by Geoffrey as a contradiction of the previous characterization of him as a weak, pathetic man. Morison deftly acknowledged the discrepancy but left both images intact. "Geffrey hath neuer bene taken for any pleasant or sage talker his witte was wont to serue his tong. I dare say they that were the wisest of the kingis moste honourable counsayle dyd moch woder that day to here him tel his tale and loke for nothyng lesse than that he shulde haue soo handlyd him selfe."[681]

Similarly, Morison manufactured details to demonstrate others' guilt. Though Exeter and Montague refused to admit their crimes in court, Exeter, he wrote, was "styffe at the barre and stode faste in denial of most thinges layd to his charge yet in some he foyled and staggerede in suche sorte that all menne might see his countenance to auouch [announce] that that his tonge could nat without moche foltring deny."[682] Once again, Morison wanted to illustrate how body language proved a guilty conscience. Morison wrote with equal imagination in his very brief mention of their execution. By the time they were standing at the scaffold they did as was expected of them and "acknowlege their offences towarde the kinge and desyred all men that were there present to pray god to forgyve them."[683]

To conclude his book, *An Invective,* Morison turned back to warning his audience of the dangers of treason. "And I am well assured all ment hat haue any spot of honsetie in them wold thinke these worthy to be taken for traytours yf they had but ones thoughte hurte unto his personne of whom they had receyued so many benefyttes."[684] Particularly for Catholics in England and abroad, "I say and thynke who so euer is of theyr opinion in matters of relygyon that he can loue the kynges hyghnes noo better then they dyd. who soo is a papiste an enemye to goodis worde he may well lack power or stomacke to utter treason but he can not lacke a trayterous hart."[685] This is the clearest message of *An Invective*, and the 1534 Treason laws: if you are loyal to the pope and his faith, you cannot be loyal to Henry VIII. His subjects must choose one or the other and those who choose Rome are traitors. They may not act, but their words and a "traytorous hart" are just as illegal and punishable with death.

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[678] Ibid.
[679] Ibid., 89.
[680] Ibid., 89v.
[681] Ibid., 91-91v.
[682] Ibid., 91v.
[683] Ibid., 93.
[684] Ibid., 95.
[685] Ibid., 95v.

Salisbury, Courtenay, and the Act of Attainder

Salisbury and Gertrude Courtenay had always been a problem for Cromwell. He was convinced of their guilt, of the danger posed to the king by their actions, but he lacked the necessary evidence to convict them with a customary indictment. Cromwell was running out of patience, but he still had legal options in the form of an Act of Attainder. While this can be considered a "softer" option than a public trial because of the lack of evidence against Salisbury, the gendered language of the attainder reveals how dangerous these women were believed to be. They were presented, in the strongest language, as heinous traitors, not just passively speaking against the king as might be expected of women but acting against him like a traitorous man even though they were women.

In the last weeks of 1538, while the crown proceeded with the formalities of the men's trials and executions, Fitzwilliam was still at Cowdray questioning Salisbury. Stymied by her answers and refusal to be cowed, he searched her rooms for answers. On December 16th, Fitzwilliam discovered her will and money in one of her coffers, "neither of which I have looked...on them the days whereof I ...the first was dated anno 20 adn the next anno 30 and in September last."[686] "Further," he said, "with I not privy to…hir said wille, but rather thought ...that your lordshippe shold have the first viewing."[687] Fitzwilliam was intrigued by another of the documents, which had been cut in half. He must have assumed that it had something to do with letters to and from her sons, and demanded to know why it was defaced. She replied that "when she made hir new will, she cut hir name from the old to...utterly to damn it."[688] It seems that he did not believe her, as he forwarded this document to Cromwell as well.

A few months later, Fitzwilliam was still interrogating Salisbury at Cowdray. His famous stoicism had begun to waver. His own wife had refused to have anything to do with Salisbury, probably not wanting to be arrested for communicating with her. Fitzwilliam himself had also begun to leave her alone. On March 14, 1539, he wrote to Cromwell describing a heated encounter. Exasperated, he had told her that because of her "errant whoreson traytor" even he would not speak with her.[689] He explained to Cromwell that the countess herself was weary of the isolation but still denied having any contact with Reginald. Again she said she wished her son was dead rather than a traitor. She pleaded that King Henry not consider her a traitor as well. Additionally, Fitzwilliam reported that she had taken his outcry literally and calmly asserted that she was not a whore. By this time, Fitzwilliam was frustrated by her refusal to admit to any wrongdoing. He ended the letter by begging Cromwell "to rid me of her company, for she is both chargeable and troubleth my mind."[690] A week later he closed a letter to Cromwell by thanking him for promising to relieve him of Salisbury. Fitzwilliam wrote, "my wife is not a little prowid to heard that yr lordshippe wol helpe to deliver her of the Lady of Sare. I was fayn to take hir with me to portsmowth for in no wise wold she tary behind me, the said Lady being in my

[686] SP 1/140 ff.110-111.
[687] Ibid.
[688] Ibid.
[689] BL Cotton MS Cleopatra. E. IV f. 176.
[690] Ibid.

howse."[691] The five months that Salisbury had lived in their house had evidently taken a toll on their marriage as this was the second letter to Cromwell where he emphasized how upset his wife was by Salisbury's presence. Six days later Salisbury was transferred to the Tower where she would remain for the next two years.

Meanwhile, in the Tower, the interrogations of Gertrude Courtenay had not ceased and had probably resumed in earnest after the arrest and questioning of Nicholas Carew. Cromwell wrote Henry VIII on April 19 that he had confronted Gertrude Courtenay with letters, probably the ones found in Carew's possessions, but "she pretends ignorance and no knowledge of the person that sult report the tale."[692] Cromwell assured the king that he would persist until he reached the "bottom of her stomack," a strong statement promising not to halt his interrogations until she revealed all.[693]

Henry VIII had been able to prove publicly in December 1538 that Exeter, Montague, Neville, Geoffrey Pole, Holland, Croftes, and Collins were traitors. Except for Geoffrey Pole and Holland, their treasons were words, but the state spared no effort in portraying their crimes as dangerous as if they had spoken more publicly and actually raised an army to march on London. Exeter's and Montague's treasonous words in particular were a danger to the state. Unlike Geoffrey Pole, they posed a real, martial threat to the throne. Cromwell and the king believed both women to be traitors, however, despite Cromwell's and Fitzwilliam's efforts, they had no hard evidence against Salisbury. They had incriminating testimony against Gertrude Courtenay, most recently from Nicholas Carew's interrogation, but still could not be certain that the English public or continental enemies would see the women as a threat. Neither Henry VIII nor Cromwell wanted to take their chances with another trial. However, they feared the outcry if they executed the women without some sort of legal process. The decision to resort to an Act of Attainder solved all the problems. The attainder was their best chance of avoiding outrage from the English public or foreign leaders. Additionally, involving Parliament might prevent a revolt from the nobility. Such a reaction to the previous executions remained a constant worry. Forcing the members of the House of Lords to pass an Act of Attainder against the women made Parliament culpable in their deaths as well. The king and his advisor had been successful in manipulating Parliament in the past and felt confident that they could convince the members to pass the Act of Attainder against Salisbury and Courtenay despite the lack of evidence.

On May 18, 1539, Courtenay and Salisbury were attainted of high treason by an Act of Attainder in the House of Lords. The consequences of being attainted were that they "shall also losse and forfit …theire …Lordspps … Liborties, Adovwsons… lands Conements Rents Rewsions Services Remainders … Annuities Rights possessions Entries Conditions and all other theire herediaments... or ought to haue had of any estate of inheritante" to the crown.[694] In a clever legal and political maneuver, Cromwell posthumously included in the attainder Sir Nicholas Carew, Exeter, Montague, Neville, as well as Reginald Pole and others not connected to this case. Exeter, Montague, Neville, and Carew's transgressions were listed first in the act and were included to cloak the process in some respectability and authority, according to the

[691] BL Cotton MS Otho E. IX f. 69.
[692] BL Cotton MS Titus B I. f. 265.
[693] BL Cotton MS Titus B I. f. 265. Despite the implication, this did not refer to torture. A modern paraphrase would be "spill her guts."
[694] BL Lansdowne MS 515 f. 9.

attainder: "mooost crewelly falsely maliciously and traitorously committed and done against your majestie and thro your realme were and so by the due course and other of the common laws of this your realme of England sowally indited convicted and attainted of high treason and have suffered execution for the same according to the their demerits as by the Sowall Record thereof more plainly appearth."[695] In this way Cromwell ensured that Parliament would now give its endorsement to all of the king's actions against the Pole and Courtenay men and their servants.

Reginald Pole was included in the Act of Attainder as the main instigator. It was vital for Henry VIII to make a public statement of his guilt, a gesture to Charles V and Pope Paul III that they were harboring an official enemy of England, a man who had committed the traditional masculine acts of treason. Reginald's crimes "have procured and stirred seditions and rebellion in this yor Realme of England refusing their naurall duety and obedience … and also have committed exasperated diuers and sundry other detestable and most abhominable treasons to …daunger of the distruccion of your most royall person and to the bitter losse dishersion and deforacion of this your realme."[696]

Gertrude Courtenay was the first of the two women listed in the attainder. She had been ignored in Morison's and the crown's recounting of the treasons and she had not been mentioned at the men's trials, but here she was portrayed as a dangerous and malicious traitor; as a man. To counter any popular images of her as a weak and feeble woman, the harshest language of the entire act was reserved for her, language previously reserved for male traitors. While Gertrude Courtenay had been accused of and interrogated for communicating with Reginald Pole and others in the fall of 1538, now she was attainted for "most traitorously falsely and Maliciously conferate herself to an with the seid abhominable traytor Nicholas Carew knowoinge himself a Traytor and a Comon Enemy...hath not only Ayded and Abbetted and Comforted the Seid Nicholas Carew and the Sied abhominable Treasons by him Committed and done."[697] Not only had she perpetrated these crimes with Carew, she had "Committed and perpetrated divers and Sundry detestable and abhominable treasons to the most fearfull peril and dainger of the distruccon of your Royall Persone," though those specific treasons were not articulated in the attainder.[698]

Salisbury was attainted for similar treasonous actions, specifically aiding and abetting her sons. This was not, however, as a loving and maternal woman but like Courtenay, as a man, a traitorous collaborator in heinous crimes against the crown. The countess "haue not only most traitorously confederate themselves to and with the seid false and abhominable traitors Henry Poole late Ld Mountacute and Reignald Poole knowinge them to be false Traytors e Comon Enemies unto yor Maiestie and this your realme refuseing theire duty of Allegiance which they ought to doo and bare unto your highness and Maliciously and traitorously aided maintained abetted and Comforted them in their seid false and horrible Treasons but also haue Comytted and perpetrated divers and Sundry other detestable and abhominable Treasons" to the royal person.[699] Though, like Courtenay, what her "sundry other detestable abhominable Treasons" were was not made clear. Salisbury and Courtenay were then sentenced in the act to "stand and be attainted

[695] Ibid.
[696] Ibid.
[697] Ibid.
[698] Ibid.
[699] Ibid.

and Convicted of high Treason and shall suffer such Exectucion and paines of death as in Cases of high treason."[700] The language in the attainder contrasted sharply with the view of Salisbury that the state had been attempting to publicize in Morison's work. No longer the burdened and tormented mother, Salisbury was now as guilty as her sons, and she and Courtenay were as dangerous as the men.[701]

Significantly for the legal history of English treason law, Gertrude Courtenay and Salisbury were attainted by an Act of Parliament for aiding, abetting, and comforting traitors, which are all actions. Additionally, they were interrogated for keeping, sending, and burning letters. It is clear that the king and Cromwell were more concerned with the men's activities, for men could lead armies and broker deals with foreign monarchs. But the men had only been speaking of treason, whereas the government believed two women had been active "traitors," working behind the scenes to foster and support any such rebellion. Inadvertently, Cromwell's indictments and acts of attainder erased the stereotypical masculine and feminine associations with kinds of treason and whether men or women would commit them. Men now condemned themselves with their words, women with their actions. Thus, in 1538-1539, the Pole/Courtenay case removed gender from the equation.

On the same day the Act of Attainder was presented at Parliament, probably as a last resort, a strong bit of evidence against Salisbury was produced by Cromwell. John Worth described the scene in a letter to his employer, Lord Lisle. Cromwell had brandished a surcoat he had "found" in Salisbury's belongings. On one side there was King Henry VIII's coat of arms intertwined with "pancys for Powll [Pole], and marygoldes for my lady Mary."[702] "And betwyxt the marygolde and the pancye was made a tree to rys yn the myddes and on the tree a cote off purpell hangying on a bowgh, yn tokynyng off the cote of Cryste, and on the other syde of the cote all the Passchyon of Cryste."[703] This was obvious evidence of treason. Purple was the color of royalty and the Passion of Christ was an unmistakable Catholic symbol. That it was combined with the arms of Pole and Mary Tudor with a royal color signaled high treason. Worth wrote that it proved "Powlle yntended to have marryd my lady Mary and betwyxt them boyth shuld agen a rys the olde Doctryne off Cryste."[704] The implication was that Salisbury, a renowned embroiderer, had made this surcoat, or had it made for her in celebration of the upcoming union between Reginald and Princess Mary after Henry VIII was deposed. Was Cromwell still unsure how best to portray Salisbury?[705] Ironically, despite the masculine language used to describe her in the Act of Attainder, he was now giving evidence of an act of treason, but in a most feminine form, an elaborate piece of embroidery.[706]

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[700] Ibid.

[701] The men's crimes were not listed in the attainder because they had already been tried. However, the men (with the exception of Geoffrey Pole and Holland) had been convicted for imagining the king's death, for conversing with other traitors, and with communicating treasonously among themselves, which were all verbal crimes.

[702] SP 3/14 f. 67.

[703] Ibid.

[704] Ibid.

[705] Janice Liedl discussed Cromwell's use of the surcoat to attaint Salisbury of treason in response to her position as a wealthy female landowner and the gender implications of such an action in "A Womanly Treason: Margaret Pole and the Exeter Conspiracy of 1539" (National Women's Studies Association 2004 Conference, Milwaukee, WI, USA, June 19, 2004).

[706] This is a suspect story for two reasons. One, it is only reported in this letter and in the official House of Lords journals. Evidence of this magnitude would have been publicized by Cromwell as solid proof of Salisbury's perfidy

The Act of Attainder passed in the House of Lords without further incident or excitement. As the king and Cromwell had feared, however, on the continent, Reginald Pole was not silent about his mother's fate. He wrote to Cardinal Contarini, "of my mother being condemned by public council to death, or rather, to eternal life. Not only has he who condemned to death a woman of seventy, than whom he has no nearer relation except his daughter and of whom he used to say there was no holier woman in his kingdom, but, at the same time, her grandson, son of my brother a child, the remaining hope of our race."[707] He closed the letter by labeling Henry VIII as a "western Turk," a barbarian intent on the destruction of Christianity.[708] Weeks after the attainder had been passed Henry VIII heard that Pole, outraged at the treatment of his mother, was planning to invade with an army, probably supplied by Charles V. The king "without delay rode towards the sea coastes and sent divers nobles to survey all the portes and places of danger where any meete and conuenient landing place might be doubted as well as on the borders of England and also of Wales."[709] On the southern coast, the king ordered "bullwarkes and forts to be erected and further he caused the Lord Admirall earle of Fitzwilliam to prepare in a readinsess his nauies of ships for defense of the coastes."[710] Then Henry VIII ordered "generall mssters taken through the realme to understand what able men hee might make account of and weapons seene and viewed sir William Forman knight then Maior of London was commanded to certify the names of all the able men within the citie and liberties therof betwixt the ages of sixteene and sixty with the number of armes."[711] To drum up support among his people and in a carefully calculated display of might, Henry VIII staged a military parade in London in early May: "the Citizens of London mustered at the Miles ende all in bright harneis with coastes of while silke of cloth and cheines of golde…the number was 15,000…who in goodly order passed through London to Westminster and so through the Sanctuary and round about the Parke of Saint James and returned home through Holborne."[712] That Henry VIII believed Reginald Pole could convince a foreign monarch to launch an invasion of England demonstrates just how much the king feared Pole and how unstable he believed the political climate to be. The invasion did not materialize, but the diplomatic community did not forget the plight of the countess of Salisbury and Gertrude Courtenay. On July 20, the marquess of Aguilar wrote to Charles V that King Henry continued in his "misdeeds and cruelties" and had sentenced Salisbury to death.[713]

By late 1539 the king and Cromwell had still not decided about what to do with the women. On the twentieth of November, he listed the prisoners in the Tower, which then included Gertrude Courtenay, Salisbury, Gertrude's young son Edward Courtenay and Salisbury's grandson Henry Pole.[714] In December of 1539 Thomas Phillips, a keeper at the Tower, wrote to

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and concrete evidence of treason, or at the very least, gossiped and written about in other letters, especially by Chapuys. Those records may not be extant, or this event did not happen. Two, it was very convenient and would not have been beyond Cromwell to manufacture evidence, particularly after he had Salisbury in custody for seven months without any proof of treason, either by confession or accusation.

[707] *L&P* Vol XIV Part 2, no. 212 Original Poli Epp. II 191.

[708] Ibid.

[709] Stow, *Chronicle*, 575.

[710] Ibid.

[711] Stow, *Chronicle,* 575.

[712] Ibid.

[713] BL Add. MS 28,591 f. 194.

[714] BL Cotton MS Titus B. I 129.

Cromwell asking for clothing for Gertrude Courtenay, Salisbury, and their serving ladies. Phillips wrote that Gertrude Courtenay "feared she was in the kinges displeasure."[715] Regardless, Gertrude Courtenay was pleading for changes of clothes and money to pay her servants. Also, Salisbury "maketh great moan" because she needed new and warmer clothing as she had been in captivity for a year and the weather was getting colder.[716] Neither the king nor Cromwell left any explanation for the next surprising set of events. Gertrude Courtenay was pardoned and released from the Tower on December 21, 1539, but the process had been set in motion a few months before.[717] In Cromwell's October remembrances (the notes he made for himself at the end of every month) he wrote only, "for the delyvery of the marchioness of Exeter."[718] In the same remembrance, he mentioned Salisbury: "what the wyll have done with the countess of Sarum," which shows that not even he knew what the king had planned for her.[719] After her pardon, Gertrude Courtenay was given an annuity of £100 beginning in March 1540[720] and later £163 15s. 11d. a year.[721] As for the remaining prisoners, the financial records from the Tower show that Sir Edmund Walsingham was paid £13, 6 shillings and 8 pence every two months for the diets of Salisbury, Henry Pole, and Edward Courtenay.[722] It seems evident from the amount of money that was provided for their diets that they were well fed.

Why was Gertrude Courtenay let go when she was actually guilty of active treason? Despite this, the king and Cromwell no longer seemed to have judged her to be a threat. Her family, the Blounts, was not very influential, and without the benefit of her husband's title or lands, she was wholly dependent on the crown for her survival. Not only that, but her only child was still imprisoned in the Tower. She was alone, penniless, untitled, and her child was a hostage. Banned from court, she was no longer useful to Chapuys. Salisbury, on the other hand, was still dangerous. Unlike Gertrude Courtenay, she was a Plantagenet and of the royal bloodline. She had been a powerful magnate and would have had hundreds of retainers still loyal to her. As a fervent and devoted practioner of the Old Faith, she had allies both on the continent and in England and most importantly, she was Reginald Pole's mother. Despite the executions, attainders, and public victory, Henry VIII was still infuriated with Reginald. Punishing his family and friends had not stopped Pole's treason and had not abated the king's desire to crush the Cardinal. Just months before, the king had been convinced that Pole was going to invade England to avenge his family and save his mother. No, Salisbury was too dangerous to release.

There are other indications that Henry VIII was not finished warring with the White Rose dynasty and Salisbury in particular. On December 2, 1539, Robert Southwell, Edward Carne, John London, Richard Poulet, and William Berner wrote Cromwell with the news that, in the process of disolving the priory of Christchurch in Twynham, in the church they found "a chaple and monument cursiosly made of caen stone pparyd by the late mother of Raynolde pole for here burial. Wych we have causyd to be defacyd" and the arms destroyed.[723] This was yet another

[715] SP 1/140 ff. 220-222.
[716] Ibid.
[717] *L&P XIV Part 2*, no. 713.
[718] BL Cotton MS Titus B I f. 439.
[719] Ibid.
[720] BL Arundel MS 97 f. 116b.
[721] *L&P XV*, no. 436.
[722] BL Arundel MS 97 f. 122-163.
[723] BL Cotton MS Cleopatra E. IV f. 267.

affront to Salisbury. As a powerful magnate, she had intended for her monument to attest to her status, wealth, and ancestry, but the king's men despoiled it. As a traitor, her bones would not be allowed to rest in the elaborate tomb she had built for herself.

In another surprising turn of events, Thomas Cromwell, the nemesis of the White Rose party came to the same end as those he had accused and prosecuted. On July 28, 1540, the once-powerful Lord Privy Seal, Lord Great Chamberlain of England, Earl of Essex was executed on a scaffold on Tower Green. After a lengthy speech, he was messily beheaded and later buried in St. Peter Ad Vincula. His head, like that of a common criminal or traitor, was set above London Bridge. A combination of crisis and political conspiracy by his enemies at court brought down the once-untouchable minister. Cromwell had arranged a disastrous union with Anne of Cleves, whom the king found unbearable. When the duke of Norfolk and the bishop of Winchester approached Henry VIII with accusations that Cromwell had profited from selling illegal licenses for export of goods and worse, engaged in heresy by supporting the Protestants and Reformers, these accusations were turned into charges of abuses of power and high treason. Consequently, the king took speedy action against him.[724] Cromwell's own legal weapon was used against him when he, like Salisbury and Courtenay, was convicted with an Act of Attainder.[725] He received no trial, no public defense, just a speedy and legally binding end like so many of his victims. The news of Cromwell's death was likely met with delight by Reginald Pole and with hope by Courtenay and Salisbury. The downfall of their tormentor might bring the release of Courtenay's son from suspicion and perhaps he and Salisbury from prison. Unfortunately, this would not come to pass.

A year later in 1541 Salisbury was still in the cold, drafty Tower, and once again needed warm clothing. On March 1, the queen's tailor was paid to make her "a night gown furred, a kirtle of worsted and a petticoat furred, a bonet and a frontlet, four payer of hose, four payer of shoys, and one payer of slipps."[726] As with her food, the tailor was probably paid with Salisbury's own money, but it came from the king's accounts. The clothes were well made and fairly luxurious for a prisoner. Unfortunately, she would only wear her new clothes for two more months. On May 27, 1541, with no prior warning, Salisbury was executed. Reports varied of the scene. Marrilac wrote to Francis I that she was executed about seven o'clock in the morning, "in presence of so few people that until evening the truth was still doubted."[727] He added that they wanted to empty the Tower of prisoners imprisoned for treason.[728] Two weeks later, Chapuys wrote to Mary of Hungary with the information that this sudden turn of events had been a shock to Salisbury and that her execution was brutal: a "blundering 'garçonneau'" who messily and roughly hacked her head from her body.[729] Typically, a prisoner stretched out his or her arms to signal readiness for the axe while kneeling, but the countess was no ordinary prisoner. Some reported a final act of resistance: one held that the countess of Salisbury refused to submit to the executioner and declared "My head never committed treason, if you will have it, you must take it as you can." It continued: the countess of Salisbury was then held down by force and roughly

[724] Hutchinson, 249.
[725] Coby, 188.
[726] BL Arundel MS 97 f. 185;
[727] *L&P XVI,* no. 868.
[728] Ibid.
[729] *L&P XV*, no. 897.

beheaded. Another report recorded her as refusing to kneel and forcing the executioner to chase her around the scaffold. Someone else remembered the countess kneeling and shaking her head so as to frustrate the axeman.[730] Which is closest to actual events? The image of a frantic countess of Salisbury running around the Tower Green does not fit with her personality. She was stoic and strong. She was a Plantagenet princess, one who had survived so much and had outlasted almost all of her enemies and she would not have run screaming from death. It makes more sense for her to have arrogantly answered the executioner when he requested that she kneel and submit. She would not have betrayed her station and ancestors by losing her dignity. Grafton's *Chronicle* gave no details and only marked her death and the end of an ancient lineage: "On the same day was Margaret Countess of Salisbury which had been long prisoner in the Tower behedded in the Tower and she was the last of the right line and name of Plantagenet."[731] Hall's Chronicle similarly marked the occasion. With a tinge of regret, Hall wrote, "In whose person died the very surname of Plantagenet, which from Geoffrey Plantagenet so longe in the blood royall of this realme had flourished and continued…"[732]

With the execution of Salisbury, Henry VIII allowed the matter of the White Rose conspiracy to come to an end. Though Reginald Pole was still alive and in the service of the pope, Henry VIII devoted little attention to him in the remaining years of his reign, a trend continued by historians of the king's rule. However, the trials, prosecution, and attainders of the men and women in this case left their own significant legacy. Not only did Henry VIII turn a case of speech into the highest treason and danger against his person, but also he and Cromwell used that speech, those careless criticisms, to craft a White Rose plot against the crown and the Tudor dynasty. And they did so using words. The 1534 statute broadened the state's definition of treason and assumed that words were the prelude to rebellion and thus were as dangerous as martial acts of treason. This new definition muddied traditional distinctions between active "masculine" and passive "feminine" crimes, between actions and speech and demonstrated the instability of fixed gender conventions. A man's feminine speech could condemn him even if there was, as in the Pole/Courtenay case, no evidence of the intent to act. Thus, the Pole/Courtenay case turned gender assumption on its head. Not only were actions and words equally threatening to the king and his reign, but also the gender of the rebellious traitor changed. It was the women and not the men who were accused of committing the masculine active treason. From 1538 on, treason leglislation and prosecution no longer functioned according to gender conventions. Legally speaking, treason was now a completely gender neutral crime.

[730] John Lingard, *A History of England: From the Invasion by the Romans to the Accession of William and Mary in 1688,* Vol. 6 (New York, P. O'Shea, 1860), 290.
[731] Grafton, *Chronicle*, 1253.
[732] Hall, *Chronicle*, 327.

Chapter Eight: Conclusion

In May 1540, Henry VIII and his young bride Catherine Howard travelled to York to meet with and pardon some of those who had been involved in the Pilgrimage of Grace three years earlier. The king was then was forty-nine years old and still afflicted with an ulcerous leg. Despite his expressed regret and grief after executing his closest advisor, Thomas Cromwell, his spirits had risen recently because of the happiness that his teenage wife had brought him and because he had been freed from the recent domestic treason threats. However, his nuptial bliss would not last much longer because a year and a half later, Catherine was accused of treason with Thomas Culpeper and Francis Dereham. She admitted to having affairs with them before her marriage to Henry but insisted she was innocent of the charges. Unsure of a jury conviction, like Salisbury, Henry VIII had her attainted by an Act of Parliament for treason and through her adultery, i.e. an action, causing peril to the king's person.[733] She was executed in February 1542. Henry was left bereft and angry once again, but would console himself by marrying a sixth time in July 1543 to Catherine Parr. He died over three years later on January 27, 1547, at age fifty-five.

Fortunately for his protégés, Cromwell's fall did not affect the majority of his retainers. Richard Pollard, the scribe in many of the examinations and a long-time employee of Cromwell, was given the stewardship of Exeter's lands in 1539. As a reward for his hard work, on August 10, Henry VIII granted Fitzwilliam the stewardship of all the countess of Salisbury's possessions as well as Warblington.[734] Additionally, Fitzwilliam became Lord Privy Seal after Cromwell's execution, supplanting his former mentor in this important royal post. Oliver Frankleyn, Salisbury's loyal comptroller of Warblington, was granted Salisbury's manor in Clyst St. Mary in Devon in 1545. Curiously, he was given the manor for "having proven himself in royal service."[735] This could have been a sinister acknowledgment that Frankleyn had given information against his mistress' family in 1538, perhaps information either no longer extant or not recorded at the time as his official examination was neither inflammatory nor revealing.[736] It is more likely that Henry VIII recognized his skill as a comptroller to Salisbury and employed him after Salisbury had long been imprisoned or executed.

As for the surviving members of the White Rose Party, Gertrude Courtenay lived on her annuity until her death in 1558 and was buried in Wimborne Minster in Dorset. Her son, Edward Courtenay, was released from the Tower in 1553 at age twenty-three, after Mary I's accession. As a recognition of his family's loyalty to her and her mother, the new queen restored "him and his heirs male forever" to the title of earl of Devon.[737] He became a courtier to Mary I and even had aspirations of marrying either her or her sister Princess Elizabeth. They both rejected him. He was later implicated in Thomas Wyatt's rebellion opposing the marriage of Mary I and Phillip in 1554 and imprisoned again for a short while. It was rumored that he had met with Wyatt and was planning an uprising in his territories. In the spring of 1555 he was released but exiled to the continent. He spent the last year of his life travelling around Europe and died in

[733] Bellamy, *The Tudor Law of Treason,* 41.
[734] Until the king gave it to Sir Richard Cotton in 1551.
[735] L&P XV, no. 282.
[736] However, Frankleyn's reward would have likely come sooner than 1545 if that were the case.
[737] Exeter Archives 1508 M add EL 2/5/h.

Padua in September 1556 at age twenty-nine. The last recorded mention of Salisbury's grandson, Henry Pole, the other child imprisoned in the Tower, came in a 1542 entry in an account book for his food in the Tower. After this, the records made no more mention of Henry Pole, leading to speculation by historians that his food stipend was drastically reduced and may have been the cause of his death in the Tower.

Geoffrey Pole was released soon after his pardon in January 1539 and was widely viewed as a pitiful creature. Cromwell apparently felt so sorry for him that he gave him £ 20 in December 1539. Later, Geoffrey Pole turned his grief into anger and embarked upon a spate of attacking men who he felt had mistreated him. In September of 1540 he assaulted a long-time friend, John Gunter, whom Geoffrey believed had informed on him to Cromwell in 1538. Fitzwilliam declined to press charges because he felt Geoffrey was a deeply unhappy man who was more deserving of pity rather than further punishment.[738] Henry VIII, on the other hand, wanted to imprison him, but Constance Pole pled for mercy and Henry acquiesced.[739] A year later in April Geoffrey struck a parson named John Mychaill but was not charged then either.[740]

Perhaps in recognition for all he had provided for the state and as a way to aid his large family, Geoffrey Pole and Constance were given a manor in Kent in May 1543.[741] Five years later, still wracked with guilt for having betrayed his family and friends, Geoffrey traveled to Rome to beg forgiveness from his brother. Reginald then sent him to his old friend the Cardinal of Liège. When Geoffrey attempted to return to England, he found that Edward VI had refused to allow him reentry. Geoffrey lived on the continent until 1553, when Mary I permitted his homecoming. Constance Pole remained at the manor in Kent with their children. The repercussions from Geoffrey's actions in 1538 surfaced when the recently released Edward Courtenay threatened to kill him. Edward Courtenay blamed Geoffrey for the death of his father and swore to have his revenge. The queen placed Geoffrey under protection, but he stayed destitute and shamed until his death in November 1558, though where he lived remains a mystery.[742]

Reginald Pole remained in Italy and continued his climb as one of the papacy's most notable clerics. After a successful career in Rome, he returned to England in 1554 after Mary I reinstated the Catholic Church in England. The queen rewarded him for his loyalty to the Church and his steadfastness by appointing him Archbishop of Canterbury in 1555. Reginald Pole died three years later in November 1558, just hours after Queen Mary. Michael Throckmorton remained in his employ until 1553, when he returned to Italy and lived another five years before he died in Mantua in 1558.

Contrary to the lament in Grafton's *Chronicle*, the countess of Salisbury was not the last of the Plantagenets. For those who would seek a male Plantagenet heir to the throne, there were many. Three of her children, Reginald, Geoffrey, and Ursula were still alive as were her many grandchildren. Salisbury's only daughter, Ursula, lived her life quietly with her husband, Henry Stafford, and their thirteen surviving children. Montague's daughters Catherine and Winifred

738 L&P XIV, no.19
739 L&P XIV, no.74-75
740 L&P VIV, no.708
741 L&P XVIII, no.623
742 Pierce, 188.

were restored under Mary and given some of their grandmother's manors.[743] Two of Salisbury's grandsons even pressed their claim to the throne and three were executed for high treason under Mary I and Elizabeth I. Ursula's ninth son, Thomas, rebelled in 1557 against Mary I's marriage to Phillip. Unlike Edward Courtenay, he was executed in May 1557. Of Geoffrey's children, not much is known aside from his sons Arthur and Edmund. In 1562 Geoffrey's oldest son Arthur, with the support of his younger brother, decided to assert his claim to the throne against Elizabeth. Both were promptly arrested for high treason and imprisoned in the Tower where they died some years later.[744]

Legacy of the Pole/Courtenay Case for English Treason Laws

Before 1534 treason was predominantly dynastic. It meant a martial threat by men to the throne from rival claimants who raised their banners and gathered armies. The religious changes in the 1530s necessitated by Henry VIII's desire to remarry meant that the king and his advisors needed a way to deal with a new kind of threat to the throne. All over England, priests in village parishes railed against the king's religious changes and his attempts to rid himself of Katherine of Aragon. As the sermons were the only part of the mass in English, criticisms of the king's policies were what villagers heard and understood on a weekly basis. Henry VIII was afraid that these words, this slander against him, whether spoken in sermons or printed in pamphlets would stir his subjects to rebel or his enemies to seek an opportunity to invade. These sermons were one of the main reasons to include verbal treason in the 1534 treason statute. Traditionally, verbal crimes had been stereotypically feminine. The large majority of women prosecuted for criminal action was convicted of slander or scolding, exclusively verbal crimes. But the inclusion of spoken words alone in the 1534 definition of high treason meant that crimes traditionally assumed to be committed by women were elevated to the arena of political treason and given equal weight to treasonous acts by men. A woman's crime was slander, but it was now high treason to slander the king. And with the advent of this new definition of treason, England witnessed a spate of female traitors ensnared by the broader net created by the 1534 treason statute.

When Elizabeth Barton began issuing prophecies against the king's marriage to Anne Boleyn in 1528, Henry VIII was irked by her speech and by her fame, but he was distracted with his larger battle to gain an annulment from Katherine of Aragon. In January 1533 Henry VIII married the pregnant Anne Boleyn and later that spring Archbishop Cramner annulled the marriage between the king and Katherine of Aragon. After the coronation of Anne Boleyn and with the impending birth of the long-awaited heir, it was now vital to silence Elizabeth Barton. When he and Cromwell attempted to try her, the judges refused on the grounds that there were no legal structures in place that addressed her crimes, which were all verbal. Henry VIII's only recourse was to attaint her by an Act of Parliament, but he was determined to try and execute the next verbal traitor. Since 1531 Audley, the king's legal specialist, and Cromwell had been drafting a new treason law to deal with problems created by the religious unrest, but now there was a greater urgency to punish verbal treason. Not only were the sermons a driving factor behind the treason laws, but also a female traitor who had committed the stereotypically

[743] Pierce, 228.
[744] Pierce, 289.

feminine crime of speech. Elizabeth Barton was executed in April 1534 and seven months later, in November, Parliament passed the new treason act. In the same session they passed the Act of Supremacy making Henry VIII the head of the Church of England. That they grouped these two acts surely meant that they anticipated trouble resulting from the Act of Supremacy.

In the second half of the 1530s, Henry's greatest fear came to pass when treasonous words led to an active rebellion. In May of 1536, Reginald Pole sent his *De Unitate* to the king and while a copy would not be made public until late 1537, many of the nobles at Henry VIII's court knew the gist of what Pole's book had contained. Verbal treason was now coming from two directions: his subjects in England and his enemies on the continent. For the next year, Henry VIII tried unsuccessfully to lure Reginald Pole back to England, receiving no help from his counterparts on the continent. Then in October the Pilgrimage of Grace began. The Pilgrims' stated aims were to protest Henry VIII's religious changes and the Dissolution of the monasteries, but not to criticize the king himself. However, their words and protests manifested themselves as traditional treason with armies marching under raised banners. After the initial wave of rebellion, the king changed his plans from capturing Reginald Pole to assassinating him. Later that year and into 1538, Henry VIII and Cromwell decided that with such a heinous traitor as a son, Salisbury and the rest of the Poles and their allies, the Courtenays, must also be plotting against the crown. They were too powerful. If Henry VIII moved against them, he would kill the base of their power and potentially the leaders of another, more dangerous rebellion by landed magnates with strong claims to the throne. In the process of doing so, they altered the customarily gendered definitions of treason and traitor in two fundamental ways: that treason can be stereotypically masculine or feminine; and that traitors can either be male or female. With the Pole/Courtenay case, these two factors were combined for the first time. The women were prosecuted as active traitors and the men for verbal treason. The Pole/Courtenay case shows that the masculine and feminine assocations of treason could switch. Gender roles could change to serve whatever purpose politics needed. Thus, after 1538 gender was not a factor and sex was of no consequence since neither the laws nor the definition of traitor were gendered.

In the beginning of the reigns of Edward VI, Mary I, and Elizabeth I, the scope of the laws was narrowed, only to widen later as the monarchs faced challenges similar to those that Henry VIII had encountered from his subjects. As Edward VI was ten at the age of his accession, his reign was directed by his Privy Council. It was first led by his uncle Edward Seymour, duke of Somerset the Lord Protector of England, and then after he was ousted in 1550, it was controlled by John Dudley, earl of Warwick and Duke of Northumberland. Nowhere was the Council's perspective more apparent than with the treason laws in which the nobility on the Council decided what would, or would not, be prosecuted. In the first act of Edward VI's reign in 1547 (1 Edward VI c.12), the Privy Council returned the treason laws to the 1352 statute. The preamble reflected the Council's view: they needed to change the statute from the "verie streighte, sore, extreme, and terrible" laws under Henry VIII.[745] However, because of the king's young age and the legislation that Henry's Parliament had passed with regards to the religious changes and succession, the Council also included the following provisions. Similar to the 1534 statute, it was again treason to declare that the king was not the head of the church or to deprive the king and his heirs of their titles, and it was treason to compass by words to deprive the king or his heirs of their titles. They chose to keep the provisions about verbal treason in two specific

[745] Bellamy, *The Tudor Law of Treason*, 48.

instances. They understood there would be a certain level of grumbling about the king's rule, but they made the treasonous circumstances much more explicit. They made a distinction between the seriousness of writing and speaking against the king. Verbal treasons were punishable only when spoken for the third time. If they were written, then first offense was treasonable. This was done with the intent of protecting subjects from a treason conviction for merely voicing his or her discontent in an offhand manner. Verbalizing treason three times signified intent.[746]

Three years later in 1552, Edward VI was still plagued with religious unrest. He and his Council had made policy changes that opened them up to rebellion from both Protestants and Catholics, and the Privy Council rethought the treason laws in response to the widespread unrest caused by the introduction of the 1549 Prayer Book. In keeping with their Protestantism, the king and his Council had introduced an official Prayer Book in English in 1549 to replace the Catholic missal. Although it incorporated elements of the Catholic mass, it created widespread discontent among both Protestants and Catholics. In 1552 a new Prayer Book was issued as the only legal option for worship in England and lacking the earlier Catholic elements of 1549. In effect, it made worship in the Catholic faith illegal. Soon after, the Privy Council amended the 1547 treason act. Edward VI's 1552 act (5 and 6 Edward VI c.11) included the provision that it was treason to call the king a heretic, tyrant, schismatic, or infidel. Like the 1547 act, these offenses were punishable on the third verbal offense and first written offense.

The first challenge to Mary I's rule arose before she could claim her throne after Edward's death. Lady Jane Grey, Henry VIII's great-niece, was placed on the throne by Northumberland and ruled for nine days before being deposed and arrested by the remainder of Edward VI's Privy Council. Mary I reached London, was crowned the true queen, and Grey was tried and convicted of treason on November 13, 1553. She was judged guilty under the 1547 statute. Mary I had her executed the following February. After the success of Lady Jane Grey's trial and conviction in November 1553, Mary felt secure in her reign and passed a treason act in which she returned the treason laws to the 1352 statutes with no added provisions (1 Mary st.1 c.1). She had no need of the protections against the treasons occasioned by the discontent resulting from Henry's religious changes and divorce from her mother.

As a reigning monarch, Mary's rule was complicated by the need of an heir. As with her father, the problem was whom to marry. In 1553 the twenty-six-year-old Phillip of Spain was a good choice. He had not yet come into his inheritance, but possessed enough land and titles to make him a suitable match. Mary began widely publicized marriage negotiations with Phillip and his father Charles V in 1553. Wyatt's Rebellion, led by Thomas Wyatt the younger, intended to convince Mary to marry an English subject instead of the Spanish Phillip. Some favored Edward Courtenay as a spouse to either Mary or the Princess Elizabeth if Mary was deposed. The rebellion was easily put down and the leaders punished. However, the public outcry against her marriage to Phillip of Spain in July 1554, the fact of Wyatt's Rebellion the previous January, and the debacle of the Nicholas Throckmorton trial in April 1554, necessitated that she and her Council specify punishable treasons in order to quell the discontent. At Nicholas Throckmorton's trial, he denied the legality of the proceedings because the judges were accusing him of treasons outlined in 1534 rather than the 1352 act. Throckmorton managed to convince the jury who

[746] Additionally, they included the right of a widow of a convicted traitor to retain her dower. Perhaps the reason for this anomaly was to continue to soften the harshness of Henry VIII's unpopular 1534 treason statutes.

acquitted him. As a result, the judges imprisoned both Throckmorton and the jurors. After a year in the Tower, Throckmorton was exiled to the continent but was pardoned by Mary I in 1557.

The resulting treason act in November 1554 (1&2 Ph. and M. c.10) returned to some of the provisions of Henry VIII's in 1534 and 1536 (Act of Succession) acts having to do with claims to the throne. It was now treason to destroy or levy war against the queen (typical martial treasons) or the king or their heirs or compass to deprive the new king of title (pertaining to her rule), to declare that the monarchs should not be the monarchs, and to say that someone else should rule. The latter treasons of speech were punishable the first time the words were written, but she also kept Edward VI's provision that verbal treasons were punishable the second time (instead of the third time as it was in 1547). Additionally, it was treason to compass the king's death, to deny the monarchs their title, or the succession of their heirs in the first deed or writing. After her marriage in 1554, Mary's formal alliance with the Catholic monarchs on the continent left her without fear of foreign invasion or serious domestic rebellion. Even though she had returned England to the Roman Catholic Church, she had reason to feel safe on her throne and in the treason laws she passed. Nor was there any need for her to include the provision against calling the queen a heretic, schismatic, infidel, or tyrant as those had been protections against dissenting Catholic subjects.

After Elizabeth's accession in 1558, the new queen saw no reason to change Mary's 1554 treason act. The queen and her advisors only had to reconsider the treason laws when Mary Stewart, Queen of Scotland crossed the border into England in 1568. At first Elizabeth attempted to convince Mary to return to Scotland. Mary was an obvious Catholic claimant to the throne with a son and potential support from the French. Additionally, the disaffected Catholics began to take action in England by preaching sermons against her rule, publishing pamphlets, and harboring Catholic priests coming from the continent. Three years later in 1571, Elizabeth I and her Privy Council passed a general treason act in 1571, (13 Elizabeth c.1), which echoed her father's 1534 acts. The general treason bill of Elizabeth's reign in 1571 returned treason to the boundaries outlined in 1352, but added the martial provisions making it treason to deprive the queen of the crown; to levy war against her; to stir foreigners to invade (a new provision); or the verbal treason to declare such intentions by word or writing; to imagine the death or bodily harm to the queen; and to deny the queen's title and label her an infidel, usurper, schismatic or heretic. In the process of passing the act, a member of Parliament Thomas Morton insisted upon the addition that that it was treasonous to claim the throne or refuse to accept Elizabeth as queen or maintain anyone that did.

Significantly, in a return to her father's 1534 act, these treasons were punishable on the first act whether spoken or written. The statute left the crown free to prosecute without significant evidence and set aside the leeway the nobility and any subject had been allowed for discontented grumbling over the past twenty-four years. Elizabeth, her Privy Council, and as illustrated by Morton's amendment, her Parliament had in mind both a domestic and foreign audience: be loyal to your rightful queen (rather than support her continental enemies or more importantly Mary Stewart or her son, James VI) or be declared a traitor and lose both your lands and your life. Not only was she speaking to her subjects, Elizabeth was issuing a warning to would-be invaders from Scotland, France, and especially Spain who planned to support a domestic alternative monarch. Over the next few centuries, various provisions were added or changed for offenses

such as counterfeiting and invasion, but in terms of gender, treason remained defined by the Henrician creation of a gender and sex neutral crime against the crown.[747]

In terms of the 1538 Pole/Courtenay case and the motivations behind such an important precendent for treason prosecution, the Plantagenet bloodlines and the personalities of the major figures in this narrative of legal history must also be considered as a factor. In 1538 a supposed plot for his throne by the alternate claimants for the throne, the Plantagenets, was brought to his attention. And the one Plantagenet Henry VIII had taken under his wing and supported had betrayed him in the most public manner. Since attainder for treason was the "legal death of the family," treason was a way to end their claim.[748]

There was no one cause for this case or for the varying fates of its participants. The 1534 statute had altered treason from a traditionally martial act committed by men to a crime that now included "feminine" slander. The 1538 Pole/Courtenay case was the perfect storm of paranoia, anger, reckless actions and words that led to this legal transformation of treason and traitors. Now a traitor could be male or female, treason could be a masculine crime of action or feminine crime of words, and the legal prosecution of high treason lost all gender associations.

This dissertation's contribution is derived from its intersectional place in English historiography. A gendered analysis of this case and of the general treason laws enriches the narrative of Tudor political and legal history. It shows that the widened scope of the treason laws could encompass the full range of traditionally masculine and feminine treasons. Application of the law could reverse male and female roles. Legally, there were no more active or passive treasons and no more stereotypically gendered traitors in the rest of Henry VIII's reign. This case also demonstrates that the upper level of royal politics and parliamentary action were personal, so much so as to be inextricably intertwined. The criminal actions of Reginald Pole became the impetus for prosecution of two magnate families then reconceived as a threat to the state. The Pole/Courtney alleged treason and subsequent imprisonments, trials and executions illustrate the process by which the royal person and the throne became synonymous, how Tudor politics, a favorite's treason, and the gender of the major participants interacted. This dissertation is the first complete analytical narrative of the context, personalities, and events of the Pole/Courtenay prosecution, indictment, and execution as well as of the consequences of such a case. It offers a model for the conceptualization of the gendering of treason laws and the "meanings of such behavior" called for by the historians Jenny Kermode and Garthine Walker.[749] It proves the destabilization of gender roles and customary gender assumptions in the face of political challenges and in the legislation and prosecution of high treason.

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[747] In 1790 George III made one more change that affected the gendering of treason. In the 1790 Treason Act, the prescriptive punishment for female traitors became hanging instead of burning in such cases where the king chose to intervene. This was an odd change to have made as monarchs had always been able to intervene and commute a sentence.

[748] J.R. Lander, *Crown and Nobility, 1450- 1509* (London: Edward Arnold, 1976), 127.

[749] Kermode and Walker, 5.

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Appendix A: People Index

Poles

Margaret, countess of Salisbury, mother of Henry, Arthur, Reginald, Ursula, and Geoffrey, wife of Sir Richard Pole. Daughter of the duke of Clarence, brother to Edward IV.

Richard Pole: Husband of Margaret Pole, friend of Henry VII.

Henry Lord Montague, eldest. Husband of Jane Neville, sister of Sir Edward Neville. Father of Henry Pole.

Arthur Pole: Second eldest son of Margaret and Richard Pole.

Reginald Pole: Third son of Margaret and Richard Pole. Cardinal and Papal Legate to England.

Ursula Pole: Only daughter of Margaret and Richard Pole. Wife of Henry Stafford.

Geoffrey: Youngest child of Margaret and Richard Pole. Husband of Constance Pakenham Pole.

Constance Pole: Wife of Geoffrey.

Servants of the Poles

John Babham: Salisbury's steward

John Collins: Montague's chaplain.

Sir Thomas Denys: Salisbury's steward at Devon Pyworthy manor

Oliver Frankleyn: Salisbury's comptroller at Warblington

John Heylar: Rector of Warblington.

Hugh Holland: Servant to Geoffrey Pole

Michael Throckmorton: Steward to Reginald Pole.

Morgan Wells: Servant of Poles.

Courtenays

Henry Courtenay: Marquess of Exeter. First cousin of Henry VIII

Gertrude Blount Courtenay: Marchioness of Exeter, daughter of William Blount.

Edward Courtenay: Son of Exeter and Gertrude Courtenay.

Servants of the Courtenays

Constance Bontayn: Gertrude Courtenay's servant

William Brent

Jasper Horsey

William Parr: Exeter's bearward who had been convicted and executed for treason in February 1537.

Jerome Raglande

George Tyrell

Others

Elizabeth Barton, Holy Maid of Kent: Nun who was reported to be a prophet and prophesied about Henry VIII's marriage with Anne Boleyn. Executed 1534.

Anne Boleyn: Second wife of Henry VIII.

Sir Nicholas Carew: Henry VIII's Master of the Horse and friend of Gertrude Courtenay.

Eustace Chapuys: Imperial Ambassador to the English court. Friend of Gertrude Courtenay.

Charles V: Emperor of Holy Roman Empire. Nephew of Catherine of Aragon

Margaret Cheyne: Wife of Sir Thomas Cheyne who fought in the Pilgrimage of Grace. Was executed in 1537 for inciting her husband to rebel.

George, duke of Clarence. Father of Salisbury and brother of Edward IV

George Croftes: Chancellor of Chichester Cathedral. Friend of Geoffrey Pole and lord de la Warr.

Thomas Cromwell. Top minister to Henry VIII.

Elizabeth Darrell: daughter of Sir Edward Darrell, mistress of Sir Thomas Wyatt, and friend of Gertrude, Montague and Geoffrey

Henry Fitzroy, duke of Richmond: Henry VIII's illegitimate son by Elizabeth Blount (no relation to Gertrude Courtenay).

William Fitzwilliam, Earl of Southampton: Lord High Admiral and Cromwell's protégé.

Stephen Gardiner: bishop of Winchester.

Henry VIII. King of England.

Katharine of Aragon: Henry VIII's first wife and close friend of Salisbury and Gertrude Courtenay.

John Husee: Lisle's servant in England.

John Hutton: Agent of Henry VIII.

Charles de Marrilac: French Ambassador from December 1538.

Mary of Hungary: Sister of Charles V and regent of the Netherlands.

Peter Meotes: Henry VIII's assassin.

Anne de Montmorency: Constable of France.

Richard Morison: Henry VIII's official propagandist.

Sir Edward Neville: Brother-in-law to Montague and brother of lord Bergavenny.

George Neville, Fifth Baron Bergavenny. Brother of Sir Edward Neville and friend of Henry VIII and Katherine of Aragon.

Louis de Perreau, Sieur de Castillon. French Ambassador who was at court from November 1537-December 1538.

Arthur Plantagenet, Viscount Lisle: Illegitimate son of Edward IV and cousin of Salisbury. He was the Governor of Calais and friend of the Poles and Courtenays.

Edward Plantagenet, earl of Warwick. Brother of Salisbury. Imprisoned in the Tower after Richard III became king and executed by Henry VII in 1499.

Edward Stafford: Third duke of Buckingham, one of the highest peers in the realm and friend and in-law of the Poles. Executed for treason in 1521.

Thomas Starkey: Henry VIII's chaplain and friend of Reginald Pole.

Arthur Tudor: Henry VII's eldest child and heir to the throne before his death in 1502. First husband of Catherine of Aragon.

Mary Tudor: Child of Henry VIII and Catherine of Aragon, and later Mary I of England.

Appendix B: Interrogation Timeline

October 26	Geoffrey Pole
October 28	Jerome Ragland
November 2	Geoffrey Pole
November 3	Hugh Holland, Geoffrey Pole
November 5	Geoffrey Pole
November 6-12	Gertrude Courtenay
November 6	Elizabeth Darrell
November 7	Geoffrey Pole, Montague, Neville
November 8	George Tyrell
November 9	Geoffrey Pole
November 11	Constance Pole, Geoffrey Pole
November 12	Salisbury (at Warblington), Neville, Constance Bontayn, George Croftes, Geoffrey Pole
November 13	Salisbury, Mr. and Mrs. Crouper, Henry Owen
November 14	Jasper Horsey, George Croftes, John Collins, William Brent, Morgan Wells
November 15	John Collins
November 20	Oliver Frankleyn, George Croftes
December 16	Salisbury (at Cowdray)
December 31/early January	Nicholas Carewe, Anthony Roke
January-March	Ongoing questioning of Salisbury at Cowdray