

# ‘Thou spekyst tresson’: Popular Politics and Seditious Speech in the Henrician Reformation

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In light of the post-revisionist scholarship of Ethan Shagan and others, this article explores the popular reception of the Reformation, with attention to the motivations behind seditious speech accusations under the Treason Act of 1534.<sup>1</sup> This act, which furnished the state with the legal weaponry it needed to enforce evangelical reform, visited a harsh and unprecedented apparatus of surveillance upon Tudor subjects.<sup>2</sup> A legal record of this surveillance, contained in manuscript depositions of the State Papers Online, allows us to dissect the motivations behind the reportage of seditious speech. In many of these betrayals and accusations, disputes over property, reputation, or money, rather than a devotion to Henry VIII’s reform programme, provided the motivation for identifying alleged dissidents. Using manuscript depositions from 1535 to 1540 in the State Papers Online, this paper contends that seditious speech accusations arose from pre-existing grievances. Only after evolving from local disputes did these accusations become questions of loyalty couched in the language of evangelical reform and conservative resistance. In arguing thus, the author will suggest that Tudor historians should not cite accusations of seditious speech as evidence for popular conservatism and resistance to the Reformation without first exploring in detail the local and commercial contexts of a seditious speech case.

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The author extends gratitude to The National Archives for kind permission to transcribe and quote copyrighted material from the State Papers Online. The abbreviation “SP” in footnotes will indicate primary source material from the State Papers Online.

<sup>1</sup> Ethan Shagan, *Popular Politics and the English Reformation* (Cambridge: Cambridge University Press, 2003); Shagan first framed the historiographical problems of the Henrician Reformation in the way just described in pp. 2-7.

<sup>2</sup> Christopher Randall Duggan, ‘The Advent of Political Thought-Control in England: Seditious and Treasonable Speech, 1485-1547’ (unpublished Ph.D. thesis, Northwestern University, 1993), p. 15; John P. D. Cooper, *Propaganda and the Tudor State: Political Culture in the Westcountry* (Oxford: Clarendon Press, 2003), pp. 88-93.

This argument thus disrupts both historical and historiographical understandings of the implementation of the Treason Act of 1534. First, a detailed examination of six seditious speech cases in their social contexts suggests that the Treason Act exposed animosities between poor and rich, laity and clergy. Second, in drawing attention to the unforeseen consequences of Henry VIII's statutory legislation against speech, it challenges the conventional paradigm in Reformation historiography between Whig-Protestant and Catholic-Revisionist historians. Rather, this article finds popular politics embedded in disputes over the definition of seditious speech. Third, it links this study to legal historians' findings on the socially disruptive character of litigation, finding that litigation, and the threat thereof, extended rather than ameliorated conflict in early modern England.

Any analysis of court documents about seditious speech in early modern England must attend to the circumstances of their production. Extant primary source material depicting early modern political and religious dissent, however, proceeds from a polemical rather than neutral perspective. Indeed, scholars recognise the perils of reconstructing a social history of religious belief from information recorded in heresy or treason trials.<sup>3</sup> In the words of R. I. Moore, 'the identification of heresy is by definition a political act'.<sup>4</sup> Persecution in the Reformation, then, must be viewed in the same light. Records of resistance to the Reformation exist because someone had a reason to create them: whether enforcing policy, accusing a neighbour of heresy to revenge a previous wrong, or expressing loyalty to the regime.

If political machinations drove the production of primary documents on seditious speech, state surveillance also enlisted a multitude of English subjects, increasingly aware of national religious politics, who clamoured to report against their neighbours' dissentious speech. In 1538 Oxford evangelical chaplain John Hatley branded his colleague Henry Spicer 'a "perjurer" fellow of his tongue,' who 'will one day babble so far that he cannot pull in his tongue again'.<sup>5</sup> Furthermore, as an unprecedented level of political debate simmered in such sites as the alehouse, the task of observing and reporting seditious speech in early modern England increasingly devolved upon laypeople and commoners.<sup>6</sup> After

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<sup>3</sup> Herbert Grundmann, 'Ketzerhörere des Spätmittelalters als quellenkritisches Problem', *Deutsches Archiv*, 21 (1965), pp. 519-75; Carlo Ginzburg, 'The Inquisitor as Anthropologist', in his *Myths, Emblems, Clues*, trans. by John and Anne C. Tedeschi (London: Hutchinson Radius, 1990, first pub. in Italian 1986), pp. 160, 164.

<sup>4</sup> R. I. Moore, 'Heresy, Repression and Social Change in the Age of Gregorian Reform', in *Christendom and its Discontents: Exclusion, Persecution, and Rebellion, 1000-1500*, ed. by Scott L. Waugh and Peter D. Diehl (Cambridge: Cambridge University Press, 1996), p. 41.

<sup>5</sup> *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. by James Gairdner and R. H. Brodie (London, 21 vols., 1862-1932); vol. XIII, part i, no. 845, p. 313; *Letters and Papers* will be hereafter referred to as *LP* followed by volume, part, entry and page numbers; G. R. Elton provides the context of factional politics at Oxford in Geoffrey R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge: Cambridge University Press, 1972), p. 93.

<sup>6</sup> Mark Hailwood, 'Alehouses, Popular Politics and Plebeian Agency in Early Modern

overhearing seditious murmurs against the king in 1537 in the parish church of Newnton (Northants.), John Parke remonstrated John Newman to 'be ware what thou sayst, for thou spekyst tresson'.<sup>7</sup> Subjects, then, might appropriate categories of seditious speech in disputes against one another.

With the political nature of early modern anti-heresy texts in mind, this article proceeds to a more precise survey of the discourses driving the creation of these texts. Section I places accusations in social context with consideration of the disputes over property, reputation or money that might stimulate an accusation of seditious speech. Section II compares the findings of this brief foray into legal history with recent findings on the purpose and enforcement of litigation in early modern England. The conclusion suggests a model for historians' approach to the study of seditious speech in Tudor England.

### **The Accusation of Seditious Speech in Social Context**

The close examination of a few select cases will reveal the tangle of parish politics that might precede an accusation of seditious speech. In the aforementioned case of John Newman and John Parke, a local JP found that Margaret Pere had 'maliciouslie contrived and forged' the charges in order 'to put theym to vexat[i]on' and dismissed the charge.<sup>8</sup> To take a similar example, Sir John Bryggys wrote to Thomas Cromwell on 17 January 1538 of Nicholas Staunton, parson of Woodborough (Notts.), 'acusyd byfore us by hys neighbors for certeyn words by hym spokyn agaynste our sayd sovrayne Lord'. However, further examination of the 'sayd neighbors' led Bryggys to realize 'that ther hath byn contynuall malyce betwyctes the sayd p[ar]son & hys neighbors by the space of six or sevyn yeres'.<sup>9</sup> Still closer inspection revealed that Staunton's failure to pay his curate more than eight marks a year had turned the parishioners against him.<sup>10</sup> It is therefore reasonable to surmise that Woodborough's parishioners sued the parson not out of genuine concern for the king's reputation or support for the royal supremacy but, rather, to advance a private, political agenda. Although the accusation may have been true, we may attribute the appearance of this anecdote to the 'contynuall malyce' between Staunton and his accusers. If a mercenary motive inspired the identification of Staunton as a traitor, it might behove Tudor historians to consider the forces driving the production of anti-treason documents.

Indeed, parish politics pre-dating the Reformation distorted a seemingly straightforward accusation at Freshwater on the Isle of Wight. Richard Pery testified that, on 17 June 1537, while 'drynkyng to gether in their churche hows' with his neighbours, a pedlar appeared

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England', in *Locating Agency: Space, Power and Popular Politics*, ed. by Fiona Williamson, (Newcastle: Cambridge Scholars Publishing, 2010), pp. 51-76.

<sup>7</sup> London, National Archives: State Papers, Henry VIII, General Series, 1/126 fol. 106<sup>v</sup> (hereafter referred to as 'SP' followed by folio number).

<sup>8</sup> SP 1/126 fol. 104<sup>r</sup>

<sup>9</sup> SP 1/128 fol. 77<sup>v</sup>

<sup>10</sup> Elton, *Policy and Police*, p. 354.

and announced he had ‘herd at london that quene anne was put to deth and boylid in led [...]’. The probably inebriated Sir Nicolas Porter, parson of Freshwater, supposedly replied that ‘whilis the kyng and his councill were besy to put downe abbeys & pull away the right of holy churche he was made cuckold att home’.<sup>11</sup> However, when witness William Welyar swore under oath that ‘the pr[ie]st spake no such words’, competing versions of the story quickly buried the original accusation in a war over reputation and truthfulness. One William Smyth, one of the priest’s accusers, wagered Welyar ‘lever [more] than xls that he [Welyar] had byn present atthe [*sic*] said churche hows when the pr[i]est shuld have spoken such words agaynst the kyng’.<sup>12</sup> By contrast, in Welyar’s assessment, Porter was ‘accused [out] of malice and ill will’.<sup>13</sup> Finally, priest John Arnold deposed that he overheard Pery and one John Newberrey offer to drop the charges if Porter ‘wold be good unto the clerk ther and leve his sute against hym they wold never speke of the matter [...]’.<sup>14</sup>

From the argument between Welyar and Smyth over the plausibility of this evidence, we can concur that the case against Porter was by no means universally supported. In addition, Arnold’s testimony suggests a motive for inventing seditious words: the community sought to avenge the clerk against Porter. It is thus possible to conclude that this unnamed ‘sute’ between Porter and the clerk prompted Pery, Smyth and others to lodge a seditious speech accusation. Although the case might have broached the national debate over the Dissolution and thus evidenced conservative resistance against the regime, its origins lay in a minor dispute between Porter and his clerk.

While these deponents often implied the underlying causes of such internecine conflicts, rather than explicitly mentioned them, in other cases the defendant hastened to address the root causes of an accusation. A seditious speech hearing at Northfield (Worcs.) demonstrates how a community might lodge a seditious speech accusation in order to disentangle a pre-existing dispute over property and reputation. Richard à Wood and five others had petitioned the king’s commissioners of the Marches of Wales to arrest one Henry Horton. Previously detained for seditious words in 1537 by Walter Walshe, sheriff of Worcestershire, Horton had fled gaol upon Walshe’s death and begun ‘daylly manyssyng’ the petitioners. After this escapade, Horton had supposedly called Thomas Cranmer ‘a knave Bishop, an herytik, and a lowler,’ and, expanding his diatribe to include Hugh Latimer, Bishop of Worcester and John Hilsey, Bishop of Rochester, ‘did trust to se theym all [...] branned [burnt]’.<sup>15</sup> Summoned before the commissioners, however, Horton played the innocent victim reluctantly drawn into litigation, calling the charges ‘slanderously and untreuly p[re]sented’. Richard à Wood’s accusation derived from a previous property dispute. As he testified, before the accusation Horton had:

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<sup>11</sup> SP 1/130 fol. 34<sup>r</sup>

<sup>12</sup> SP 1/130 fol. 34<sup>v</sup>

<sup>13</sup> SP 1/130 fol. 34<sup>r</sup>

<sup>14</sup> SP 1/130 fol. 34<sup>v</sup>

<sup>15</sup> SP 1/131 fol. 48<sup>r</sup>

sue[d] an Iniunct[i]on of nin[e] hundred pound[s] upon oon Georg[e] Colborne for [...] land which Richard Wood oon of thinformers wrongfully occupieth beyng this deffe[ndant's] land under the said George which he yet hath occupie[d] contrary to the said Iniunct[i]on [...] for malice thereof thinformers beyng of oon confederacy to thintent that this deffend[ant] shuld not follow the said Iniunct[i]on they [...] not only made the untreue surmyse in the bill [...], but also they before this tyme did make untreue surmyse to the Bishop of worcester so that this deffend[ant] upon their untreue surmyse was comytted to warde in worcester [...].<sup>16</sup>

This excerpt indicates that Horton's enemies not only invented the current 'untreue surmyse' of words against Cranmer, Lee and Hilsey, but also fabricated the 1537 accusation that landed Horton in gaol for five weeks. Their motivation, Horton intimated, was to prevent him taking ownership of his property. When Bishop Latimer threw the 1537 case out of the Worcester Consistory Court and released Horton from gaol, it is reasonable to speculate that Richard à Wood and company turned to the king's Commissioners of the Marches of Wales in hopes of a more sympathetic hearing in their attempt to get rid of Horton.

Seen in the context of a localised struggle for land, these two anecdotes suggest that Tudor seditious speech accusations arose from a tangle of disputes over property and propriety. In the case against Porter, a charge of treason originated in an unknown grievance between Porter and his clerk. Similarly, what became an accusation against Henry Horton began as mere tussle over a parcel of land. Given Horton's litigious nature, the whole episode suggests that the plaintiffs sought to drive Horton from Northfield by inventing seditious words and putting them into his mouth.

Bitterness between secular clergy and their neighbours, often laypeople, tenants, or servants, often surfaced in the 1530s in the form of slanderous accusations. Indeed, an episode from Yorkshire bears all the marks of a contrived accusation. Margaret Fulthorp, 'gentilwoman', after paying her half year's rent at the Chapel of Saint Savior at Newburgh, remembered an old score and 'sayd unto the prior praye god save my lorde of Norff[olke]' who at the king's behest had intervned to advance her and her husband's suit for a farm then in the prior's possession.<sup>17</sup> The Fulthorps' suit for the farm had dragged on seven years and already cost 'twoo hundred marks' before Norfolk's injunction. Thus, without Norfolk's intervention, 'the prior wold have undone and beggared her said husband her and their children [*sic*]'. Thus provoked, the prior allegedly replied, 'it maketh no mat[t]er if oon of them [the king or the Duke of Norfolk] were hanged againste the othe[r]'.<sup>18</sup>

Another accuser, Brian Boye, also bore a grudge against the prior. Boye had been deprived of his living as servant to the prior and keeper of the Chapel of Saint Savior 'at

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<sup>16</sup> SP 1/131 fol. 49<sup>r</sup>

<sup>17</sup> SP 1/128 fol. 92<sup>r</sup>

<sup>18</sup> SP 1/127 fol. 18<sup>r</sup>

Michaelmas laste paste [1535] by the said prior'.<sup>19</sup> He had 'concealed this mat[t]er so long tyme as frome lamasse' or so he claimed, 'because he had no other worshippers to bere hym Recorde'.<sup>20</sup> Most importantly, 'the prior said that yt was playne malice that made the said Bryane so to accuse hym' because the prior had refused Brian's offer of £6 13s. 4d. for the 'co[n]vent seal of the keypyng of saynt Saviors chapell' - an attempted bribe that Brian 'denyed playnlye'.<sup>21</sup> Finally, eight bystanders, including the parish priest, denied hearing the words despite being present.<sup>22</sup> In this instance, the grievances of the plaintiffs over property and pay likely motivated their accusation of seditious speech. The desire of Fulthorp and Boye to punish the prior for past wrongs - a costly suit for property on the one hand and wounded pride on the other - led them to invent words which, conveniently, nobody but they had heard.

Similar circumstances attended a heinously seditious conversation at a church in Cockayne parish (Yorks.) in July 1537. When parish clerk Robert Lyon confided to priest Robert Keriby that 'the king is dede,' Keriby 'said that vengeance must need light upon hym cause he hathe putte so many men wrongfully to dethe'. The conversation, already dangerously seditious, then turned against the Privy Seal. Allegedly, Lyon then opined that 'if Cromwell wer ded also, it wer not one half peny los', to which Keriby added that 'if any of the grete men had hadd a swyche at the kings necke a twel[ve]month sens before this busyness began, he shuld have had small p[er]ill for it'. At this point a nineteen-year old vagabond, William Wood (recently returned from a failed apprenticeship in London), appeared and claimed to have overheard the conversation while praying in the church. '[Y]our comynicaton is nought for to be herde,' he admonished them, because 'many men in the south [...] [have] bene putte to dethe for lese saying than this'.<sup>23</sup> However, Keriby threatened that 'if thou rehearse aught that we have said before any man, knight or justice, I will have a leg or an arm of thee before thou come there'.<sup>24</sup> Keriby later reasoned that it were 'better [...] that such a vagabond lately comen from london should have a myscheif, than he for to trouble any neighbor for such words as we have spoken'.<sup>25</sup> William, in 'fere of his lif[e],' stole away quietly to York and informed JP Thomas Magnus.<sup>26</sup>

William's accusation appears to have wrought a class-levelling effect. A young, unemployed rambler (William later described an itinerant life of failed apprenticeships and continual perambulations about in search of work), possibly running from a recent theft in London, accused the parish priest and clerk of seditious words.<sup>27</sup> Thus, from the testimony of the accused Cockayne parishioners, William appears to be a desperate vagrant turning to

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<sup>19</sup> SP 1/127 fol. 18<sup>r</sup>

<sup>20</sup> SP 1/127 fol. 18<sup>v</sup>

<sup>21</sup> SP 1/128 fols 92<sup>v</sup>-93<sup>r</sup>

<sup>22</sup> SP 1/127 fol. 18<sup>v</sup>; SP 1/128 fols 92<sup>r</sup>-<sup>v</sup>

<sup>23</sup> SP 1/133 fol. 233<sup>r</sup>; pagination error: fol. 233<sup>r</sup> could also be fol. 241<sup>r</sup>

<sup>24</sup> *LP XIII*, i, 1350, p. 503.

<sup>25</sup> SP 1/133 fol. 233<sup>v</sup>; pagination error: fol. 233<sup>v</sup> could also be fol. 242<sup>v</sup>

<sup>26</sup> SP 1/133 fol. 233<sup>v</sup>

<sup>27</sup> *LP XIII*, i, 1350, p. 504.

litigation to defend his reputation and revenge a slight to his honour. In sum, a tangled web of personal grievances could colour and perhaps motivate accusations of seditious speech. All of this evidence allows us to conclude that English people could use accusations of seditious words to cloak private prosecutorial agendas.

### **The Policing of Seditious Speech in Legal Context**

What might these cases suggest about the nature of social relations in early modern England? It has become axiomatic to consider early modern England as a society of frenzied and energetic litigation. J. G. A. Pocock, for example, writes of a ‘common-law mind’ indigenous to English thought.<sup>28</sup> Historians cannot decide, however, whether to interpret the rise of litigation as a function of order or disorder; as the pursuit of harmony and goodwill, or an extension of existing conflict.<sup>29</sup> Proponents of the former approach see early modern society striving toward order and reconciliation; advocates of the latter explanation propose the rise in litigation as a result of the decline of violence: as ‘[r]iotous attacks on an enemy’s person or property were going out, litigation was coming in’.<sup>30</sup> Likewise, to Beat Kumin, levels of litigation mean that ‘conflict was endemic’ to the early modern period.<sup>31</sup> In other words, such scholars attribute the rising debt and credit litigation of the seventeenth century to the decline of neighbourliness and an increasingly harsh and more acquisitive sentiment among the population rather than to technical changes in the legal system or the swelling ranks of professional lawyers.<sup>32</sup> The preceding anecdotes from seditious speech allegations, even if extant documents fail to show them reaching the level of formal litigation with a hearing before a magistrate, support the ‘entropy’ approach to social relations in early modern England.

Regardless, the narratives presented above need not indicate an exceptionally vicious or malicious *intent* on the part of the accuser. In unison with Alan Macfarlane’s findings on witchcraft, it is probable that, rather than erupting from a spontaneous vicious impulse, such accusations arose from a morass of rumour, politics, and argument within communities, and represented a last resort after a series of informal, extra-legal activities.<sup>33</sup>

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<sup>28</sup> J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: a Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1987), p. 30; see also Christopher W. Brooks, *Lawyers, Litigation and English Society Since 1450* (London: Hambledon Press, 1998), p. 43;

<sup>29</sup> Steve Hindle, ‘The Keeping of the Public Peace’, in *The Experience of Authority in Early Modern England*, ed. by Paul Griffiths, Adam Fox and Steve Hindle (Houndsmills: MacMillan, 1996), pp. 214-15.

<sup>30</sup> Lawrence Stone, *The Crisis of the Aristocracy: 1558-1641* (Oxford: Clarendon Press, 1965), p. 242.

<sup>31</sup> Beat Kumin, ‘Parishioners in Court: Litigation and the Local Community, 1350-1650’, in *Belief and Practice in Reformation England: a Tribute to Patrick Collinson from his Students*, ed. by Susan Wabuda and Caroline Litzenberger (Aldershot: Ashgate, 1998), p. 38.

<sup>32</sup> Brooks, *English Society*, pp. 84-89.

<sup>33</sup> Alan Macfarlane, *Witchcraft in Tudor and Stuart England: a Regional and Comparative Study* [2<sup>nd</sup> ed.] (London: Routledge, 1999), p. 112.

Indeed, Jim Sharpe provides a salutary reminder that plaintiffs in early modern England lodged suits more often with hopes of reconciliation rather than revenge. Of twenty-seven defamation cases lodged in the York Dean and Chapter court act book from 1596 to 1598, Sharpe found only five resulting in a sentence. Litigants settled the remainder out of court (a typical outcome for civil litigation in early modern England, as Christopher Brooks has pointed out).<sup>34</sup> Thus, as Sharpe asserts elsewhere, the law served early modern English people as a relatively peaceful method of resolving conflict or clinching profitable business deals, as in the aforementioned case of Margaret Fulthorp.<sup>35</sup> If plaintiffs, by and large, did not necessarily seek a sentence or fine, then the initiation of legal cases or the accusation of seditious speech might indicate only one point on a spectrum of legal and extra-legal options to which English subjects might turn for the resolution of disagreement.

Having observed the participatory nature of individual responses to the Treason Act of 1534, we may also conclude that communities made laws work for them. Localities might disrupt, deflect or direct the implementation of such statutes as the Treason Act as they saw fit. These findings concur with scholarship on popular politics in the early modern state. Describing the ‘administrative performance’ of office-holders, Michael Braddick found that the reception of political authority in localities is always negotiated: ‘subordinates could manipulate the legitimating texts and languages of government to protect themselves from punishment’, or, in this case, subject their opponents to punishment.<sup>36</sup> Further, as Steve Hindle asserts, one need not imagine a disjunction between the parochial and national contexts of civil litigation. Rather, such politicking could simultaneously meet the peace-keeping needs of local community and central government.<sup>37</sup> It is possible to conclude that law represented, not the one-directional application of power, but an instrument that subjects might manipulate for their own ends.

### Conclusion

The accusation of seditious speech served the same function as formal litigation. The Treason Act of 1534 allowed communities a legal tool with which they might resolve disagreements. If Margaret Fulthorp used the accusation of seditious speech seek revenge on her opponent in a property suit, the Woodborough plaintiffs deployed it to soften their parsimonious parson, and the Northfield community invoked it to discard such an unwanted resident as Henry Horton. The fact that most accusations targeted clergymen,

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<sup>34</sup> J. A. Sharpe, ‘“Such Disagreement betwixt Neighbours”: Litigation and Human Relations in Early Modern England’, in *Disputes and Settlements: Law and Human Relations in the West*, ed. by John Bossy (Cambridge: Cambridge University Press, 1983), pp. 171-81; Brooks, *English Society*, p. 80.

<sup>35</sup> James Sharpe, ‘The People and the Law’, in *Popular Culture in Seventeenth-Century England*, ed. by Barry Reay (New York: St. Martin’s Press, 1985), pp. 253-54.

<sup>36</sup> Michael J. Braddick, ‘Administrative Performance: the Representation of Political Authority in Early Modern England’, in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. by Michael J. Braddick and John Walter (Cambridge: Cambridge University Press, 2001), p. 167.

<sup>37</sup> Hindle, ‘The Keeping of the Public Peace’, pp. 236-38.

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especially in William Wood's case, supports Craig Muldrew's findings that lawsuits could become 'a levelling force within the community'.<sup>38</sup> In light of this, the accusation of seditious speech allowed English subjects to colour their political, social, or financial disagreements with the veneer of law and order while sparing them the cumbersome duties of formal litigation.

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<sup>38</sup> Craig Muldrew, 'Credit and the Courts: Debt Litigation in a Seventeenth-Century Urban Community', *EHR*, New Series, 46, 1 (1993), p. 34.

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