Gender and Treason Laws in Early Modern England: An Analysis of Elite and Noble Women's Agency and Changing Perceptions of Treason in the Reign of Henry VIII.

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Abstract

In later medieval and early modern England, women of the nobility were able to exercise forms of gendered agency through their participation in political, legal, economic, and social activities. When elite women exercised such agency, it was imperative that it was done with patriarchal support, either from their husband, male family members, their sons, or the king. During the reign of Henry VIII, it became increasingly dangerous for women to employ certain forms of political agency against the king. This thesis analyses four elite women who were tried and executed under King Henry VIII because they were perceived to have exercised political agency in ways that transgressed conventional gendered norms: Anne Boleyn (b.1500-1507? -1536), Katherine Howard (1519-1525? – 1542), Jane Boleyn, Lady Rochford (1505-1542), and Margaret Pole, Countess of Salisbury (1473 – 1541). These women, two queens, one woman of the nobility, and one peeress were all found guilty of high treason and their downfalls effectively widened the scope of treason, with significant consequences for successive noble and elite women. This thesis adds further to the scholarship on gender and queenship studies, but also adds to English legal history which until recently, has centred on men as the main perpetrators of treason.

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Abbreviations

CSP: Spain	*Calendar of State Papers, Spain,* edited by G.A. Bergenroth, Garrett Mattingly, Pascual de Gayangos, Martin A.S. Hume and Royall Tyler. 13 vols. London, 1862-1954. https://www.british-history.ac.uk/search/series/cal-state-papers--spain
L&P	*Letters and Papers, Foreign and Domestic, Henry VIII,* edited by J.S. Brewer, J. Gairdner and R.H. Brodie. 21 vols. London, 1862-1932. https://www.british-history.ac.uk/search/series/letters-papers-hen8
Statutes of the Realm	*Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain. From Original Records and Authentic Manuscripts.* Vol. 3, London: Dawsons of Pall Mall, 1817. 1963.

Chapter One: Introduction and Literature Review

> [T]his period saw the greatest changes to the legal definition and scope of treason for 150 years, and many of these changes came about as direct results of the high-profile cases with which aristocratic women … were involved.[1]

Until very recently, the standard accounts of treason in the late medieval and Tudor period have centred on men as the main perpetrators, flowing from the assumption that men were the main political actors in a patriarchal society while women were relegated to the political side-lines. Further research is needed to understand women's active involvement in high-profile treason cases and the consequences of this on treason laws. Prior to Henry VIII's reign, it was extremely rare for noble women to be charged with treason, or even questioned. The only case prior to Anne Boleyn is that of Eleanor Cobham, Duchess of Gloucester. In 1441, she was questioned on suspicion of treasonous necromancy for predicting the king's death but was eventually subjected to a lesser punishment for heresy. She was not executed but was kept under reasonably comfortable house arrest for the rest of her life.[2] The cases I examine in this thesis are therefore significant for what they tell us about perceptions of women's agency, the hardening attitudes to women suspected of treason, and the increasing willingness to convict and execute noble women and even queens. For this study, 'agency' is defined as women acting independently with the authority and influence they had access to, within the bounds of the patriarchal standards of early modern England. This thesis asks why and in what circumstances elite women's exercise of political agency came to be viewed as treason, and how the royal government's responses to these women's activities contributed to wider changes in the scope of treason laws. It focuses on these questions by investigating four women of the nobility in Tudor England who were convicted of treason: Queen Anne Boleyn;

[1] Nicola Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558* (Oxford: Oxford University Press, 2018), 117-18.

[2] Ralph A Griffiths, "The trial of Eleanor Cobham: An Episode in the the Fall of Duke Humphrey of Gloucester," in Ralph A. Griffiths, *King and Country: England and Wales in the Fifteenth Century* (London: The Hambledon Press, 1991), 233-52; Robert Ralley, "Stars, Demons and the Body in Fifteenth-Century England," *Studies in History and Philosophy of Biol & Biomed Sci* 41, no. 2 (2010): 109-116; *See especially* 'The Case of Eleanor Cobham' in Francis Young, *Magic As a Political Crime in Medieval and Early Modern England: A History of Sorcery and Treason* (London: I.B. Tauris, 2018), 35-46.

Queen Katherine Howard; Jane Boleyn, Lady Rochford; and Margaret Pole, the Countess of Salisbury.

To present a nuanced assessment of this topic, a multi-layered approach towards each case study is needed to grasp how these women attained their political agency and how they wielded it in ways that were considered treason. Not all of them acquired agency in the same way. Family background and marriages played a significant but different role in each case and need examining. The agency exercised by these women has also to be set against the gender norms within which they were operating to ascertain how women transgressed, or were perceived to transgress, the gendered boundaries to which they were politically and socially confined. Other dimensions of female agency to be considered include patronage, management of lands, gift-giving, promotion of family, and marriage brokering. Patriarchal authority set boundaries that restricted women's agency in early modern England, but women's involvement in and effects on politics were not as insignificant as sometimes suggested. This thesis argues that the agency exercised by the four women studied here presented a real threat to the stability of royal authority in the political, religious, and social context of the early Reformation period. Moreover, these were the first noble women to be executed for treason in England and their cases reveal gendered changes in treason law.

To identify the ways in which the women who are the focus of this thesis had committed treason, or were perceived to have done so, it is important to first explain the scope of treason in early modern England. Until the 1534 Treason Act was introduced by Henry VIII, treason was defined in legal terms by the 1352 Treason Act established under Edward III.[3] According to this act, high treason consisted of physical attacks against the king and his royal body. In addition:

> When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his Queen or of their eldest Son and Heir; or if a Man do violate the King's Companion, or the King's eldest Daughter unmarried, or the Wife the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be probably attainted of open Deed by the People of their Condition.[4]

While this act was relatively simple in the way it conveyed what treason encompassed, Edward and the judges were able to include words and writing as treasonous acts under imagining the king's

[3] John G. Bellamy, *The Tudor Law of Treason: An Introduction*, 1st ed. (London: Routledge, 1979), 9.

[4] "Treason Act 1351," accessed 4 August 2022, https://www.legislation.gov.uk/aep/Edw3Stat5/25/2.

death.[5] The reality of the treason act was that 'compass or imagine' was open to interpretation by the judges and the king.[6] Further, the act includes 'A man … violating' the king's daughter, wife, or his daughter-in-law from his eldest son. 'Violate' in this context is originally derived from the French *violer*, which covered rape but also, potentially, consensual but illicit sex.[7] This meant that the man who committed the violation would be charged with high treason and would have to face the legal consequences: execution by hanging, drawing disembowelling, and quartering or beheading. Lastly, the act also defined treason as levying war against the king or giving aid to his enemies. The effect of all these definitions was to make treason a gendered crime, one associated with men: the actions that could invite the charge of treason were kinds that women were thought to be less likely to commit.[8]

Historiography

Tudor treason laws have been studied extensively, principally from the 1970s, by historians such as G.R Elton and E. Stanford.[9] Because of their meticulous work, treason under the Tudor dynasty, the legal scope of treason, and the processes by which one could be tried and found guilty are now much better understood. John Bellamy encapsulates this topic well in *The Tudor Law of Treason*, a pioneering study on the treason laws during the early modern period.[10] Beginning with the scope of treason that was established in 1352, Bellamy traces the legal framework of treason, and its changing definition through successive treason acts under Henry VIII, to establish the process that was used in cases of high treason from the inception of an event to its conclusion. Bellamy discusses the treason cases of the women in this book, but his discussion does not include how gender had factored into them being found guilty.[11] Each case is confined to the standard legal process during their indictment, trial, and/or attainder. Later works have been published on the topic of treason by historians David Head and William Stacy, tracing the legal framework of attainder and

[5] Bellamy, *The Tudor Law of Treason: An Introduction*, 10-11.

[6] Bellamy, *The Tudor Law of Treason: An Introduction*, 10-12.

[7] See footnote 16 in E. Amanda McVitty, *Treason and Masculinity in Medieval England: Gender, Law and Political Culture* (Woodbridge: The Boydell Press, 2020), 6.

[8] McVitty, *Treason and Masculinity in Medieval England: Gender, Law and Political Culture*; Gwen Seabourne, *Women in the Medieval Common Law, c.1200-1500*, 1st ed. (London: Routledge, 2021), 3-4.

[9] G. R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge: Cambridge University Press, 1972); Stanford E. Lehmberg, "Parliamentary Attainder in the Reign of Henry VIII," *The Historical Journal* 18, no. 4 (1975): 675-702.

[10] Bellamy, *The Tudor Law of Treason : An Introduction*.

[11] Bellamy, *The Tudor Law of Treason : An Introduction*, 40-41.

trials, and the individuals who were found guilty.[12] While these works provided the basis for understanding treason laws, they did not account for gendered experience in their discussions. Treason under Henry VIII has primarily been analysed in relation to the Reformation and the legal ramifications of England's separation from the Roman Catholic Church. By adding gender into the discussion, the women that I am investigating can be viewed in light of gendered norms in order to better understand how they had been identified as transgressing those boundaries. Since the 1990s, an increasing interest in law and gender has generated numerous studies of women's interactions with the law in late medieval and early modern England and Europe. Scholars have examined topics such as marriage, property law, inheritance, petitions, the judicial system, canon law, and material culture.[13] These studies have developed our understanding of how women were able to access justice and gain knowledge of legal principles and processes. More recent works have emphasised women's associations with treason laws through speech. Sharon L. Jansen's study examined women of the middle and lower classes in early modern England and how their use of speech was perceived by Henry and his council as acts of treason during the initial stages of the Reformation.[14] However, there is scope to explore further how and why noble women's exercise of political agency led to changes in treason laws.

From the 1960s in England, social history emerged as a new lens through which to examine the past.[15] Social history focused on the lived experiences of the past, understood through intersecting

[12] David M. Head, ""Beyng Ledde and Seduced by the Devyll" The Attainder of Lord Thomas Howard and the Tudor Law of Treason," *The Sixteenth Century Journal* 13, no. 4 (1982): 3-16; William R. Stacy, "Richard Roose and the use of Parliamentary Attainder in the Reign of Henry VIII," *The Historical Journal* 29, no. 1 (1986): 1-15.

[13] Annette Caroline Cremer, *Gender, Law, and Material Culture: Immobile Property and Mobile Goods in Early Modern Europe* (New York: Routledge, 2021); Bronach Christina Kane and Fiona Williamson, eds. *Women, Agency and the Law, 1300-1700* (London: Pickering & Chatto, 2013); Cordelia Beattie and Matthew Frank Stevens, *Married Women and the Law in Premodern Northwest Europe* (Suffolk: Boydell Press, 2013); Judith M. Bennett and Ruth Mazo Karras, eds. *The Oxford Handbook of Women and Gender in Medieval Europe* (Oxford: Oxford University Press, 2013), especially Section II: "Looking through the Law"; Marjorie K. McIntosh, "Women, Credit, and Family Relationship in England, 1300-1620 " *Journal of Family History* 30, no. 2 (2005): 143-163; Noël James Menuge ed., *Medieval Women and the Law* (Woodbridge: Boydell Press, 2000); Teresa Phipps and Deborah Youngs, eds. *Litigating Women: Gender and Justice in Europe, c.1300-c.1800* (New York: Routledge, 2022).

[14] Sharon L. Jansen, *Dangerous Talk and Strange Behavior: Women and Popular Resistance to the Reforms of Henry VIII* (New York: St. Martin's Press, 1996).

[15] Anna Green and Kathleen Troup, *The Houses of History: A Critical Reader in History and Theory*, 2nd ed. (Manchester: Manchester University Press, 2016), 7.

categories of class, gender, and race. This field altered how history could be studied by rejecting the model of studying the formal political and diplomatic subjects of history. John Guy's *Tudor England* captures this field of historiography as he provides a clear and narrative account of the Tudor political history whilst also discussing economic, social, and cultural changes during this period.[16] Although it is aimed at students and the general reader, it covers a large period from 1460 to Elizabeth I's reign, which thus traced the consequences of the Reformation and foreign policy from Henry VIII to Queen Elizabeth I. Thus, Guy provided a wider perspective on the political history of Tudor England, which he continued to do with other studies.[17] Other historians broke the barrier of the public and private aspects of the Tudor political court by looking in-depth at the social structures that were also a function of politics; key examples of this approach were works by David Starkey, Eric Ives, and Steve Gunn.[18] While these studies have provided much insight into Tudor politics through a social lens, an analysis of gender has not been included in their findings and women's contribution to political changes are either marginalised or missing from the discussion. *Revolution Reassessed* was published to disprove Sir Geoffrey Elton's *The Tudor Revolution in Government*. Starkey highlighted the establishment of the Privy Chamber, although this was a male-centred faction at court and Starkey did not consider noble women's relationship with agency and politics. Starkey continued to focus on the Privy Council and the Privy Chamber as the centrepiece to Tudor politics in *A Reply: Tudor Government: The Facts*, whilst effectively relegating women's influence over political institutions. Ives' biographical account *Anne Boleyn* was a ground-breaking study that examined Anne's life. Ives examined her patronage and the power she held as a queen consort, but the influence of her rise and fall on the changing scope of the treason laws was less apparent in his overall argument.[19] Anne's downfall was instead attributed to faction politics and ultimately to Thomas Cromwell. The cause of Anne's downfall was, according to Ives, a result of influential males in court and did not consider the agency that Anne held herself.[20]

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[16] J. A. Guy, *Tudor England* (Oxford-New York: Oxford University Press, 1988).

[17] J. A. Guy, *The Tudor Monarchy*, ed. John Guy (London: St Martin's Press, 1997).

[18] David Starkey, "A Reply: Tudor Government: The Facts?," *The Historical Journal* 31, no. 4 (1988): 921-931; David Starkey and Christopher Coleman, *Revolution Reassessed: Revisions in the History of Tudor Government and Administration* (Oxford: Clarendon Press, 1986); E Ives, *Anne Boleyn* (Oxford: Basil Blackwell Ltd, 1986); S. J. Gunn, *Early Tudor Government, 1485-1558*, British History in Perspective (Houndmills, Basingstoke: Macmillan, 1995).

[19] Ives, *Anne Boleyn.*

[20] Ives, *Anne Boleyn*, 358.

From the 1960s, gender history emerged with the goal of inserting women's experiences into the historical narrative.[21] During the 1990s the scope widened by including men's lived experience into the discourse, enabling nuanced analyses of the conditions in which both men and women operated and how they were able to attain agency within the limits and confines of their gendered boundaries.[22] Yet, there remains a clear gap in historiography that includes noble women's involvement in the changing nature of the treason laws that emerged during this period.

Barbara J. Harris' 2002 study *English Aristocratic Women 1450-1550: Marriage and Family, Property and Careers* was a ground-breaking analysis that captured noble women's agency in terms of their participation in political and social activities.[23] She examined the accomplishments and actions of noble women, highlighting how they were able to attain autonomy and authority, property, and political involvement. Harris' study highlighted how aristocratic women were engaged in the political world as much as men through networks and kinship connections, by running households, and through positions at court. By executing their duties successfully in their 'careers' as noble women, they were able to access prestige, power, and financial gains. She notes that while historiography has acknowledged the political and public importance of the household in aristocratic families, women's experience in the household was overlooked and women in this context were only noted for their domestic and motherly/wife roles. Harris altered the understanding of noble women's place in politics and authority through their careers in marriage. In doing so, her study was foundational in transforming how aristocratic women were viewed outside of their domestic sphere and household duties, highlighting the significant role they played for their noble kin groups and patronage networks.

Harris' work on aristocratic women led to a variety of works published by historians on the elements of female political agency in Tudor England. James Daybells' collection of essays looked at participation in politics through patronage, writing, petitioners, and kinship connections.[24] Penny Richards and Jessica Munns took an inter-disciplinary approach to examining how women's agency was experienced throughout early modern Europe in relation to the different social, economic, and

[21] Green and Troup, *The Houses of History: A Critical Reader in History and Theory*, 1st ed. (Washington Square: New York University Press, 1999), 253.

[22] Green and Troup, *The Houses of History: A Critical Reader in History and Theory*, 1st ed. 253.

[23] Barbara J. Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers* (New York: Oxford University Press, 2002).

[24] James Daybell, *Women and Politics in Early Modern England, 1450–1700* (London: Routledge, 2016).

political circumstances that shaped women's agency.[25] Importantly, Frances E. Dolan examines the influence of gender and sexuality and argues that women were active participants in spaces where agency could be wielded; as queens and ladies at the court, through their roles as mothers, and in religion.[26] Dolan argues that '[t]he contradictions within and among these constructions [of gender], as well as how they intersect with or interrupt other categories of social identity, created arenas for agency'.[27] Christina Luckyj and Niamh O'Leary's *The Politics of Female Alliance in Early Modern England* added further to our understanding of female agency by analysing the ways in which women's alliances had been forms of active political agency at home, at the royal courts, and through kinship connections.[28] Women's agency was observed through female networks, and how these networks created opportunities for political alliances. Ronda Arab examines slanderous speech and the importance of an early modern individual's reputation, and the impact it had on 'powerful homosocial bonds between men and women interacting in the local setting of a neighborhood and, ultimately, struggling for dominance within the context of the familial marriage negotiations traditionally understood as underwriting patriarchal male alliances'.[29] Elizabeth Zeman Kolkovich analyses women's influence over domestic and public spaces through lottery pageants at court.[30] The pageants were sites in which noble women were acknowledged for their patronage and their influence over politics among other areas in which they positively impacted culture and society.[31] These were sites in which women could distribute patronage, and they highlighted the influence and the space in which women could advance when they were in the vicinity of the monarch, the royal court, and through kinship networks.

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[25] Penny Richards, and Jessica Munns, eds., *Gender, Power and Privilege in Early Modern Europe: 1500 - 1700*, Women And Men In History, (London: Routledge, 2014).

[26] Frances E. Dolan, "Gender and Sexuality in Early Modern England," in *Gender, Power and Privilege in Early Modern Europe*, ed. Penny Richards and Jessica Munns (Harlow: Pearson/Longman, 2003), 10.

[27] Dolan, "Gender and Sexuality in Early Modern England," 10.

[28] Christina Luckyj, and Niamh, J. O'Leary, eds., *The Politics of Female Alliance in Early Modern England* (Lincoln: University of Nebraska Press, 2017).

[29] Ronda Arab, "Between Women Slanderous Speech and Neighborly Bonds in Henry Porter's The Two Angry Women of Abington," in *The Politics of Female Alliance in Early Modern England*, ed. Christina Luckyj and Niamh J. O'Leary (Lincoln: University of Nebraska Press, 2017), 33.

[30] Elizabeth Zeman Kolkovich, "Performing Patronage, Crafting Alliances: Ladies' Lotteries in English Pageantry," in *The Politics of Female Alliance in Early Modern England*, ed. Christina Luckyj and Niamh J. O'Leary (Lincoln: University of Nebraska, 2017), 107-125.

[31] Kolkovich, "Performing Patronage, Crafting Alliances: Ladies' Lotteries in English Pageantry," 107.

Gendered Political Agency

Noble women's political agency was expected to be exercised in specific and limited ways. These women engaged in landowning, patronage, positions of authority within the household, promotion of family and children, and diplomacy/marriage brokering. However, these activities were performed within approved gender norms, and with the support of a patriarchal network that included sons, husbands, and kings.[32]

Marriage led to women's ability to engage in forms of agency, specifically in the form of gaining *de facto* authority within their household and over those in their affinity. Foremost, the absence of a husband allowed women to run the household independently, even if she was expected to do this in ways that were 'obedient' to her husband.[33] These roles included social, political, legal, and economic authority that was about advancing their husband and children's prospects.[34]

Promotion of family and children were also vital to noble women's activities. By placing family members in households of families of higher status, or placing them within the court, mothers were able to give them access to promotions or appointments that would position them, and further their future families, for advancement.[35] Widows had also to assume the role of their former husbands and aimed to organise strategic marriages that were beneficial for their children and their family as a unit, and they 'protected their inheritances, dowries, and jointures' by taking legal action.[36]

The protection of her husband's estates was also a responsibility in which the wife participated.[37] For queen consorts and selected peeresses, land ownership and the business of estates was largely under their own influence as *femme sole*.[38] This gave them further independence from their husbands, and the queen had her own council to help her oversee legal and economic business.[39]

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[32] Phipps and Youngs, "Introduction," in *Litigating Women: Gender and Justice in Europe, c.1300-c.1800,* eds. Theresa Phipps and Deborah Youngs (New York: Routledge, 2022), 5-6.

[33] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 62.

[34] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 64-5.

[35] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 111.

[36] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 117-18.

[37] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 65-7.

[38] Michelle Beer, "A Queenly Affinity? Catherine of Aragon's Estates and Henry VIII's Great Matter," *Royal Studies Journal* 6, no. 2 (2019): 9.

[39] Retha M. Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547* (Switzerland: Palgrave Macmillan, 2017), 66.

Through obtaining a position of authority, women could exercise forms of patronage that would attain and maintain networks of connection that helped to advance their own families, but also other families as well through reciprocation.[40] Patronage could be exercised in a variety of ways that were material or non-material. This included hospitality, patronage of a client, and gift-giving.[41] Patronage for noble women was like that of queen consorts in terms of the types of gifts and the messages that gifts conveyed. However, patronage through the queen was more advantageous owing to her prestigious position.

All these functions were within the accepted gendered boundaries for women as wives, mothers, and widows. However, when women transgressed these boundaries and were perceived to be exercising their political agency in defiance of the king, and under Henry VIII they were increasingly at risk of being accused of treason. Initially, treason laws did not cover all the transgressions these women were perceived to have committed. Until Henry VIII's reign, noble women were almost never questioned, let alone charged, with treason, and no highly ranked women had ever been executed as a traitor. By investigating through the lens of gender, this thesis provides important new insights into how women were exercising political agency, how that was perceived by the king and his advisors, and how the laws of treason were being changed in response.

Queenship studies is not a new field, but the way in which queens have been viewed has changed in modern scholarship. Focus has shifted from a biographical point of view, to assessing the political and social agency queens were able to access in their positions.[42] Studies by Michelle Beer, Retha Warnicke, and Elena Woodacre have expanded analysis on queenship by focusing on patronage, land ownership, religion, rituals, and family life to further appreciate the kinds of power these women had access to.[43] Studying the queen's household, and by extension the noble women's household or noble women in the queen's household, is a relatively new area of scholarship that I

[40] Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers*, 175.

[41] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 52.

[42] Elena Woodacre, "Introduction: Placing Queenship into a Global Context," in *A Companion to Global Queenship*, ed. Elena Woodacre (Leeds: ARC Humanities Press, 2018), 1.

[43] Elena Woodacre, *Queens and Queenship*, Past imperfect (Leeds: Arc Humanities Press, 2021); Michelle L. Beer, *Queenship at the Renaissance Courts of Britain: Catherine of Aragon and Margaret Tudor, 1503-1533*, Studies in History New Series (Suffolk: Boydell & Brewer, 2018); Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*.

am contributing to.[44] The physical, material, and social space of the queen's household has become an important focus for exploring female agency in early modern England. Using evidence of material culture, Annette Cremer, Nicola Clark, and Theresa Earenfight have re-shaped how we view everyday life in the households of elite women; the objects they were surrounded by reveal the importance attached to those items.[45] Material objects, and the ways in which they could be transferred through female alliances, help us understand women as individuals as well as the political alliances they were involved in. 'Space' in the queen's household has also attracted scholarly attention.[46] Historians have defined 'space' in three separate ways; the immediate space a historical figure finds themselves, as a 'dynamic and fluid' concept through action and movement, and a tool used in terms of historical thinking.[47] In this study, space is analysed in terms of the physical, social, and political domain that noble women were limited to. By analysing space through the lens of gender, the implications of noble women's social relationships can be further understood, especially in terms of how the space of the queen's household, when not utilised appropriately, could become a site of treason.

Gender historians have nuanced our understanding of noble women's roles in Tudor England and highlighted the importance of women in politics in relation to their male counterparts. However, a systematic study of noble women's involvement in the politics of treason in the early Tudor period has not been undertaken on a large scale. This period was witness to events where noble women were involved in high-profile treason cases, but it was also witness to constant change in treason laws. The impact of these women's cases on the changing scope of treason has yet to be fully explored.

The Queen's Household

The queen's household will be discussed as a separate financial, administrative, political, and social space to the king's household. This approach to the queen's household is important because it was

[44] Nadine Akkerman and Birgit Houben, eds., *The Politics of Female Households: Ladies-in-waiting Across Early Modern Europe* (Leiden: Brill, 2014).

[45] Cremer, *Gender, Law, and Material Culture: Immobile Property and Mobile Goods in Early Modern Europe*; Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*; Theresa Earenfight, *Catherine of Aragon: Infanta of Spain, Queen of England* (University Park, PA: Penn State University Press, 2021).

[46] Amanda Richardson, "Gender and Space in English Royal Palaces c. 1160-c. 1547: A Study in Access Analysis and Imagery," *Medieval Archaeology* 47, no. 1 (2003): 131-165; N. Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," *Royal Studies Journal* 6, no. 2 (2019): 89-103.

[47] Megan Cassidy-Welch, "Space and Place in Medieval Contexts," *Parergon* 27, no. 2 (2011): 1-3.

within this space that Anne Boleyn and Katherine Howard were said to have committed treason; therefore, by extension the space itself was perceived as a potential centre of treason.

Understanding the space which both Anne and Katherine occupied is important for explaining how the household might function as a centre of treason. The physical and architectural space of the queen's household was similar to the king's; however, there was an extra room added onto the chambers that the king occupied.[48] This was because the king's privy chamber became a ceremonial and public space, and further deeper rooms were needed for the king to access secluded privacy from the public.[49] The basic set-up of the royal rooms began with the watching/guard chambers; then the presence chamber; and into the privy chamber which included the bedchamber, study, and bathroom.[50] The queen's side also had space between her presence chamber and privy chamber (a short gallery) to maintain the privacy of the queen's privy chambers.[51] Access to the king's rooms and queen's rooms differed. The queen's ladies had free access to the spaces which the queen occupied, including the deeper and more private space of the bedchambers.[52] For the king, only the groom of the stool had ease of access to all the king's rooms in his chambers.[53] While the king and queen could both access privacy, the privacy granted was not that of seclusion, as points of both entry and exit were usually public spaces. Therefore, the coming and going of the king or queen, and those who accompanied them, would be public knowledge.[54] The setup of the royal households indicates how this was a space that could become a site of treason. It was a public but intimate space that was close to the king, making it much more dangerous. Words spoken, even in private, had the opportunity to reach the king faster compared to those uttered by the king's subjects who could commit treasonous acts by words further from the court. Not only words, but activities could also be monitored by those who were present in the royal rooms. This means considerations of space are integral to an analysis of how people's actions and behaviours came to be perceived as treasonous. The queen's household was also a space that blurred boundaries between sexual and

[48] Richardson, "Gender and Space in English Royal Palaces c. 1160-c. 1547: A Study in Access Analysis and Imagery," 147.

[49] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 98.

[50] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 97-98.

[51] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 98-99.

[52] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 99.

[53] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 99.

[54] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 99-100.

political agency; for queens, political agency was linked to reproduction and motherhood, and to the authority women derived from bearing the heir to the throne.

The queen consort's political agency was exercised through institutions in which she was able to access forms of independence. Notably, being queen consort offered a unique experience for the early modern woman as she became the feminine centre of the royal court, the social and political hub of the realm. Upon marrying the king, English queen consorts were able to access significant independent agency when they were bequeathed estates and legally considered *femme sole*.[55] This gave queen consorts their own autonomy financially and politically, as they were not obligated to involve the king in any of the administrative work of managing extensive landholdings. As Michelle Beer pointed out in her study of Katharine of Aragon, by owning land the queen consort was in a position of 'honour, authority, and patronage'.[56] The ownership of substantial estates and lands meant queen consorts had to appoint men to the queen's council and administrative positions; these men would then oversee the estates and collect revenue derived from lands and other grants.[57] These positions included a receiver general, surveyors, auditors, stewards, bailiffs, solicitor, attorneys, and the council itself.[58] Further, stewards, constables and escheators needed to be appointed to lease the manors within the queen's estates.[59] The revenue collected allowed the queen to obtain financial independence, which aided in funding her household. Being a property owner and landowner of estates also allowed the queen to distribute patronage to men who sought to acquire these prestigious council positions. These men were appointed through the queen's patronage, creating a patron-client relationship between the queen and various nobles and gentlemen. This practice provided a two-way support system. These members of the household were able to advance members of their own families to gain positions at court or leases of the queen's estates, thus further extending the patron-client relationship.

Maintaining social and political networks was important to the queen's ability to gain and maintain support, and gift-giving was a vital function of this practice.[60] Gifts that were given and received included food, jewellery, embroidery/needlework, and ornamental items.[61] However, gift-giving

[55] Beer, "A Queenly Affinity? Catherine of Aragon's Estates and Henry VIII's Great Matter," 6-9.

[56] Beer, "A Queenly Affinity? Catherine of Aragon's Estates and Henry VIII's Great Matter," 8.

[57] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 66.

[58] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 66.

[59] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 71.

[60] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 56.

[61] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 56-60.

could also have been evidence of deep feelings for the receiver. This was particularly so in the case of jewellery, especially the gifting of rings.[62] Jewellery was viewed as an intimate gift as it was worn on the body, and rings were significant in this view as they were considered 'tokens' that were a tangible object that could be associated with marriage or other close bonds.[63]

Another dimension of the queen's household was the appointment of her ladies, gentlewomen, and female servants. On special occasions, the queen's retinue included great ladies and women of the nobility. On a day-to-day basis, queen consorts had ladies-in-waiting who attended them. Katherine Howard had four ladies of the privy chamber, four gentlewomen of the privy chamber, nine ladies and gentlewomen attendants, five maidens of honour, and four chamberers.[64] As Anne and Katherine both were English, they were able to grant these positions to their own family members and associates as acts of patronage and a reflection of kinship connections.[65] Maidens of honour were the only women in court who were unmarried, thus creating a social responsibility for the queen consort to ensure that they were chaste and modest.[66]

The queen's household was an extension of the kings, and therefore of his honour also. It was expected that the queen would maintain and portray exemplary images of womanhood that those in her household, the court, and the realm could aspire to and look to emulate. The queen consort also held agency to negotiate marriage contracts for the maidens in her household, although this was also an agency that was led by the king.[67]

Methodology

This thesis draws on a range of written sources to examine the effect women's political agency had on the changing nature of the treason laws in the initial stages of the Reformation. Treason indictments and other legal records are utilised to analyse how gender norms influenced the ways women's actions and behaviours were constructed in legal narratives. Official letters and government papers have been employed to examine how the king, his advisors, and other male political actors perceived noble women's exercise of political agency in a range of circumstances. While these sources provide much insight into gendered political agency and treason, there are

[62] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 58.

[63] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 58.

[64] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 72.

[65] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 72.

[66] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 74.

[67] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 54.

limitations to the primary sources. Letters and government papers can be influenced by either a position of authority or political predisposition. Thus, the authenticity of the source itself to the truth of the event can be concealed. This is particularly so in the indictments and attainders that sought to frame the traitor in contemptible ways to reinforce their guilty conviction. While they are significant sources of information, they must be read carefully with recognition of the limitations that they pose.

Chapter Outline

I will be dealing with four case studies to show how the women concerned exercised agency, how they came to be involved in treason cases, and how their involvement led to changes in treason laws and the perception of women as agents of treason.

Chapter Two covers the case of Anne Boleyn (b1500-1507? – executed 1536), the second queen of Henry VIII, who had aided the religious and political changes that were sweeping through Tudor England.[68] Her political agency as a queen consort was vast, including her ability to function as a *femme sole* over her lands. Her ascendancy led to new treason laws being established to protect Henry's new marriage, and it was under the same new laws that she was found guilty of high treason.[69] This chapter focuses on the sexual and verbal dimensions of agency; words became a dangerous tool that women had the ability to wield. The words that Anne spoke to other men transgressed gendered boundaries and her speech was framed in way that caused doubt over her loyalty to the king.[70] Her words were also used to prove that she had predicted the death of the king, which was treason under the 1534 Treason Act.[71] Her case set a precedent that shaped treason cases against other women of the nobility.

Chapter Three investigates Katherine Howard (b.1519-1525? – executed 1542), the fifth queen of Henry VIII.[72] Katherine's young adulthood was occupied with intimate and sexual relationships that were uncovered during her time as queen consort.[73] Her agency was utilised contrary to Anne's, as Katherine used her patronage to allow individuals previously known to her into her affinity when

[68] Ives, *Anne Boleyn,* 210-12.

[69] "Treasons Act, 1534," accessed at http://fs2.american.edu/dfagel/www/1534treasons.htm.

[70] Greg Walker, "Rethinking the Fall of Anne Boleyn," *The Historical Journal* 45, no. 1 (2002): 1-29.

[71] Suzannah Lipscomb, "The Fall of Anne Boleyn: A Crisis in Gender Relations?," in *Henry VIII and the Court: Art, Politics and Performance*, ed. Thomas Betteridge and Suzannah Lipscomb (London and New York: Routledge, 2016), 297-98; "Treasons Act, 1534".

[72] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 89.

[73] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 92-96.

she became queen, casting further doubt on her loyalty to the king. Likewise, her use of patronage extended to gift-giving that was perceived as contrary to forms of gift-giving that were permitted to a queen consort. Like the sexual agency that framed Anne Boleyn's trial, the investigation into her past uncovered her intimate affair with Thomas Culpeper, a man who was connected to the king's household.[74] This led to an Act of Attainder brought against her and her accomplice, Jane Boleyn.

Jane Boleyn, Lady Rochford (b1505 – executed 1542), was the sister-in-law to Anne Boleyn and had been a lady-in-waiting to Katherine Howard and to all of Henry VIII previous queen consorts.[75] Jane understood her unique role; she was supposed to set an example for the other ladies, especially the young maidens of the court, in their roles in serving the queen who was considered an extension of the king. Jane used her agency to aid the night-time liaisons between Katherine and Culpeper, resulting in the Attainder being brought against her too.[76] Additionally, Jane's behaviour after her arrest caused Henry to establish new legislation that specifically centred on mental illness and treason.

Chapter Four examines Margaret Pole (b. 1473 – executed 1541). Margaret was the Countess of Salisbury in her own right, but her political agency was established from her birth. She was the daughter of George, Duke of Clarence, brother to King Edward IV.[77] Her royal blood was a contentious issue throughout the reigns of Richard III and Henry VII.[78] However, by Henry VIII's reign, she was treated with kindness upon his succession owing to her friendship with Katharine of Aragon.[79] When she was elevated to peeress, however, she began to wield her agency against the

[74] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 96-103.

[75] Elizabeth Norton, *The Boleyn Women: The Tudor Femmes Fatals Who Changed English History* (Gloucestershire: Amberley Publishing Limited, 2014), 219-222; J. Fox, *Jane Boleyn: The Infamous Lady Rochford* (UK: Orion, 2019), chap.1, chap.2, eBook Collection. https://www.google.co.nz/books/edition/Jane_Boleyn/iJ-pDwAAQBAJ?hl=en&gbpv=1&dq=Jane+Boleyn&printsec=frontcover.

[76] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 102.

[77] S. Higginbotham, *Margaret Pole: The Countess in the Tower* (Gloucestershire: Amberley Publishing, 2016), chap. 1, eBook Collection.
https://www.google.co.nz/books/edition/Margaret_Pole/wmnWDAAAQBAJ?hl=en&gbpv=1&dq=Margaret+Pole:+The+Countess+in+the+Tower&printsec=frontcover.

[78] H. Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541", unpublished Ph.D Thesis, University of Wales, (1996), 25-33, 34-59.

[79] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 96.

king in numerous ways over decades of his reign.[80] Her downfall came about, though, because of her actions in her role as a mother. Three of her sons participated in the Exeter conspiracy, which eventually led to her own imprisonment and an Act of Attainder brought against her.[81]

These case studies show that women were perceived as a threat when they violated gender boundaries, in ways that were seen as an affront against the king. As each chapter highlights, the agency that was wielded was unique to each individual due to their own family backgrounds, and the positions they held that allowed them to exert authority. While early historiography marginalised women's roles, current trends have begun to focus more on women's political roles and to understand the contexts in which women could exercise agency. There is still a gap in historiography on how women's application of political agency had the capacity to change and expand the treason laws that were in place. This thesis attempts to do this through an analysis of the agency wielded by four women of the nobility.

[80] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 97-99, 194-231.

[81] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 232-305.

Chapter Two: Anne Boleyn

> I am come hither to die, for according to the law, and by the law I am judged to die, and therfore I will speake nothing against it … And thus I take my leaue of the world, and of you all, and I hartilie desire you all to praie for me.[82]

This chapter investigates Anne Boleyn's downfall, trial, and execution, examining how responses to Anne Boleyn's exercise of agency led to changes in the scope of treason. First, I will compare the 1352 and 1534 Treason Acts, as a shift had taken place in this period that explicitly criminalised words, criticism of the king, his Boleyn marriage, and their heirs. This opened a new conceptual framework for charging people with treason. Further, linguistic changes allowed for women to be brought within the scope of treason, transforming the ways treason was conceived of as a gendered crime. From there, I examine how the treason laws were adapted to secure Anne's conviction by highlighting what was said about her in the trial records. This includes investigating the several ways in which Anne was said to be treasonous or what she had said or done that had amounted to treason in the legal case against her. From this perspective, the political agency she exercised not only becomes clearer, but also shows how the legal records framed her political agency to portray her in a negative light. The queen's household is then examined as it was within this space that Anne was said to have committed treason. In this section I analyse the financial, administrative, political, and social space of her queenship that was separate from the king's. By understanding the agency and authority she was able to exercise, we can fully understand the ways in which this agency was used against her. From this, Anne's ladies of the privy chamber are investigated as part of her household for their involvement in her downfall. This highlights the political and social dichotomy of the queen's household: the private space and intimacy that these ladies shared with the queen, but also the legal consequences that manifested through their knowledge of treasonous activities. This reinforces the legal shift that was taking place in the early modern period, as women were increasingly being seen as agents of treason. Lastly, I give a brief analysis of changes to legislation and the treason laws that were a direct consequence of Anne Boleyn's guilty verdict and execution.

[82] R. Holinshed, W. Harrison, R. Stanyhurst, J. Hooker, F. Thynne, A. Fleming, J. Stow, and H. Ellis, *Holinshed's Chronicles of England, Scotland, and Ireland, Volume III* (London: J. Johnson, 1808), 797.

Treason Laws in Early Modern England

The 1534 Treason Act shifted the interpretation of treasonous behaviour to bring women much more within its scope in contrast to the 1352 Treason Act. This was done through a change of language: the 1534 Acts replaced the phrase 'When a man … doth imagine or compass' with the phrase 'if any person or persons … do maliciously wish …'.[83] Moreover, the 1534 Act went further in specifying the kinds of harm that could be inflicted on the royal person. It states:

> [T]hat if any person or persons, after the first day of February next coming, do maliciously wish, will or desire, by words or writing, or by craft imagine, invent, practise, or attempt any bodily harm to be done or committed to the king's most royal person, the queen's, or their heirs apparent, or to deprive them or any of them of their dignity, title, or name of their royal estates, or slanderously and maliciously publish and pronounce, by express writing or words, that the king our sovereign lord should be heretic, schismatic, tyrant, infidel or usurper of the crown … That then every such person and persons so offending in any the premises, after the said first day of February, their aiders, counsellors, consenters, and abettors, being thereof lawfully convicted according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premises, that shall be committed or done after the said first day of February, shall be reputed, accepted, and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors, and abettors, being lawfully convicted of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.[84]

The terms 'slanderously' and 'maliciously' were adverbs attached more often to the behaviour of women than that of men. Men did file slander and defamation suits against each other in the Court of Common Pleas and the King's Bench; however, women were overrepresented in the church courts by the late fourteenth and early fifteenth centuries for defamation.[85] Because defamation and slander were viewed as sinful, especially defamation and slander that involved sexual insults, these cases were more often heard in the church courts.[86] A study involving 259 defamation cases in the fifteenth century revealed that 54% of the accused were women.[87] By the sixteenth and seventeenth centuries, women comprised 60% of those who were being accused of defamation in London

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[83] "Treasons Act, 1534."

[84] "Treasons Act, 1534."

[85] Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2006), 77. On gender and speech, see also: Bronach C. Kane, "Defamation, Gender and Hierarchy in Late Medieval Yorkshire," *Social History* 43, no. 3 (2018): 356-74; J.A. Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York* (York: Borthwick Institute of Historical Research 1980).

[86] Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1998), 60.

[87] Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England*, 80-1.

alone.[88] Women's restraint over their speech was particularly important in social and spiritual contexts, and slander and defamation were weapons that harmed the victims' reputations. While the 1352 treason statute implicitly recognised the possibility of injurious speech being treasonous, it was not until the 1534 statute that certain forms of harmful speech were explicitly defined as acts of treason. This in turn created a shift in how women could be viewed as agents of treason. By altering the language to 'person' rather than 'man', the 1534 Treason Act fully incorporated women within the scope of treason law.

The impetus behind the widening scope of treason came from two events, the one following swiftly upon the other: Henry's marriage to Anne Boleyn and his break from the Roman Catholic Church. The 1534 Act of Supremacy granted Henry the title Supreme Head of the Church in England.[89] In his urgent campaign to marry Anne and produce a male heir, Henry had divorced his first wife of almost twenty-seven years, the Catholic Katharine of Aragon, despite her royal pedigree and her relative popularity. Thus, the 1534 Treason Act was enacted in part to protect the legitimacy of his marriage with Anne Boleyn and of the heirs that might be born to them. Rumours had the ability to harm the subject being spoken about, and in doing so cause harm to their reputation. This was a problem that became acknowledged more from the thirteenth century, when Edward I prohibited defamation to protect himself and other officials; a useful piece of legislation for future monarchs in maintaining authority over their subjects, especially when there was political unrest such as had been experienced by Henry VIII.[90] Women had, over time, come to be seen more as active participants in treason through illicit speech within certain contexts. While a woman could defame a man by talking about his sexual incapacity and be taken to the church courts, to say this about the king could be interpreted as treasonous. Such talk would be more damaging to the king if it were conducted in public and overheard, rather than in the privacy of a household.

Under the 1534 Treason Act, violations committed against the queen of England were still considered treasonous based on the text, although there had been no change to the way in which the queen's role in this violation amounted to high treason. Therefore, adultery on the queen's behalf did not yet fit within the scope of treason. While the 1534 Act did extend the scope of treason to make it easier to accuse women of the crime, the definition of treason still had to be changed again to include Anne's alleged adultery within it. How then, did Anne Boleyn's trial alter the legal

[88] Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England*, 81.

[89] 26 Hen.VIII. c.1., *Statutes of the Realm,* 492.

[90] Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England*, 28.

definitions and interpretations of treason? Within the existing legal framework, the men charged alongside Anne could be found guilty of high treason. However, Anne's theoretical actions of adultery as queen did not fit within the scope of treason under either the 1352 or 1534 Treason Act.

Anne Boleyn's Trial

To answer this question, an inquiry into Anne Boleyn's trial and what was said about her needs to be undertaken. Her acts and words of transgression need to be clarified to explain how they were perceived to be treasonous by the king and her peers who sat in judgement against her in the House of Lords.[91] First, a brief background into the lead up to Anne's trial will be discussed. Accusations against Anne were made by one of her ladies, Elizabeth Browne, Lady Worcester, to her brother, Anthony Browne, a courtier of Henry's, while the two siblings were arguing possibly over the paternity of Elizabeth's unborn child.[92] This information comes from the secretary to the French ambassador, and the future bishop of Riez, Lancelot de Carles, who was present in England at the time of the events. He states that Lady Worcester argued:

> [I]f sexual immorality was the charge, she was not the worst offender by any means, Browne should look to the queen herself; what about her relationships with Mark Smeaton, Henry Norris, or even her own brother ('C'est que souvent son frere avec elle, Dedans ung lit acointance charnelle').[93]

This allegation led to a secret but swift investigation. Mark Smeaton, Anne's musician, was arrested the day before May Day and interrogated at Thomas Cromwell's house, then placed in the Tower of London on May Day.[94] Henry Norris, the kings chief gentleman of the privy chamber, was arrested on 2 May and sent to the Tower after he was interrogated by King Henry himself the day before, as they were on their way to Whitehall palace from the May Day celebrations.[95] On that same day, both Anne and her brother George Boleyn, Lord Rochford, were arrested and taken to the Tower.[96] Over the next days, five further men were arrested or interrogated: William Brereton, Sir Francis Weston, Sir Richard Page, Sir Thomas Wyatt, and Sir Francis Bryan.[97] Only Wyatt, Page, and Bryan were let off. The four commoner men were tried by the King's Bench at Westminster on 12 May,

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[91] For the trial process, see Margery S. Schauer and Frederick Schauer, "Law as the Engine of State: The Trial of Anne Boleyn," *William & Mary Law Review* 22, no. 1 (1980): 49-84; Walker, "Rethinking the Fall of Anne Boleyn".

[92] Walker, "Rethinking the Fall of Anne Boleyn," 17.

[93] Quoted in Walker, "Rethinking the Fall of Anne Boleyn," 17.

[94] Walker, "Rethinking the Fall of Anne Boleyn," 4.

[95] Walker, "Rethinking the Fall of Anne Boleyn," 4-5.

[96] Walker, "Rethinking the Fall of Anne Boleyn," 5.

[97] Walker, "Rethinking the Fall of Anne Boleyn," 5.

and they were all found guilty.[98] Due to their noble status, Anne and George were tried on 15 May by a jury of their peers in the House of Lords, sitting within the Tower. 2,000 members of the public witnessed their trial.[99]

The charges laid against Anne were that of incest, adultery, and conspiring the death of the king. The Westminster indictment used in the court first stated that:

> [W]hereas queen Anne has been the wife of Henry VIII. for three years and more, she, despising her marriage, and entertaining malice against the King, and following daily her frail and carnal lust, did falsely and traitorously procure by base conversations and kisses, touchings, gifts, and other infamous incitations, divers of the King's daily and familiar servants to be her adulterers and concubines, so that several of the King's servants yielded to her vile provocations.[100]

First, we should note that the word 'malice' was used against Anne in a way that positioned her as a traitor according to the 1534 Treason Act, in which 'maliciously' harming the king was defined as treason. Early in the indictment, this representation of Anne was used to build the case against her that she was a traitor to the king. Further, Anne was presented as 'following daily her frail and carnal lust', which aligned her with a commonly held opinion that men were superior to women physically, intellectually, and morally, and women were more susceptible to sexual sin.[101] Anne was shown as unable to control her sexual desires and was depicted as the antithesis of a good woman and wife.

Also of note are the words 'base conversations' and 'gifts' that were said to have been exchanged between Anne and her alleged lovers. The potential for words to be weaponised to harm others, in this case the king, had been laid out in the 1534 Treason Act. In Anne's case, her presumed affairs began with words. Her words were formative in compiling a case against her. It was said that she:

> [C]onspired the death and destruction of the King, the Queen often saying she would marry one of them as soon as the King died, and affirming that she would never love the King in her heart.[102]

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[98] Walker, "Rethinking the Fall of Anne Boleyn," 5.

[99] Walker, "Rethinking the Fall of Anne Boleyn," 5.

[100] *L&P,* Volume X, 349-371, Item 876.

[101] Katherine J. Lewis, *Kingship and Masculinity in Late Medieval England* (New York: Routledge, 2013), 5; Martin Ingram, *Carnal Knowledge: Regulating Sex in England, 1470–1600* (Cambridge: Cambridge University Press, 2017), 29-30.

[102] *L&P,* Volume X, 349-371, Item 876.

Anne's words were construed as being harmful to the king by conspiring his death and destruction, and thus treasonous. The words in question were related to conversations she was said to have had with Henry Norris and Francis Weston. During her initial imprisonment, Anne stated to a Mistress Cofyn that:

> I asked hym [Norris] why he [did not go through with] hys maryage, and he made ansure he wold tary [a time. Then I said, Y]ou loke for ded men's showys, for yf owth ca[m to the King but good], you would loke to have me. And he sayd yf he [should have any such thought] he wold hys hed war of. And then she sayd [she could undo him if she wou]ld; and ther with thay felle yowt.[103]

Anne's words to Norris were perceived as treasonous. When she stated 'you look for dead men's shoes', it was interpreted by the peers in her trial as her 'compassing and imagining' the death of the king. Further, when she stated 'for if ought came to the king but good, you would look to have me' it could be interpreted as proof of Anne looking to marry again.

Her conversation with Francis Weston was similar in its wording. The constable of the Tower of London, William Kingston, wrote to the king's minister Thomas Cromwell stating that:

> Sir, syns the makynge of thys letter the Quene spake of Wes[ton, saying that she] had spoke to hym bycause he did love hyr kynswoman [Mrs. Skelton, and] sayd he loved not hys wyf, and he made ansere to hyr [again that h]e loved wone in hyr howse better then them bothe. And [the Queen said, Who is] that? It ys yourself. And then she defyed hym, as [she said to me]. Will'm Kyngston.[104]

Anne's words were construed as evidence that she was committing adultery, and that she had imagined the death of the king explicitly in her conversation with Norris. This is further notable in her conversation with her brother George Boleyn, Lord Rochford, where they discussed Henry's impotence. She had stated to him that Henry was 'no good in bed with women, and that he had neither potency nor force'.[105] This conversation was a charge that was made against George Boleyn, during his trial. While Anne was discussing her marriage with her brother, there was an act of transgression in that she was discussing Henry's sexual inabilities. This itself was damaging to Henry's royal body, and by extension to his heirs. It brought into question his ability to father an heir for his dynasty and put into doubt the legitimacy of the heir he had already been given by Anne. It also highlights how words had come to be viewed during the early modern period within the scope of treason legislation. Women were known for their gossip and previously this activity had

[103] *L&P,* Volume X, 329-349, Item 793.

[104] *L&P,* Volume X, 329-349, Item 793.

[105] Schauer and Schauer, "Law as the Engine of State: The Trial of Anne Boleyn," 71; D. Starkey, *Six Wives: The Queens of Henry VIII* (London: Chatto and Windus, 2003), 580.

been treated lightly. However, under new treason laws, women's words were now seen as potentially more dangerous.

Alongside her words, Anne's gift-giving was also used as evidence in her treason trial. Specific gifts such as jewellery, especially rings, could be proof of pre-contracts or contracted marriages.[106] The indictment against Anne mentions gifts in their entirety and not the form of gifts that were exchanged. However, it is possible to surmise that gifts were placed in the indictment to elicit negative perceptions of Anne by proving she was going to act on marrying another man after the king had died. Queens and nobility were expected to give gifts as signs of political and personal favour, but in this case, Anne's normative exercise of this form of agency was twisted to appear as deceptive and treasonous.

When discussing each of the individual men with whom Anne had allegedly been sexually involved, she was said to have 'procured … [the men] to violate her'.[107] Violating the queen fell under both the 1352 and 1534 Treason Acts, but Anne's behaviour did not. Nevertheless, Anne was said to having 'procured' these men to violate her. In framing her actions in this way, we can see a gendered view of the way in which women were held to be inferior by being unable to control themselves sexually and inhibit their desires. According to medieval medical texts, the body consisted of four humours that, if unbalanced, caused sickness in the body.[108] Men were said to be hot and dry, while women were wet and cold. Men were considered the prime agents in sexual activity while women held the more passive role, yet it is evident that the men involved in Anne's case were assumed to have not been able to control their passions and were invited into sexual sin by Anne herself.[109]

As has been noted, Anne's adultery did not fall under either the 1352 or 1534 Treason Acts, but her words did as they harmed the king. Although her words alone were considered enough to charge her with treason, the indictment conveys Anne as the worst woman imaginable by detailing her adulteries. Anne's womanhood, and her role as queen, wife, and mother were used against her to illustrate her failure in the privileged positions she held. By doing so, the king and his officials created a grotesque image of Anne that was publicised to the witnesses in the courtroom so that they

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[106] Felicity Heal, *The Power of Gifts: Gift Exchange in Early Modern England* (Oxford: Oxford University Press, 2014), 32-3; Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 58.

[107] *L&P*, Volume X, 349-371, Item 876.

[108] Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others*, 3rd ed. (New York: Routledge, 2017), 16.

[109] Ingram, *Carnal Knowledge: Regulating Sex in England, 1470–1600*, 30.

could also be persuaded that her actions were treasonous. The attention given in Anne's trial to her actions raises questions about her agency. Through the perspective of Anne's trial and the treasonous charges laid against her, her agency can be analysed to assess how it became a treasonous activity. To examine this, I ask, in what way did Anne hold agency, and how did her exercise of agency amount to treason? Anne's agency came from her role as queen, and her acts of treason were situated and overheard within the space of her household. Therefore, I will analyse the queen's household and its potential to be a space for treason to have taken place. First, an investigation into Anne's experiences at the courts in the Low Countries and France will be undertaken to establish how these spaces taught and influenced Anne's ideas of the forms of agency available to noble-women and queens.

Anne Boleyn at the Courts of the Low Countries and France

Anne Boleyn was granted a prestigious position as a maid of honour in the Renaissance court of Margaret of Austria in Mechelen, Brabant, in 1513.[110] Margaret of Austria, Duchess of Savoy, was queen regent until her nephew, Charles Burgundy, had come of age to rule independently.[111] Margaret was a *femme sole* who exercised extensive political power in the Netherlands. Thomas Boleyn, Anne's father, had organised this appointment for her when he had built a rapport with Margaret during his diplomatic meeting in 1512.[112] This was an example of patronage through the act of wardship, a practice in which aristocratic families would send their children to households of similar or higher rank in order to provide the child with access to connections that would offer opportunities for advancement, suitable marriages, or a chance to access a position at court.[113] Anne's appointment to Margaret's court was patronage in action on an international level, where she was brought up alongside future European rulers. Further, Anne was given a first-hand example of how women could exercise political power and agency. Margaret's court was a cultural hub in Europe, and she was a patron of architecture, music, art, and literature.[114] The works she

[110] Ives, *Anne Boleyn* 22.

[111] Ives, *Anne Boleyn* 22.

[112] Ives, *Anne Boleyn* 23.

[113] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 37.

[114] Andrea G. Pearson, "Margaret of Austria's Devotional Portrait Diptychs," *Woman's Art Journal* 22, no. 2 (2001): 19-25; Dagmar Eichberger and Lisa Beaven, "Family Members and Political Allies: The Portrait Collection of Margaret of Austria," *The Art Bulletin* 77, no. 2 (1995): 225-248; Deanna MacDonald, "Acknowledging the 'Lady of the House:' Memory, Authority and Self-Representation in the Patronage of Margaret of Austria," Unpublished PhD thesis, McGill University, (2002); Deanna MacDonald, "Collecting a New World: The Ethnographic Collections of Margaret of

commissioned had been part of her role as a widow and woman; she had to elevate her family because of the position she was in. She used her patronage as a political and personal means to strengthen her authority as a widowed woman. Deanna MacDonald argues that the construction of the Monastery of Brou, the portraits in her collection at Mechelen that outwardly seemed to praise and elevate her family's image, and her religious patronage was also a means to strengthen her own rule within the gendered boundaries of her time.[115] This could not be done through the advancement of her immediate family because Margaret had borne no children throughout her marriages. Notwithstanding her role as artistic patron, she was also skilled in political and diplomatic affairs. During the League of Cambrai, Margaret was a pivotal figure in treaty negotiations and signed the peace treaty herself between the Empire, France, England, and the Pope on 10 December 1508.[116] Margaret also showed her rank and authority through the luxury of her household; wine, food and fish that were in season were always on her table.[117]

Under the tutelage of Symonnet, Anne learnt French, and was able to put her education into diplomatic practice by writing to her father. A letter survives that shows Anne was keenly aware of the reason for her appointment, stating:

> Sir, I understand from your letter that you desire me to be a woman of good reputation when I come to court, and you tell me that the queen will take the trouble to converse with me, and it gives me great joy to think of talking with such a wise and virtuous person.[118]

Anne was being taught her gendered role within society; she was to preserve her reputation and protect her honour so that she could create further opportunities of appointments at court. Thus, she would be given the prospect of an advantageous marriage. For this to take place, Anne had to also learn other aspects of court life that would aid her in a successful future. First, she was to perform her duties well as a maid of honour: complete tasks given to her, attend to Margaret, and participate in the entertainment at court. Entertainment included dancing which was an important skill to have at court, and one which Anne had learnt herself. Dancing in Margaret's court also involved elements

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Austria," *The Sixteenth Century Journal* 33, no. 3 (2002): 649-663; Eleanor E Tremayne, *The First Governess of the Netherlands: Margaret of Austria*, vol. 2 (London: Methuen, 1908).

[115] MacDonald, "Acknowledging the 'Lady of the House:' Memory, Authority and Self-Representation in the Patronage of Margaret of Austria," 32-3.

[116] MacDonald, "Acknowledging the 'Lady of the House:' Memory, Authority and Self-Representation in the Patronage of Margaret of Austria," 20; Tremayne, *The First Governess of the Netherlands: Margaret of Austria*, 2, 88-94.

[117] Tremayne, *The First Governess of the Netherlands: Margaret of Austria*, 2, 111.

[118] Ives, *Anne Boleyn,* 24.

of drama, creating a chivalric display of 'courtly love' where there were 'imprisoned maidens, noble knights, exotic foreigners, wildmen … mythical beasts … castles making music'.[119] Courtly love had also taken the form of conversations between the women and gentlemen of the court, a pastime that Anne would later emulate in her household at the English court. Yet, Margaret was astute in educating her maids of honour, instructing them to 'avoid gossiping or foolish behaviour'.[120]

Anne left Margaret's court and went to France in 1514 to be a maid of honour in the household of Mary Tudor, queen to King Louis XII of France. Louis XII was in ill health and died 1 January 1515.[121] Francis I became the next king of France and his wife, Queen Claude, eldest daughter of Louis XII, was queen consort. Anne stayed in the household of Claude and witnessed an entirely different aspect to queenship; motherhood and the importance of bearing a son for the king. There is no evidence of Anne's daily life in France, but Claude's duties as a wife and consort to the king would have been a regular example to Anne. During Claude's time as consort, she was pregnant seven times.[122] While Claude's queenship has largely been marginalised in modern scholarship, there is evidence that she wielded agency and further, Kathleen Wilson-Chevalier argues that in comparison to the king and her mother-in-law, Claude's 'image rose in moral authority'.[123] Aside from the public display of being queen, Claude did engage in patronage and had a wealth of estates that fell under her authority, some of which she had gifted to Florimond Robertet, the Secretary of State, for his service to her parents.[124] She also wrote diplomatic letters on behalf of her husband, had acted as an intercessory in matters of religious positions, and championed religious reform.[125] Her influence on Anne's queenship was seen in the items that Anne had collected and through her own impact on religious reform in England. Anne's illuminated manuscripts were in the same style as Claude's; borders around the pages that were 'Renaissance-style[d]'.[126] Claude had also been an example to Anne in terms of being an advocate for the poor. Claude had three prayer books dedicated to patron saints who were intercessors for those suffering with the plague, and had

[119] Ives, *Anne Boleyn* 25.

[120] Tremayne, *The First Governess of the Netherlands: Margaret of Austria*, 2, 113.

[121] Ives, *Anne Boleyn* 35.

[122] Kathleen Wilson-Chevalier, "Claude de France and the Spaces of Agency of a Marginalized Queen," in *Women and Power at the French Court, 1483-1563*, ed. Susan Broomhall (Amsterdam University Press, 2018), 147.

[123] Wilson-Chevalier, "Claude de France and the Spaces of Agency of a Marginalized Queen," 147.

[124] Wilson-Chevalier, "Claude de France and the Spaces of Agency of a Marginalized Queen," 154-5.

[125] Wilson-Chevalier, "Claude de France and the Spaces of Agency of a Marginalized Queen," 155-6.

[126] Ives, *Anne Boleyn* 37-8.

financially assisted a church in Blois in constructing a cemetery for the casualties of the plague.[127] Anne spent seven years in Claude's court before returning to England. Both Claude and Margaret had influenced Anne's views on women's agency, and she would emulate this in numerous ways throughout her queenship.

The Queen's Household

Anne Boleyn had her council established, within her rights as a consort and *femme sole*, to oversee her vast lands and estates. Her first public meeting with her councillors was after her coronation, where it was apparent that she understood her role as queen consort. This information comes from William Latymer, chaplain to Anne.[128] His account of Anne's time as queen was written in the reign of her daughter, Elizabeth I, with the intention of reviving her image in a positive way.[129] Even with Latymer being pro-Anne, his chronicle provides a deeper insight into Anne's behaviours, beliefs, and actions as queen that is not tarnished by the accounts left through her downfall. In Latymer's account he records the first meeting Anne had with her council after her coronation in which she stated:

> For to atteyne to high estate and glorious government from a meane degree is a mattre that may move wonderful affections in a naturall persone, as I am; to beare also the titill and name of a prince may seme a glorious vaunte; to have the courte like wyse furnisshed with an innumerable multitude of servauntes increaseth in the beholders opynion a good successe. But to have the courte and the estate beautyfyed with the goodly garnishmentes of vertue, to performe the due office of a vertuous princes, and finally to rule and govern the multitude (whiche commonly refusethe to be maystred) is a praysworthye endevour. Truly the prince is bounde to kepe his awne persone pure and undefyled, his house and courte so well ruled that all that see it may have desyre to follow and do therafter, and all that heare therof may desire to see it … that as I have attayned unto this highe place nexte unto my sovereigne, so I might in all godlynes goodnes duely administre the same.[130]

Anne had a keen insight into what was expected not only of her but also of her councillors, whom she ordered:

> [S]ee that you governe in suche wyse that their [Anne's servants] quiet and godly lyvinge may be a spectacle to others, exhorte them to feare God, cause them dayly to heare the devine service. Suffer noo contencion emonges them, admitt noo brawling altercacions nor

[127] Wilson-Chevalier, "Claude de France and the Spaces of Agency of a Marginalized Queen," 163.

[128] Maria Dowling, ed., "Introduction," *II William Latymer's Chronickille of Anne Bulleyne*, Camden Fourth Series 39, no. 1 (1990), 28.

[129] Dowling, ed., "Introduction," 29-30; For an in-depth discussion of this analysis see pages 29-33 in Dowling, "Introduction".

[130] Dowling ed., "William Latymer's Chronicklle of Anne Bulleyne" in *II William Latymer's Chronickille of Anne Bulleyne*, Camden Fourth Series 39, no. 1 (1990), 48.

> sedicious quarrels. And above all other be very circumspecte that they frequente noo ynfamous places of resorte ne yet that they keape noo companye with evill, lewde and ungodly disposed brothels, that in all thinges they shew them selfes decent, civill and serviceable.[131]

Anne's speech echoed that of her youth under the influence Margaret of Austria by ensuring that her servants behaved and were perceived outwardly as pious. The following day Anne had spoken with her chaplains and exhorted them to perform well in their position and be models for virtuous and godly behaviour stating that:

> [W]ee our selves are not altogether ignorante of the necessarye charge requyred in so high a personage; not founde wantones, not pampered pleasurs, not licencious libertie or tryfling ydilnes, but vertuous demeanour, godly conversacion, sobre communicacion and integritie of lyf.[132]

Anne was well-versed in what was expected of her as queen, specifically in terms of the boundaries she was required to operate within according to her role and her gender. Her actions and behaviour were to exude and model the perfect woman to her ladies, the court, and to the people of England. To do so, her household had to perform this duty publicly and privately.

This was most notable in requiring her ladies in the household to make shirts, smocks, sheets, and petticoats for the poor.[133] Even when the household was on progress, Anne would gather information on the number of poor in those parishes and distribute clothes and money according to their needs.[134] Furthermore, she had also participated in giving alms on Maundy Thursday, and had washed and kissed the feet of the poor.[135] This was Anne's public display of her role as a pious and humble queen.

Within her household, Anne modelled good behaviour to her ladies. This was particularly the case for her maids of honour. They were the only women in court who were unmarried, thus creating a social responsibility for the queen consort to ensure that they were chaste and modest.[136] This was a role that Anne Boleyn took on, for example, when she met with the mother of the maidens. William Latimer noted in his chronicle that:

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[131] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 49.

[132] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 50.

[133] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 54.

[134] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 54.

[135] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 53.

[136] Warnicke, *Elizabeth of York and her Six Daughters-in-Law: Fashioning Tudor Queenship, 1485-1547*, 74.

> [H]er grace wolde comonlye and generally wolde many tymes move them to modesty and chastertie; but in esspeciall to the maydons of honour, whom she wold call before her in the prevy chambre, and before the mother of the maydes wold geove them a longe charge of their behaviours. And they shoulde not consume the [time] in vayne toyes and poeticall fanses as in elder tyme they wonted were.[137]

To lead by example, Anne Boleyn also had a desk with an English bible upon it for the ladies in her chamber to read.[138]

While Anne had displayed attributes that were a part of the role of queen consort, in contrast to Katharine of Aragon's household, Anne Boleyn's was significantly more socially and religiously progressive. Anne was influenced by her time she spent in the Low Countries and France as a maid of honour to Margaret of Austria, Mary Tudor, and Queen Claude. Therefore, her household had unique characteristics and rituals that were distinct from her predecessors.

Prominent among these was her involvement, and that of her household, in courtly love. This was a ritualistic activity that involved the young men of Henry's court choosing a 'mistress' who they would innocently court through dancing, revelries, gift-giving, poems, songs, and participate in 'luf-talkyng'.[139] While this ritual seems suggestive, it was supposed to be performed in goodness by maintaining innocence. It was this very ritual that Anne had been unable to balance, and her words that she had spoken to Norris and Weston were overheard in this manner. This emphasises the contrast of the household in its private and public aspect; the intimate space that Anne occupied as queen consort became the same space that invited treason into its sphere through public displays of courtly love. Anne's words had unintended consequences and what was previously viewed as an unimportant womanly trait, had in fact invited suspicion of treason into her intimate space due to the 1534 Treason Act. She had wielded her sexual agency to the detriment of her honour, and as an extension to the detriment of the king's. Thus, she brought her reputation into disrepute, causing the ladies of her household to reveal information against her to the king's investigators.

While the queen was to lead by example, a letter from Cromwell to Stephen Gardiner shows that Anne was not perceived in this way, and it was Anne's own ladies who became witnesses against her during her downfall. This letter, dated 14 May from Thomas Cromwell to Bishop Stephen Gardiner, then serving as English ambassador in France, highlights not only how Anne was perceived but also how Anne's own ladies were compelled to divulge her 'monstrous' activities:

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[137] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 62.

[138] Dowling, "William Latymer's Chronickille of Anne Bulleyne," 62.

[139] Lipscomb, "The Fall of Anne Boleyn: A Crisis in Gender Relations?," 294.

> The quenes abhomynacion both in incontinent lyving, and other offences towards the kinges highness was so rank and commen, that her ladyes of her privy chambre, and her chamberers could not conteyne it within their brestes, But detesting the same had soo often communications and conferences of it that at the last it cam soo plainly to the eares of some of his graces counsail that with their dieutye to his Majestie they could not concele it from him, but with greate feare, as the cace enforced declared what they harde unto his highness Whereupon in most secret sorte certain personnes of the privye chambre and others of her side were examyned, in whiche examynacions the matier appered soo evident, that besides that cryme, with the accidentes, there brake out a certain consiparcye of the kinges deathe, whiche extended soo farre that all we that had thexamynacion of it quaked at the danger his grace was in, and on our knees gave him laude and prayse that he had preserued him soo long from it.[140]

This letter enables us to glimpse into Anne Boleyn's women in her household through the lens of Cromwell. He highlights the position the women of the privy chamber were placed in; anything they witnessed that could be treason, if withheld, could have meant that they themselves would be found guilty of misprision of treason, an offence that carried severe penalties. In this case, it was Anne's 'rank and common' living that was perceived as treasonous behaviour that could not be 'contained within their breasts'. For the women of the queen's household, the intimacy of this space held the potential for them to both witness and participate in treasonous behaviour. Because of this intimacy, the ladies were examined for any information supporting the allegations of Anne's treason. It was their testimony that Cromwell stated was the source of the charge against Anne regarding the 'conspiracy of the kings death'. According to Cromwell's account, Anne's ladies were privy to plots against the king's body. This emphasises further the perception of the intimate space which both the queen and her ladies occupied.

Anne's ladies were a key factor in her trial as they were consistently by her side and therefore, had been witness to the words she had spoken. The ladies who testified were within Anne's household. Again, therefore, it becomes important to investigate the household as a place of treason and as a place in which Anne held agency. Anne's ladies of the privy chamber inhabited the same space as she did, showing the dichotomy for a queen consort of a public and secluded setting. While they were the only people who could freely access the more intimate special settings of Anne's rooms, they were also able to observe her daily activities. This left queen consorts with little to no privacy; thus, everything Anne said or did was public knowledge. Being privy to this 'private' setting was the context in which Lady Worcester first made her accusations against Anne, which had initiated a swift investigation into the queen's treasonous activities. Lady Worcester was not the only one of

[140] Elizabeth Norton, *The Anne Boleyn Papers* (Stroud, Gloucestershire: Amberley Publishing, 2013), 346. Full text of this letter is 345-46.

Anne's ladies to have made accusations or to have been examined, but information on their testimony is scant. Cromwell simply wrote to Gardiner that 'I write no particularities; the things be so abominable that I think the like was never heard'.[141]

Anne's vice-chamberlain, Edward Baynton, was ordered to obtain the confessions of those within her household. Baynton wrote in a letter to the Treasurer, Fitzwilliam, that:

> There is much communication that no man will confess anything against her, but only Marke of any actual thing … I have mused much at [the conduct] of Mrs. Margery, who hath used her[self] strangely toward me of late, being her friend as I have been. There has been great friendship of late between the Queen and her.[142]

Another of Anne's previous ladies, Bridget Wiltshire, Lady Wingfield, had made a deathbed confession in 1533 against Anne. This was noted by John Spelman, a justice of the king's bench who was present at her trial. He and his fellow judges were there to help give her trial the stamp of legitimacy and show that she had been given 'due process' under the law, which would quell any criticism that Anne's trial was a set-up to get rid of her. He stated that the queen's behaviour was 'disclosed by a woman called the Lady Wingfeilde, who had been a servant to the said queen and of the same qualities'.[143] However, the confession itself is not known so what can be surmised is that the words that were said, in conjunction with the other evidence against Anne, bolstered her conviction. Spelman's report is valuable because it gives insight into how others perceived her fall. Anne is first accused of having 'procured the said lord her brother and the other four to defile her and have carnal knowledge of her'.[144] Anne again is seen in light of the linguistic changes in the 1534 Treason Act. She is constructed as an active participant in adultery, and worse, as the one who is enticing the men to engage in treasonous behaviour with her.

The language used also reinforces the contemporary beliefs the harm women's words could cause. Spelman notes that Anne had stated 'that the king should never have her heart and she said to each of the four by himself that she loved him more than the others, and this slandered the issue begotten between her and the king'.[145] This was treason under the 1534 Treason Act because she had allegedly not only conspired the king's death, but she also had harmed his heir by bringing her

[141] *L&P*, Volume X, 349-371, Item 873.

[142] *L&P*, Volume X, 329-349, Item 799.

[143] J. Spelman, *The Reports of Sir John Spelman*, ed. J. H. Baker, vol. 1 (London: Selden Society, 1977), 71.

[144] Spelman, *The Reports of Sir John Spelman*, 1, 71.

[145] Spelman, *The Reports of Sir John Spelman*, 1, 71.

daughter's paternity into question through these slanderous words. Her words fell under the legal statute of 'depriv[ing] them or any of them of their dignity, title, or name of their royal estates'.[146]

Jane Parker Boleyn, Lady Rochford, had also been involved in the downfall of Anne and her brother George. Jane was George's wife, Anne's sister-in-law, and a lady of her privy chamber. Being within close spatial and familial proximity gave Jane an advantage to access further private conversations. Eustace Chapuys, the Spanish ambassador in England, reported to King Charles V, the Holy Roman Emperor and king of Spain, that Jane had given information of a conversation between her and the queen consort in which Anne had said 'that the King was impotent, and he had neither the skill nor the virility to satisfy a woman'.[147] This information was given to George at his trial on a piece of paper, which he was ordered not to read out. However, he did do so because 'he would not in this point arouse any suspicion which might prejudice the King's issue'.[148] This is the only contemporary record of Jane's actual involvement in Anne's trial. It is significant because she and Anne were close enough in kinship for Anne to have confided this information. Jane was a lady of the privy chamber and Anne's sister-in-law. This piece of evidence shows how the queen's household could form a space in which treason could be suspected or committed. It also reveals how the public and private spaces conflicted. While it can be theorised that Anne believed her words were said in private with a member of her family, everything she said was a public matter due to her status as queen.

Jane, and the other ladies of the privy chamber, were also faced with being charged with misprision of treason or even with directly helping Anne commit treason if they did not cooperate with the investigation. Anne's ladies could have been threatened with misprision of treason, conspiring in a treason plot, or helping someone commit treason as described in the 1534 Treason Act.:

> That then every such person and persons so offending in any the premises, after the said first day of February, their aiders, counsellors, consenters, and abettors, being thereof lawfully convicted according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premises, that shall be committed or done after the said first day of February, shall be reputed, accepted, and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors, and abettors, being lawfully convicted of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.[149]

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[146] "Treasons Act, 1534."

[147] *L&P*, Volume X, 371-391, Item 908.

[148] *L&P*, Volume X, 371-391, Item 908.

[149] "Treasons Act, 1534".

With the linguistic changes in the 1534 Treason Act, women could now be seen as potential conspirators in treason cases. Anne's ladies of the privy chamber owed their status to her patronage; however, they were able to be considered traitors themselves, and thus, were compelled to speak on what they knew. Nevertheless, even Chapuys states when relaying the details of George's trial that:

> To all he replied so well that several of those present wagered 10 to 1 that he would be acquitted, especially as no witnesses were produced against either him or her, as it is usual to do, particularly when the accused denies the charge … [and further that] there are some who murmur at the mode of procedure against her and the others, and people speak variously of the King.[150]

There was thus speculation about whether the procedure taken against Anne was considered lawful, or whether the evidence given against her was fruitful enough to secure her conviction. In Spelman's accounts of the trial, he notes that 'the justices murmured at this judgement against the queen, for such judgement in the disjunctive had not been seen'.[151] Yet, it is evident that Anne's words were publicly heard on multiple occasions and could be used against her.

Changes to Treason Law After Anne Boleyn's Downfall

This section gives a brief explanation of the changes to the law after Anne had been executed for high treason. A new Act passed in 1536 altered legislation under the '*Acte for the establishment of the succession of the imperial crown of this realm*'.[152] Anne's execution for treason was followed immediately by Henry's quick marriage to Jane Seymour. This meant legal changes were needed to formalise the invalidity of Henry's marriage to Anne and to protect his new marriage and the heirs he expected from Jane. This was a procedure that also had taken place when Anne and Henry married in 1533.

Parliament first relayed the previous statutes that were established when Anne and Henry married, describing them as being written in a time when it was thought that:

> [T]he said Mariage then had betwene your Highnes and the said Lady Anne in their consciences to have bene pure syncere pfyt and good, was reputed accepted and taken in the Realme, til now of late that God of his infynyte goodness … hath caused to be brought to light evydente and open knowledge … unknowne at the makyng of the said actes and sithen that tyme confessed by Lady Anne before the most Reverende father in God Thomas Archebisshop of Cantorburye.[153]

[150] *L&P*, Volume X, 371-391, Item 908.

[151] Spelman, *The Reports of Sir John Spelman*, 1, 71.

[152] 28 Hen.VIII. c.7., *Statutes of the Realm,* 655-62.

[153] 28 Hen.VIII. c.7., *Statutes of the Realm*, 655-6.

The message being reinforced here is that the king was not responsible for Anne's behaviour, and that Anne was at fault for the breakdown of their marriage because of her alleged adultery. Henry was portrayed as entering the marriage in good faith while Anne's activities had eventually been brought to light. Henry had effectively removed himself from all faults of the adultery which, within the context of the early modern period, would have had him labelled as a cuckold, a 'damaging' label used to identify men whose wives had been unfaithful.[154]

Further, while the charges of adultery were enough to render the marriage invalid in the first place, what is not known is whether Anne did actually confess any treasonous behaviour to Thomas Cranmer, Archbishop of Canterbury, who had been promoted to the archbishopric in part because of the Boleyn family's patronage.[155] Their meeting in the Tower of London on 16 May was not recorded.[156] The intention of this meeting was to allow Cranmer to serve as Anne's confessor, but what was said between them is unknown. The next day Anne and Henry's marriage was declared invalid.[157]

The 1536 Act goes on to state that the marriage between Henry and Anne had been lawfully made void and null as it was never 'good nor consonante to the lawes'.[158] As a result of this ruling, both the Act of Succession and the Oath of Succession were repealed, and all those who committed treason under these Acts by will, writing, desire, or words against Anne and the Princess Elizabeth were given a royal pardon.[159]

Anne and her male accomplices were then legally confirmed as guilty and attainted of high treason. A consequence of this ruling was forfeiture of all their:

> Manours Meases lands tenements rentes revsions remaynders uses possessions offices rightes condicions and all other hereditamantes … which they or any of them, or any other to their uses or to use of eny of theym hadd, or ought to have had of any estate of enheritaunce in fee symple or in taile in use or possession at the dayes of their sevall treasons comytted lymytted and expressed in their inditemente, or at eny tyme after.[160]

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[154] Ingram, *Carnal Knowledge: Regulating Sex in England, 1470–1600*, 70-71.

[155] Ralph Morice, "IX. Anecdotes and Character of Archbishop Cranmer, by Ralph Morice, his Secretary," *Camden Old Series* 77, no. 1 (1859): 242.

[156] Ives, *Anne Boleyn* 405; *L&P*, Volume X, 371-391, Item 890.

[157] *L&P*, Volume X, 371-391, Item 896.

[158] 28 Hen.VIII. c.7., *Statutes of the Realm,* 656.

[159] 25 Hen.VIII. c.22., *Statutes of the Realm,* 471-4; 26 Hen.VIII. c.2., *Statutes of the Realm*, 492-3.

[160] 28 Hen.VIII. c.7., *Statutes of the Realm,* 657.

This was a common procedure in cases of high treason in which those found guilty had all their possessions forfeited to the king.

As this was a new Act, Henry's marriages to Katharine of Aragon and Anne Boleyn were both declared null and void in clause V and VI.[161] Further, both daughters from those marriages were declared illegitimate.[162] The Act also stated that the children born of these marriages were not allowed to 'clayme chalenge or demaunde any enheritaunce as laufull heire or heires to your Highnes by lyniall discente'.[163]

Most tellingly, in the changing scope of the law was the clause that prohibited degrees of marriage in cases of carnal knowledge. This included:

> [E]ny man to knowe carnally eny Woman, that then all and singler psons being in any degree of consanguynite or affynytie to any of the parties so carnally offendyng shalbe demed and adjudged to be within the cases and lymyttes of the said phibicions of marriage.[164]

To be married within such close degrees that were against God's law was accepted in this Act as causing many 'inconveniences' in the realm.[165] Prior to their marriage, Anne's sister Mary was a known mistress of Henry VIII's while he was still married to Katharine of Aragon[166]. What is being conveyed here is that Anne's subsequent marriage to Henry was against God's law from the beginning as there was already carnal knowledge between Henry and Anne's sister. Further, this clause was now cemented in English law, therefore it had wider ramifications for English subjects who were already married within these degrees.

Lastly, it was judged that children born between Henry and his new queen, Jane, were legitimate, and that it was high treason if anyone was by words, deed, or writing, to threaten or endanger the king, his heirs and successors or the queen.[167] The treason laws also extended to anyone who found his previous marriages, including to Anne Boleyn, as lawful and their children legitimate; they would also have been committing high treason.[168]

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[161] 28 Hen.VIII. c.7., *Statutes of the Realm,* 657-8.

[162] 28 Hen.VIII. c.7., *Statutes of the Realm,* 658.

[163] 28 Hen.VIII. c.7., *Statutes of the Realm,* 658.

[164] 28 Hen.VIII. c.7., *Statutes of the Realm,* 658.

[165] 28 Hen.VIII. c.7., *Statutes of the Realm,* 658.

[166] Ives, *Anne Boleyn* 19; *L&P*, Volume XII Part II, 324-335, Item 952.

[167] 28 Hen.VIII. c.7., *Statutes of the Realm,* 660.

[168] 28 Hen.VIII. c.7., *Statutes of the Realm,* 660-1.

The 1534 Treason Act transformed the way women had been perceived in early modern England. Linguistic changes and thorough wording of the legislation invited women into its scope. As Anne Boleyn's trial shows, high-ranking women were beginning to be seen as agents of treason because of their exercise of political agency, and it was that agency that had been used against Anne. To sharpen this weapon, the scope and definition of treason had to be altered; Anne was perceived as participating in treason as an active agent with the men who were charged alongside her, instead of being seen as passive with adultery being done to her as had been the previous status quo under the 1352 Treason Act. The political agency she was afforded by her marriage to the king was used against her. Patronage was a form of making and sustaining connections with multiple groups of people within her affinity. Anne's use of this agency was interpreted to portray her as being the opposite of ideal womanhood and queenship. Her acts of patronage in gift-giving were construed as signs that she was looking to marry another man in the king's own household and by extension, that she was wishing the king's death.

Household spaces and institutions gave Anne autonomy, privacy, and agency. However, the way they operated, and their public context, in fact made her vulnerable. Her words, once spoken, became words spoken in public, even to those within the closest and most private spaces of the queen's chambers. Anne oversaw her ladies, and they owed their positions to her patronage, but that relationship only stretched so far in cases of treason. This was also the reality of her conversations with the men of the king's household. Anne's actions and words were seen and heard daily not only within her chambers, but elsewhere within the spaces they inhabited.

Anne was the first queen to be executed for treason. This set a precedent for all women of the nobility; high treason had become a tangible reality for them, and their words, actions, or intent could be viewed in that way by the king and his council. Anne's fall was not an exception, and noble women were not exempt as the gendered medieval model of high treason was extended to encompass women, as well as men.

Chapter Three: Katherine Howard and Jane Boleyn, Lady Rochford

> [T]hey desired all Christian people to take regard unto their worthy and just punishment with death, for their offences against God heinously from their youth upward, in breaking of all his commandments, and also against the King's royal majesty very dangerously; wherefor they, being justly condemned (as they said), by the laws of the realm and Parliament, to die.[169]

Chapter Three considers the case of Katherine Howard, who married Henry VIII in 1540, becoming his fifth wife. In late 1541 she was accused of adultery and in early 1542, along with several accomplices including Jane Boleyn, she was convicted and executed for treason. Katherine Howard has received less attention in scholarship than Anne Boleyn, yet her being found guilty of high treason for adultery had wider implications for the scope of treason. This chapter investigates Katherine's downfall through the lens of gender and her agency, to show how these events altered treason laws. This chapter will cover Katherine's early life, in which her sexual relationships became the thread that led to her downfall. I then examine the legal process against her in two parts: first, the investigation into Katherine's pre-marital sexual relationships; and second, her post-marital liaison with Thomas Culpeper. I examine multiple gendered issues that are revealed in the early investigation here: agency, patronage, kinship connections, and pre-contracted marriages. These issues had collectively worked together to bring about Katherine's fall, and by extension, change the laws of treason. Evidence collected from members of the queen's household reveals that Katherine used her agency in a way that were considered problematic, in comparison to contemporary norms. A brief examination of the swift trial and execution of Thomas Culpeper and Francis Dereham through a gendered lens highlights the treason laws that were in effect prior to Katherine's conviction. From here, Lady Jane Boleyn, Viscountess Rochford is discussed as a significant member of the queen's household and especially for her principal role in Katherine's post-marital affair with Thomas Culpeper. Through Jane, Katherine's agency as queen consort is also revealed as we see her exploiting the assistance of her household and close circle to pursue Culpeper. Further, Jane's involvement is important to my overall findings on the changing scope of treason. Finally, I examine the Act of Attainder that was produced against Katherine to understand her downfall through a political lens. The chapter then concludes by discussing how the treason laws expanded as a direct result of Katherine and Jane's use of their agency.

[169] *L&P*, Volume XVII, 33-46, Item 106.

Background and Early Relationships

Much of Katherine's early life is unknown. While she was born into the Howard dynasty, she was not born into the higher-ranking branch of the family. She was the daughter of Edmund Howard, the third son to the second duke of Norfolk, and Jocasta Culpeper.[170] Her birthdate is estimated to be between 1519-1525, although the recent biographer of Katherine's life, historian Gareth Russell, has put forward 1522 as the more plausible year.[171] Due to the death of her mother in 1528 and her father's position as the new Controller of Calais, in 1531, Katherine was sent to live with her step-grandmother, Agnes Howard, nee Tilney, the dowager Duchess of Norfolk, at Chesworth House in Horsham Village.[172] This practice of wardship was common among aristocratic families with the aim to strengthen and cultivate female networks and also marriage and family alliances.

It was within this household that Katherine was first romantically linked to her music teacher, Henry Mannox in 1536. This liaison was never consummated but it did overstep physical and emotional boundaries. Katherine sought private spaces in her relationship with Mannox to spend time together in secret, which was a feature that became common in her subsequent relationships. During the investigation into Katherine's alleged treason, it was revealed that at that time, a nursemaid, Mary Lascelles, had questioned Mannox after being made aware of their relationship from two additional maids, Dorothy Barwick, and Isabel.[173] Dorothy had been passing messages and love tokens between Katherine and Mannox. Mannox delivered an abrupt confession to Lascelles, which was revealed during the 1541 investigation process. This became gossip within the duchess's household, with Mannox reportedly stating, 'I have had her by the cunt and she hath said to me that I shall have her maidenhead though it be painful to her, not doubting but I will be good to her hereafter.'[174] Mannox's confession of knowing Katherine intimately caused her to part ways with him. This was due to Katherine's station as a member of the nobility while Mannox was just a musician, but also a sense of embarrassment for Katherine that it was made public.

Thereafter, she began another relationship with Francis Dereham, who was the secretary to the dowager Duchess. By early modern standards, this relationship was inappropriate because Katherine was of noble lineage and unmarried. Further, their relationship superseded the boundaries

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[170] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 89.

[171] G. Russell, *Young and Damned and Fair: The Life and Tragedy of Catherine Howard at the Court of Henry VIII* (London: William Collins, 2017), 16.

[172] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 92.

[173] *L&P*, Volume XVI, 605-613, Item 1320.

[174] Quoted in Starkey, *Six Wives: The Queens of Henry VIII*, 669. Originally sourced from *SP* 1/167, f. 129.

of her previous one and their intimate deeds were known and witnessed.[175] Katherine shared a maidens' chamber with other young unmarried ladies, Joan Acworth, Alice Wilkes, and Katherine Tilney, among others. They were accomplices, but also, importantly, witnesses to Katherine's night-time liaisons with Dereham. At some point during these interactions Dereham and Katherine had sexual intercourse. Katherine's relationship with Dereham was well known amongst the members of the household as the later investigation into Katherine's alleged treason would reveal: Margaret Lady Howard, Anne Howard, Margaret Benet, Malyn Tilney, Edward Walgrave, Katherine Tilney, Alice Restwold, Joan Bulmer, and Henry Mannox were all named as those with knowledge of Dereham and Katherine's relationship while Katherine was under the tutelage of the dowager Duchess.[176] A servant of Agnes' also had information, catching the two in bed three times with Dereham lying 'suspiciously on the bed in his doublet and hose'.[177] Agnes herself remarked once when Dereham was being looked for that, 'I warrant you if you seek him in Katharine Howard's chamber ye shall find him there'.[178]

Both Dereham and Katherine went as far as calling each other husband and wife publicly.[179] What seemed innocent later had severe consequences. Conduct books from the sixteenth century reveal contemporary views of how young unmarried women were required to behave. Juan Luis Vives' conduct book *The Education of a Christian Woman*, written in his role as tutor to Princess Mary, highlights the importance of a maiden's virginity:

> In a woman, chastity is the equivalent of all virtues. They are idle and slothful guardians who cannot guard one thing committed to their care and enjoined upon them with many words and exhortations, especially when no one will take it from them against their will or touch it without their consent. If a woman will reflect on this, she will be a more attentive and cautious guardian of her chastity. If that is safe, everything else will be in safety; if that is lost, all things perish together with it. "What can be secure for a woman when her chastity is lost?".[180]

While conduct books were not completely adhered to by the general populace, this passage does reveal an underlying belief in the importance of a young women's chastity and virginity. In other words, remaining a virgin until marriage, especially for young women of the nobility, would

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[175] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 95.

[176] *L&P*, Volume XVI, 613-629, Item 1339.

[177] *L&P*, Volume XVI, 613-629, Item 1348.

[178] *L&P*, Volume XVI, 629-644, Item 1385.

[179] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 95.

[180] J. L Vives, "On Virginity", *The Education of a Christian Woman: A Sixteenth-Century Manual*, ed. Charles Fantazzi (Chicago: The University of Chicago Press, 2000), 85.

provide security in their marriage, which was one of the only avenues a woman could take to attain a successful career and multiple forms of agency. Despite the seemingly serious bond with Dereham, Katherine left this relationship too after being summoned to court as a lady in waiting to the new queen consort of England, Anne of Cleves, in 1539.[181] Whether Katherine made it clear to Dereham their relationship was not considered a pre-contracted marriage was contested by each other's depositions during the treason investigation. As we will see, Katherine's perception of the status of their relationship differed from that of the king's investigators.

Queen Katherine Howard

Katherine's time as lady-in-waiting was short. She first met Thomas Culpeper, a member of the king's Privy Chamber, in 1540.[182] However, their early connection dwindled rapidly, and she found herself the focus of the king's attention. Henry VIII, disappointed with his marriage to Anne of Cleves, and after his inability to consummate the marriage, proceeded to have it annulled and proclaimed Anne of Cleves formally as his 'sister'.[183] In June 1540, Katherine married Henry VIII at Hampton Court and became queen consort of England.[184] The role of queen consort carried important responsibilities as previously discussed in Chapter Two. As wife to the highest authority in England, she could expect a successful career in a marriage that brought the exercise of political agency, authority, and financial freedom. Katherine also had the opportunity, to an extent, to bring those of her closest kin into her affinity and provide patronage as queen consort. How Katherine chose to use this political agency she was granted contributed to her downfall and altered the scope of the treason laws in ways that had not been previously done.

For example, Lord William Howard benefitted from Katherine's marriage and was made ambassador to France.[185] In 1540, Katherine welcomed Katherine Tilney, who grew up with her under the dowager Duchess, as a chamberer within her household.[186] Katherine also brought Dereham into her household in August 1540 after she became queen. By contemporary standards, this was not unusual behaviour for Katherine as a queen consort. The advancement of her kin was a normalised activity for the nobility through acts of patronage. However, put into the context of her past sexual relationships, it is conceivable that bringing in connections from her past may have been

[181] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 96.

[182] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 96.

[183] Starkey, *Six Wives: The Queens of Henry VIII*, 642-49.

[184] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 97.

[185] Starkey, *Six Wives: The Queens of Henry VIII*, 660.

[186] Starkey, *Six Wives: The Queens of Henry VIII*, 660-1.

an organised plan to keep those who knew of her secret close. Moreover, Katherine used her agency to bring a past lover back into her affinity. If Katherine viewed this as a way to keep Dereham quiet, the investigation reveals that the king and his officials interpreted her acts of patronage in stark contrast to her. Additionally, in 1541, Katherine resumed her connection with Culpeper with the aid of her lady-in-waiting Jane Boleyn, and during the summer progress they increasingly spent time together in secret.[187]

Investigation of Pre-Marital Relationships

The investigation into Katherine Howard began after a confession made in 1541 by Mary Hall, née Lascelles, to her brother John Lascelles. A letter dated 12 November from the council to William Paget, an English ambassador in France, provides details of how the Archbishop of Canterbury, Thomas Cranmer, came by this information:

> While the King was in his progress, one John [Lossels] came to the A[rch]b[isho]p. and told him that he had been with a sister of his, married, in [Sussex], who had been servant with the old duchess of [Norfolk] who brought up the said Katharine, and he had recommended her to sue for service with [the Queen]. She said she would not, but [was very sorry for the Queen]. "Why? quoth Lossels. Marry, quoth she, for she is [light, both in living] and conditions. How so? quoth Lossels." [She replied] that one Fras. Derham had lain in bed [with her, in his doublet] and hose, between the sheets an hundr[ed nights], and a maid in the house had said she would lie no longer with her because she knew not what matrimony was. Moreover [one] Mannock [ie Mannox], a servant of the [Duchess, knew a] privy mark on her body.[188]

The letter then explains that Cranmer took this information to two further council members, the Lord Chancellor, Thomas Audley, and the Earl of Hertford, Edward Seymour. He was advised to inform the king and he did so in a letter which he left for Henry to find during mass for All Souls Day on 2 November. Henry then summoned:

> [T]he lord Privy Seal, the lord Admiral, Sir [Ant.] Brown, and Sir Thos. Wriothesley; said he could not believe it till the certainty was known; and sent the lord Privy Seal first to London to examine Lossels, the informant, who stood to his declaration, saying he had made it only for the discharge of his duty; and then into Sussex to examine the woman, making a pretence to her husband [of hunting], and to her for receiving of hunters. He also [sent] Wriothesley to London to examine Mannock and to [take Derrham] on a pretence of piracy, because [he had been] in Ireland and noted of that offence; making these pretences that no suspicion might arise.[189]

[187] Clark, "Queen Katherine Howard: Space, Place, and Promiscuity Pre- and Post- Marriage, 1536-1541," 97.

[188] *L&P*, Volume XVI, 613-629, Item 1334.

[189] *L&P*, Volume XVI, 613-629, Item 1334.

Mary Hall was examined on 5 November by the Lord Privy Seal, William Earl of Southampton in Sussex. Mary confessed that it was while she was a nursemaid in the household of the dowager Duchess that there was first 'misconduct' between Katherine and Henry Mannox.[190] She explained that Mrs. Isabel and Dorothy Barweke carried love tokens between Katherine and Mannox. Further, Mary provided crucial information regarding Dereham. She described how:

> [M]y old lady of Norfolk used to have the keys of the gentlewomen's chamber brought into her own chamber at night, how Mrs. Katharine would come in and steal the keys, and how one Mrs. Alice Welkes … related to her Mrs. Katharine's doings with Deram. Deponent said to Alice Welkes, "Let her alone, for [an] she hold on as she begins we shall hear she will be nought within a while."'[191]

This comment from Lascelles refers to Katherine falling pregnant out of wedlock. Sexual virtue was extremely important for maidens as described above. Lascelles believed that Katherine would have eventually fallen pregnant and destroyed her chances of a successful marriage. The confession also highlights the lengths that Katherine had gone to, to meet with Dereham in secret. By Lascelles' account, Katherine had put forethought into meeting Dereham secretly. She had used her private space to conduct her meetings with Dereham away from members of authority in the household, a strategy she would later utilise again to secretly meet with Thomas Culpeper. Mary then named further individuals who could attest to her recollections: 'The old porter [John] Walsheman, John Baynet, and Richa[rd] Faver, grooms of the chamber, and Margery, my lady's chamberer, can tell much'.[192]

Henry Mannox was also questioned on 5 November by Cranmer and Sir Thomas Wriothesley in Lambeth. Mannox confessed that he and Katherine had both fallen in love, but had once been caught by the dowager Duchess 'alone together one day and gave Mrs. Katharine two or three blows, and charged them never to be alone together after'.[193] This was a particular concern for young noble maidens because of their future marriage prospects; attaining advantageous marriages was a means used to develop family alliances, and advance the woman's family. Here we can see how important a young maiden's virtue was by the response of the dowager Duchess. This is echoed in Vives' conduct book when he states:

> What will be the sorrow of her relatives when they sense that they are all dishonored because of the base conduct of one girl? What will be their grief? What tears will be shed by

[190] *L&P*, Volume XVI, 605-613, Item 1320.

[191] *L&P*, Volume XVI, 605-613, Item 1320.

[192] *L&P*, Volume XVI, 605-613, Item 1320.

[193] *L&P*, Volume XVI, 605-613, Item 1321.

> parents and those who nurtured her? Are these the joys with which you repay them in return for all their anxieties and labors? Is this the reward for your upbringing?[194]

This passage from Vives describes a contemporary belief of maintaining a maiden's chastity, and the affects her conduct can have on those around her, especially through familial and kinship ties. Mannox then described the meetings that Dereham and his friend Baskerville used to attend within the maiden's chamber at night that would continue until two or three in the morning.[195] Mannox also provided names of individuals who could attest to the truth of his allegations against Katherine and Dereham:

> Young Bulmer's wife, who was her bedfellow and also entertained by Deram, Dorothy Dawby, then chamberer with the Duchess, Kath. Tylney, now chamberer with the Queen, Edw. Walgrave, servant to my lord Prince, Mary Lasselles and Malyn Tylney, widow, can speak of the misrule between Deram and Mrs. Katharine.[196]

Both confessions highlight how public Katherine's past love life within the dowager Duchess' household was when those that were initially questioned provided numerous names that could corroborate the confessions. The spaces used for these meetings were also vital to the overall investigation. While Katherine's relationship with Dereham was more public than Mannox's, great planning went into the secret meetings that were withheld from the dowager Duchess. This information would be later linked to the way in which Katherine conducted her meetings with Culpeper, and thus fed into the notion of Katherine's alleged treasonous conduct.

Katherine Howard was brought before Archbishop Cranmer, Bishop Gardiner, the Duke of Norfolk, the Duke of Suffolk, and the Lord Chancellor for questioning on 6 November. She was accused of having a pre-contracted marriage with Francis Dereham, which she vehemently denied. Cranmer had visited Katherine multiple times that day to elicit a confession. A full confession on this day has not survived; however, what we do know was written in a letter to the king by Archbishop Cranmer. Katherine's mood was erratic, but Cranmer was able to gain some information from her. He wrote that he:

> Encloses all he can get touching any communication of marriage with Derame, which she thinks no contract, nor would it be so if carnal copulation had not followed. The reason Mr. Baynton sent to the King was to declare her state, and because, after Cranmer left, she began

[194] Vives, "On Virginity," 83.

[195] *L&P*, Volume XVI, 605-613, Item 1321.

[196] *L&P*, Volume XVI, 605-613, Item 1321.

> to excuse and temper the things she had said and put her hand to, for she says that what Derame did was by force.[197]

Katherine's words in this letter are important because they highlight the early modern views of what pre-contracted marriages consisted of. Getting married had ritualistic elements in its approach and consisted of many steps that had to be adhered to for the pre-contract or the marriage itself to be viewed as legal. Very generally, both parties had to have reached an 'age of reason' (males of the age of fourteen and females the age of twelve) there had to be consent given by both parties; they were urged to make their intentions of marriage public and they were advised to seek a blessing from a priest, although this was not compulsory; and lastly this was followed by consummation.[198] However, the marriage could be deemed invalid, even after all the rituals had taken place, if one party did not freely give their consent.[199] According to sixteenth-century canon law, betrothal that was followed by consummation became binding.[200] In light of this information, it is conceivable that Cranmer could have believed that Katherine and Dereham were pre-contracted to marriage. This is apparent in Cranmer's letter when he stated, 'nor would it be so if carnal copulation had not followed'.[201] By contemporary standards, Henry was eligible to file a suit in the courts for a dissolution of the marriage. While this could have been the avenue taken, new evidence altered the investigation.[202]

Katherine's second confession to Cranmer survives. In it she denied ever consenting to a marriage with Dereham, claiming that she never spoke the words that confirmed a betrothal.[203] Gifts and tokens were also a subject of contention because they held important connotations in relation to marriage. Katherine stated the gifts she and Dereham exchanged with each other:

> I gave him a band and sleeves for a shirt. And he gave me a Heart's-Ease of silk for a New Years gift, and an old shirt of fine holland or cambricke, that was my Lord Thomas shirt, and

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[197] *L&P*, Volume XVI, 605-613, Item 1325.

[198] James A. Brundage and Melodie H. Eichbauer, *Medieval Canon Law*, 2nd ed. (London: Routledge, 2022), 136.

[199] Brundage and Eichbauer, *Medieval Canon Law*, 136-7.

[200] Brundage and Eichbauer, *Medieval Canon Law*, 137.

[201] *L&P,* Volume XVI, 605-613, Item 1325

[202] *L&P*, Volume XVI, 644-660, Item 1398. The Duchess had quoted "I fear if there be any ill she (meaning the Queen) shall become to me home again".

[203] Gilbert Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6* (London: J.F. Dove, 1820), 226.

> my Lady did give it to him ... I never gave him, nor he to me, saving this sommer ten pounds about the beginning of the progress.[204]

Katherine also denied gifting Dereham a golden ring, and making the shirt, band, and sleeves herself.[205] By gifting Dereham a ring, Katherine would have been confirming their pre-contract to marriage because these were viewed as tokens denoting love between them both.[206] Gifts worn close to the body were extremely intimate tokens of affection, and it was important for the investigators to know if such gifts of clothing were made by the giftee themselves.[207] An example of the importance attached to clothing is found during the divorce proceedings of Henry VIII and Katharine of Aragon. Katharine continued to embroider Henry's shirts for him, validating that through this act she still considered herself as his wife.[208] The other gifts that Katherine confessed to were not tokens, as she stated that she had paid Dereham back for them.[209] Most importantly, Katherine confirmed that she and Dereham referred to one another as husband and wife:

> [T]here was communication in the house that we two should marry together … wherefore he dsired to me to give him leave to call me wife, and that I would call him husband. And I said I was content. And so after that, commonly he called me wife, and many times I called him husband.[210]

Katherine had denied a pre-contracted marriage, but also simultaneously she had explained that in some way she had consented and that there were witnesses to this consent. While Katherine had originally stated that 'what Derame did was by force', the evidence had shown the king and his council that Katherine consented to the relationship and further, to what was perceived as a pre-contracted marriage.[211] She continues in her confession to state that 'As for carnall knowledge [with Dereham], I confess as I did before, that diverse times he hath lyen with me', confirming again that their relationship was consummated.[212] Katherine's own confession changed the trajectory of the investigation by mentioning that, based on rumours, Dereham thought she would marry Culpeper:

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[204] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6*, 226.

[205] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6,* 226.

[206] Heal, *The Power of Gifts : Gift Exchange in Early Modern England*, 32-33; Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 58.

[207] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 59.

[208] *CSP:* Spain, Volume IV, 585-604, Item 354.

[209] Burnet, *Bishop Burnet's History of the Reformation of the Church of England, Volume 6*, 227.

[210] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6,* 227.

[211] *L&P*, Volume XVI, 605-613, Item 1325.

[212] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6,* 228.

> [After Dereham came back from Ireland] he then asked me, if I should be married to Mr. Culpepper, for so he said he heard reported. Then I made answer … if you heard such report, you heard more than I do know.[213]

On 10 November 1541, Chapuys wrote a letter to the Queen of Hungary implying that a divorce was forthcoming, and '[t]he King pretends [to claim or declare] that Durem had been betrothed to the Queen before her marriage, which is therefore invalid. Is told that in two days' time the King will have that published'.[214] On the contrary, Katherine had brought up Culpeper during her confession and this altered the investigation process. On 11 November, the Privy Council met and established that Katherine was to be moved to Syon House:

> [A]nd there lodged moderately, as her life has deserved, without any cloth of estate, with a chamber for Mr. Baynton and the rest to dine in, and two for her own use, and with a mean number of servants, as in a book herewith. She shall have four gentlewomen and two chamberers at her choice, save that my lady Baynton shall be one, whose husband shall have the government of the whole house and be associated with the Almoner.[215]

Katherine was escorted there on 14 November, but not before she had 'been examined touching Culpeper'.[216] The King's Council managed Katherine's case differently in comparison to Anne Boleyn's.[217] This letter controls the narrative of the events by stating what happened and omitting what did not need to be made public. In Anne Boleyn's case, rumours were prevalent and not everyone accepted her guilt or that of her co-accused.[218] By contrast, the letter to Paget showed how the king and his council ensured the summary of facts was distributed in their words in order to portray Katherine in a wholly negative light that would not allow room for her guilt to be questioned. Henry was portrayed in the letter as being deeply affected by the knowledge of Katherine's past, creating a further negative picture of her:

> On learning this the King's heart was pierced with pe[nsiveness, so that it was long] before he could [utter his sorrow]; "and finally, with plenty [of tears, (which was strange] in his courage), opened the same."'.[219]

Confessions dated 13 November show that members of the Council had examined other witnesses to corroborate Katherine's past sexual relationships. These individuals were all connected to the

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[213] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6,* 229.

[214] *L&P*, Volume XVI, 605-613, Item 1328.

[215] *L&P*, Volume XVI, 613-629, Item 1331.

[216] *L&P*, Volume XVI, 613-629, Item 1333.

[217] *L&P*, Volume XVI, 613-629, Item 1334.

[218] *L&P*, Volume X, 371-391, Item 908.

[219] *L&P*, Volume XVI, 613-629, Item 1334.

household of the dowager Duchess, Agnes. Lady Margaret Howard, daughter-in-law to the dowager Duchess, stated there was 'much familiarity between Dereham and the Queen before marriage'.[220] Anne Howard, Margaret Benet, Malyn Tylney, Katherine Tilney, Alice Restwold, Joan Bulmer, and Edward Walgrave also gave details of Dereham and Katherine before her marriage to the king.[221]

The investigation of Katherine's pre-marital activities highlights the social perception of young noble women who were expected to save themselves for good marriages arranged by their families in sixteenth-century England. She did not follow the contemporary advice regarding the virtues of young maidens by cultivating her chastity until she was married. Katherine having acted in this way was perceived as displaying inappropriate behaviour, and her conduct contributed to the idea that she, in fact, had the ability to commit treason through a sexual affair.

Investigation of the Post-Marital Affair

By 13 November, Katherine's ladies of the privy chamber were being examined about what they had seen or heard while Katherine was queen. Being in such proximity to the queen, they were privy to knowledge that others were not. While they had no specific details of Katherine's meetings with Culpeper, they had noticed behaviour that was strange for a. queen consort. What is not known is how exactly the Privy Council came to have knowledge on the night-time meetings Katherine had with Culpeper, because by 13 November the focus of the investigation had shifted to their post-marital affair. On 13 November, Katherine Tilney was questioned about Katherine's movements while she was in Lincoln. Tilney stated that on two nights the queen had gone into Lady Jane Rochford's room while they had waited outside the chamber and were not aware of who had entered Jane's room.[222] Tilney stated further that she had passed secret messages to Jane from the queen, including at Hampton Court where she stated that:

> [S]he bade her go to the Lady Rochford and ask her when she should have the thing she promised her; and she answered that she sat up for it, and she would next day bring her word herself.[223]

Margaret Morton, a chamberer of the queen's household, also made a confession. Morton provided an incredibly detailed confession that emphasises how Katherine's actions and behaviours had strayed from convention as a queen consort. Morton had first noticed Katherine's feelings for Culpeper at Hatfield when she 'saw her look out of her chamber window on Mr. Culpeper after such

[220] *L&P*, Volume XVI, 613-629, Item 1339.

[221] *L&P*, Volume XVI, 613-629, Item 1339.

[222] *L&P*, Volume XVI, 613-629, Item 1337.

[223] *L&P*, Volume XVI, 613-629, Item 1337.

sort that she thought there was love between them.'[224] Then Katherine ordered Morton, another chamberer Maude Luffkyn, or any other not to go into her chamber 'unless called'.[225] This was very far from normal behaviours for a queen consort, considering that members of the queen's household usually had access to all the spaces that the queen inhabited. Morton was also tasked with carrying messages between Katherine and Lady Rochford. Morton stated that she believed 'my lade off Rochfor the prynsy a casyoun off har ffoley' [the principal occasion of her folly].[226] Morton provided one last piece of damning evidence that underscored Katherine's unconventional behaviour:

> [A]t Pomfret, every night, the Queen, being alone with lady Rochford, locked and bolted her chamber door on the inside, and Mr. Dane, sent to the Queen from the King, one night found it bolted.[227]

From both Tilney and Morton's confessions we can see how Katherine applied her independent agency as queen. However, she had done it in a way that was not in accordance with gendered norms of queenly or wifely behaviour. She behaved in ways that were unusual and had caused suspicion among her chamberers by preventing them from accessing the private spaces that she inhabited. While she did have agency over members of her household, Henry's agency as king was more far-reaching, and her ladies had no choice but to confess what they had known unless they were to be charged with misprision of treason. Misprision of treason is defined as deliberately withholding knowledge of treasonable acts that have been committed.

By 13 November, a series of confessions was obtained from multiple people from Katherine's life, including those who reported on her time in the dowager Duchess' household. Among them was the confession of Culpeper, who stated that he met with Katherine at 'Greenwich, Lincoln, Pomfret, York &c., [when the king and queen were on their summer progress] since Maundy Thursday last, when she sent for him [via her servant , Henry Webb] and gave him a velvet cap'.[228] Katherine initiated the relationship by gift-giving, a political tool utilised to begin and sustain important relationships. It was a problematic use of her political agency, especially because he was told to hide the cap under his jacket.[229] Culpeper stated further that the queen had been searching for secret

[224] *L&P*, Volume XVI, 613-629, Item 1338.

[225] *L&P*, Volume XVI, 613-629, Item 1338.

[226] *L&P*, Volume XVI, 613-629, Item 1338.

[227] *L&P*, Volume XVI, 613-629, Item 1338.

[228] *L&P*, Volume XVI, 613-629, Item 1339.

[229] Starkey, *Six Wives: The Queens of Henry VIII*, 675-6.

meeting spots in every household they went to. Katherine's actions can be linked to her previous behaviour with Mannox and Dereham. She utilised her private spaces to secretly hold meetings, which were more often undertaken during the night. Moreover, Culpeper claimed that Katherine had said to him that 'if I had tarried still in the maidens' chamber I would have tried you'.[230] Knowing that Henry was the Supreme Head of the Church, Katherine ordered Culpeper to not speak of anything relating to their meetings in his confessions because Henry could have access to it.[231] Two further statements stand out in Culpeper's confessions: 'Lady Rochford contrived these interviews', and 'Lady Rochford provoked him much to love the Queen and he intended to do ill with her'.[232] First, mentioning that 'he intended to do ill with [the queen]' was treason alone under the 1352 statute's clause against 'violat[ing]' the wife of the king.[233] Therefore, existing legislation had defined his actions as treason. Confessing this was enough for Culpeper to be imprisoned as he had intended to commit the act.[234] Furthermore, Jane Boleyn stands out in these investigations as being the leading instigator and the only witness to the secret meetings between Katherine and Culpeper. I return to Jane below, because her status and involvement in the events reveals further changes to the treason laws. First though, I will give a brief analysis of the trial and execution of Dereham and Culpeper.

Trial and Execution of Francis Dereham and Thomas Culpeper

The trial of Culpeper and Dereham for treason took place on 1 December 1541 at the Guildhall in London. Dereham was accused of withholding significant information of a pre-contracted marriage with Katherine Howard. This was viewed by Henry and his councillors as causing considerable injury 'to the peril of the King and of his children to be begotten by her and the damage of the whole realm'.[235] Had Katherine given Henry an heir there would have been doubts over the paternity and it would have had the ability to damage Henry's lineage. Dereham was further accused of rekindling his relationship with Katherine when he entered her household as her secretary:

> [I]ntending to renew their vicious life … at Pomfret, and at other times and places, practised that the said Francis should be retained in the Queen's service; and the Queen, at Pomfret …

[230] *L&P*, Volume XVI, 613-629, Item 1339.

[231] *L&P*, Volume XVI, 613-629, Item 1339.

[232] *L&P*, Volume XVI, 613-629, Item 1339.

[233] "Treason Act 1351".

[234] For an inventory of goods belonging to Thomas Culpeper taken on 14 November: *L&P*, Volume XVI, 613-629, Item 1343.

[235] *L&P*, Volume XVI, 644-660, Item 1395.

> did so retain the said Francis, and had him in notable favour above others, and, in her secret chamber and other suspect places, spoke with him and committed secret affairs to him both by word and writing, and for the fulfilling of their wicked and traitorous purpose, gave him divers gifts and sums of money on the 27 Aug. and at other times.[236]

Katherine's attempt to conceal her previous life from Henry and the court by giving Dereham money to keep him quiet had the unintended consequence of being viewed as confirming the renewal of a sexual relationship. The trial was then directed to the treasons committed by Culpeper. It is stated that Katherine incited Culpeper 'on the 29 Aug. 33 Hen. VIII., at Pomfret, and at other times and places before and after', to have an affair with her during their night-time meetings.[237] As was seen with Anne Boleyn's case, Katherine had also become an active agent in her adulterous affairs. Both Dereham and Culpeper initially pleaded not guilty. However, after the evidence compiled against them was provided on behalf of Henry, they changed their verdict to guilty. They were both then sentenced:

> [T]o be taken back to the Tower and thence drawn through London to the gallows at Tyburn, and there hanged, cut down alive, disembowelled, and (they still living) their bowels burnt, beheaded, and quartered.[238]

Both Dereham and Culpeper were executed on 10 December 1541:

> And the tenth day of December the said Culpeper and Dorand were drawne from the Tower of London to Tyburne, and there Culpeper, after exhortation made to the people to pray for him, he standinge on the ground by the gallowes, kneled downe and had his head stryken of; and then Dorand was hanged, membred, bowelled, headed, and quartered. Culpepers body buryed at St. Pulchers Church by Newegate, theyr heades sett on London Bridge.[239]

There is a significant difference in how both men were executed for treason. Culpeper's punishment was commuted to beheading, while Dereham was hung drawn and quartered. The type of execution Dereham received was considered a full traitor's death.[240] The fact that Culpeper escaped that fate, and the sentence was amended to a 'noblemen's death' of beheading was because he had once been a favourite of Henry prior to Culpeper's affair with Katherine; thus, Henry had his sentence

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[236] *L&P,* Volume XVI, 644-660, Item 1395.

[237] *L&P,* Volume XVI, 644-660, Item 1395.

[238] *L&P,* Volume XVI, 644-660, Item 1395.

[239] Charles Wriothesley, *A Chronicle of England during the Reigns of the Tudors*, ed. William Douglas Hamilton (London: Camden Society, 1875), 131-2.

[240] Bellamy, *The Tudor Law of Treason : An Introduction*, 202-5.

commuted.[241] Even so, both their heads were set on London bridge, a common act used in early modern England as a warning to the English people.

Jane Boleyn, Lady Rochford

Jane Boleyn made her first appearance at court in 1520 when she was sent into the service of Queen Katharine of Aragon.[242] She married George Boleyn in 1524, and was made Lady Rochford in 1529 when George's father, Thomas Boleyn, was elevated to the peerage.[243] In 1532 Jane was placed in Anne Boleyn's train when she went to France, and served in her household as a lady-in-waiting from 1533.[244] As the previous chapter stated, Jane had played a role in the downfall of both Anne and George, when her statements had become a source of embarrassment for the king.[245] But unlike her involvement in Katherine Howard's case, Jane's testimony was not enough to have her, or any other women who testified, entangled in the downfall of Anne Boleyn. After the death of the Boleyn siblings, Jane was left with no land, although she was able to keep the title, Lady Rochford. She returned to court as a member of Queen Jane Seymour's household and served under Queen Anne of Cleves.[246]

Jane had therefore spent a significant amount of time in the royal household and would have been aware of the norms and expectations of life at Henry's court throughout that period. However, Jane had not always managed herself correctly and had been removed from court for helping Anne Boleyn to get rid of a mistress of Henry VIII's.[247] Henry was the highest authority politically and socially. By helping Anne, Jane had overstepped her gendered boundaries by attempting to challenge decisions Henry had made in privacy. He was the male head of the household, and by extension the court, which included the queen's household. By intervening as a lady of Anne's household she had undermined Henry's masculinity.

After Henry and Anne of Cleves' marriage was dissolved, Jane became a Lady of the Privy Chamber and came to be a favourite of Queen Katherine's. Jane was well-versed for the role she

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[241] Bellamy, *The Tudor Law of Treason : An Introduction*, 202.

[242] Fox, *Jane Boleyn: The Infamous Lady Rochford*, chap. 2.

[243] *L&P*, Volume IV, 2710-2720, Item 6083; *L&P*, Volume IV, 2710-2720, Item 6085.

[244] *L&P*, Volume V, 619-636, Item 1484.

[245] Clark, *Gender, Family, and Politics: The Howard Women, 1485-1558*, 10-11; E. Ives, "The Fall of Anne Boleyn Reconsidered," *The English Historical Review* 107, no. 424 (1992), 651-64, 657; Lipscomb, "The Fall of Anne Boleyn: A Crisis in Gender Relations?," 301-4; Walker, "Rethinking the Fall of Anne Boleyn," 26-7.

[246] Norton, *The Boleyn Women: The Tudor Femmes Fatals Who Changed English History*, 219-220.

[247] *L&P*, Volume VII, 482-487, Item 1257.

was placed in, having served all of Henry's consorts to date. That would have made her acutely aware of the protocols and procedures that underscored her role as a Lady of the Privy Chamber, including setting an ideal example for the other ladies of the chamber to follow. Jane was also near Henry's personal and public space, and was an eyewitness to the downfalls of previous queen consorts who preceded Katherine Howard. However, as indicated by the confessions discussed above, Jane had spent many instances alone with Katherine behind closed, and sometimes locked, doors, and this was viewed as unusual by other members of the queen's household. Further, Jane was constantly being sought out by Katherine with secret messages being passed by other members of the household. Aside from the blame laid on Jane by others, a letter from Katherine to Culpeper also incriminated Jane during the investigation. When Culpeper was sick, Katherine sent a letter to him asking how he was and stating how she longed to see him and speak with him.[248] She further stated that:

> Y[e]t my trust ys allway in you that you wolbe as you have promysed me and in that hope I truste upon styll, prayng you than that you wyll com whan my lade Rochforthe ys here, for then I shalbe beste at leaysoure to be at your commarendmant.[249]

This letter was found when Culpeper's rooms were searched by the king's councillors on 14 November. Jane had already been questioned the day before, and this letter became tangible evidence of her involvement. When Jane was questioned, she did confess to her involvement but declared she 'heard or saw nothing of what passed' and claimed she was asleep at their meeting in Lincoln.[250] Yet, she also stated that 'She thinks Culpeper has known the Queen carnally'.[251] Jane's goods were inventoried on that same day, and she was sent to the Tower of London as a prisoner.[252]

Not long after her imprisonment in the Tower, Jane's mental health rapidly declined and according to Chapuys, who was writing to Charles V:

> Lady Rocheford would have been sentenced at the same time [as Dereham and Culpeper], but that on the third day of her imprisonment she went mad. She recovers her reason now and then, and the King has sent her to be with the Admiral's wife, and gets his own

[248] The original letter is held at the National Archives and recorded as SP 1/167, f. 13. See further on this source: Neil Johnston and Marianne Wilson, "Six Wives in the Archives: Howard's End," The National Archives, 2016, accessed at, https://blog.nationalarchives.gov.uk/six-wives-archives-howards-end/.

[249] Neil Johnston and Chris Day, "A Tormented Tudor Queen's Treasonous Love Letter," The National Archives, 2017, accessed at, https://media.nationalarchives.gov.uk/index.php/catherine-howard-thomas-culpeper/.

[250] *L&P*, Volume XVI, 613-629, Item 1339.

[251] *L&P*, Volume XVI, 613-629, Item 1339.

[252] *L&P*, Volume XVI, 613-629, Item 1340.

> physicians to visit her, desiring her recovery that he may afterwards have her executed as an example.[253]

Jane's role in aiding Katherine and Culpeper's meetings and the official response to her subsequent mental decline altered how those with mental impediments were viewed in cases of treason, as will be discussed below.

Act of Attainder

Unlike her cousin Anne Boleyn who stood trial in the Lords, Katherine Howard was found guilty of treason by an Act of Attainder in February 1542. Before analysing the attainder against Katherine, a brief overview of what an Act of Attainder is will first be valuable. An Act of Attainder was a statute that allowed parliament to convict a person or persons of treason without having recourse to a trial in a court of common law. Henry VIII had used these acts for three reasons: the absence of sufficient evidence to convict the defendant; the need to avoid the outrage, or embarrassment to the king, that the public spectacle of these trials might cause; or the difficulty of placing the crime within the scope of existing treason legislation.[254]

Henry VIII did not utilise an Act of Attainder within his first fourteen years as king, but this changed from the 1520s.[255] This period covering the early Reformation years swiftly brought extreme religious and political changes to English society. Because of these changes, there had been vocal resistance that had the potential to result in violent conflict and rebellion. In order for Henry VIII to subdue sedition and slander against the fast-paced changes that were being implemented, Acts of Attainder were increasingly employed especially against people or groups that had offered the most opportunity for danger.[256] This was an alternative approach to obtaining guilty verdicts for what were perceived as the most serious crimes, but which did not sit within the scope of the treason law itself. The period between 1534-42 featured sixteen Acts of Attainder, including three for misprision of treason.[257]

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[253] *L&P*, Volume XVI, 644-660, Item 1401.

[254] Bellamy, *The Tudor Law of Treason : An Introduction*, 211.

[255] Bellamy, *The Tudor Law of Treason : An Introduction*, 211.

[256] Head, "Beyng Ledde and Seduced by the Devyll," 3-16; J.R. Lander, "Attainder and Forfeiture, 1453 to 1509," *The Historical Journal* 4, no. 2 (1961): 119-151; M. Davies, "Parliamentary Attainder for Treason in Lieu of Trial During the Reign of King Henry VIII," *New Zealand Law Students Journal* 2 (2009), accessed at http://www.nzlii.org/nz/journals/NZLawStuJl/2009/3.html.

[257] Bellamy, *The Tudor Law of Treason : An Introduction*, 211.

An Act of Attainder had a legal process that was either introduced by the House of Commons or the House of Lords. It involved three readings within one or both houses, and the defendant was given the opportunity to provide evidence and witnesses in front of the Houses, and further, they were given an opportunity to speak.[258] Although this sounds like a fair judicial process, in reality the control the king exerted over parliament meant he was likely to get the outcome he expected. When the bill obtained royal assent, the defendant was found guilty by Attainder for treason and their punishment was execution. Attainder derives from the old French word 'to condemn' and 'corruption of blood', therefore, those found guilty by Attainder were perceived as having 'corrupted blood'.[259] Because of this corruption, their lands and titles would not be inherited by their families but would escheat to the Crown.

The Act of Attainder against Katherine secured her conviction and execution by the king's royal assent. It covered many serious legal problems that were revealed during the process of the investigation against her and her accomplices, which have been examined above in this chapter. What was written against Katherine will be analysed as an aspect of her political agency as queen to understand how her exercise of this agency came to be constructed as treason by Henry and his parliament.

The Attainder stated that Henry had '[taken] her at that tyme [of their marriage] to be chaste and of pure cleane and honest lyving, the contrarye wherof is now dulye proved bothe by her owne confession and others also'.[260] This statement referred to Katherine's pre-marital sexual relationship with Francis Dereham when she was living with her step-grandmother Agnes, the dowager Duchess of Norfolk. Katherine had failed to communicate with the king that she was not a virgin. What was more damaging was that Dereham perceived their previous relationship as a pre-contract to marriage. While they were together, both Katherine and Dereham referred to each other as husband and wife, which was corroborated by other statements that were made during the early investigation period. However, Katherine did not view their relationship in this way. The letter from Cranmer to Henry after he had visited Katherine in her chambers to obtain a confession showed how the king and his council viewed her pre-marital sexual relationship: 'touching any communication of

[258] Bellamy, *The Tudor Law of Treason : An Introduction*, 211; 12.

[259] Katherine Emery, "Off with their heads!," *Houses of Parliament* (blog), June 21, 2021, accessed at, https://archives.blog.parliament.uk/2021/06/21/off-with-their-heads/; Lander, "Attainder and Forfeiture, 1453 to 1509," 119.

[260] 33 Hen.VIII. c.21., *Statutes of the Realm*, 857.

marriage with Derame, which she thinks no contract, nor would it be so if carnal copulation had not followed'.[261] While this would have initially been grounds for a divorce or an annulment, Dereham was in Katherine's service as part of her household after she became queen. Her political agency that she wielded in this instance was a safeguard for herself. It was feared by Katherine and the family of the dowager Duchess that Dereham would go public with their previous relationship and confirm a pre-contract to marriage. It is plausible Katherine felt like she had no choice but to allow him into her service, and paid him generously 'ten pounds about the beginning of the progress' to keep him quiet.[262] However, the king and his council did not view their relationship this way:

> And that also shee after the marriage betwene your Ma[jestie] and her, tooke most trayterouslye to her s[er]vice the same p[er]son with whome she used that vicious lyef before, whose name was Fraunces Dereham, and used him in many secret conference[es] and messag[es] after.[263]

Katherine's relationship with Culpeper was much more dangerous for her to have pursued and concealed from the king. The Attainder states:

> Hathe allso … most traytorouslye confederated herself with the Ladye Jane Rocheford wydowe … to bring her vicious and abhomynable purpose to passe with Thom[a]s Culpep Esquier late oon of the Gentleman of your Grac[es] privye Chambre, by whose meanes the Quene brought to passe that the saide Culpep and she mett in a secrett and vyle place, and that at an undue hower of xj a Clocke in the night, and so remayned there with him till three of the Clocke in the morninge, none being with them but the Bawde the Ladye Jane Rochforde, by whose means Culpep came thither, and there they all three and at other conferen[ces] togyther afterward most falselie and traiterouselye comytted and p[er]petrated many detestable and adhomynable treasons.[264]

First, the words used in Katherine's Attainder are like those used in the trial against Anne Boleyn. Anne was accused of 'following daily her frail and carnal lust, [who] did falsely and traitorously procure … divers of the King's daily and familiar servants to be her adulterers and concubines', while Katherine had similarly done the same 'to bring her vicious and abhomynable purpose to passe'.[265] Both cases of the queen consorts reveal how the king and the king's council depicted their exercise of their sexual agency as being a political act of treason in the legal records. The way treason had been defined in Anne's trial provided a precedent for the gendered way in which treason was constructed in the Attainder against Katherine.

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[261] *L&P*, Volume XVI, 605-613, Item 1325.

[262] Burnet, *Bishop Burnet's History of the Reformation of the Church of England*, *Volume 6,* 226.

[263] 33 Hen.VIII. c.21., *Statutes of the Realm,* 857.

[264] 33 Hen.VIII. c.21., *Statutes of the Realm,* 857.

[265] *L&P*, Volume X, 349-371, Item 876; 33 Hen.VIII. c.21., *Statutes of the Realm,* 857.

In Katherine's case, not only was she married to Henry, but she had also used her agency as queen to obtain the help of Jane who had aided her in making the meetings with Culpeper possible. Further, Jane's admission that she believed they had consummated their relationship would have been enough for the king and his council to assume treason. I also surmise that even without the admission from Jane, their belief in the consummation of the relationship would still have been plausible. For a queen, meeting a much younger man than the king in the middle of the night was unusual and suspicious behaviour that strayed far from etiquette and the gendered expectations for queen consorts. Further, the gifts that she gave Culpeper had not been given in accordance with the usual customs of the royal court. It is likely Katherine was aware she was engaging in risky behaviour, as is suggested by her ordering Culpeper to hide the velvet cap. In other words, this was not a conventional display of patronage to anyone in her or Henry's affinity.

The Attainder then lawfully approved the attainder and execution of Culpeper and Dereham and indicted and declared Katherine and Jane attainted of high treason.

By engaging in sexual intercourse with the king's wife (whether before or during her marriage), Dereham and Culpeper could be convicted of treason under existing law. The 1352 statute and subsequent legislation had clearly declared it treason for any man to 'violate' the queen consort. However, a wife's adultery while married to the king had still not been legally defined as treason. Men who sued their wives for adultery could be granted separation in the church courts, although, this was not viewed as a divorce and neither party could remarry.[266] While Henry could have annulled his marriage to Katherine because of 'pre-contract', the case of Anne Boleyn's conviction showed that adultery against the king could be construed as tainting his bloodline and wishing death on him, and therefore as treason.[267] Additionally, Katherine's case of adultery with a husband's servant was not an isolated incident.[268] This type of adultery threatened the patriarchal hierarchy of the household and social gender ideals. Husbands whose wives committed adultery were viewed as cuckolds and seen as not being able to control their wives. For Henry, this would have presented a significant problem because he was also king, and with that he had control over England. An adulterous wife would have put his ability to exert control into shame. Further, this happened within his household and with someone in his affinity.

[266] Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London*, 180-1.

[267] Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London*, 181.

[268] Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London*, 191.

Cases of adultery also emphasised the challenging situation servants and ladies-in-waiting were in as witnesses to the events taking place.[269] In Katherine's case, this extended also to people in her affinity who were people of the nobility and her own kin. Agnes, dowager Duchess of Norfolk and her daughter Katharine, Countess of Bridgewater were indicted for misprision of treason in the Attainder.[270] Also convicted for misprision of treason by common law were Agnes' son Lord William Howard, Lady Margaret Howard, Edward Walgrave, Katherine Tylney, Alice Restwold, Johanne Bulmer, Anne Howard, Robert Damport, Malyn Tylney, Margaret Bennett, and William Ashby.[271] This group was a mix of the nobility in the Howard family and their servants who had all been witnesses to Katherine's pre-marital sexual liaisons. As Katherine's case shows, familial ties and kinship connections could be viewed negatively and construed as treasonous within the scope of the Tudor law.

As discussed above, both Katherine and Jane were attainted on 16 January 1542. Katherine had declined her right to defend her case in front of parliament, 'submitting entirely to the King's mercy and owning that she deserved death'.[272] On the 10 February, she was escorted from Syon House to the Tower of London on the river Thames with three barges; the first led by the lord Privy Seal, Katherine in the second, and the Duke of Suffolk in the third.[273] Katherine had been a prisoner of the Tower for three nights, when on 13 February she was taken to the executioner's block at 7am. Following Katherine, Jane Boleyn was brought to the block and executed thereafter. It was noted that both Katherine and Jane did not say much on the scaffold. Katherine was said to have been 'so weak that she could hardly speak'.[274] A lamenting commentary was produced by the merchant Ottwell Johnson, who was present at their executions:

> [W]hose souls [Katherine and Jane's] (I doubt not) be with God, for they made the most godly and Christians' end that ever was heard tell of (I think) since the world's creation, uttering their lively faith in the blood of Christ only, with wonderful patience and constancy to the death, and, with goodly words and steadfast countenance, they desired all Christian people to take regard unto their worthy and just punishment with death, for their offences against God heinously from their youth upward, in breaking of all his commandments, and also against the King's royal majesty very dangerously; wherefor they, being justly condemned (as they said), by the laws of the realm and Parliament, to die, required the people (I say) to take example at them for amendment of their ungodly lives, and gladly

[269] Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London*, 191.

[270] 33 Hen.VIII. c.21., *Statutes of the Realm,* 858.

[271] 33 Hen.VIII. c.21., *Statutes of the Realm,* 858.

[272] *L&P*, Volume XVII, 46-62, Item 124.

[273] *L&P*, Volume XVII, 46-62, item 124.

[274] *L&P*, Volume XVII, 33-46, Item 100.

> obey the King in all things, for whose preservation they did heartily pray, and willed all people so to do, commending their souls to God and earnestly calling for mercy upon Him.[275]

Changes to Treason Law

On 11 February 1542, two days prior to the executions of Katherine Howard and Jane Boleyn, a second Act was issued alongside the Act of Attainder: *An Acte for due P[ro]ces to be had in Highe Treason in Cases of Lunacye or Madnes*.[276] This Act had been in response to the mental health decline of Jane Boleyn. Jane had been considered sane at the time of the offences, and had been so during her arrest, examination, and confessions. After these had taken place and she was in the Tower, she began to mentally decline. The Act mirrors the pattern exhibited in Jane's fall, declaring that in the case of anyone who commits a crime while mentally stable and then mentally declines after making a confession, a Commission of Oyer and Terminer can pursue their treason trial while they are absent.[277] If they were found guilty, their punishment would be equivalent to if they were mentally sane and present at the trial.[278] Prior to this Act, Jane would have most likely escaped execution and been released, or would have been imprisoned until a pardon was issued for her release.[279]

The remainder of Katherine's Attainder was reserved for transforming the scope of treason. First, it was made treason to conceal any 'lightnes of bodie in her whiche for the tyme beinge shalbe Quene of this Realme, that they may lawfullie disclose the same unto his Ma[jestie] or soome of his counsaill'.[280] That also included the king's councillors, who if they did not inform the king of what they knew within 'xxtie dayes .. that then they to have lyke punisshment and forfaicture as

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[275] *L&P*, Volume XVII, 33-46, Item 106.

[276] 33 Hen.VIII. c.20., *Statutes of the Realm*, 855.

[277] 33 Hen.VIII. c.20., *Statutes of the Realm,* 855-56.

[278] 33 Hen.VIII. c.20., *Statutes of the Realm,* 856.

[279] For further studies on crime and mental illness in medieval England and Europe, see: Aleksandra Pfau, "Composing Communities: Law," in *Medieval Communities and the Mad: Narratives of Crime and Mental Illness in Late Medieval France*, ed. Christina Lee, Wendy J. Turner and Walton O. Schalick II (Amsterdam: Amsterdam University Press, 2020), 63-72; Sara Margaret Butler, "Representing the Middle Ages: The Insanity Defense in Medieval England," in *The Treatment of Disabled Persons in Medieval Europe: Examining Disability in the Historical, Legal, Literary, Medical, and Religious Discourses*, ed. Wendy Turner and Tory Vandeventer (Lewiston, N.Y: Edwin Mellen Press, 2011), 117-133.

[280] 33 Hen.VIII. c.21., *Statutes of the Realm,* 859.

theoffendoures sholde'.[281] As this stood, it provided a serious dilemma to the English people because it was treason to slander the queen under the Treason Act of 1534.[282] Bishop Burnet wrote:

> It was thought extreme cruelty to be so severe to the queen's kindred for not discovering her former life: since the making of such a discovery had been inconsistent with the rules of justice or decency. The old Duchess of Norfolk … had bred her of a child; and it was said, for her to have gone and told the king, that she was a whore, when he intended to marry her … so the not doing of it could not have drawn so severe a punishment from any but a prince of that king's temper.[283]

It also became an act of high treason for an unchaste woman to marry the king without telling him before marriage, and they 'shall have and suffre suche paines of deth losses and forfaytures of land tent[ths] goods catalls and debts'.[284] Burnet described this legislation as 'tyranny' because:

> If a king, especially one of so imperious a temper as this was, should design such an honour to any of his subjects, who had failed in their former life, they must either defame themselves, by publishing so disgraceful a secret, or run the hazard of being afterwards attainted of treason.[285]

Further, anyone with knowledge of the accused person's former life and who had concealed it was guilty of misprision of treason.[286] The final change to the treason laws stated that:

> [I]f the Quene or Wyef of the Prynce move procure or styrre any psone by any Wryting or Message woords or tokens or otherwise for that pourpose to use or to have carnal knowledge with them, or if any psone doo move procure or make meanes to the Quene or the Wief of the Prynce to use or have carnall knowledge … shallbe demed and adjudged highe treatours.[287]

Treason laws prior to the 1534 Treason Act had clearly placed men in the roles of active agency. By transgressing gender norms, Katherine's actions had consequently created the need for new treason laws that expanded on existing legislation because of her unethical exercise of political agency. In the role of queen consort, Katherine was expected to behave and exercise her agency with honour and humility. However, as this chapter has discussed, her conduct and the ways she exercised her

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[281] 33 Hen.VIII. c.21., *Statutes of the Realm,* 859.

[282] "Treasons Act, 1534."

[283] Gilbert Burnet, *D. D. Late Lord Bishop of Sarum*, *The History of the Reformation of the Church of England, Volume I* (Oxford: University Press, 1829), 628.

[284] 33 Hen.VIII. c.21., *Statutes of the Realm,* 859.

[285] Burnet, *The History of the Reformation of the Church of England* I, 628.

[286] 33 Hen.VIII. c.21., *Statutes of the Realm,* 859.

[287] 33 Hen.VIII. c.21., *Statutes of the Realm,* 860.

patronage through granting offices and giving gifts had deviated from contemporary gender norms. This directly impacted treason laws as adultery by the queen consort explicitly became treason.

Chapter Four: Margaret Pole, Countess of Salisbury

> [A]fter commending her soul to her Creator, she asked those present to pray for the King, the Queen, the Prince (Edward) and the Princess, to all of whom she wished to be particularly commended, and more especially to the latter, whose god-mother she had been. She sent her blessing to her, and begged also for hers. After which words she was told to make haste.[288]

This last chapter investigates the agency and eventual downfall of Margaret Pole, the Countess of Salisbury. While the first two chapters focused on queen consorts, Margaret warrants a case study not only for her independent agency but also her royal lineage. Also, in comparison to Katherine and Anne, Margaret's case is less covered in the scholarship on women's agency, political power, and treason. Her early life and the death of her husband Richard Pole will be briefly discussed first. Her background emphasises her political significance as a member of the Plantagenet and York royal family, and it reveals the ebb and flow of her political status that has the same pattern throughout her life. The next section will examine her rise as a Peeress, as she became the Countess of Salisbury under Henry VIII, and the political significance that was bestowed upon her as she became one of the wealthiest landowners in England. This includes the geographical areas she had attained to reinforce the large areas in which she had the ability to wield her agency. Following this, an analysis of her involvement in political and religious affairs as the Countess of Salisbury is discussed because of its significance to her agency.

Margaret's activities are placed within the context of the overall changes that were taking place in the 1530s under Henry VIII's new laws. From this, we can see a shift in how Henry VIII viewed Margaret. Notable events include the divorce of Henry VIII from Katharine of Aragon and the marriage to Anne Boleyn. Margaret was not only invested in these events but involved as a close friend to Katharine and the Governess to Mary Tudor. Margaret was embroiled in three further events: the turmoil caused by the political prophecies of Elizabeth Barton, the Nun of Kent, as well as the conflict over the appointment of William Barlow as Prior of Bisham. A brief examination of Margaret's involvement in these events sheds light on her agency in political affairs. Her son, Reginald Pole, also brought Margaret and the Pole family into the political argument over Henry's sweeping law changes that made him the Supreme Head of the Church. This was the cause of the demise of the Pole family overall. Margaret was politically and socially intertwined into these events that overall changed Henry's perception of her and her agency. The final sections will cover the events of the 'Exeter Conspiracy' in which she, members of her family and other acquaintances

[288] *CSP Spain*, Volume VI Part I, 329-334, Item 166.

were arrested on charges of treason. The Act of Attainder against her and others will then be discussed as the tool wielded by Henry to bring down the Pole family. This will highlight how Margaret came to be perceived by Henry and his parliament as a woman who independently had political, legal, and financial agency. Margaret was frequently linked to treason throughout her life, not only because of her royal bloodline, but because of her own active participation in political life and her independent exercise of legal and financial agency on behalf of herself and her children.

Margaret Pole's Background

Margaret Pole was born 14 August 1473 at Farleigh Hungerford Castle in Somerset England.[289] Her parents were George, Duke of Clarence, and Isabel Neville.[290] From the outset, Margaret was born into a life of privilege. Her father was the brother to King Edward IV, and her mother was the daughter of Richard, Earl of Warwick and Salisbury. Margaret was a member of the royal family, and through both her parents she was a part of the English nobility. From Margaret's early life a pattern is revealed that highlights how significantly her agency and station would rise and fall. Through the death of her grandfather at the Battle of Barnet and the Act of Treason brought against him, Margaret's father, George, was granted the Warwick inheritance and the inheritance that was obtained through Anne, the Countess of Warwick, from Edward IV.[291] From this point, there is a significant shift in Margaret's life as her father obtained further rights to land, enhancing his status as a landowner. George's brother Richard, Duke of Gloucester, was granted the Neville patrimony lands, originally owned by John Marquis Montague, the younger brother of Warwick.[292] A conflict occurred between both dukes over the Warwick inheritance. While this conflict is not directly relevant to my thesis, the lands that George eventually obtained because of it do become significant in relation to Margaret's later actions. In 1472, George was created the Earl of Warwick and Salisbury and the dispute over lands ensued.[293] This continued to 1474, when two Acts of Parliament in 1474/5 brought the conflict to an end.[294] George's properties were vast, and they included the noble seats of Clavering in Essex and Le Herber in London.[295] In 1476 Margaret's

[289] Higginbotham, *Margaret Pole: The Countess in the Tower*, chap. 1.

[290] Higginbotham, *Margaret Pole: The Countess in the Tower*, chap. 1.

[291] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 14; Higginbotham, *Margaret Pole: The Countess in the Tower*, chap. 1.

[292] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 15.

[293] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 15.

[294] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 16.

[295] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 16.

mother, Isabel Neville, died causing the Duke of Clarence to pursue his accusations of poisoning.[296] By 1478 Clarence was accused and attainted for High Treason and executed.[297] Because George was attainted, the lands that he had held were automatically forfeited to the Crown. This impacted Margaret and her brother Edward's lives significantly and left their financial future uncertain. Margaret and her brother Edward became orphans of an attainted traitor. Only Edward had the right to inherit their mother's lands. On 16 September 1480, Thomas Grey, the Marquis of Dorset, was appointed to the wardship of Edward, Earl of Warwick until he came of age, and further was granted custodianship of some of his lands in the counties of Hampshire, Dorset, Somerset, Wiltshire, Gloucestershire, and Worcestershire.[298] Also included in the negotiations was that if Edward died, Thomas Grey would be responsible for the marriage of Margaret. This was also to solidify protection of Edward and his lands by the Woodville family against Gloucester, who had already seized Essendine and Shillingthorpe in Rutland after the execution of Clarence.[299] During this period, Margaret's whereabouts are unknown; however, she had been dependant on Edward IV for her financial needs. Edward IV paid forty marks on 11 January 1482 for:

> [S]uch clothing and other neccessaries as belongen unto our dear and well beloved niece Margaret daughter unto our brother late Duke of Clarence as for contentation of wages unto such persons as we have commanded to attend upon her.[300]

Regardless of her status at this time as daughter of an attainted traitor, she was still the niece of the king and was treated according to that status.

Margaret and Richard III

Another change that affected Margaret and her brother took place in 1483 when Edward IV died and Richard, Duke of Gloucester usurped the throne and assumed the title Richard III.[301] The events that led to the usurpation do not need to be addressed in detail here. Nevertheless, Margaret's place in these events, and subsequently her brothers, are important to the overall scope of the chapter because of the agency and authority they were perceived to have had. Edward was brought to London under the protection of Richard III and was placed in the household of Anne Neville, along

[296] Higginbotham, *Margaret Pole: The Countess in the Tower*, chap 1.

[297] Higginbotham, *Margaret Pole: The Countess in the Tower*, chap 1.

[298] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 23-4.

[299] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 23.

[300] Originally sourced from P.R.O. E.404/77/2, pencil no. 47 in Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 25.

[301] Michael Hicks, *Richard III: The Self-Made King* (New Haven: Yale University Press, 2019), 234.

with Richard, Duke of York.[302] On 6 July, Edward attended the coronation of Richard III.[303] Margaret's whereabouts are not specifically known; however, it is believed that she attended the new queen Anne Neville when they left London on 21 July.[304] It is also thought that Margaret was present in both Richard and Anne's royal household in Sheriff Hutton in 1484.[305] Richard's motives for keeping Margaret and her brother close were most likely linked to their line of succession to the throne. While Richard had moved to remove Edward IV's children from the line of succession, the Attainder against George did not stipulate his children's removal as heirs.[306] Therefore, Richard would have been aware of their significance, and it is plausible he kept them close to himself and his wife for his own protection. Margaret's fate would again be altered through the downfall of Richard III.

Margaret and Henry VII

By 1485, Henry VII became King of England after he defeated Richard III at the Battle of Bosworth.[307] Henry VII was the son of Margaret Beaufort and Edmund Tudor, half-brother to Henry VI.[308] Through his mother he was a descendant of John of Gaunt, Duke of Lancaster, in which he claimed his right as a Lancastrian rival to the Yorkist dynasty.[309] However, his claim to the throne was not as strong as that of either Margaret or Edward. Therefore, the way Margaret, and by extension her brother Edward, were viewed and treated during this period will be analysed to reveal how significant they were in the line of succession, and further, their ability to influence politics during this time. At the time of Henry VII's succession, Edward and Elizabeth of York, eldest daughter of Edward IV, were taken into the household of Beaufort.[310] Edward was detained and kept under house arrest, then taken to the Tower of London in 1486.[311] His existence threatened Henry VII because of his legitimate claim to the throne, which the Lambert Simnel affair had

[302] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 26.

[303] Higginbotham, *Margaret Pole: The Countess in the Tower,* chap. 1; Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 26.

[304] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 27.

[305] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 29.

[306] Higginbotham, *Margaret Pole: The Countess in the Tower,* chap. 1; "Plantagenet Alliance Ltd -V- the Secretary of State for Justice & Others." High Court of Justice, Queen's Bench Division, Divisional Court, 2014, 5.

[307] "Plantagenet Alliance Ltd -v- The Secretary of State for Justice & Others," 6.

[308] Roger Lockyer and A. D. Thrush, *Henry VII*, 3rd ed. (London: Routledge, 2014), 7.

[309] Lockyer and Thrush, *Henry VII*, 7.

[310] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 38.

[311] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 40.

reinforced.[312] Elizabeth of York became wife to Henry VII in January 1486, further bolstering his, and his heirs, claims by marrying the daughter of Edward IV.[313] In September their first son and heir, Arthur Tudor, was christened. Margaret had attended this event as one of the highest-ranking ladies of the court.[314] She was still a member of the royal family and first cousin to Queen Elizabeth and was treated according to her status. While Henry VII had attained his claim through his mother, Edward was still an immediate and larger threat than Margaret. However, as alluded to, Margaret could also pass her claim to her own male heirs. Because of this, Margaret was married to Sir Richard Pole, a knight who had fought in battle against those who had advocated for the succession of Edward during the events known as the Lambert Simnel rebellion, with the marriage probably taking place in 1487.[315] Pole was respected by Henry VII and was in a position of intimacy to the king. While he was not a man with major political influence, he was Henry VII's first cousin by way of their mothers, who were half-sisters.[316] This provided the safety that Henry VII needed to ensure his heirs would not be challenged in the future.

Margaret's ceremonial duties at court continued after her marriage to Pole. In 1487, she was an attendant of Margaret Beaufort's at Elizabeth of York's coronation.[317] The following day, she was a part of the train that attended Elizabeth in the parliament chambers.[318] Of the thirty-three ladies who attended, Margaret was listed as the seventh lady, who had superiority over the others after Countesses and Duchesses of England. She was also an attendant of both Margaret Beaufort and Queen Elizabeth in 1488 at the feast of St. George and during Christmas.[319] Margaret's status was clearly acknowledged at important occasions early in her life and throughout her marriage, further

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[312] For more information on the 'Lambert Simnel Affair' *see* David Baldwin, *Stoke Field: The Last Battle of the Wars of the Roses* (Great Britain: Pen & Sword Military, 2006); F. X. Martin, "The Crowning of a King at Dublin, 24 May 1487," *Hermathena*, no. 144 (1988): 7-34; John Sadler, *The Red Rose and the White: the Wars of the Roses, 1453-1487* (London: Longman, 2010); Karen Kenyon, "The Boy Who Would Not Be King," *British Heritage* 21, no. 3 (2000): 58.

[313] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 38.

[314] J. Leland and T. Hearne, *Joannis Lelandi Antiquarii de rebus britannicis collectanea* (London: Impensis Gul. & Jo. Richardson, 1770), 206.

[315] For a more detailed analysis on Margaret Pole's date of marriage see Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 39-40, 42. Sir Richard Pole was created a Knight after the Lambert Simnel Affair: Leland and Hearne, *Joannis Lelandi Antiquarii de rebus britannicis collectanea*, 214.

[316] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 54-5.

[317] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 60.

[318] Leland and Hearne, *Joannis Lelandi Antiquarii de rebus britannicis collectanea*, 228-9.

[319] Leland and Hearne, *Joannis Lelandi Antiquarii de rebus britannicis collectanea*, 241, 245.

bolstering the recognition of her status. Margaret had five surviving children with Pole: Henry, Arthur, Ursula, Reginald, and Geoffrey.[320] In 1493/4, Pole was appointed as Lord Chamberlain to Prince Arthur, and he was made a Knight of the Garter in 1499.[321] On 19 May, Pole stood as the officiator of the proxy wedding between Prince Arthur and Katharine of Aragon.[322] This was also the same year, on 28 November, that Edward, Earl of Warwick was executed by authority of an attainder after the unsuccessful attempt of Perkin Warbeck, who claimed to be Richard Duke of York, to escape the Tower and place Edward on the throne.[323] This left Margaret and Pole unable to receive the lands that remained in his title. Nevertheless, Pole had obtained a prestigious station in becoming Lord Chamberlain and this would eventually benefit Margaret. When Pole went to Ludlow Castle as Lord Chamberlain to Prince Arthur, Margaret followed and became an attendant of Katharine of Aragon.[324] Because of this, Margaret formed a long-lasting friendship with Katharine that would have effects on her political agency and status over her lifetime. This friendship was also apparent after the death of Prince Arthur on 2 April 1502, as Margaret supported the grieving Katharine.[325]

Pole died in 1504, leaving Margaret a widow and a single mother to five children.[326] While there was revenue from Pole's lands, it was not enough for Margaret to successfully live on. Further, Margaret was not attending on anyone in their royal households. While there was a financial prospect in doing so, such service was also an opportunity to attain and maintain connections with other noble families, which she and her family could have benefitted from, including by arranging marriages for her children. Due to the financial strain, Margaret gave Reginald to the Church, and he began his religious career.[327] This event had significant religious and political impacts that affected Margaret and the Pole family during the formative years of the Reformation, which will be

[320] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 62-3.

[321] John E. Paul, *Catherine of Aragon and Her Friends* (London: Burns & Oates, 1966), 12; Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 61-2, 82.

[322] Patrick Williams, *Katharine of Aragon: The Tragic Story of Henry VIII's First Wife* (Gloucestershire: Amberley Publishing, 2013), 91.

[323] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 85-6; Wriothesley, *A Chronicle of England during the Reigns of the Tudors from A.D. 1485 TO 1559* I, 4.

[324] Paul, *Catherine of Aragon and Her Friends*, 13.

[325] Paul, *Catherine of Aragon and Her Friends*, 15.

[326] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 89.

[327] Paul, *Catherine of Aragon and Her Friends*, 48-9; Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 90-1.

discussed further below. In 1509, the death of Henry VII and the ascent of Henry VIII again altered Margaret's financial position and allowed her to attain the necessary means to wield her agency.[328]

Margaret and Agency at the Royal Court

While the previous chapters focused on the queen's household through the role of the queen, this chapter will examine the same household, but from the point of view of a Lady of the Privy Chamber. This reveals Margaret's opportunities to exercise agency that she had gained from her position. Henry VIII's State Papers show Margaret's attendance at Katharine of Aragon's coronation in June 1509 as one of her ladies and receiving livery for the event.[329] In this position, Margaret had access to wages and livery, room, board, and food. In August of that same year, Henry VIII granted her an income of £100 annually.[330] Initially, there is evidence of a positive relationship between Margaret and both Henry and Katharine, which is shown through his generous grants. Being in such proximity to the queen and king, she was also afforded additional opportunities that would promote her family and give her access to gendered political agency. Margaret's role as lady-in-waiting, or Lady of the Privy Chamber, gave her this intimate access. Upon their entry into this role, women were required to take an oath to declare their loyalty to the queen they were serving.[331] Margaret would have taken this oath seriously, as shown by her actions during the period of Anne Boleyn's rise which will be discussed in later sections. This position was accessible to married or widowed women of high rank, whose role was to serve the queen's needs daily: washing and dressing her and serving her during mealtimes.[332]

Because of the personal access accorded to Margaret, and her close familial links to Henry VIII, she was able to promote her family. In 1512, her eldest son Henry Pole was granted a position as a sewer to the king.[333] He was then endowed as a knight in 1513 at a church in Tournai, France, and created Lord Montague sometime in 1514.[334] Henry VIII also financially supported Margaret's third son, Reginald Pole's, ecclesiastical education.[335] Additionally, as a high-ranking widow, Margaret

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[328] *L&P*, Volume I, 1-8, Item 5.

[329] *L&P*, Volume I, 36-55, Item 82.

[330] *L&P*, Volume I, 71-82, Item 158.

[331] Anne Somerset, *Ladies in Waiting: A History of Court Life from the Tudors to the Present Day* (Edison, NJ: Castle Books, 2004), 88.

[332] Somerset, *Ladies in Waiting: A History of Court Life from the Tudors to the Present Day,* 12-13.

[333] *L&P*, Volume I, 552-567, Item 1192.

[334] *L&P*, Volume I, 1023-1042, Item 2301; First mentioned as Lord Montague in *L&P*, Volume I, 1401-1417, Item 3357.

[335] *L&P*, Volume I, 918-940, Item 2055.

had the opportunity to file petitions and legal suits. She filed a petition to be restored to the earldom of Salisbury, which was granted by Henry VIII in 1512.[336] Through this Act, Margaret was then known as the Countess of Salisbury and all the lands her brother Edward was in possession of when he was executed were passed to her.[337] When Margaret filed the petition for the restoration of the earldom of Salisbury, the main objective was to have Edward's treason conviction repealed, but she had to be careful in her wording so that Henry VII's actions were not brought into disrepute, and she did not offend his son's authority. She stated that:

> Edward … was alweis frome his Childehode beyng [the age] of viii yeres untill the tyme of his decease remaynyng and kepte in warde and restrayned from him his [liberty] aswell in the Towre of London … havyng none exp[eri]ence or kno[wledge] of the worldely polices nor of the lawes of this Realme, So that if any offence were by hym done … yt was rather by Innocencye then of any maliciouse purpose.[338]

Margaret then pleaded her position, describing herself as Henry's 'pore kynneswoman' who had no income except for what was provided by the king.[339] Because she was so close to the royal couple through the position she occupied in the royal household, and her kinship connections to Henry through his Yorkist lineage, Margaret was able to file this petition and have it enacted in law. However, the final two clauses in the Act would become a cause of dispute between Margaret and Henry because they protected Henry's rights in two ways; one, as heir to Margaret Beaufort's lands and estates, and two, any other lands and estates that Edward was not in ownership of or that had been forfeited now belonged to Henry.[340]

The lands that Margaret had initially come into possession of through the Act were in the counties of Berkshire, Buckinghamshire, Cornwall, Derbyshire, Devon, Dorset, Essex, Hampshire and Isle of Wight, Hertfordshire, Kent, London, Middlesex, Northampton, Somerset, Suffolk, Wiltshire, Calais, and Wales Monmouth.[341] Margaret's wealth and influence had risen rapidly, affording her a lifestyle appropriate to her birth as the daughter of a duke and niece to a king. What is more remarkable is that it was within her own right that she held the title of Countess and the lands that came with it. The only other woman to have been afforded a noble title in her own right was Anne

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[336] 5 Hen.VIII. c.12., *Statutes of the Realm*, 100-2.

[337] 5 Hen.VIII. c.12., *Statutes of the Realm,* 101.

[338] 5 Hen.VIII. c.12., *Statutes of the Realm,*100.

[339] 5 Hen.VIII. c.12., *Statutes of the Realm,* 100.

[340] 5 Hen.VIII. c.12., *Statutes of the Realm,* 102.

[341] For the list of lands Margaret had ownership of through her position as the Countess of Salisbury, see Appendix 9 in Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 349-54.

Boleyn when she was granted the title Marquis of Pembroke in 1532.[342] Margaret had effectively become the head of her own household as a female widow, and she was regarded as a *femme sole*. Status as a *femme sole* reflected Margaret's business and financial sense as well as her independence and ability to advocate for herself. She thereby reversed the gender roles that were deeply embedded in early modern England.

Sir William Compton had initiated the early conflict between Margaret and Henry VIII. Compton had previously proposed to Margaret, and she had denied his advances.[343] It is possible that his subsequent actions were done out of spite. Had she married Compton, Margaret would have handed over the responsibility to him of the legal procedures against the king on her behalf. Her willingness to not remarry reveals how she wished to position herself by retaining her independent agency. Compton had brought to the king's attention that he had a claim to several of the lands granted to Margaret not long after she had inherited them.[344] Nine manors in Dorset, Hertfordshire, Lincoln, Somerset, and Wiltshire were disputed as being part of the Salisbury claim.[345] This dispute persisted over a lengthy period, beginning in October 1518 and not concluding until 1531, demonstrating Margaret determination to exercise her legal agency over the Salisbury lands in question. Margaret continued to hold Ware Manor and the Wyke; however, further manors were gifted by Henry VIII to other recipients.[346] Katharine of Aragon had held Winterbourne Manor in Wiltshire from 1524-31, and in 1525 Henry Fitzroy, the illegitimate son of Henry VIII, was granted Canford Manor in Dorset and Deeping Manor in Lincoln.[347] Deeping and Ware Manors had been Henry VIII's through inheritance but he had let Margaret keep Ware herself.[348] The remaining manors – Amesbury, Canford, Charlton, Henstridge, and Winterbourne – had in fact belonged to the St. Cross Hospital in Winchester. They had been in Margaret Beaufort's ownership when she relinquished her titles for

[342] *L&P*, Volume V, 552-571, Item 1274.

[343] *L&P*, Volume IV, 2023-2035, Item 4654.

[344] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 206.

[345] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 205.

[346] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 206-7. In February 1538, Margaret and Henry, Lord Montague, sold the Wyke to William Bower, Alderman of London, *L&P*, Volume XIII Part I, 100-108, Item 294.

[347] 22 Hen.VIII. c.17., *Statutes of the Realm*, 338-39; *L&P*, Volume IV, 1980-1987, Item 4536.

[348] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 207-8.

Canford Manor in 1506.[349] After the death of Compton, Countess Margaret continued to argue her rights for Canford Manor as late as 1528 through a member of her council:

> Of these the lordship of Canford and other lordships, to the value of 500 marks a year, were parcel, and she took the profits until the late Sir Will. Compton, "for that he obtained not his purpose of her in marriage according to his suit," surmised to the King that they belonged to the dukedom of Somerset. On this she was commanded by my lord Cardinal "to amove her possession" till her right could be tried; which matter is still undetermined, though her counsel are clear as to her right … Hopes he will get Wolsey to stay the suit till the question of the title is determined.[350]

By this time, Margaret had been pursuing Henry for her dispossessed lands for ten years. In 1531, Henry had ordered Cromwell for 'Communication to be had with Lord Montague for clearing lands given to the duke of Richmond'.[351] Margaret had pushed Henry too far by underestimating his authority and using her legal agency as a *femme sole* to assert her rights and continue her lawsuit over the lands. Ideally, Henry would have expected gratitude for what he had given to her not only as her kin, but as her king. It was not until Henry began to separate from his first queen that Margaret understood this.

Regardless of their land disputes, Margaret was granted the position of Governess to Princess Mary Tudor in 1520.[352] Mary was the only surviving heir to Henry and Katharine, therefore making Margaret's new title a reflection of the positive relationship during this stage, and the prominent position she had been in. Yet, by July of 1521, Margaret had been demoted from this position.[353] Her demotion as Governess was precipitated by the downfall of the Duke of Buckingham, who had made threats against Henry's life and was eventually executed for treason.[354] While the Pole family were not involved with the actions of the Duke, Henry Pole was arrested as well, and Arthur Pole had been 'expelled from court'.[355] While Margaret had not been implicated in this event, her reputation as the mother to two men of the English court who had been viewed by Henry as being

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[349] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 208.

[350] *L&P*, Volume IV, 2023-2035, Item 4654.

[351] *L&P*, Volume V, 187-199, Item 394.

[352] For the benefits that Margaret Pole was awarded: Godmother to Princess Mary Tudor: *L&*P, Volume II, 429-447, Item 1573; Bouche of court: *L&P*, Volume III, 162-172, Item 491; New Year Gift of 1519: *L&P*, Volume III, 1533-1539, Item 1519, 10 Hen. VIII; *L&P*, Volume III, 274-285, Item 805.

[353] *L&P*, Volume III, 575-594, Item 1437.

[354] *L&*P, Volume III, 485-516, Item 1284.

[355] *L&P*, Volume III, 481-484, Item 1268; *L&P*, Volume III, 446-460, Item 1204; Translated in Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 198.

involved in treasonous activities had affected her ability to carry out her prestigious role. Margaret was stripped of the title of Governess to Mary until 1525, when she returned and then continued in the role for a further eight years, indicating a return to royal favour from Henry VIII.[356] Because of this role, Margaret was sympathetic to Katharine and Mary's sudden decline in status.

Margaret had remained quiet on the royal separation until 1533, when Henry ordered Mary's jewels to be placed with Francis Elmer. This task was entrusted to Mary's Lord Chamberlain, Lord John Hussey: 'advertising you that on the King's command and your letter that Mrs. Francis Elmer should have the custody of the Princess's jewels'.[357] This act reflected Mary's reduced status after the divorce but was also a coercive attempt to force Mary to accept the divorce was valid. Hussey's letter to Cromwell in 1533 states how difficult it was to carry the task out because Margaret was willing to obstruct the process:

> I spake with my lady governess to have an inventory made, and the jewels delivered as the King desired. On calling for an inventory, to charge her that had the custody of them and her executors, none could be found. The most that I could get my said Lady to do was to bring forth the jewels and set my hand to the inventory she had made. But she will not deliver the jewels to Mrs. Francis unless you obtain the King's letters to her in that behalf.[358]

Margaret's refusal to hand over the jewels until she saw a letter directly from the king reflects her legal knowledge and, no doubt, the experience gained from the lengthy battle to keep the estates she had inherited, as discussed above. She was willing to use those skills and knowledge to do what she could to protect Mary from Henry's punishment.

The impediments Hussey faced in conducting the king's task are also highlighted in the last sentence of his letter: 'Would to God that the King and you did know what I have had to do here of late'. Cromwell had also instructed Hussey to obtain Mary's plate, to which Hussey had to reply:

> I have spoken on the subject with my lady Governess, who has the plate for the use of the Princess; and she says, "it is occupied at all such seasons as the Princess is diseased, and cannot conveniently be spared." She is ready, however, to obey the King's pleasure.[359]

While Margaret was doing her duty in supporting her charge, and by extension supporting Katharine as a member of her household, she was also effectively using her legal agency against the king. Henry had ordered Hussey to retrieve these items and Margaret had been denying these

[356] *L&P*, Volume IV, 706-723, Item 1577.

[357] *L&P*, Volume VI, 432-449, Item 1009.

[358] *L&P*, Volume VI, 432-449, Item 1009.

[359] *L&P*, Volume VI, 432-449, Item 1041.

requests until she received a letter from Henry explicitly stating so. Her resistance put Henry's authority into question.

After the birth of Henry and Anne's daughter, Elizabeth, in September 1533, Mary refused to relinquish her title of Princess or accept her illegitimacy, angering Henry, who chose to dissolve her household in the process.[360] Margaret had 'offered to serve the Princess at her own cost, with a good and honourable train of servants, but her offers were not accepted'.[361] From this point, it is notable that the relationship between Margaret and Henry had become increasingly strained. According to Chapuys, Margaret was not allowed to continue her role as Governess because:

> [F]or were the said lady to remain by the Princess they would no longer be able to execute their bad designs, which are evidently either to cause her to die of grief or in some other way, or else to compel her to renounce her rights, marry some low fellow, or let her fall a prey to lust, so that they may have a pretext and excuse for disinheriting her, and submitting her to all manner of bad treatment.[362]

Although Chapuys was a fervent supporter of Katharine and Mary, his letter shows that Margaret's presence around Mary held some form of authority and status. Both this and the incident regarding Mary's jewels show Margaret was willing to use her legal and political skills to protect Mary's interests, to the point of defying the king. They also show that Henry and his councillors – as well as outside observers like Chapuys – were aware of how formidable a challenge she could present to the king in exercising his own will in the matter of Katharine and Mary. With Margaret there, Mary was further protected against the king and his councillors. Therefore, Margaret was relieved of her role as Lady Governess to Mary, although she was embroiled in further political unrest during this period.

1533-1536: Agency from Afar

Margaret was absent from court between 1533 and 1536, when Anne Boleyn sat on the throne as queen consort. Nevertheless, Margaret remained active in politics, taking Katharine's side in the on-going disputes that were the result of Henry VIII's divorce from his first wife.

After her release from Mary's household, Margaret's name had been connected to Elizabeth Barton, the Nun of Kent. Barton was a well-known prophesier, whose visions had begun in November 1525 after a period of being ill.[363] While she was viewed as harmless in her earlier career, Barton's

[360] *CSP:* Spain, Volume IV, 880-895, Item 1161.

[361] *CSP:* Spain, Volume IV, 880-895, Item 1161.

[362] *CSP: Spain*, Volume IV, 880-895 Item 1161.

[363] Paul, *Catherine of Aragon and Her Friends*, 173.

visions soon began to traverse the political sphere, explicitly denouncing Henry's marriage to Anne Boleyn. In 1532, when she had met Henry, she had prophesied that 'within one month after such marriage he should no longer be king of this realm … and that he should die a villain's death.'[364] While this was not her first encounter with Henry, it was the most dangerous as she had spoken of his death. In 1533, an investigation was launched against Barton and her followers and she was eventually found guilty of treason by an Act of Attainder.[365] Margaret had never met Barton but her connection with this case had been initiated by Father Hugh Rich of the Observant Friars, who had also been found guilty by the Attainder.[366] Rich had been passing on information about Barton's prophecies, including the rise of Mary as queen with plenty of support, to Margaret.[367] The actions of Barton and her followers had been construed by Henry and his parliament as an act of rebellion against him and those who supported his marriage to Anne Boleyn. This put Margaret in a risky situation because she had outwardly shown her support of Katharine and Mary against the king. While Margaret had not met Barton, Cromwell did have her listed in his remembrances with a note to 'send for my lady of Salisbury'.[368] Cromwell planning to send for her suggests he was suspicious she engaged in the same treasonous conspiracy and intended to question her about it.

Margaret had also wielded her political agency by trying to stop the appointment of William Barlow to be the Prior of Bisham in 1535.[369] Barlow had supported Henry's divorce from Katharine and had acquired Anne Boleyn and Cromwell's patronage.[370] At this time, Anne and Cromwell held the greatest influence in the country apart from the king himself. They were highly influential, and their patronage would have been extremely valuable, especially when they were patrons of the same individual. Margaret's actions indicate how she perceived her status and how she positioned herself; Margaret had continued to show her support for Katharine and Mary and wielded her agency as a political actor against the two prominent figures at this stage of Henry's reign. Anne had been

[364] Jansen, *Dangerous Talk and Strange Behavior: Women and Popular Resistance to the Reforms of Henry VIII*, 49.

[365] *L&P*, Volume VI, 477-481, Item 1148; *L&P*, Volume VI, 477-481, Item 1149; 25 Hen.VIII. c.12., *Statutes of the Realm*, 446-51.

[366] 25 Hen.VIII. c.12., *Statutes of the Realm,* 450-1.

[367] 25 Hen.VIII. c.12., *Statutes of the Realm,* 449-50; Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 219.

[368] *L&P*, Volume VI, 540-553, Item 1382.

[369] *L&P*, Volume VIII, 218-241, Item 596.

[370] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 221.

protected as Henry's wife from any slander through the 1534 Treason Act.[371] By opposing Anne's preferred candidate for Bisham, Margaret overtly showed her disdain for this marriage in a way that did not violate the 1534 law, but which would still have angered Henry. Margaret's actions also show the different dimensions of women's agency as she attempted to influence the political domain through less official channels.

By June of 1536 Margaret had returned to court as a welcomed guest.[372] Anne Boleyn's downfall and Henry's marriage to Jane Seymour had already taken place. Seymour had been sympathetic to Katharine and Mary, and so facilitated a reunion between father and daughter on the condition that Mary would submit to Henry.[373] This period of Margaret's return to influence did not last long as Reginald Pole's religious and political views angered Henry further and caused Margaret to leave court indefinitely. Asked to respond to a series of formal questions on the Royal Supremacy, Pole had replied with the extremely critical treatise known as *De Unitate Ecclesiae*. This strongly attacked Henry, stating that he was more of a threat to Christianity than the Turks.[374] Henry told Margaret about this tract; later in November 1538, when she was being interrogated on suspicion of treason, Margaret told the Lord Admiral and Bishop of Ely: '[W]hen she spake with the King his Grace he showed her how her son had written against him. Alas . . . thy what grief is this to me to see him whom . . . . . set up to be so ungracious and unhappy'.[375] On the counsel of her eldest son Henry Pole, Lord Montague, Margaret had publicly declared to her servants that Reginald was a traitor and 'she took her said son for a traitor and for no son, and that she would never take him otherwise'.[376] Margaret had publicly disowned Reginald and took Henry's side against him. Shortly after, Margaret left for Warblington Manor and never returned to court.

Henry VIII and the Poles: A Breakdown in Relations

Reginald Pole's *De Unitate Ecclesiae*, a treatise meant for Henry VIII condemning the separation of England from the Holy Roman Church, escalated tensions between the king and the Pole family.[377]

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[371] "Treasons Act, 1534."

[372] *L&P*, Volume X, 504-530, Item 1212.

[373] Alison Weir, *Henry VIII King and Court* (London: Jonathan Cape, 2001), 390; *L&P*, Volume XI, 19-29, Item 40.

[374] *L&P*, Volume XI, 157-175, Item 402.

[375] *L&P*, Volume XIII Part II, 308-353, Item 818.

[376] *L&P*, Volume XIII Part II, 308-353, Item 818.

[377] For more on Reginald Pole's opposition to Henry VIII, see "Rupture" in John Edwards, *Archbishop Pole* (Farnham, Surrey, UK: Ashgate, 2014), 39-83; Peter Marshall, *Reformation England, 1480-1642*, 3rd ed. (London, UK: Bloomsbury Academic, Bloomsbury Publishing Plc, 2022), 53-6.

Henry VIII had believed that his cousin, and beneficiary, was going to support him. However, Reginald's conscience did not allow him to. When he sent *De Unitate* to Henry via his servant, Throckmorton, he did so with instructions that stated:

> To declare to the King Pole's intent in writing the book, which was the manifestation of the truth in the matter about which Mr. Secretary wrote, whose letters he took as a commandment from the King. Otherwise had never set pen to a book in so little hope of persuasion, and with such likelihood of not being the best accepted … Believed that the King was allowed by God to fall into these errors, as He sometimes suffers those who are in His favor, that they may the better know where they have their true light and safeguard … but anyone who reads the whole book together will see that his purpose was to save the King from great dishonor and peril both in this world and that to come.[378]

Not only did Reginald not agree with the Royal Supremacy, but he had also stated that Henry had dishonoured God. Henry was furious with the book and Reginald because his authority had been challenged. Throckmorton returned to Reginald with letters in which Henry instructed him to return to England to explain his argument in person. Reginald denied this request 'unless the King first returns to the Church'.[379] Supporters of Henry had sent Reginald letters too, admonishing his book. Bishop Tunstall of Durham, wrote a letter instructing Reginald to 'burn them [further works of Poles] for your own honour and that of your noble house, that it may never come abroad that you exercised your learning against him whom you ought in all points to defend'.[380] Thomas Starkey, Chaplain to the king, also had written to Reginald that:

> The King considering what he had done for you and your family thought you had stored up the fruits of your long study to promote his honor, and that you tarried the longer to do it better. "Are you not sorry to have wasted them thus in renting his honor, in defiling his name, in obscuring his memory?[381]

Through these statements it is notable that both authors had referred to everything Henry had done for the Pole family by having lifted them into wealth and positions of authority. This referred to Margaret as much as it did her sons. Because of their kinship connections, the Poles reflected Henry's honour through their rise and agency. Reginald's attack on Henry not only dishonoured the king, but the Poles as well, further fracturing the relationship between Henry and Margaret. Margaret and Henry Montague both wrote to Reginald admonishing him for dishonouring Henry, most likely to not aggrieve Henry against their family further.[382] By October 1536, Reginald began

[378] *L&P*, Volume X, 402-420, Item 974.

[379] *L&P*, Volume X, 440-470, Item 1093.

[380] *L&P*, Volume XI, 30-45, Item 72.

[381] *L&P*, Volume XI, 30-45, Item 74.

[382] *L&*P, Volume XI, 30-45, Item 93; L*&P*, Volume XI, 175-188, Item 451.

to express fears of Henry and of returning to England, after receiving letters, of which 'one was from Cromwell, written in the King's name, full of all kinds of threats'.[383] In 1537, Henry denounced Reginald as a traitor because Reginald, newly created a Cardinal, had been commanded by Pope Paul III to induce France and Spain to start a war with England.[384] Henry made three attempts to have Pole assassinated, all of them unsuccessful.[385] Meanwhile, in late 1538 and early 1539 Pole was sent on a second legation to France and Spain to persuade them both to have an embargo placed on England.[386] This was another move challenging Henry's authority as king and it placed the Pole family in further danger of being accused as co-conspirators in treason. Henry's instructions to Sir Thomas Wyatt to communicate with the Emperor of Spain stated:

> Wyatt shall say that Pole, whose whole family the King raised from nothing, and who was himself maintained to study by the King's liberality, has proved himself so lewd and ingrate that no prince should esteem him worthy to be spoken with.[387]

Again, Henry had referred to how he had raised the Pole family to a place of honour and wealth, and that Reginald had been showing dishonour through his actions. Further, he had demonstrated treasonous conduct against his own king and country since *De Unitate* was sent to Henry in 1536.

While Henry and Reginald were attacking each other through this period, it is important to note where specifically Margaret was placed in this situation, as well as the position of her sons Lord Montague and Geoffrey Pole. Of note, Henry had ceased visiting his aunt while he was on progress.[388] To have the king as a guest was an honour to the head of the household, and Henry showed that this honour no longer extended to Margaret and the Pole family. Further, it was a sign of what was to come for Margaret and her family. To situate Margaret and her sons from 1536-39, the evidence from the investigation launched against the accomplices in the 'Exeter Conspiracy' will be discussed. This will demonstrate how Margaret's exercise of agency had transgressed political boundaries, leading to treason charges against her. Margaret was in a difficult position because normal gendered expectations of her were that, as a mother, she would support her sons and take their counsel but that loyalty to the king meant she had to disown her own children.

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[383] *L&P*, Volume XI, 221-257, Item 654.

[384] *L&P*, Volume XII Part I, 50-78, Item 123; *L&P*, Volume XII Part I, 323-354, Item 779.

[385] *L&P*, Volume XII Part I, 323-354, Item 760; *L&P*, Volume XIII Part II, 308-353, Item 797; *L&P*, Volume XII Part II, 25-42, Item 107.

[386] *L&P*, Volume XIII Part II, 455-466, Item 1110.

[387] *L&P*, Volume XIV Part I, 107-117, Item 280.

[388] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 282.

The investigation into the 'Exeter Conspiracy' was a systematic takedown of Catholic conservatives amongst the nobility who were closely related to the king. With the king and his council believing that members of the Plantagenet and White Rose faction were conspiring to ally together against him, members of the Pole and Courtenay families were charged with treason. The full investigation itself has been covered in other literature, but for the purposes of this thesis, relevant information regarding Margaret and her immediate family will be examined.[389] Geoffrey Pole's servant, Hugh Holland, was arrested first sometime in June, with Geoffrey Pole following in late August.[390] Holland was initially arrested after Gervase Tyndall, a school master and one of Cromwell's spies, had stayed at the surgeon house near Warblington.[391] The surgeon, Richard Ayer, had passed on information to Tyndall regarding correspondences between the Poles and Reginald, who then relayed this information back to Cromwell.[392] Geoffrey's interrogations began on 26 October, and he was examined seven times.[393] Thirteen questions were put to Geoffrey regarding his brother, Reginald Pole, along with other questions asking 'with whom, other than he has already named, he conferred when both he and they, as he says, expressed a wish "for a change of this world"?'.[394] As we can see, there was a real concern for Henry regarding the influence that Reginald had been able to wield from overseas against the changes being implemented. Geoffrey Pole was against the Royal Supremacy, according to George Croftes, clerk, and resident of Chichester Cathedral, during his interrogation, and with Reginald's connections to the Roman Catholic Church, his support could have initiated a war between England and Europe, or a rebellion by the nobility.[395] The questions

[389] Christoph Hollger, "Reginald Pole and the legations of 1537 and 1539: Diplomatic and polemical responses to the break with Rome," Unpublished PhD Thesis, University of Oxford, (1989), 83-125; D. Seward, "The 'Exeter Conspiracy' of 1538: The Extermination of the White Rose," *History Today* 61, no. 1 (2011); Madeleine Hope Dodds and Ruth Dodds, *The Pilgrimage of Grace, 1536-1537, and the Exeter Conspiracy, 1538*, *Volume 1* (London: Routledge, 1915); Madeleine Hope Dodds and Ruth Dodds, *The Pilgrimage of Grace, 1526-1537, and the Exeter Conspiracy 1538: Volume 2* (London: Routledge, 1915); Thomas F. Mayer, "A Diet for Henry VIII: The Failure of Reginald Pole's 1537 Legation," *Journal of British Studies* 26, no. 3 (1987): 305-331.

[390] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 237-9; *L&P*, Volume XIII Part II, 75-101, Item 232.

[391] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 239-40.

[392] Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 239.

[393] *L&P*, Volume XIII Part II, 263-285, Item 695; *L&P*, Volume XIII Part II, 308-353, Item 804.

[394] *L&P*, Volume XIII Part II, 263-285, Item 695.

[395] *L&P*, Volume XIII Part II, 308-353, Item 803.

put to Geoffrey allude to the perception the king and his council had of Reginald and the fear of potential information being exchanged:

> Had he received letters of intelligence from him, or any in his name, within the last three years? Did he know or had he heard whether his mother, brother (lord Montague) or any of his family, had received such? How often and by what bearers had these communications been received? What were their contents? To whom had he or others disclosed their substance? What answers had been made to them by him or others, and by whom carried?[396]

It was on Geoffrey's third interrogation that Lord Montague was implicated in the conspiracy. According to Geoffrey, Reginald had written to:

> [R]emind lord Montacute of their communication at the Cardinal's departure. Throckmerton also desired Hugh to remind lord Montacute of their communication at his last being in England, and say that when he would come over sea Throckmorton would come himself and fetch him.[397]

Further, Montague was accused of thinking little of the king, and that 'none served the king but knaves'.[398] Also, when Reginald had escaped Henry's assassins, Montague had relayed this news to Geoffrey, stating he had received letters of confirmation.[399] On 4 November, Montague was arrested and taken to the Tower of London.[400] Geoffrey's confession against Montague was further corroborated by Montague's servant, Jerome Ragland. Ragland had confessed incriminating and treasonous evidence against Montague:

> Has often heard Montacue murmur at the state of the world and the King's proceedings … Has heard Montacue lament the pulling down of abbeys—especially Bisham … Has heard say (but of whom he cannot tell), it were a meet marriage for Reynold Pole to have the Lady Mary, the King's daughter … lord Mon[tacute sai]d the acts which the King caused to be made in Parliament were very cruelly made, such as the Act of Treason … Has heard lord M. within this 12 months praise his brother the Cardinal in his learning and in his living, and say he thought him ordained by God to do good.[401]

The most incriminating was that Ragland had 'heard lord M. say, "the King is full of flesh and unwieldly, and that he cannot long continue with his sore leg"'.[402] In contravention of the 1534 Treason Act, Montague had, by words, spoken of the death of the king.

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[396] *L&P*, Volume XIII Part II, 263-285, Item 695.

[397] *L&P*, Volume XIII Part II, 308-353, Item 804.

[398] *L&P*, Volume XIII Part II, 308-353, Item 804.

[399] *L&P*, Volume XIII Part II, 308-353, Item 804.

[400] *L&P*, Volume XIII Part II, 285-296, Item 752.

[401] *L&P*, Volume XIII Part II, 263-285, Item 702.

[402] *L&P*, Volume XIII Part II, 263-285, Item 702.

Trials of the Pole Sons

The trial by peers of Lord Montague was held on 2 December 1538. The indictments brought against him accused him of denying Henry VIII as the Supreme Head of the Church and 'like a false traitor, &c., to favour, promote, and confirm the said Reginald Pole in his traitorous proceedings'.[403] Specifically, he was accused of verbally supporting his brother, and imagining and speaking of the death of the king. Lord Montague pleaded not guilty to the charges against him, but the jury of peers unanimously found him guilty of high treason and judged him to be executed at Tyburn.

Geoffrey Pole's trial was held two days later. The indictment against Geoffrey was similar to that against Montague, stating he had verbally shown support for Reginald and what he was doing, and that he had further said to his brother, Lord Montague, 'but I like not the doings and proceedings in this realm, and I trust to see a change of this world'.[404] Additionally, the messages he passed to Reginald through Reginald's servant Throckmorton were produced against him, showing he had been passing on secrets of the realm including the plans to assassinate Reginald.[405] Geoffrey pleaded guilty and was convicted of high treason, also being condemned to be executed at Tyburn.

The trials of both brothers show how they were viewed by Henry; they were publicly put on trial as a display of their undeniable treason against the king. This public display of their guilt also put their family name into disrepute. Publicly shaming them and reducing their reputation to a family linked with highly treasonous activities signified their lowly status, as they had been one of the most reputable noble families with a strong royal lineage. Because of their noble lineage, Montague's sentence was changed from hanging, drawing, and disembowelling to beheading, which took place on 9 December at Tower Hill.[406] However, Geoffrey's execution did not take place; instead he was pardoned by the king on 12 April 1540 in his 'general pardons'.[407] There is no evidence that Geoffrey was pardoned due to a payment made by Margaret, although it is plausible to assume such a payment was made because that was the usual procedure in the case of general pardons.[408] He did

[403] *L&P*, Volume XIII Part II, 409-426, Item 979.

[404] *L&P*, Volume XIII Part II, 409-426, Item 986.

[405] *L&P*, Volume XIII Part II, 409-426, Item 986.

[406] Wriothesley, *A Chronicle of England during the Reigns of the Tudors from A.D. 1485 TO 1559* I, 92.

[407] *L&P*, Volume XV, 209-251, Item 498.

[408] McVitty, *Treason and Masculinity in Medieval England : Gender, Law and Political Culture*, 151.

plead and apologise to Henry on two occasions whilst imprisoned. In his first statement of apology Geoffrey had implored the king:

> [T]hat he may have good keeping and cherishing and thereby somewhat comfort himself and have better stay of himself," and he would then fully open all that he knew, whomsoever it might touch, whether mother, brother, uncle, or any other.'[409]

Geoffrey's second apology does not show him as being disloyal to his family as the first had, but he did plead for the king's mercy, signing at the end with 'Your humble slave, Geffrey Pole'.[410] It is most likely he was released for three reasons: his pleas of mercy; he had provided a sufficient amount of information during his interrogations against members of his own family and those in their affinity, which he probably used as a bargaining tool to obtain a pardon in return; and lastly, his release was another public display of the ruin of the Pole family. Geoffrey would have to live his life with the knowledge that his family had been publicly disgraced and declared traitors to King Henry. His freedom had not equalled true freedom in this light.

Arrest, Interrogation, and Conviction of Margaret Pole

It is important from here to situate Margaret's position within this period to understand the charges brought against her by the king and his ministers. No evidence from Geoffrey or Montague had implicated the Countess of Salisbury. Nevertheless, she was arrested and interrogated on 12 November by Sir William Fitzwilliam, Earl of Southampton, and Thomas Goodrich, Bishop of Ely at her home in Warblington. It is likely that Margaret was interrogated because, being mother to two of the accused, the Crown viewed her potential to take an active part in a treason plot. Her previous encounters with Henry show that Margaret displayed considerable political agency and was willing to defy the king. Her arrest also reflected the wider change in attitude towards women and treason – women were no longer 'in the background' but were being actively questioned alongside men. This implicitly demonstrates the Crown was taking women's political agency far more seriously – and seeing them as capable of committing high treason, which was a political crime. During this procedure Margaret had denied receiving any letters from Reginald through Throckmorton, denied hearing any accusatory word against the king and the religious reformation, she stated she would have 'torn in pieces' if her sons would have joined Reginald overseas, and she denied burning letters or having knowledge that letters had been burnt. Finally, she had revealed her actions against Reginald after receiving information from the king of Reginald's *De Unitate*.[411] In short, Margaret

[409] *L&P*, Volume XIII Part II, 263-285, Item 695.

[410] *L&P*, Volume XIII Part II, 285-296, Item 743.

[411] *L&P*, Volume XIII Part II, 308-353, Item 818.

had denied knowledge of everything that was put to her by the Earl and the Bishop. As they wrote to Cromwell:

> [F]or all we could do she would confess nothing more than the first day … [and] 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].[412]

During the arrests and examinations, Margaret had shown herself to be attempting to support her sons, particularly Lord Montague. When she confessed to knowing that Geoffrey had made his way to France in 1532, Margaret made a point to mention that it was Montague that had sent Geoffrey back to England otherwise 'he [Geoffrey] would have gone in w[arf]ayre'.[413] From these words, it is evident Margaret was trying to protect Lord Montague, which is in accordance with the agency she possessed in her role as a mother. She had further commented on Reginald. When asked if she knew of the assassination attempts against him, Margaret stated that Geoffrey had informed her. She then confessed she had been told by both her sons that he had escaped them and that only for 'motherly pity she could not but rejoice'.[414] Margaret was leaning on her role as a mother, which was a normal practice during this period. It was also this same practice that could be viewed by Henry VIII and his council as Margaret allying herself with her sons, who were being accused of treason. By continuing to openly express her support and love for them, she could be deemed in direct violation of the clause in the 1534 Treason Act that stated that 'aiders, consentors, counsellors, and abettors' of anyone committing high treason was also a traitor themselves.[415]

On 14 November, Margaret Pole was taken to Cowdray, the residence of the Earl of Southampton, where she was kept under house arrest.[416] While the others who were accused of treason were placed into the Tower, Margaret was initially afforded a confinement that reflected her status as a countess. However, her presence was unwelcome. A letter from Fitzwilliam to Cromwell on 14 March 1539 highlights how she was viewed by the Earl and his wife:

> I went this afternoon and showed her I and my wife could not find it in our hearts to see her when "that arrant whoreson traitor, her son the Cardinal, went abouts from prince to prince" to work trouble to the King and realm.[417]

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[412] *L&P*, Volume XIII Part II, 308-353, Item 835.

[413] *L&P*, Volume XIII Part II, 308-353, Item 818.

[414] *L&P*, Volume XIII Part II, 308-353, Item 818.

[415] "Treasons Act, 1534."

[416] *L&P*, Volume XIII Part II, 353-369, Item 855.

[417] *L&P*, Volume XIV Part I, 195-206, Item 520.

What is noteworthy is that it was not the actions of Margaret that caused them to withhold their presence from her, but the actions of her son. At this stage, no evidence had proved that Margaret was a traitor. Further, we can again see how Margaret had viewed herself and her agency as she had replied 'though he were an ill man to behave so to the King who had been so good to him, yet was he no whoreson, for she was both a good woman and true'.[418] Margaret was showing herself to be a mother who would not abandon her son, even though her support for him led her to be suspected of treason. Margaret's reply also demonstrates the fine balance she had to negotiate between loyalty to her son and loyalty to the king. She accepted Reginald had behaved badly but did not explicitly name him as a traitor. She also implicitly defended Reginald's noble character while also defending her own reputation. Even with treason accusations against her, Margaret had affirmed the good reputation that was important for someone of her noble status. Fitzwilliam finished his letter with the hopes that Margaret would be removed from his custody because she 'both chargeable and troubleth my mind'.[419] At some point in 1539 Margaret was taken as a prisoner to the Tower of London.[420] There she remained until 1541, when an Act of Attainder against her resulted in her execution for treason.

Until May 1539, no substantial evidence was provided that proved Margaret to be a traitor. Henry had kept her a prisoner on the assumption that she was one, or guilty by association. It is plausible that Margaret's opposition to Henry VIII in political and legal conflicts over the years had finally gone too far, and Henry had lost his patience with her. It could have been all three. In May 1539, solid evidence of Margaret's treason came to light when her coffers were searched and the king's agents found clothing that combined the coat of arms of the Plantagenet and Tudor dynasties, and another image showing the Five Wounds of Christ.[421] Both images had deep symbolic implications that proved to Henry that Margaret had supported Reginald. The first item signified the union of Mary Tudor and Reginald, and the second affiliated Margaret with the Pilgrimage of Grace, as the Five Wounds of Christ was the imagery used on the banners of the Northern Rebellion.[422] It was because of this evidence that Margaret was found guilty by an Act of Attainder.

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[418] *L&P*, Volume XIV Part I, 195-206, Item 520.

[419] *L&P*, Volume XIV Part I, 195-206, Item 520.

[420] *L&P*, Volume XIV Part I, 206-226, Item 573.

[421] *L&P*, Volume XIV Part I, 449-462, Item 980.

[422] *L&P*, Volume XIV Part I, 449-462, Item 980; Marshall, *Reformation England, 1480-1642*, 54-7; Richard. W Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s* (Oxford: Oxford University Press, 2001); Susan Loughlin, "The

In 1539, an Act of Attainder for treason named numerous individuals and families accused of being participants in the Exeter Conspiracy. The attainder against the Pole family was directly connected with the ecclesiastical mission Reginald Pole had commenced under the pope. Anyone who sympathised with Rome or Reginald were viewed as enemies to England, therefore traitors. The Act also passed through Parliament after the fact, when Montague and 'divers other abominable traitors' had already been executed.[423] Reginald Pole was included in the Attainder because he had 'adhered to the bishop of Rome' who was perceived as Henry's enemy, and because he had 'stirred seditions in the realm'.[424] However he was never executed because he had been residing in Rome and refused to return to England. Margaret's alleged involvement in the conspiracy does not seem so evident as her sons. The Attainder stated that her guilt was based on 'falsely confederat[ing] with lord Montague and Reginald Poole'.[425] She was accused of active participation in a conspiracy against the king, although evidence from other alleged active participants does not place Margaret in this role. Margaret was viewed by Henry as allying with her sons, therefore committing treason under the 1534 Treason Act that included 'aiders, counsellors, consenters, and abettors' of traitors.[426] Margaret's role as a mother and head of her household was deeply intertwined with her responsibilities to her children, and the Pole dynasty as a collective. Specifically, advancing the interests of her sons and her wider family provided an avenue through which she was able to exercise political agency in a form that was socially acceptable for women. Her actions in one context could be seen as ideal noble women's behaviour, as she supported her sons and advocated for them. On the other hand, Margaret's behaviour in support of her sons could be viewed, and indeed was viewed, as treason. However, neither Margaret nor her sons, or anyone in her affinity, had provided any incriminating evidence against her. Only the items of clothing that were found in her possession represented solid evidence. The Act had further stated that she:

> [C]omytted and per]petrated div[erse and sundrie other detestable and abhomynable treasons to the moste fearfull p[eri1 and daunger of the destruction of your most royall p[er]son and to the utter losse disherison and desolacon of thys your Realme.[427]

Pilgrimage of Grace: Rhetoric, Reward and Retribution," Unpublished PhD thesis, National University of Ireland, Galway, (2013), 49-50, 193.

[423] *L&P*, Volume XIV Part I, 399-424, Item 867.

[424] *L&P*, Volume XIV Part I, 399-424, Item 867.

[425] *L&P*, Volume XIV Part I, 399-424, Item 867.

[426] "Treasons Act, 1534."

[427] Quoted from P.R.O. C.65/147, m. 22 in Pierce, "The Life, Career and Political Significance of Margaret Pole, Countess of Salisbury 1473-1541," 307.

What these other treasons were had not been stated. The Act might have been alluding to the clothing and images found in her coffers but if so, it was remarkable such powerful evidence was not included within the Attainder itself or widely publicised. The language used, such as 'detestable and abominable', signifies that Margaret's actions were too detestable to even make known.

I argue that Margaret was convicted by attainder because, given the lack of solid evidence she had committed treason, Henry and his officials were not confident of securing a conviction through a public trial. This legal practice was seen in the case of Katherine Howard, who had transgressed gendered boundaries and did not act in accordance with her role as queen consort but who had not actually committed treason according to the laws in place at the time of her conviction. It is possible that Margaret was viewed as guilty by association. Montague's words were viewed as treasonous because he had predicted the death of the king. Further he was given a trial and went through a form of legal due process. Reginald had been overseas allying with the pope to attempt to bring about Henry's downfall with the aid of France and Spain. Margaret had not been explicitly involved in these treasonous activities herself, and she was not provided a trial. Both Anne and Katherine had been given opportunities to declare their innocence; Margaret had not. This itself highlights that Henry had viewed Margaret as dangerous. Margaret had influence and was a powerful peeress so allowing her to speak created the opportunity for her to draw supporters to her and even to initiate another rebellion against the king. As the previous chapters showed, women's speech had come to be seen as dangerous; therefore, not allowing Margaret to speak reflects the level of her influence. Moreover, over the decades she had shown herself as bold through her speech, even speaking out against the king and those close to him. If she felt she was correct, she was known to fight for what she believed was hers, or what was correct according to her judgement, even if it was in direct opposition to Henry VIII. Margaret had extensive legal knowledge that she acquired through the lengthy battle over lands between herself and Henry. She also had political experience, which she gained in her role in Katharine of Aragon's household. In comparison to Katherine Howard, this made Margaret a much more formidable potential opponent, and potentially, a figurehead for a rebellion. Therefore, she had weaponised her political agency against the king, who had ironically provided her that same agency by making her a peeress in her own right and granting her lands and honours over the years. It seems Henry avoided any chance to give Margaret the ability to claim her innocence in order to protect himself as king.

Margaret was kept in the Tower for high treason from 20 November 1539 until her execution in 1541.[428] Margaret had officially been exempted from the general pardon, which further bolsters the claim that her political agency was seen as too threatening.[429] This general pardon was issued after a period of political and religious unrest. Not only was the Exeter Conspiracy a threat to national security, but the Pilgrimage of Grace had also caused civil unrest and rebellion.[430] Those who were granted a pardon could claim and pay for it, but certain named individuals in the pardon, such as Margaret Pole and Henry Montague, were exempted.[431] Those people named as excluded from a general pardon were often the 'ring leaders' or powerful nobles with resources and influence to cause further trouble. While Geoffrey was not viewed as being able to access such influence, Margaret was perceived this way by Henry VIII. It is most likely that he feared Margaret could cause further political unrest if she were released, by using her influence and agency to bring other like-minded and powerful individuals into her affinity.

Because Reginald Pole remained overseas stirring up treason against his country and king, the execution of high-ranking members of the Pole family was considered a warning. Nevertheless, the king provided generous expenses for his kin who were imprisoned. For Margaret, her grandson Henry Pole, and Edward Courtenay, monthly payments were made for their dietary needs 'and other necessary charges'.[432] Further financial assistance was also afforded to Margaret during her imprisonment. In March of 1541, Margaret was granted 'a night gown furred, a kirtle of worsted and a petticoat furred, and four other items' which had been made by Katherine Howard's own personal tailor, Scut, Katherine at this time being queen consort.[433]

Nothing else is recorded of Margaret's imprisonment until her execution on 27 May 1541. Marillac, the French ambassador, wrote a letter to Francis I, reporting this event in what seems like shock, stating:

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[428] *L&P*, Volume XIV Part II, 185-196, Item 554.

[429] 32 Hen.VIII. c.49., *Statutes of the Realm*, 809-12.

[430] For further information on the Pilgrimage of Grace, see L Wooding, *Henry VIII*, 2nd ed. (London: Routledge 2015), 222-27; M. L. Bush, *The Pilgrims' Complaint: A Study of Popular Thought in the Early Tudor North* (Farnham: Ashgate, 2009); Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*.

[431] 32 Hen.VIII. c.49., *Statutes of the Realm,* 810, 812.

[432] *L&P*, Volume XVI, 178-210, Item 380.

[433] *L&P*, Volume XVI, 282-289, Item 581.

> It was the more difficult to believe as she had been long prisoner, was of noble lineage, above 80 years old, and had been punished by the loss of one son and banishment of the other, and the total ruin of her house.[434]

Chapuys' account of Margaret's execution is more detailed. He stated that 150 people were present and that she had 'found it very strange' when informed of her sentence.[435] This again lends credibility to the fact that Margaret was innocent of the charges that were brought against her. Had she committed treason, she would have understood why she was being executed. Unfortunately for Margaret, the executioner was absent and the individual who stood in had 'hacked her head and shoulders to pieces'.[436] Both Marillac and Chapuys give her the age of 80 to 90.[437] Margaret was closer to 70, but this was still considered elderly for that period. Even with her confusion about what she had done, Margaret had still composed herself. There was no scaffold erected, only a small block on which she was to place her head. Margaret did compose a speech, where she commended her soul to God, asked for prayers to the king, the queen, Prince Edward, and Princess Mary, but her speech had been cut off when she 'sent her blessing to her [Mary], and begged also for hers'.[438] Chapuys' disgust at the execution is marked, as he states:

> May God in His high grace pardon her soul, for certainly she was a most virtuous and honorable lady, and there was no need or haste to bring so ignominious a death upon her, considering that as she was then nearly ninety years old, she could not in the ordinary course of nature live long.[439]

This was why Margret's execution had not been so public, because of her old age. Moreover, it was planned with haste as there was no scaffold and she had only been told that morning that she was to be executed, with no forewarning. Margaret was executed because of the political and legal influence she had. For Henry VIII, she had proven that she had the potential to be a difficult opponent during a time of religious reform and political unrest. While it is most likely that she would have died from old age soon, her physical presence could have served as a symbol for an insurrection, especially with Reginald still attempting to actively engage in political and religious warfare against England. Margaret would have been a signal of hope for Catholics and the nobility

[434] *L&P*, Volume XVI, 409-429, Item 868.

[435] *L&P*, Volume XVI, 429-437, Item 897.

[436] *L&P*, Volume XVI, 429-437, Item 897.

[437] *L&P*, Volume XVI, 409-429, Item 868; *L&P*, Volume XVI, 429-437, Item 897.

[438] *CSP Spain*, Volume VI Part I, 329-334, Item 166.

[439] *CSP Spain*, Volume VI Part I, 329-334, Item 166.

who were against Henry VIII's religious changes. Margaret's life had ended where both her father's and brothers' had, within the precinct of the Tower of London, a traitor to king and country.

Conclusion

Margaret's execution produced no new major piece of treason legislation because the legislative framework was already in place for her attainder and execution to fit within the scope of treason. Anne Boleyn's case set a precedent for being able to have a peeress tried and executed. From Anne's fall to Margaret's, it is significant that gender had been a factor in how the treason laws had changed. Moreover, women had come to be seen as agents of treason by way of words, writing, or actions through the 1534 Treason Act.[440] This reveals the relatively short time it had taken for this course of action to be justified; there had been five years between Anne's rise and Margaret's execution, further highlighting how gendered political expectations were changing throughout the early stages of the Reformation. Because Margaret was powerful and influential, and had royal blood, she had to be treated carefully to avoid inciting another noble rebellion. We can therefore gather from this information that women became increasingly viewed as political figureheads for certain groups, especially with the accounts of support rallying for Katharine of Aragon and Mary Tudor. Henry had seen himself as being at risk from the political support given to noble and elite women during the Reformation period, and these women could thus be viewed as a threat to the royal body. The precedents set by Anne Boleyn's case had made Margaret's execution as a traitor justifiable in a legal sense, but also politically possible.

[440] "Treasons Act, 1534".

Chapter Five: Conclusion

This thesis has investigated how noble and elite women's exercise of agency came to be increasingly perceived as treason during the reign of Henry VIII, and how the response of the king and the royal government to women's political activities contributed to wider changes in the treason laws. This research demonstrates that noble women's active exercise of political, social, economic, and legal agency gave them certain levels of independence to conduct their activities, but this was only when agency was exercised within conventional gender norms and supported by patriarchal authority. I argue that elite women were much more likely to be accused and executed for treason by Henry VIII when they were perceived to be transgressing gendered boundaries. Furthermore, Henry VIII widened the scope of treason legislation to prevent similar activities by noble and elite women from taking place. This thesis reveals that there had been a legal shift that brought women much more within the framework of treason during the period of the early Reformation. The 1534 Treason Act was a significant piece of legislation that changed the definition of treason in ways that could implicate noble and elite women, who had not previously been subjected to charges of high treason. This shift was shown through each case study, as treason was interpreted by Henry VIII and the royal government in various ways. By investigating the case of each woman who was convicted and executed for treason through a gendered lens, this research has provided an opportunity to highlight women and their households as centres of treason within the context of their gendered experience. This in turn provides further insight into the authority and power noble women could wield through different forms of agency during this period of political and social upheaval in Tudor England. Moreover, Henry VIII's responses to each case study helps to demonstrate the extent of noble women's agency, and how their political influence was perceived.

Chapter Two examined Anne Boleyn, the second wife to Henry VIII. An analysis of the 1534 Treason Act revealed how linguistic changes permitted women to be accused of treason because it had criminalised a 'person's' words, criticisms of the king or his marriage to Anne, and their heirs. This language replaced older terminology that specifically named 'men' as the perpetrators of the crime of treason. This approach allowed Anne's trial to be understood in the context of the legislative framework and how the royal government interpreted her perceived treasonous activities. The same legislation enacted by Henry VIII to protect Anne became the law that was wielded against her when she was perceived as acting outside of gendered norms. As queen consort, Anne exercised agency when she was practising patronage by gift-giving and participating in social activities, but it was these same activities that came to be seen as treason. Analysing Anne's case in

light of the 1534 Treason Act, it becomes clear that although she was accused of adultery and incest, she had not legally committed treason. However, when her words and acts of patronage had been examined, these activities had been presented by the royal government in a way that brought them within the scope of treason. Consequently, the legal definition and interpretation of treason had to be altered by focusing on her words and gifts. To find Anne guilty, it was imperative that the king and the royal government presented her actions in a negative light by illustrating her gendered agency as the avenue used to commit treason against the king. Words that slandered Anne's reputation and portrayed her as the archetypal negative woman were crucial elements in positioning her as a traitor to the king. By portraying Anne as an active agent in adultery, the indictment against her reversed the gendered stereotypes of the 1352 Treason Act, which positioned the king's wife as the passive party in sexual intercourse. Through the analysis of Anne's trial, the importance of her upbringing and the influence it had on her perceptions of agency as queen manifested. This then brought into examination the importance of the household as a space in which Anne could exercise independent gendered political agency, and revealed how that space could also become a volatile place in which treason could eventuate. Hence, the women who surrounded Anne played important roles in her downfall, because their familiarity with Anne and her daily activities inadvertently made them witnesses to treason. Anne knew what was expected of a queen consort, but her participation in social practices such as courtly love blurred the boundaries of sexual and political agency, making the queen's household a much more dangerous space for women to operate within. Under the 1534 Treason Act, women's words had been perceived as weapons that could harm others. In this context, Anne had committed treason during her conversations with Henry Norris and Sir Francis Weston by imagining and conspiring the death of the king. Anne's downfall had important consequences for other high-ranking women because it provided a legal and conceptual framework within which they could be accused of treason when they acted outside of conventional gendered norms.

Chapter Three examined Katherine Howard, fifth queen to Henry VIII, and her lady-in-waiting Jane Boleyn, Lady Rochford. The analysis of Katherine's case began with her adolescent years because the accusations of treason made against her had their roots in this period of her life, prior to her marriage to Henry VIII. The discussion of Katherine's early life emphasised the exercise of patronage and favouring of kinship connections that were in accordance to gendered norms. However, Katherine's use of sexual agency during this period became a contentious issue that manifested later, when she became queen. This section highlighted the issue of marriage contracts and the importance of a young women's marriage prospects in their attaining a certain degree of

independence. Like Anne's case, Katherine's case revealed the significance of the private and public space of the household, where Katherine's relationship with Francis Dereham was a known secret. The household space as a centre of treason was also illustrated when Katherine became a lady in waiting to Anne of Cleves and when she became queen herself. This chapter shows how Katherine's exercise of agency as queen consort was not always in accordance with conventional norms. While queens' exercise of patronage was normative according to early modern gender roles, Katherine's use of patronage came to be perceived as treasonous because of those she brought into her affinity and the nature of her gift-giving. When Katherine exercised her agency in the household, she had invited suspicion from her ladies-in-waiting when she did not adhere to the usual norms exercised by queens. It is apparent that the king and the royal government perceived her use of agency as committing treason against the king, especially in relation to the revelation of her relationship with Thomas Culpeper.

The Crown's investigation of Jane Boleyn also revealed how, according to the authorities, she was implicated in treason through her problematic use of agency. Jane had vast knowledge of conventional norms within the queen's household because she had experience as a lady-in-waiting to Henry's first four wives. Yet, she had used her agency to assist Katherine in her night-time liaisons with Culpeper and, along with Katherine, used her authority over other members of the household to unwittingly undertake what came to be seen as treasonous activities. Unlike Anne, Katherine and Jane had been found guilty in an Act of Attainder. Dereham and Culpeper, as active male agents in adultery with the queen, could be found guilty of treason according to the 1352 Treason Act. By contrast, the use of an Attainder against Katherine strongly suggests she could not be convicted under existing treason legislation, with the 1534 Treason Act still implying that the queen was a passive agent. However, Anne's trial and execution set a precedent for noble and elite women to be executed in high-profile treason cases. Further, the Attainder provided the opportunity to clearly define Katherine's actions as treason. Like the indictment against Anne, the Attainder had used language that portrayed Katherine as an active agent in adultery against the king, and Jane was described as a willing participant in the queen's treasonous activities. Because of Katherine and Jane's downfall, further new treason laws were enacted that had wide implications not only for elite women, but also for the general populace. Most significantly, for the first time those suffering from mental illness could be convicted and executed for high treason.

Chapter Four analysed the case of Margaret Pole, the Countess of Salisbury. The discussion began with Margaret's background, the significance of her royal lineage and the cases of treason that surrounded her early life. Examining her case in this way provided insight into how and why she

had attained and exercised her agency the way she had. Margaret's marriage to Richard Pole, and his subsequent death, had given her early opportunities to access agency to elevate members of her family. Primarily, this highlighted the position Margaret was in as a mother and the responsibilities expected of her according to gendered norms. Margaret's effective exercise of agency became apparent when Henry VIII provided patronage to her sons and granted her a peerage in her own right as Countess of Salisbury. Yet, it was after Margaret had been granted this title that she had, over time, used her legal and political agency to obstruct Henry, which in turn had affected the authority he wielded as king. Amidst their long-running legal dispute over lands, Margaret was granted the role of Governess to the heir of England, Princess Mary Tudor. This reflected the high esteem in which both Katharine of Aragon and Henry held Margaret. Nevertheless, Margaret had used her legal and political agency against Henry during the rise of Anne Boleyn and her years as queen consort. Margaret's time away from court was an opportunity for her to continue to exercise her political agency against Henry and his new marriage. Although she was not operating outside of conventional norms, she was still placing barriers between the king and the royal authorities' intended outcomes. Further, her name was connected to high-profile treason cases that had been revealed before and after her departure from court.

It was not until her son, Reginald Pole, employed his religious agency against the king that Henry came to perceive Margaret as acting in a treasonous manner. The activities and arrests of Margaret's sons placed her in a position in which conventional gender norms were inverted by the king and the royal government to accuse her of treason. While Margaret was trying to be supportive of her sons as per her position as a mother and head of the household, this was constructed as treason by Henry. Further, Margaret's agency and the influence she had attained, which had been used against the king over the previous decades, meant Henry considered her a dangerous opponent. Before any evidence had been revealed, her circumstances as a prisoner demonstrated that she was viewed as a political threat. Like Katherine Howard, Margaret was also convicted of treason through an Act of Attainder, along with other members of the Pole family and other noble families. It is telling that Margaret was not granted a general pardon because of the influence she held and the agency she had proven she had the capability to wield. Margaret's case had not led directly to changes to the Treason Act, although it did highlight how it was becoming a norm for elite women to be viewed as active participants and agents in treason against the king. Thus, by the time of Margaret's downfall a new treason framework was established to convict and execute noble women whose political activities were seen to transgress gendered boundaries.

In conclusion, each case study has given insight into the diverse ways in which noble women could access forms of independent agency while they were in close proximity to the king and royal household. This thesis has also demonstrated how women's political agency came to be increasingly viewed as treasonous when it was not exercised in accordance with patriarchal gender norms. Henry VIII's perceptions of the dangers of women's agency is revealed through this analysis of the changing legal frameworks that justified women's convictions for treason in the short period from the downfall of Anne Boleyn to the execution of Katherine Howard and Jane Boleyn.

Prior to recent scholarship, discussion of treason cases in early Tudor England had focused primarily on men's relationship with the treason laws and had not accounted for the impact of noble women's political activities on the changing scope of treason. This thesis contributes to recent scholarship that has used gender analysis to better understand women's social and political experiences within early modern patriarchal constructs. Research by Barbara J. Harris, James Daybell, Penny Richards and Jessica Munns, and Christina Luckyj and Niamh O'Leary highlighted the active agency women of the nobility had access to or could attain through marriages and kinship connections. Michelle Beer, Retha Warnicke, and Elena Woodacre have emphasised the significance of the agency that queens could attain, and the patronage and independence they had access too. Studies by Nadine Akkerman and Birgit Houben, Anette Cremer, Nicola Clark, and Theresa Earenfight have also given insight into the physical, material, and social space of the royal and elite women's households, through which they could exercise further agency. Emerging scholarship by Nicola Clark and Amanda Richardson on space in the queen's household has revealed its importance, especially when that space could be utilised in ways that transgressed conventional norms and made the household a place in which treason could manifest.

My thesis expands on these studies by examining through a gendered lens the shifting attitudes towards women's agency, and noble women's relationship with new legal frameworks for treason that emerged during the reign of Henry VIII. Noble women have mostly been examined in scholarship in relation to their agency they could access as wives, mothers, and widows. This scholarship has shown that women had access to political and social opportunities in their households or within their affinity, but that their activities were limited by patriarchal gender norms and required the support of male authority. While investigating these same women through a different lens, it is evident that women were coming to be perceived by the king to be as dangerous as their male counterparts as agents of treason. Under Henry VIII, when noble and elite women transgressed gendered roles when wielding their political agency, they were increasingly at risk of being executed for treason. The gendered spaces elite women occupied, especially the household,

also became progressively identified as a space in which treason and treasonous activities could occur.

There is scope for further investigation into noble and elite women's agency and women's encounters with the treason laws. While this thesis has identified four different case studies, it does not account for all noble women's experiences with treason and legal cases. Women's activities in legal records, too, warrant greater consideration. Women were more active in their exercise of legal agency than has been previously considered in traditional legal scholarship. If legal records are viewed from different perspectives then there remains more capacity to investigate how women were able to engage with and use the legal system. Even if they were not given any official roles within the judicial system and they had to act through lawyers and male advocates, they could still have authority over their own legal cases. Thus, further investigation of unpublished legal records would potentially tell us more about noble women's extensive financial and business activities. Additionally, more scholarly attention can be directed to Margaret Pole, who warrants a more extensive study from various perspectives in terms of her political activities and the independent agency she had access to as a *femme sole* and peeress in her own right. Opportunities have opened up because of a wider shift in scholarship around noble women and queens' households; this allows for more nuanced understandings of women's political activities and the authority they held, even if it was not exercised through formal offices.

This thesis demonstrates how noble women could attain powerful levels of agency through birth right, marriage, and kinship connections, but also how their exercise of agency could be viewed as treasonous by royal authorities and the king. My investigation has revealed how the royal government's responses to these noble and elite women's activities contributed to wider changes in the scope of treason laws. These case studies have provided evidence to examine legislative shifts that were taking place and the reactions of the royal authorities to these women's transgressions of gendered boundaries. While they do not represent all elite women and treason cases, their lives and their actions are remarkable instances of gendered agency and resistance to the patriarchal norms that permeated Tudor society.

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