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SPOTLIGHT
ON

King's Bench records:
Anne Boleyn's trial

Key Stages 3-5 | Early modern 1485-1750

Video resource

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...pseutibz Georgii Roleyw gyltri dnm (Rocheford) imp de villa Westm in com
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...et attinetos & in Turpe nra london detentos/ vicecomitibz london apud le Doychhoff
...os vicecomites debite conficiend libetis / ut capita ipoz Georgii Henr Willi
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...inspectio iudicamentis / recordis & p'essibz p'dict. p'ltimo inde hac vice fieri fac'. p'ut de imp' & ordni legem
...et consuetudinem regni nri Angl' fuit faciend' / Et (apud Westm' xvi die iunij anno r' d' p'p'imo octavo)

...vel deputato ibidem & saltem mandam' vob'
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...fact & p'petrat iudicatos / & in custodia p'ia existet / coram Chastissimo consanguineo nro Thome d'ni p'off Thed ac Comite
...Wastallo Angl' (& hac vice Angl' Senestallo) / ad d'cos d'iem & locum quos idem Senestallus vob' scrip' fuit sup' &
...p'missio p'sponsu' / saluo & sennd' reme' fac'. Et hoc nullatenus omittatis / Et ad xvj may p'dict

...Et d'co & fideli suo Willm Ryegton gyltri Constabulario Turris nre london / & saltem r'
...p' d'cos d'iem & locum quos idem Senestallus vob' scrip' fuit sup' & commiss' imp'

King's Bench records: Anne Boleyn's trial, 1536

We hope you enjoyed watching our Education Service video with Sean Cunningham Sixteenth Century Records Specialist, looking at legal records relating to the Court of King's Bench, the most senior criminal court, and the Chancery. This video focusses on documents from 1530s concerning the trial of Queen Anne Boleyn.

Suitable for:

KS 3-5

Time period:

Early modern 1485-1750

[Watch video](#)¹

¹ <https://www.nationalarchives.gov.uk/education/students/videos/spotlight-on/spotlight-on-anne-boleyns-trial/>

Contents

Video transcript	Page 3
Tasks	Page 10
Document source	Page 12
Document source: Transcript	Page 13

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Video transcript

Hello, my name is Sean Cunningham, and I'm one of the 16th century record specialists at The National Archives.

Today we are going to look at documents from our legal collections created in the Court of King's Bench and the Chancery. The documents relate to how trials for the most serious crimes were held in our time period of the 1530s. The Court of Kings Bench was the High Court of Henry the Eighth's reign, where the top judges heard important cases. The Chancery was the place in the King's government where official orders and instructions were written. In those days everything had to be written by hand. These letters and papers were sent out and returned to help Henry the Eighth and his advisers run the country smoothly.

So what kind of material can we find in these documents? Trials in the law courts had to follow procedures that everyone agreed on, and which lawyers could learn so that people accepted the court's decisions. This helped Kings and Queens to build trust, that they ruled for all their subjects, and offered ways for disputes and crimes to be solved, and the judgments upheld.

Different documents were used at each stage of trials. Some were orders to get people to turn up to the courts. Other papers recorded evidence and information that helped juries and judges decide who should win the case. Small writs were specific orders that moved the progress of cases forward, and large sheets called indictments set out the charges that accused people, known as defendants, had to face.

Many trials or disputes between individuals ended with fines, but those that damaged the King's authority or his peace as it was usually known, could end with the death sentence. For the most serious crime of treason monarchs would use the execution of people found guilty as a public spectacle and warning to others thinking of replacing him or killing the ruler.

Before we look at our examples from this collection, notice that our documents have unique references, so we can use our catalogue to find them. In this case it's KB 8/9.

Video transcript (cont.)

So what kind of document is this? From 488 years ago this is how the records of a major state trial from Henry the Eighth's reign look. In this case, they show how Queen Anne Boleyn was charged and convicted of adultery, incest and high treason. What about the appearance of the document? The documents were originally kept in the soft leather pouch found at the back of this file. You can see it here. This is one of the secret bags into which the papers of the state trials were put after the Tudors came to power in 1485. The sheets have been flattened and arranged in a sequence to show how the special court was set up and the evidence against Queen Anne assembled between her arrest and the start of the trial. So the documents were probably created in early May 1536. Queen Anne was imprisoned in the Tower of London on the 2nd of May. Her trial started on the 15th of May, and she was quickly found guilty and beheaded on Friday 19th of May.

So we can ask who produced these documents? They were written by clerks in the King's Bench Court and in the Chancery, the government's writing office. They reflected normal procedure for a major criminal trial, even if the main person on trial was a queen. Because of the status of the people involved, the outcome that the documents were intended to achieve was a personal and political one that could only have been agreed by King Henry and set in motion by his minister, Thomas Cromwell.

So this is a large file of 13 parchment sheets with many duplications. The record shows how the trials of Anne Boleyn and her brother George, Lord Rochford, were organised and conducted in May 1536. Most records deal with procedures including King Henry's authorisation to Anne's uncle, the Duke of Norfolk, to hold the trial, for which he was appointed Lord High Steward of England; commands to the Sheriff of Kent and Middlesex to return all documents related to the trial. Lots of evidence had been collected from people connected to events that occurred at Greenwich and Westminster Palaces, which were then in those counties. There's a writ to the constable of the Tower to bring Anne out of prison for her trial, and summonses to the lords to assemble to take part in the trial, and a list of those who formed the jury with their agreement that she was guilty added to each name.

The indictments against the Queen. These set out the accusations in detail. Anne was

Video transcript (cont.)

accused of having sex with her brother George and four other men of the King's private chamber staff. Queen Anne's alleged behaviour amounted to adultery, but since Henry the Eighth was desperate for a legitimate son to inherit the crown, the Queen's sexual relations with others presented a danger to the King's person, his authority, the royal succession and his masculine reputation. For Anne, adultery while married to the King was treason. All the defendants were convicted of treason for plotting the King's death. The 1534 Treason Act, under which Anne was tried, required that she be executed by burning alive.

So who was this document created for? It's a difficult question because there's a procedure in the court, but in the 1530s, the law was used to uphold Henry the Eighth's power and not to deliver more modern ideas of justice. Defendants had to prove that they were innocent of the charges. Today, accusers must prove guilt. It was very difficult, therefore, for Anne and her co-defendants to escape conviction when the King and Cromwell had agreed on the charges and had a clear outcome in mind. The records justify the actions and decisions that the King and Cromwell wanted.

Anne was an anointed and crowned Queen, and her role brought clear expectations of behaviour and duty. When she was accused of failing in her responsibilities, her status required that a special court was set up to decide on the truth of the accusations against her. Because she was imprisoned within the Tower, and the circumstances of her arrest were so unusual, her trial would also take place in the Tower precinct. She was judged by members of the House of Lords with her uncle, the Duke of Norfolk, leading the trial. The records created at each stage of the trial show that it had all the appearance of a careful and elaborate state occasion. Yet it was a legal travesty, designed to use the power of the state to solve the latest of Henry the Eighth's personal problems. Henry's romantic fixation had moved on to Jane Seymour, and he wanted Anne out of the way. Cromwell was able to manipulate the politics of the court to try to solve some bigger problems at the same time, such as who could influence around the King and who therefore could benefit from his attention to increase their own power.

So is this document useful for understanding Anne Boleyn's position as Henry the Eighth's

Video transcript (cont.)

second wife? Although the Latin text is a formal record of the stages of the trial, without any of the detail that appears in other eyewitness accounts, it does help to explain how and why Henry the Eighth justified killing his wife through the power of the law. This was an amazing and very troubling event within Tudor society, so the explanation of the charges had to depict Anne as a malicious enemy of the king. The scale of her betrayal was set out with Henry as the intended victim of a court plot that she led. These charges claimed that after more than three years of marriage, and began to treat her relationship with Henry with contempt, she was lustful and chose lovers from among his trusted servants. Together, and since October 1535, they were all alleged to have planned the King's death with Anne promising to marry some of the traitors to ensure that they stayed committed.

Henry, once he discovered the conspiracy, realized that the accusations undermined his royal status and reputation and made it less certain that he was the father of any child that Anne might have had she become pregnant again. Those issues built a position whereby the execution of the defendants could be publicly justified despite the shocking and unprecedented circumstances.

The second document I'm going to show you shows how this happened in relation to Anne Boleyn's trial. It's a book created by the clerks in Chancery to record the forms of words to be used when writing official documents. When something new or unusual was demanded, they also recorded the text as a reminder or precedent for other clerks in the future. No English queen had ever been executed, so Henry the Eighth's orders for the day of her death were very important. The original writs have been lost, but we know what Henry the Eighth was thinking, because the clerks made their own copy of the words in his instructions. It's a leather and paper bound book with pages of rough cut paper made from pulped rags. The book has been damaged, as you can see, through repeated use and storage, which suggests that it was important as a resource for the Chancery officials.

The Latin text of the five writs on this page show how the executions were organised for all of those tried and condemned at the same time as Anne Boleyn. The first one requires the constable of the Tower of London to deliver for execution George Boleyn and the

Video transcript (cont.)

four men of the King's chamber found guilty of adultery with the Queen. They were to be executed on Tower Hill and not inside the Tower itself, making this a public event under the responsibility of the sheriffs of London. The second text shows that those executions would be by beheading, and not the usual grisly traitor's death of hanging, drawing and quartering, the punishment that their trial records noted. The third writ requires the nobles on the Queen's jury to return all the trial papers to the Duke of Norfolk. This was probably around the sensitivity of the issue and the risk of having information in the public domain. The fourth text is the order to the Constable of the Tower to deliver Anne and her brother to the Duke of Norfolk at the time of their executions. And the fifth text is the most interesting, since it shows King Henry the Eighth intervening on the 18th of May to offer his mercy, allowing Anne to be beheaded on the green in the Tower, and not publicly burned alive. So the writs offer insight into the organisation behind public executions.

Many more documents would have been drawn up to ensure that instructions and procedures were followed. The Sheriffs of London, the Duke of Norfolk as the Steward of England, and the Constable of the Tower all had important roles if the executions were to be managed efficiently. The record reminded the clerks about the orders that were needed if this type of event had to be organised in future, as it was only four years later when Queen Catherine Howard was executed for adultery and treason.

What's the purpose of these documents? The document reveals the powerful influence of the King upon the business of the courts and the roles of officials in government. This was known as the exercise of his prerogative rights. The powers associated with the role of the monarch in society, which could be activated at any time by his will and command. Henry intervened to change how the sentences of the court would be carried out. The powers could have extended to stopping the executions or pardoning the condemned people, even on the execution scaffold, as happened at other times in this period. Those orders never came, however, and Anne Boleyn became the first Queen of England to be executed for treason.

Are the documents useful for understanding how England was ruled during Henry the

Video transcript (cont.)

Eighth's reign? Well, Henry the Eighth was unwilling to have his wife burned to death in public. That was a hideous spectacle which would only deepen public upset and outrage. Although many religious heretics had already been publicly executed by fire earlier in the Tudor period, killing a queen for treason in this way was a completely different prospect.

These documents show a related concern for security on the day of the executions, since the instructions for the careful delivery of prisoners and to officials and guards. That worry links the risks arising from the full spectacle of a parade of the condemned through London to the execution grounds at Tyburn or Smithfield. Any concerns that the Queen's supporters might try to rescue her and her fellow victims before they were killed were reduced when the decision was made for quicker public beheadings for the king's servants and George Boleyn on Tower Hill. The documents make no mention of the swordsman, who was brought to the Tower from Calais to behead the Queen on the 19th of May. Those were small examples of the King's mercy towards his wife, but this was done more for his reputation and the preservation of public order than to spare Anne from her fate. Here Henry used his control of the law to get his own way.

This was another example of how his personal problems dominated the way government worked, and forced officials into actions to meet his demands. In 1536, the regime was still in the process of closing the monasteries and grabbing monastic lands and goods, a massive social and religious change for most people, and which would cause large rebellions in the north that autumn, the Pilgrimage of Grace. Only two years earlier, Henry had made himself head of the Church of England so that he could take the legal and religious steps to end his marriage to his first wife, Catherine of Aragon. Anne's execution showed that his problems over a rightful male heir and the rivalries in his court had not been solved by these drastic steps. Those issues would continue for the rest of his reign.

Why does The National Archives have this document? The texts have come to The National Archives as part of the archives of the Chancery Offices. These books were used and added to until a new volume of precedents was required. Records of the Crown's law courts are seen as public records. Documents showing what cases were about and how they were managed by the courts have survived from all periods to become part of the

Video transcript (cont.)

legal collections here at The National Archives. Those of the senior courts that existed at Westminster are especially important in showing who had access to the highest levels of the law, and how legal processes changed over time. They allowed the use of the law in the past to be researched and questioned, and this is important in holding to account those powerful organisations and functions that make up what we can call the state.

Tasks

Watch the video then try and answer the following questions:

- What type of cases were heard by the Court of the King's Bench?
- What was the role of the Chancery?
- What type of documents can be found in the Chancery?
- Define the following terms:
 - Small writ (b) indictment (c) the King's Peace.
- What is the reference of the first document revealed in the video?
- How old is this document?
- What was the charge against Queen Anne Boleyn?
- Where were Queen Anne Boleyn's trial documents kept in the 1530s?
- Who produced these trial documents?
- Who do you think these trial documents were created for?
- What do these documents reveal about the Henry's role in the judicial system?

Document source

This document, written in Latin, is a page from a book created by clerical officials who worked in the Chancery – the main department responsible for writing and storing government documents. These books acted as a resource detailing the wording and instructions for chancery business. The book could also be used as a possible future template for clerks facing similar issues. This page concerns the orders for the execution of Queen Anne Boleyn, 1536. Catalogue ref: C 193/3 f80

- What is the purpose of this document?
- Where were the men found guilty of treason, to be executed? What does this infer about King Henry VIII's desire for a public execution?
- Why do you think there was a writ to enforce execution by beheading rather than the usual hanging, drawing and quartering for high treason?
- Why do you think was there a writ to command that all papers accessed by those involved in the trials were returned to Thomas, Duke of Norfolk?

Tasks

- Why has Henry VIII intervened with the last writ concerning Queen Anne's execution?
How could this intervention have suited his position?
- What can historians learn about the operation of the judicial system from these writs?
- What do they reveal about the Henry VIII's control of the justice system?
- Which Queen of England was also accused of treason and executed during the reign of Henry VIII?

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Document source: Transcript

Simplified transcripts of the writs (starting from the top.)

Writ for the execution of the indicted and delivery of the prisoners.

A writ of 17 May to Sir William Kingston, Knight and Constable of the Tower of London to deliver from imprisonment, George Boleyn (Lord Rochford) and four other men: Henry Norris, William Brereton, Francis Weston and Mark Smeaton into the custody of the sheriffs of London for execution on Tower Hill. The sheriffs of London at Tower Hill shall cause the heads of the said George, Henry, William, Francis and Mark there to be cut off. And we will that you make every effort to aid and assist the said sheriffs in the said execution of our command

Another writ of execution.

A writ of 17 May to the sheriffs of London to carry out their executions by beheading on Tower Hill. Those currently detained in the Tower of London are listed. The assistance of the Constable of the Tower, Sir William Kingston, or his lieutenant or deputy, in delivering the men to the sheriffs of London in the execution of this order is re-stated.

Writ of certiorari to have the indictments of Anne, late Queen of England, George Boleyn, Lord Rochford placed before the Constable of England.

[This type of writ gave the order for a higher court to review cases tried in a lower court.]

A writ of 13 May to [named] trial justices to ensure they deliver all the trial records of Lady Anne, Queen of England and George Boleyn, including their indictments [formal charges of crimes] to Thomas Duke of Norfolk, Treasurer and Earl Marshal of England and [for this time] Constable of England, who presided over the trial and sentencing of Queen Anne Boleyn.

Writ of 17 May to the Constable of the Tower of London, Sir William Kingston.

Document source: Transcript

The King commands, that when instructed, the Constable of the Tower of London, delivers from imprisonment Anne, the late Queen and George Boleyn, Lord Rochford, to Thomas the Duke of Norfolk, Treasurer and Earl Marshal for their trial.

Writ of 18 May Writ to the Constable of the Tower for the execution of the indictment against Anne, late Queen of England.

Greetings to Sir William Kingston, Constable of the Tower of London from the King. As Anne, late Queen of England, lately our wife, has now been found guilty of high treason towards us and awarded a death sentence, by fire, according to the law of England, or decapitation, according to my will, whilst in remaining in your custody in our Tower of London. I am moved to take pity on her and do not wish Anne to be burned by fire. We command that immediately after receipt of these orders, Anne shall be executed on the green within the Tower of London. This in the twenty-eighth year of our reign.



Why do our hyperlinks come with footnotes?

Our resources are designed to be printed and used in classrooms, which means hyperlinks aren't always accessible digitally. We include the full link at the bottom of the page so that you can type in the address without distracting from the main text of the lesson materials.

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Our [Onsite Workshops](#) are available for free here at The National Archives and allow students to experience genuine original documents reflecting over 1000 years of history. From Elizabeth I's signature to the telegrams of the sinking Titanic, students love the wow-factor of being able to see real history on the desk in front of them.

Our [Online Workshops](#) allow our Education Officers to teach through your projector, leading discussions and guiding students through activities based around original documents. All you need is a computer with a projector, webcam and microphone. We'll arrange a test call before your session to check the tech is working.

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