John Feckenham and the Defence of Sanctuary at Westminster Abbey in the Sixteenth Century

Barnaby Hughes, bepress (DC Admins)
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The Origins of Sanctuary

John Feckenham is remembered principally as the last abbot of Westminster, a position which he held only from November 1556 to July 1559, or as the chaplain who attended Lady Jane Grey on the scaffold in 1554. He was required to fulfil many roles as abbot of Westminster. Here I want to focus on his roles as champion of the abbey's ancient rights and privileges and as wealthy landowner. In these roles he defended the right of sanctuary at Westminster Abbey, which had come under attack during the reign of Henry VIII. He did this, first of all, by protecting those who sought sanctuary at Westminster from the clutches of the law, and parading them around the city (perhaps as an advertisement that the old ways had returned under Queen Mary). But more importantly, he presented the abbey's ancient charters and privileges in Parliament, and delivered there a speech full of historical learning. While Feckenham's defence did not prevent the abbey's ancient right of sanctuary from being partially circumscribed, he did enable to survive well into the next reign.

Before looking at Abbot Feckenham's defence more specifically, it is helpful to look at sanctuary in late medieval and early modern England more generally. I. D. Thornley, in his essay 'The Destruction of Sanctuary,' distinguishes between two kinds of sanctuary. The first he calls ecclesiastical, whereby a common criminal could seek temporary refuge in a church or churchyard. At the end of the forty days, the accused either had to submit him/herself to the judgement authorities or swear to abjure the kingdom. Moreover, it was the responsibility of the local community to see that the accused did not escape sanctuary or, in the case of one going to exile, that

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the accused actually got on a boat in the port designated within the appointed time. This placed a
great obligation on local communities, for which negligence could be and was punished by the
imposition of fines. The second type of sanctuary Thornley calls secular and jurisdictional, for it
concerned sometimes small, sometimes large tracts of land beyond the reach of royal justice,
including abbey and episcopal lands, as well as the palatinate of Durham and other parts of the
north. Most renowned of all sanctuaries in England were those of Westminster, Durham and
Beverley, sometimes referred to as 'chartered' sanctuaries because of the special privileges of
sanctuary granted to them by royal charter.\textsuperscript{2} And as we will see, Westminster could provide one
with far more than forty days refuge—it could be for the rest of one's life.

While the right of sanctuary could be and often was abused, it aimed to protect individuals
from 'the perceived untrustworthiness of lawyers' and the 'severity of the royal law.'\textsuperscript{3} It also served
to protect those guilty of accidental murder, for which no distinction was made in English law until
the seventeenth century. To give some kind of perspective on how widespread was the use of this
right, it has been estimated that in late medieval England as many as 1000 people were recorded by
royal officials as having taken sanctuary each year.\textsuperscript{4} While a number of these people were
undoubtedly guilty of crimes, 'many sanctuary-seekers, and perhaps the majority, did not hold
themselves guilty of serious crime', such as treason or murder.\textsuperscript{5} At Westminster, most seem to have
been in trouble simply for debt. Traitors, perhaps unsurprisingly, were the first category of criminal
to be exempted from the protection of sanctuary; this was enacted by King Henry VIII in 1534. He
further eroded the privileges of sanctuary in 1540 by extending this exemption to all serious
felonies; all sanctuaries save churches and churchyards were abolished; and all the liberties of
dissolved monasteries were vested in the king. The only concession he made to his subjects in this
regard was the setting up of eight cities of refuge, which 'could protect for little save debt, they
\textsuperscript{3} G. Rosser, 'Sanctuary and Social Negotiation' in The Cloister and the World: Essays in Medieval History in Honour
\textsuperscript{4} Ibid., 67.
\textsuperscript{5} Ibid., 65.
might not shelter more than twenty persons at a time, and these had to undergo strict supervision and irksome regulations.\textsuperscript{6} Such cities of refuge were modelled on those described in the nineteenth chapter of the biblical book of Deuteronomy. At Edward's accession, Lord Protector Somerset 'maintained the abolition of the privilege for treason, wilful murder and aggravated forms of theft, but restored it to all other felons, as it had been at Henry VIII's accession.'\textsuperscript{7} It is in this context of Henry's attack on sanctuary that Abbot Feckenham's defence of it under Queen Mary should be seen.

\textbf{Sanctuary in Practice at Westminster}

Having looked at sanctuary quite generally, it is now time to examine the sanctuary of Westminster itself. And this is interesting to notice—that the right of sanctuary seems to have given the name of sanctuary to all of the land within the abbey gates. Some of this land was, by the early fifteenth century, 'crowded with the premises of shopkeepers and tradesmen of all kinds.'\textsuperscript{8} Their rents, together with that of those who resided in the sanctuary, added up to more than £100 per year, which was no insubstantial sum. It is no wonder that the abbots of Westminster wanted to protect their right of sanctuary; this exempted all those who lived and worked in the sanctuary from all other jurisdictions, save that of the abbey. Thus, it was not only a refuge of criminals, but 'an island of ungoverned commerce.'\textsuperscript{9} Most, if not all, of the sanctuary-men are thought to have lived along Thieves Lane.

The most significant event at Westminster Abbey relating to sanctuary occurred in 1378 and involved two prisoners of the Crown who had escaped from the Tower and taken sanctuary at the abbey. Robert Hauley and John Shakel had been imprisoned for taking hostage an aristocratic Spanish prisoner of war, an act that was both a political and diplomatic embarrassment for England.

\textsuperscript{6} Thornley, 'Destruction of Sanctuary,' 202-3.
\textsuperscript{7} Ibid., 204.
\textsuperscript{9} Ibid., 157.
When the abbot of Westminster refused to surrender the fugitives, the Constable of the Tower, together with fifty soldiers, broke into the sanctuary and succeeded in re-capturing Shakel. Hauley, however, having put up resistance, was killed in the ensuing fight, together with a sacrist. Not only was sanctuary violated in this instance, but, most shockingly, the fatal fight occurred during the reading of the Gospel at High Mass in the choir of the abbey church. The crown justified the taking of the prisoners by arguing that the fugitives were debtors and therefore exempt from the protection of sanctuary, which covered only felons. The government’s case was argued before Parliament by the Oxford theologian John Wycliffe. Abbot Lytlington, on the contrary, argued that sanctuary applied also to debtors, as to any criminal, by the ancient rights and privileges granted to the abbey by St Edward the Confessor. In the end, the King, perhaps out of reverence for his holy predecessor, allowed this to stand and confirmed the abbey's rights and privileges.

All those who sought sanctuary at Westminster Abbey were required to swear an oath. Three copies of this oath survive, of which I saw two of them yesterday in the abbey's muniment room. The earliest of these, perhaps written in the second half of the fifteenth century because of its reference to debtors, is written into the large book known as the Liber Niger (on fo. 139v), while WAM 9595, seems to be an early-sixteenth century copy of it. The third copy, now Lansdowne MS 24 (fos. 206r-207r) in the British Library, I have not yet seen. It is believed to date from the late-sixteenth century; I am curious to know if it is different or merely another copy of the same. The form of the oath, written in Latin and with the constantly recurring third-person singular *iurabit*, makes it likely that this text was not read aloud by the sanctuary-seeker, but used as an outline for interrogation in English by a monastic official.

MacMichael summarises the sanctuary oath as follows: 'He had to state the cause of his flight and to give the names and condition of those he had wronged, to swear to behave properly, to observe the privileges and the customs of the Sanctuary, to honour contracts entered into within the

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10 MacMichael, 'Sanctuary at Westminster,' 12.
11 Ibid., 13.
Sanctuary and to satisfy his creditors as soon as possible, if he was a fugitive for debt. He might only sell food or drink within the area, or admit fugitives to his house, if had a licence to do so from the Archdeacon. He was neither to carry weapons, nor to go out of Sanctuary by day or night until he had satisfied his adversaries, nor was he to defame other fugitives, nor to do violence or let it be done to any other inmate. It seems, too, that a thief was required to hand over to a monastic official, perhaps the Archdeacon, any stolen goods he had brought with him.¹²

Although one could provide many such examples, that of William Staverton shows both the use and abuse of sanctuary. A grocer from London, he took sanctuary at Westminster for debt in 1509, remaining there until his death in 1534. Not only did he receive Christian burial in the churchyard of St Margaret's, but 'he bequeathed apparently intact his lands and tenements in Daventry, Northamptonshire.'¹³ With the sanctuaries of Westminster Abbey and of the nearby collegiate church of St Martin-le-Grand primarily in mind, St Thomas More wrote in his *History of King Richard III:*

> Now unthrifts riot and run in debt, upon the boldness of these places; yea and rich women run thither with their husbands' plate, and say, they dare not abide with their husbands for beating. Thieves bring thither their stolen goods, and there live thereon. There devise they new robberies; nightly they steal out; they rob and reve and kill, and come in again as though those places gave them not only a safeguard for the harm they have done, but a licence also to do more.¹⁴

More's description is thought to be fairly accurate. It should come as not surprise, then, that the abuse of sanctuary was one of the main reasons for its regulation and limitation.

The sanctuary of Westminster, however, did not just attract criminals. During the Wars of the Roses, 'St Martin-le-Grand and Westminster are thought to have protected some two thousand of Henry VII's adherents when he came to wrest the crown from Richard III.'¹⁵ Similarly, Queen

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¹⁵ MacMichael, 'Sanctuary at Westminster,' 14.
Elizabeth Woodville took sanctuary at Westminster and there give birth to the future Edward V.  

Somewhat later, Poet Laureate John Skelton took sanctuary at Westminster where he died in 1529.

Moving forward into the reign of Queen Mary, another view on the workings of sanctuary at Westminster Abbey can be gleaned from entries in the *Acts of the Privy Council*, which, surprisingly, do not seem to have been utilised by scholars of sanctuary. There are seven separate entries relating to sanctuary, beginning 22 July 1557 and ending 29 December 1558, this last just after the sudden death of Queen Mary in November and before the coronation of Elizabeth in January. The first entry in the *Acts* concerns one Edward Vaughan, recently escaped from the Tower. The abbot was asked to examine him, which may been done using the sanctuary oath, and this is repeated in other entries. The Privy Council, also specified that Vaughan 'be committed to a safe and several place, so as none have conference with him,' which must have precluded the usual dwellings of the sanctuary-men along Thieves Lane. Six days after this initial instruction concerning Vaughan, the Council went so far as to ask that Vaughan be sent to the Constable of the Tower to answer charges for multiple felonies, 'signifieng unto the said Abbot that the same Vaughan after his examinacion so taken shalbe restored againe to the Sanctuarye, if it shalbe his right so to be.' Next, the Privy Council requests that if one John Poole, suspected of robbery in London, seeks sanctuary there that he be committed to the abbey's prison.

On 12 December 1557, just six days after the abbot and convent had processed through the streets of Westminster with the sanctuary men, 'cross keys on their garments', the Privy Council requested a full list of everyone who lived in the sanctuary, both men and women, together with the reasons why they had sought refuge there. Then, probably having received this information, the Privy Council requested the abbot on 27 January 1558

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16 Ibid., 13.
17 Ibid., 14.
19 Ibid., vi.135.
20 Ibid., vi.144.
to delyver to Mr. Vicechamberlayne, or to suche of the Garde as he shall sende with thies lettres, the bodyes of John Chapman, Jane his wief, Lawrence Mylforde, George Pollarde, George Martyn, Piers Hanmer, Allexander Bewple, John Kyrle, Edwarde Vaughan, George Manwaringe, Richard Hore, John Raven, Ollyver Lloyde, Roger Mathewe, Robert Eyres and Walter Estwood, to be by them conveyed to such places where they may be further examyned.  

It is interesting to note that Edward Vaughan was still there. This seems to have been the prelude to another attack on sanctuary by Parliament, for Abbot Feckenham was summoned there on Saturday 11 February 1558, of which more later. The last incident recorded in the *Acts of the Privy Council* concerned one Geoffrey Reyman or Rayneman, who had stolen the clothes of one Thomas Bradley, a clothier, and fled into sanctuary with them; the initial notice was dated 31 July 1558.  

It seems that Bradley was still trying to recover his clothes on 29 December of that year, for the Privy Council requested that the abbot deliver the clothes to Bradley.

**Abbot Feckenham's Speech**

It will be obvious by now that the rights and privileges of sanctuary at Westminster were probably the most contested and sought after of all chartered sanctuaries in England. They were defended in 1378 after the famous violation of sanctuary by the Constable of the Tower, before the Star Chamber in 1519, by Abbot Feckenham in 1558, and by his successor Dean Gabriel Goodman in 1566. The most substantial account of Abbot Feckenham's defence of sanctuary survives as Rawlinson MS D 68 in the Bodleian Library. The manuscript begins by describing how on Friday 10 February 1558 a bill was read in Parliament that sought to greatly restrict sanctuary, which had lately been used at Westminster. It was decided, therefore, that the abbot and his lawyer be summoned to Parliament the following day and to present what rights and privileges pertained to sanctuary at the abbey. The abbot duly appeared the next day, but with no lawyer, only another

monk, and presented the ancient charter of St Edward the Confessor. He began his speech by noting that he needed more time to prepare an adequate defence, begging to have at least one more day so that he could take legal advice. After delivering his speech, Parliament deliberated and generously decided to allow him to return on the following Tuesday. Unfortunately, I have not yet been able to find any record of what happened on that occasion.

The text of Feckenham’s oration is then given, presumably in full. I have also found an abbreviated form of it Tanner MS 90, also in the Bodleian Library. Feckenham's speech is very well structured; after an initial introduction that notes how sanctuary has been used at all times and places, among Jews and pagans as well as Christians, he argues that it should be preserved at Westminster Abbey for four reasons. 'The first is the antiquitie and continewance of Sanctuarie there. The second is the Dignitie of the persons by whom it was ordained and preserued. The third, the woorthines of the place it self. The fourthe, the profit and commoditie that you haue receiued thereby.'

His first argument is the longest and, from the viewpoint of the modern historian, the most specious. His historical narrative begins with the conversion of King Lucius of Britain by the monks Fagan and Damian in the reign of Pope Eleutherius. This mythical king is said to have destroyed a temple of Apollo upon which he built a Christian church dedicated to St Peter and gave it the right of sanctuary. In a fascinating article entitled 'What Can King Lucius Do For You? The Reformation and the Early British Church,' Felicity Heal shows how Catholics and Anglicans had invoked the mythical King Lucius in attempts to prove the greater antiquity of their respective churches. After that church was destroyed by the Saxons, it was rebuilt at the time when St Augustine of Canterbury began his mission and converted King Seba of the East Saxons. Then it was destroyed again by the Danes and rebuilt by King Edward the Confessor. He then notes how the said king prophesied that sanctuary would remain as long men feared God; this prophesy has

25 Oxford, Bodleian Library, Rawlinson MS D 68, fo. 2r.
26 F. Heal, 'What can King Lucius do for you? The Reformation and the Early British Church,' English Historical Review (2005), 593-614.
now been proved true, he claims, by the Protestant heretics and schismatics who have recently destroyed sanctuary. But he gladly notes that sanctuary has now been restored by 'our moste gratious Kinge and Queene Phillippe and Marye,' who 'restored the faithe to vs, and vs to the vnitie of Christes Churche.'

Feckenham then needed to say little in favour of his second reason, namely, that Westminster's sanctuary should be preserved because of the dignity of the one who ordained and preserved it. He had mentioned St Edward the Confessor in his previous argument. For his third argument he notes how long there has been a church on the site.

For the temple in Westminster erected in honor of god, and St Peter, was the first temple, where the first christian kinge first woorshipped the trew god, and set vp the honor of christian name. And if we credit St Edwarde, he writeth here in the beginninge of his Charter, howe when he purposed to dedicate the holie Temple at Westminster, builded by the first christian Kinge Lucius, and restored by himself in honor of god and St Peter, he was admonished in his sleepe by a vision of Angells to forbeare hallowinge of that Churche, which was alreadie hallowed by St Peter himself in person accompanied with Angels.

He continues:

This would I not haue alleaged if this notable Prince and St had not left it witnessed vnder his writing and Seale, as yow see before your eies.

Further, he argues, there is present in the abbey church the relics of St Edward the Confessor, which have survived the destruction of the shrine, and which he himself has caused to be rebuilt in April 1557. As his fourth reason, Abbot Feckenham reminds them of all the people who have received refuge in the sanctuary at Westminster over the years, of both low and high estate, including queens, princes, dukes, barons, and knights, though he clarifies that he is not referring to anyone presently before him in Parliament. As a final statement he says,

I haue also a Charter of the Queenes Maiestie wherein are graunted to me by generall woordes all liberties, priuiledges and fraunchises, in as large and ample manner as my

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27 Ibid., fo. 3v.
28 Ibid., fo. 4v.
29 Ibid.
Predecessors, Abbots of that place had and enjoyed at any time, within one yeare after the dissolution thereof. Howe far that generalitie of woords extundeth, or what farther matter of righte and title the lawes doe graunt me, because I my self cannot for aduan cement of mine interest declare and pleade, as the forme of the lawe requireth,\textsuperscript{30}

Feckenham's speech is rather good for having been cobbled together at the last minute. He relied above all on the famous charter, memory and relics of St Edward the Confessor, but one can also see the influence of Bede's \textit{Ecclesiastical History of the English People}, from which he derives the narratives of King Lucius and St Augustine of Canterbury. Lastly, his speech betrays themes familiar from his sermons, such as the schism of Henry VIII and the iniquity that followed it. Whatever impact his speech may have had, the result was that the bill became stalled in Parliamentary debate and was never passed.

**The Destruction of Sanctuary**

Abbot Feckenham's was by no means the last defence of Westminster's rights and privileges of sanctuary in Parliament. Dean Gabriel Goodman was called to Parliament in 1566 and there presented the same charters and evidence as Feckenham, even using the same legal advisors, a 'common lawyer' named Plowden and a 'civilian' named Ford.\textsuperscript{31} Once again the bill was stalled in debate. It was said by the eighteenth century historian of Westminster Abbey, Richard Widmore,

\begin{quote}
Whatever strong temporal reason for its continuance here: this privilege of sanctuary had caused the houses within the district to let well; and they had been rated high in the estimate for king Henry the VIIIth's establishment: and the college must have felt very sensibly the lowering of their rents occasioned by such suppression.\textsuperscript{32}
\end{quote}

Once last source for sanctuary at Westminster Abbey survives from 1569, a list of eleven debtors

\begin{flushright}
30 \textit{Ibid.,} fo. 5v.
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who owed sums ranging from £106 to £5427.\textsuperscript{33} The final blow to sanctuary at Westminster and elsewhere was struck by an act of Parliament in 1624, which abolished all but a few sanctuaries, and those that remained were open only to debtors.\textsuperscript{34}

\textsuperscript{33} WAM 9594.
\textsuperscript{34} Rosser, 'Sanctuary and Social Negotiation,' 59.