THE BACONIAN HERESY

A CONFUTATION BY

J. M. ROBERTSON

Fernando Pessoa.

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BY THE SAME AUTHOR

MONTAIGNE & SHAKESPEARE

DID SHAKESPEARE WRITE *TITUS ANDRONICUS?*

ESSAYS TOWARDS A CRITICAL METHOD

ETC. ETC.

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A CONFUTATION

BY

J. M. ROBERTSON M.P.

DO YOU THINK SO? ARE YOU IN THAT GOOD HERESY, I MEAN OPINION?

Ben Jonson, The Sad Shepherd, Act i, Sc. ii

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PREFACE

THIS treatise was in large part compiled some years ago, under the shock of the revelation that Mark Twain had died a "Bacon-Shakespearean." Laid aside under a misgiving that the drudgery it involved had not been worth while, it has been finished, by way of a holiday task, at the instance of a friend somewhat disturbed by Baconian solicitings. It is finally published with a hope not merely of checking in some degree the spread of the Baconian fantasy, but of stimulating to some small extent the revival of scientific Shakespearean criticism. Any close reader of the Baconian literature will recognise that its doctrine flourishes mainly on the unsunned sides of the Shakespeare problem. If only the specialists had done their proper work of discriminating between the genuine and the alien in the Shakespeare plays, much of the Baconian polemic would have been impossible, if indeed it could have proceeded at all. What we latterly get from the professed historians of English literature is mostly "cathedral" declamation, somewhat analogous to much of the Baconian asseveration.

It has been a question for me how far the confutation of Baconian fallacies may usefully be carried. The Baconian case constantly tends to new exorbitances of nonsense, as when Sir Edwin Durning-Lawrence intimates that Bacon did the authorised version of the Bible, and Mr. Parker Woodward, with calm confidence, intimates that Bacon also wrote Lilly's EUPHUES, Spenser's poems, Puttenham's ARTE OF ENGLISH POESY, all the works of Thomas Nashe, all the works and plays of Greene, Peele, Kyd, and Marlowe, Burton's ANATOMY OF MELANCHOLY,

and I know not what else. Many of these claims, indeed, were made years before; but they seem to recur spontaneously. When Mr. Woodward is at a loss for a pretext for any such attribution, he alleges a statement by Bacon in a "cipher." I have drawn the line at ciphers, which are rejected even by leading Baconians such as Dr. Theobald and Lord Penzance; and I have likewise put aside all the extra-Shakespearean attributions. It seems sufficient to call the attention of the reader to them, and to point out to what the Baconian theory commonly carries its devotees.

It may be argued, on this, that they reason on their wildest propositions very much as they do on their primary doctrine; and that Dr. R. M. Theobald, on whose "classical" and other fallacies I have spent some time, is quite as sure about what he calls "the Marlowe branch of our theory" as about the Shakespearean. I can but answer that I have been astonished to see quite intelligent men, for lack of knowledge of Elizabethan literature, deluded by the Bacon-Shakespeare case, and by the misinformation supplied to them by orthodox Shakespeareans; and I have been willing to take some trouble to prevent the spread of such error, which goes on without regard to the lengths of further extravagance attained by the Baconians. But I am not concerned to spend time over people who can believe that Bacon wrote the entire Elizabethan drama, the English Bible, and Spenser, Montaigne, Nashe, and Burton to boot. *Non ragioniam di lor.*

But; once more, all this divagation has been made possible by the old fashion of contemplating Shakespeare *in vacuo*, and as a miracle at that. As a good critic put it a generation ago: "Even he must be partly interpreted by his age. We cannot duly appreciate his position without careful study of this whole chapter of literary history. Unless we are acquainted with the soil from which he grew, and with the other products which that

soil was capable of bearing, he remains, not marvellous merely, but prodigious. If he be regarded after the fashion of the last generation but one, as a *lusus naturæ*, out of relation to the ordinary laws of human development, he loses his interest for us as a human being; his actual bodily existence, which has little enough of the substance imparted by the biographer, becomes altogether shadowy and mythical: we fall an easy prey to some 'Baconian hypothesis' about the authorship of his plays, and take a final leave, so far as he is concerned, of criticism and common sense."[1]

It may be, then, that a discussion which involves a constant application of the comparative method will be serviceable to genuine Shakespeare-study, whatever it may avail in the way of averting further lapses into Baconianism. I have been encouraged to complete my task—in so far as it can be said to be completed—by the declaration of Mr. Charles Crawford: "It seems to me that scholars are making a big mistake in allowing this question to assume such serious proportions."[2] Mr. Crawford has himself done so much to clear it up that I am moved respectfully to reproach him for not doing the whole of the work. Differing from him upon only one serious issue in matters Shakespearean—the authorship of TITUS ANDRONICUS—I realise none the less the fulness and exactness of his Elizabethan learning, by which I have here profited.

The task, indeed, is one that should have been undertaken by a small company of scholars. A few leisured and vigilant readers together could in a short time have compiled a much fuller refutation than the following; and might incidentally have done a much greater service to Shakespeare scholarship than is possible to one who lacks due leisure even if he had scholarly qualifications.

[1] G. C. Macaulay, *Francis Beaumont: A Critical Study*, 1883, p. 5.

[2] Preamble to essay on "The Bacon-Shakespeare Question" in *Collectanea*, Second Series, Stratford-on-Avon, 1907.

If a study which for me has necessarily been subsidiary could yield, with the help of such previous workers as Mr. Crawford and Judge Willis, and some recent editors of plays, what I think to be a fair sufficiency of refutation of the Baconian case on all its lines, much more efficiently might the work have been done by scholars who have been able to devote their lives to matters of philology and literary history.

Such scholars have not thought it worth while. I still hope, however, that some of them may be moved to carry out anew the scholarly annotation of Shakespeare's text. Nothing has ever made up for the turning away of Farmer from the task which he was so uniquely fitted to perform. His brief ESSAY ON THE LEARNING OF SHAKESPEARE remains an unmatched performance in its kind, after a century and a half. At its close he made a half-promise to extract more elucidatory matter from "the chaos of papers" from which he had compiled the essay; but the unkind fates set him to other work; and no man of quite equal scholarly opulence, perhaps, has put his hand to the task since. The multifarious erudition for which he half apologised is, as he said, "the reading necessary for a comment on Shakespeare"; and much of his was buried with him. But half a dozen specialists of to-day, including some of the most competent of recent Shakespearean editors, if they would put their heads together, could give us such annotation as was never compassed by the old variorum men. And then, mayhap, they or another company might give us that annotated edition of Spenser, the lack of which is a standing scandal to English scholarship.

. . . .

Since this book was put in the hands of the printers, there has appeared the posthumous work of the late Mr. Andrew Lang, SHAKESPEARE, BACON, AND THE GREAT UNKNOWN. Very naturally, a number of Mr. Lang's

arguments coincide with mine, and I am heartily glad to have such support. To the general argument of my friend Mr. Greenwood, in my opinion the most consummate paralogism in the literature of biography, he seems to me to have supplied a very complete rebuttal, by simple analysis of its steps. Incidentally, by reproducing Dugdale's version of the Carew monument in Stratford Church and confronting it with a photograph of the actual monument, he has exploded the small mystery built up by Mr. Greenwood out of the difference between the actual Shakespeare monument and Dugdale's representation of it in 1656. In 1908 I urged upon my friend a solution of his mystery which can now, I think, be seen to be the true one. Dugdale, it is pretty evident, was in the habit of making slight and rude outline sketches of the monuments he saw, and these were afterwards elaborated for him by a professional draughtsman, who took a large licence. There was no support for either the Baconian or the "Great Unknown" hypothesis in the Dugdale mystery at best; and even the mystery is now disposed of.

Mr. Lang, unfortunately, was "bluffed" by the asseverations of the lawyers as to the "law" in the plays. Had he applied comparative tests to that part of the problem he would have discovered what, I trust, is made clear in the following pages—that Shakespeare had no more law than half a dozen other Elizabethan dramatists who were not lawyers; and would so have exploded that "mystery" also instead of facing it with tentative hypotheses.

Somewhat unexpectedly, again, Mr. Lang has touched but lightly on a part of the problem upon which one would have expected him to enlarge—the thesis as to the "classical scholarship" in the plays—contenting himself with commenting on the self-contradictions of the late Mr. Churton Collins, and generally denying that the thesis squares with the facts. In this connection, how-

ever, he has fallen into supererogatory error, which I am constrained to point out, as it partly concerns myself.

> So arbitrary is taste in these matters [he writes] that Mr. Collins, like Mr. Grant White, but independently, finds Shakespeare putting a thought from the ALCIBIADES I of Plato into the mouth of Achilles in TROILUS AND CRESSIDA, while Mr. J. M. Robertson suggests that the borrowing is from Seneca—where Mr. Collins does not find "the smallest parallel." Mr. Collins is certainly right: the author of TROILUS *makes Ulysses quote Plato as "the author of" a remark, and makes Achilles take up the quotation, which Ulysses goes on to criticise.* [1]

As Mr. Lang did not live to revise his proofs, it must suffice to state the facts, without protest.

If he had read with attention the second edition of my MONTAIGNE AND SHAKESPEARE, which he reviewed on its appearance, he would have noted my exposure of Mr. Collins's blunder.[2] I had *not* referred the lines of *Achilles* to Seneca: my reference was to the lines of *Ulysses*. Mr. Collins, professing to cite the entire passage, *elided* the relevant lines of Ulysses, and made Ulysses mention of "a strange fellow's" writing apply to the speech which Achilles makes in reply. *That* I never referred to Seneca. I did incidentally point out that the whole reference to Plato is gratuitous, seeing that the argument about the inability of the eye to see itself, which is the gist of the passage, had appeared already in JULIUS CÆSAR, in which connection the commentators long ago traced it to the NOSCE TEIPSUM of Sir John Davies, where, as I had further pointed out, there is found also the phrase, "spirit of sense," used in the passage in TROILUS. At the same time, I had shown that the "eye" passage might also be traced to *Cicero*, who had given the idea common currency. The primary speech of Ulysses, which I had shown to be traceable to both Seneca and Cicero, has nothing to do with the item about the eye not seeing itself, put by the dramatist in

[1] Work cited, p. 74.

[2] Work cited, p. 97 sq.

the mouth of Achilles. Mr. Collins had hopelessly blundered over the matter he argued; and Mr. Lang, unwatchfully following him, has given a gratuitous advantage to the very Baconian thesis he was countering. The alleged reproduction of Plato in TROILUS, claimed by two strong "Stratfordians," is one of the stock themes of the "anti-Stratfordians." The reader will find it fully dealt with in my book above cited, and hereinafter.

The final words quoted above from Mr. Lang are so completely astray that they should have been deleted by those who edited his MS. The author of TROILUS assuredly does not "make Ulysses quote Plato as 'the author' of a remark"; neither does he make "Achilles take up the quotation." Plato is never once mentioned in the Shakespeare plays. Achilles in the play meets the philosopheme "quoted" by Ulysses with another and a different philosopheme, which Mr. Collins and Mr. Grant White insisted upon ascribing to Plato, without accounting for its previous appearance in JULIUS CÆSAR.

These critical misadventures on the part of three strong "Stratfordians" are "chastening," as the phrase goes. The academics err on classical matters even as the lawyers err about the law in the plays: evidently we are all apt to trip. One can but say, with Frederick, that "the best general is he who makes *fewest* mistakes"; adding that mistakes differ in degree of fatality. It is the object of this treatise to show that the mistakes alike of the Baconians and of the mainly negative "anti-Stratfordians" are irredeemable. My friend Mr. Greenwood, who is so Draconic towards every over-strong inference, every "doubtless" and every "certainly" of the "Stratfordians," has built his own case[1] mainly on current propositions concerning the "law" and "scholarship" of the plays to which he had never applied the slightest comparative criticism, taking them without question from writers whose Stratfordian orthodoxy should have

[1] See *The Shakespeare Problem Re-stated*, 1908.

vetoed his faith in these as in their other theories. And, inexorable towards all defects of biographical evidence for the main tradition, he maintains for his own part a hypothesis which is not only unsupported by a grain of evidence but is in constant and deadly conflict with the very arguments by which he seeks to disallow the claims of the Stratford actor. So much has been shown by Mr. Lang; and will, I think, be shown independently in the following pages. If they, in turn, should be found to evolve any equipollent fallacy, let it be shown. If not, the candid reader will presumably rate at their true weight the mistakes of detail from which such a treatise cannot conceivably be free.

The deficiency which I recognise in it is the incompleteness of its survey of the literary field that should be covered. For lack of leisure, I have had to leave uncollated at least a score of books that I had noted for reperusal in this connection. One cannot remember all the allusions and the vocabulary of old books that one had read without any special note-taking: they must be re-read for an argument which turns largely on vocabulary and allusion. Still, I am fain to think that the confutation undertaken has been substantially made out; and if its incompleteness at many points is noted by any more leisured reader, I trust he will make good the deficiency.[1]

Christmas Week, 1912.

[1] Since the above lines were written, I have read, in the enforced leisure of a brief illness, Canon Beeching's little book, *William Shakespeare: Player, Playmaker, and Poet: a Reply to Mr. George Greenwood* (1908), in which, as in Mr. Lang's volume, I find some of my "points" already made, with many others to boot. All this consensus of argument among independent writers will, I think, impress the open-minded reader, as it has done me.

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THE BACONIAN HERESY

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CHAPTER I

THE CONDITIONS OF THE PROBLEM

IT is to be hoped that the term "heresy" will not be resented by those to whom it may here apply. The present writer, being himself open to indictment for serious heresy in more than one field of doctrine, is not likely to employ it as an aspersion. A heresy is but a mode of opinion, the word having originally meant a sect; and it serves conveniently to specify a dissent from an opinion or belief normally held. It is a heresy, for instance, to hold that the "Rokeby Venus" is not the work of Velasquez; and that heresy the present writer inclines to share, being indeed prone to give a hearing to heresy of all kinds. But a heresy, to start with, is an opinion like another, as likely to be wrong as right; and the belief that the "plays of Shakespeare" were written by Bacon is to be termed a heresy until it can establish itself.

That it has never done so for careful students is put by many of these as a reason for ignoring it; and some will doubtless pronounce the present examination a waste of time. But there is, I find, a surprisingly large sprinkling of intelligent people who, without any studious examination, have either accepted the Baconian theory or taken up a non-committal "anti-Stratfordian" position on the score of difficulties which they find in the "orthodox" case, as put by both sides. Such readers I take to be victims of misinformation; and I think that

their perplexity can, in many instances, be removed. But their trouble is caused, to begin with, by the reiteration of "orthodox" errors, to which the doubters give harbourage, and of which the Baconians make their capital. If one side were wholly scientific, and the other wholly the reverse, the conscious "expert" might do well perhaps merely to shrug his shoulders. But opinion is not so distributed. It is very doubtful whether the Baconian theory would ever have been framed had not the idolatrous Shakespeareans set up a visionary figure of the Master. Broadly speaking, all error is consanguineous. Baconians have not invented a new way of being mistaken.

Some there are, certainly, who are not open to correction. I have small hope of converting a believer in any of the hundred-and-one ciphers by which Bacon is alleged to have inserted in the plays and in the prefatory verses to the folio a multitude of grotesque "revelations" of what, if he had any occasion to, he could have sanely established by sealed documents, to be opened at any specified time. The cipher-mongers as a rule destroy their case in advance by arguing that Bacon's "secret" was known not only to Ben Jonson and other friends, but to Shakespeare's partners—as indeed it must have been if such secret there were. It is this open secret that Bacon is declared to have embedded in a series of ciphers the concoction of any one of which would have been a task outside of rational contemplation on the part of any poet or dramatist. The man who took incalculable pains to get at the minds of his contemporaries and posterity in his avowed works is represented as spending an immensity of time and trouble in fantastically contriving ciphers which were never to be suspected by any reader till Mr. Ignatius Donnelly professed to discover one of them. The Baconians, I believe, have now abandoned Mr. Donnelly's egregious cryptogram as lightly as many of them adopted it; but new

ciphers are forthcoming from their camp every few years.

The latest is that set forth by Sir Edwin Durning-Lawrence in his munificently produced volume entitled BACON IS SHAKESPEARE (1910). One of the clues which he presents with the utmost confidence is the anagram he evolves from the monster-word "Honorificabilitudinitatibus" in LOVE'S LABOUR'S LOST (v, 1). This he knows to be an old byword among grammarians; but, finding he can anagrammatise it into *Hi ludi F. Baconis nati tuiti orbi*: "These plays F. Bacon's offspring are preserved to the world"—a portent of Latin that vies with the original prodigy, and an unspeakable "hexameter" like that, to boot—he goes about to show that Bacon inserted it in the original play for the conveyance of his secret to posterity, and expressly arranged the paging of the folio and the place of the word in the page so as to give by the numbers a clue to the coming interpreter. That is to say, the allusion to *Hi ludi*, "these plays," (1) was put in one play before there were any other plays to claim; (2) was duly printed in the quarto of 1598 with the same intention; and (3) was circumspectly reproduced in the folio with a Pythagorean machinery of cross-numbering of lines and pages which must have cost inconceivable trouble to arrange, supposing it to have been possible. And Bacon, who always latinized his name *Baconus*, is here made to put it as *Baco*.

All the while the mystery-making author is to be regarded as having left uncorrected the grossest errors of the press found in the quarto on the very page in question. To the first long speech of the Pedagogue on that page the Curate answers, "*Laus deo, bene intelligo*"; and the Pedagogue rejoins, "*Bome boon for boon prescian*; a little scratched, 'twill serve." This verbal mess, which reappears in the folio, has been reduced to meaning in two ways. The earlier editors, in their enterprising fashion, made the Curate say "*bone*" instead of *bene*,

and made the Pedagogue reply, "Hum, *bone* for *bene*; Priscian, a little scratched," which would pass very well. But there is the less adventurous solution of the reading latterly adopted, "*Bon, Bon, fort bon*: Priscian, a little scratched," which takes fewer liberties with the text, while doing nothing to explain the closing phrase. Whichever emendation be right, the original "*Bome boon for boon*" is unintelligible gibberish, which no critical reader can believe to have been written by the dramatist, whoever he was. But this gibberish was left unremedied by "Baco," on the Baconian view, when he was taking incredible pains to arrange the folio page in an arithmetical puzzle; and Sir Edwin, undisturbed by the gibberish, but agreeing to read "Priscian" for "prescian," actually proceeds to explain that the grammarian's name is introduced for the purpose of expressing a humorous disregard of his dictum that the letter *f* is a mute! In Sir Edwin's incomparable anagram-hexameter "F" is to be sounded "eff": hence the alleged avowal by the anagrammatist of an intention to strain the grammarian's code. In point of fact, be it observed, the anagram-word has not at this point of the action been uttered: it occurs eleven lines later, after the entrance of the Braggart and the Boy; and it is then uttered by the Clown, who was not present when the Pedagogue alluded to Priscian.

It is impossible to guess how many or what order of readers will either assent to this "revelation" or keep their countenances over it; but I am quite sure that Sir Edwin will never give it up. And when I point out to him that "Honorificabilitudinitatibus" occurs in Nashe's LENTEN STUFF (1599), on line seven of Signature D, and is to be found on the thirty-third line of page 176 of the third volume of Mr. McKerrow's edition of Nashe's works (1904), he will, I expect, at once proceed to prove that Bacon had somehow arranged these things also for the revelation of the fact that he wrote THE PRAISE OF THE

RED HERRING.[1] For Sir Edwin is satisfied that Bacon "caused to be issued" the PALLADIS TAMIA: WIT'S TREASURY which is "attributed to Francis Meres"; and further, as he once informed me, believes Bacon to have written Montaigne's Essays in the original French—here improving on Mr. Donnelly, who regarded Florio's translation as the original, and ascribed that to Bacon. Latterly, he has proclaimed to a staring world that Bacon is the translator of the Authorised version of the Bible; and I make no doubt that he has embraced Dr. R. M. Theobald's demonstration that Bacon wrote Marlowe—not to mention the rest of the Elizabethan playwrights.

Now, Sir Edwin, like Dr. Theobald, is a learned man, which Mr. Donnelly was not, and the fact that the Baconian theory can lead both learned and unlearned men to such weird conclusions might be held sufficient to warn off ordinary folk from taking the first step. If, however, I can forecast the future with any safety from my knowledge of the Baconian movement, the common run of Baconians will go on as before, some believing that Bacon wrote most of the Elizabethan drama, Spenser, Nashe, Montaigne and Burton; and some drawing the line at Shakespeare; while the anti-Stratfordians will continue simply to disparage the "Stratford actor" or "rustic," denying responsibility for Baconian doings. All that one can hope to do is to arrest a minority on their path of mounting credence, by confronting them with some evidence at least as valid as that on which they decided

[1] This, I find, is actually claimed by Mr. Parker Woodward, who sees decisive proof in the fact that Nashe, like Bacon, girds at Ramus. (*Have with you to Saffron Walden: Works*, ed. McKerrow, iii, 136.) To this I may add, for Sir Edwin's edification, that Nashe, like Bacon, rejects the doctrine of Copernicus (*Id.* p. 94), and uses the "Baconian" phrase, *Veritas temporis filia* (*Id.* p. 29). For a Baconian nothing more can be needed to prove that Bacon wrote Nashe. The trouble is that Shakespeare does none of the things in question.

to take the Baconian turning. It was by garbled and erroneous information that they were first set agoing; fuller and more accurate information may turn them.

From the point of view of an ordinary Shakespearean scholar, the Baconian opinion is an extravagant hallucination. But he will perhaps admit, on reflection, that all of us are likely to be under some hallucinations on points of past history. If, as most of us frequently discover, we can be seriously misled by accepting current statements about contemporary matters, it is broadly inconceivable that we are not at times much misled by remote evidence about matters on which we are of necessity scantily informed. And the Baconian opinion—the wilder extravagances apart—is in my opinion a hallucination actually derivable and derived from opinions promulgated by some good Shakespearean scholars who scout the other. If this judgment should be made good in the course of our inquiry, the gain may even extend beyond the plucking of some brands from the Baconian bonfire. For the true humanist, all divagations of belief should as such possess some interest; and the variety of grounds on which my "anti-Stratfordian" friends of all shades have reached their negation have seemed to me quite noteworthy. One of the most entertaining cases is that of my friend X, an acutely intelligent barrister of foreign parentage, who learned English as a foreigner, and mastered it with an enviable perfection. Coming into our literature as an observant tourist, so to speak, he met with the mountainous work of Mr. Donnelly, and, studying it with the impartiality of an entire stranger, decided that Mr. Donnelly had made out his case. Later he chanced to meet with Bacon's Essays, which he read with the same cheerful detachment, reaching the quite unexpected conclusion that the man who wrote "such commonplace stuff" as the Essays could never have written the plays; though, on the other hand, the

explorer still found it incredible that the plays could have been written by "the Stratford actor." If he should follow the present inquiry, his pronouncement upon it will not be among the least interesting to the author.

Whatever may be the utility of the discussion, it is in any case inevitable, and it may as well be gone about systematically. Issue has already been joined with the Baconians by defenders of the ordinary belief; and some have done it with a competence to which I gladly bear testimony. To say nothing of the many essays which have appeared in the reviews, such a study as that of Mr. Charles Crawford on "The Bacon-Shakespeare Question," originally published in NOTES AND QUERIES, and reprinted in his COLLECTANEA,[1] needs only, I believe, a wider circulation to make it a fountain of healing to many distracted inquirers. If the present treatise should do much less for the elucidation of other points at issue than Mr. Crawford has done for those with which he specially deals, it may still be well worth producing. The wider field that has to be traversed cannot well be here explored with such fulness of relevant learning as his; but the extension of the survey may still be usefully attempted.

And indeed, if the question is to be discussed at all, it had better be dealt with concretely, in detail, and comprehensively, by the methods of argument which establish or overthrow theories in other provinces of inquiry. Individual students may quite fitly dismiss the Baconian theory on the strength of their *literary* perception that the works of Bacon and the plays of Shakespeare are the production of two utterly different personalities, whose ways of handling language—to mention nothing else—are about as different as the ways, say, of Herbert Spencer and Charles Lamb. To those of us who have lived long in the society of the Plays and

[1] Stratford-on-Avon, 1906–7, 2 vols.

the Works separately, the failure to recognise this profound difference is always perplexing. But since it lies on the face of the debate that such perception is incommunicable, there is nothing to be gained by asseverating the difference. For here again, if we stake our case on our literary sense, we shall find the claim to be two-edged. I at least am conscious of no great aid from the support, on that issue, of a Shakespearean who has no misgivings about the real authorship of certain of the plays and portions of others. If I diverge from my allies there, the "literary" sense is a precarious guide; and indeed, I find critics whose confidence in their literary sense is of the most complacent and aggressive kind, passing what seem to me very ill-founded opinions on these matters.

The literary sense, then, cannot well be arbitrator in our dispute; and while each may fitly rely upon his own, there is nothing to be settled by citing it as a decisive witness in this trial, though it will be found cited as an "expert" on both sides. We must proceed rather to operate on the general sense of evidence; and it is perhaps possible to present the case a little more judicially than it has sometimes been put in the past. Thus far, it has been often debated on both sides with heat enough to set up an ample suggestion of *odium theologicum*, though on both sides it has been at times handled with amenity. For a time, the "orthodox" were apt to be the more provocative in their language,[1] resenting as they often did the lack of scholarly and critical preparation on the part of the heretics. It is the fact, I think, that no expert in Elizabethan literature, indeed no good scholar in English literature, has ever held the heresy. Many

[1] The first explicit Bacon-Shakespeare treatise, the *Bacon and Shakespeare* of William Henry Smith (1856), was promptly replied to in a book entitled *William Shakespeare not an Impostor*, "By an English Critic" (1857), in which the appearance of Smith's booklet was declared to be "to the eternal disgrace of English literature."

"Baconians" know little even about Bacon; those who have gone at all fully into his work or that of his contemporaries seem always to have read *ad hoc*; and few have even done much in that way. Those who do, seem unable to stop short of attributing to Bacon the authorship of every book in which they find a phrase or idea used in common with Bacon. But whatever inadequacy of survey or fallacy of reasoning may be noted among the Baconians is to be partly matched in the writings of "orthodox" persons who have expressly discussed either the Baconian heresy or some other important problem of Shakespearean criticism. To me, at least, some of the most accomplished of "orthodox" Shakespearean scholars seem to be very far astray in their conclusions at highly important points. I am therefore not disposed to cast at the Baconians in general, or at any one in particular, epithets which might in my opinion be fairly retorted on some of my allies in the present dispute. Rather I would deprecate the use of the *argumentum ad hominem* on both sides in a debate where, in any case, it can advantage neither. Both sides have resorted to it freely. Baconians, with every reason to conciliate the normal Shakespearean, hardly ever contrive, latterly, to abstain long from hard flings at the "Stratford actor," the blackening of whose character they seem to think part of the disproof of his authorship of the plays published in his name; and the orthodox Shakespeareans, in turn, seem unable to forego retaliations on the assailants, whether or not they abstain from countervailing attacks on the variously vulnerable reputation of Bacon. Even the mere "anti-Stratfordians," so ably represented by my friend Mr. G. G. Greenwood, apparently cannot conduct their case without a manifold impeachment of a man of whom, they confess, we know but little. A constant cross-fire of personalities between the two—or three—camps is thus generated, and the most competent antagonists of the Baconian theory do not disguise their contempt for its exponents in general,

though even expressly justified contempt is notoriously provocative rather than persuasive.

In view of it all, a professed partisan of the "orthodox" cause can hardly hope to escape giving at times the usual kind of offence. But at least he may try—try, that is, to bring his criticism to bear, whether or not severely; on positions and arguments, and to treat antagonists as producers of arguments, good or bad. Realising the logical nullity of Mark Twain's happiest shots at the Stratford bust, and at the tombstone verses, he may abstain, not only from responsive shots at the verses and the effigies and the character of Bacon, but from extra-judicial comment on the personal demerits of those whose arguments he rebuts. And he had better so refrain. For there has been, as aforesaid, much untenable argument on the "orthodox" side, both positive and negative, whatever may be the quality of the reasoning on the other; and, indeed, it will be strange if there be not some logical or material imperfections in the present treatise.

CHAPTER II

THE POSITIONS OF MARK TWAIN

ENGLISHMEN are wont, with small justification, to lay Bacon-Shakespearism at the door of "America." It was in point of fact first clearly propounded in England,[1] and has been nourished from the start on the dicta of "orthodox" English

[1] In Hawthorne's laboured and clouded preface to Delia Bacon's *Philosophy of the Plays of Shakespeare Unfolded* (1857), where the Baconian theory is only vaguely to be inferred from the mass of declamation which constitutes the book, the novelist states that "A single article from her pen, purporting to be the first of a series, appeared in an American magazine," naïvely adding that "An English writer (in a 'Letter to the Earl of Ellesmere' published within a few months past) has thought it not inconsistent with the fair-play on which his country prides itself, to take to himself this lady's theory, and favour the public with it as his own original conception, without allusion to the author's private claim." This appears to assert that Miss Bacon had definitely stated the Bacon-Shakespeare theory before 1857; since the angry allusion is to William Henry Smith's *Bacon and Shakespeare: an Inquiry touching Players, Playhouses, and Play-Writers in the Days of Elizabeth* (1856). Smith, however, at once wrote to Hawthorne protesting that he had known nothing whatever of Miss Bacon's magazine article, and that on reading it over, he thought it preposterous to suggest that he had thence derived his theory of Bacon's authorship of the plays, which he could prove he had held for upwards of twenty years. Hawthorne thereupon wrote a letter of retractation and apology, and both are printed by Smith in his second edition (1857). Smith had in fact propounded the Baconian theory with an explicitness and circumstantiality of which there is no trace in Delia Bacon's bulky book. It was after he had started the battle that Judge Nathaniel Holmes built up an "American School" on the same lines. But even before Smith's book, as Holmes has noted, there appeared in *Chambers's Edinburgh Journal*, Aug. 5, 1852, an article entitled "Who Wrote

devotees who had either never heard of the Baconian heresy or regarded it as beneath contempt; and the avowed heretics have latterly seemed to swarm, or at least to hive, as actively in England as in the States. But since the publication of Mark Twain's Is SHAKESPEARE DEAD? the cult bids fair to become predominantly an American movement, like "Christian Science."

To a Briton, however, who knows it to be all a woeful mistake, there is no comfort in this. Error is as inevitable in its reactions as depression in trade; and the brotherhood of culture can no more than that of science recognise tribal divisions. We claim to cherish Mark Twain "on this side" with a special regard, and it is the possession of a full share in that bias that proximately moves the present writer to lift up a systematic testimony "on the other side" in what Mark Twain has called the "Bacon-Shakespeare scuffle." The thing has become serious since he entered the fray.

Mark Twain's championship of the Baconian theory, or at least of the "anti-Stratford" thesis, gives to the antis a dangerous advantage.[1] He is apt to win the laughers—a thing not before to be apprehended from Baconian propaganda; and his influence in that way is probably even mere potent since his death. And no man is likely to seek to meet him with his special weapons. The fun of Is SHAKESPEARE DEAD? is nearly as good as it had need be. But, as usual, the serious purpose or purport of its author is perfectly clear; and he is likely, as usual, to have fortified or induced a serious belief by his fun where he so wished. It is accordingly justifiable to take his statement of the case as specially important; if not typical, and, by controverting it, to supply an up-to-date introduction to the whole dispute. If the process involves some serious strictures on a beloved author's

[1] Shakespeare?" in which it was argued that the actor could not have written the plays. (Nathaniel Holmes, *The Authorship of Shakespeare*, 3rd ed. 1875, App. p. 605.)

wilful way of handling a complex problem, it cannot be helped: the master of thirty legions in the order of humour must just take his chances in a literary war in which he was the challenger. Against one form of hostility he is secure: against Mark Twain on no score can any man bear malice.

Mark Twain's anti-Shakespearean case condenses into these two main theses:

1. Shakespeare was of no account in Stratford-on-Avon in his lifetime; was utterly forgotten there from the moment of his death; and was therefore as a personality wholly incommensurate with the vast achievement of the plays.

2. "The" plays are saturated with an exact, technical knowledge of law, which the Stratford actor cannot conceivably have possessed. On this thesis Mark Twain is willing to stake the whole question: for him it is a "crucial instance."

Other contentions arise in the course of the exposition, but these are the main fighting points. And as the first is Mark Twain's special contribution to the debate, and may be much more briefly dealt with than the second, it may be well to give it primary attention. A clearing-up of this issue may indeed promote a better understanding of others.

Both theses are formulated, as it happens, without even a glance at the contrary case, and the first with an almost burlesque extravagance. While making hard play against the biographers because they have tried to fill in by more or less reasonable conjecture the outlines given them by the few precise data we possess concerning Shakespeare, the Baconian thus sets out on his own course:

> When Shakespeare died, in 1616, great literary productions attributed to him as author had been before the London world and in high favour for twenty-four years. Yet his death was not an event. It made no stir, *it attracted no attention. Apparently his eminent literary contemporaries did not realize that a celebrated poet had passed from their midst.* Perhaps they knew a

play-actor of minor rank had disappeared, but did not regard him as the author of his works. "We are justified in assuming" this.

His death was not even an event in the little town of Stratford. . . . He had spent the last five or six years of his life there, *diligently trading in every big and little thing that had money in it*; so we are compelled to assume that many of the folks there in those said latter days knew him personally, and the rest by sight and hearsay. But not as a *celebrity?* Apparently not. For everybody soon forgot to remember any contact with him or any incident connected with him.

If the biographers of Shakespeare had done their conjecturing in this fashion they would indeed have given scope for jest. We have here a series not of rational conjectures, but of wild positive assertions, for none of which, save where a known fact is grossly exaggerated for the sake of the argument, is there the slightest ground, and which singly and collectively do not even approximate to decent plausibility. Supposing Shakespeare to have been the merest actor, or the "illiterate clown" of Sir Edwin Durning-Lawrence's amiable fancy, the chances are that he would be remembered by his neighbours as most ordinary people are. Nobody has the slightest right to say that they soon "forgot to remember any contact with him or incident connected with him," or that he was not known to any one of them as a celebrity. How could the epitaph in the parish church remain unknown to everybody in the place? On the other hand, supposing the literary world and the neighbours to have known *and appreciated* the plays, and yet to have regarded Shakespeare as a man of no account (and this appears to be the point of the argument before us), we are to infer that it was in Shakespeare's day a matter of *common notoriety* that the plays were the work of some one else, presumptively the Lord Chancellor, Viscount of St. Albans. Over such a proposition it is difficult to be serious; and yet this or nothing is the argument in hand.

And this impossible hypothesis, as it happens, Mark Twain has taken over from my friend Mr. Greenwood,

with the sole difference that while Mark makes Bacon the author, Mr. Greenwood names nobody, stipulating only for a lawyer. In a case which trades so constantly on the alleged difficulties of the orthodox view, it is important to realise at the outset the absolutely mortal difficulties of the objectors. Mr. Greenwood knows, though Mark Twain did not, the more or less continuous series of testimonies to the literary repute of William Shakespeare, from Meres onwards. When, then, and to whom, did the alleged spuriousness of the actor's claim become known? Mr. Greenwood,[1] greatly daring, selects Spenser as a poet about whose life we are much better informed than we are concerning Shakespeare's. It is a sufficiently untenable position, as will be shown a little later; but it is clear that for Mr. Greenwood the strongest point in it is Camden's statement that when Spenser died, "contemporary poets thronged to his funeral and cast their elegies and the pens that wrote them into the tomb"; whereas nothing of the sort happened at Shakespeare's [or "Shakspere's"] death. "Look upon this picture," writes Mr. Greenwood"—"and on *that*. What a contrast!" Mr. Greenwood maintains a politic silence as to the dispute over Ben Jonson's two conflicting statements that Spenser "died for lack of bread," and that he refused Essex's gift of twenty pieces, saying he had no time to spend them. But let that pass. The question is as to Mr. Greenwood's implication concerning "Shakspere."

In the concluding part of his chapter on "The Later Life and Death of Shakespeare," Mr. Greenwood develops his case. He takes it for granted that the epitaph on the tomb was really written by "Shakspere," the actor, and cannot have been the work of Shakespeare, the dramatist. The argument is in parts so incoherent that I cannot be sure of its drift. "Another extraordinary fact in this amazing life," writes Mr. Greenwood (p. 199),

[1] *The Shakespeare Problem Restated*, p. 53.

" is that *with the exception of* the Plays, and VENUS AND ADONIS, and the LUCRECE and the SONNETS, and that puzzle-poem, THE PHŒNIX AND THE TURTLE, *Shakespeare appears to have written nothing, unless we are to accept the above-mentioned doggerels* as his indeed! If 'Shakespeare' was but a *nom de plume* this need not excite surprise. . . ." "With the exception of . . .!" Mr. Greenwood seems to mean that the man who wrote the Plays and Poems *must* (for some occult reason) have written many other things;[1] and that these other things are presumably extant over another man's signature. Yet he makes no attempt whatever to identify the man.

Of such reasoning I can make nothing; and I must therefore confine myself to the portion of the argument that is intelligible. It develops the innuendo put in the previous contrast of Shakespeare's and Spenser's funerals. "Surely," he writes (p. 200), "when this great poet died there was a great burst of lamentation, a great concert of praise! Surely all his brother minstrels who survived him vied with each other to write his elegy. Alas! Again silence—the silence that can be felt. . . . It was not till seven years after the death of Shakspere that 'Shakespeare's' elegy was written by . . . Ben Jonson."

I hesitate to press upon my friend's notice the simple fact that whereas Spenser died tragically in London, after being tragically driven out of Ireland, and thus *could* have a distinguished funeral, "Shakspere" died, apparently after a short illness, in comfortable circumstances; at Stratford-on-Avon; and that in the then state of means of communication his literary friends could not very well attend his funeral. These facts, which seem to me to collapse his dramatic contrast, must have been present to his mind. His argument seems to be that the non-publication of elegies by friends proves that "Shak-

[1] Does Mr. Greenwood deny the hall-mark of the sonnet to Florio, prefixed to the *First Frutes*? And is he quite sure about the *Lover's Complaint*?

spere " was held at his death to be of no literary account—though he has omitted to say what became of the elegies said to have been written on Spenser.[1] What then does he make of the poems that *were* written for the Folio in 1623? And of Ben Jonson's mention of Shakespeare in 1619 to Drummond? In another chapter he professes to find it inexplicable that in talk with Drummond Ben should say that "'Shakespeare wanted art,' when he was to give him such praise later"; but as regards the problem of testimonies that is mere trifling. The fact stands out that Ben spoke of "Shakespeare" to Drummond as a faulty poet, but still a poet. Mr. Greenwood is arguing that "Shakspere" was no poet at all; and that *at the time of his death this was generally known to literary men.* Now, in his later panegyrical poem and in his DISCOVERIES Ben Jonson identifies "Shakspere," the Stratford actor, with "Shakespeare," the dramatist—a writer with faults of art, but a great genius. Does Mr. Greenwood then mean to suggest that Ben at the actor's death—and this in common with all his literary contemporaries—thought the actor a literary fraud, and later reverted to the other view? If so, what explanation of his nightmare does Mr. Greenwood offer? If not, what point is there in the argument from Ben's silence at "Shakspere's" death? And what about all the other men, first "silent" and later panegyrical? Was it a universal conspiracy, or a twice enacted mystification?

I decline at this point to go into the side issues as to Jonson's diverging criticisms of Shakespeare. Knowing that many men of letters—*e.g.* Carlyle on Emerson; Tennyson, Dickens, and Browning—have talked and written in diverging strains of their literary friends—I

[1] If buried without being copied, they were probably well interred. It is not quite inconceivable that such a poet as Shakespeare, after reading Spenser's *Astrophel* and the other dirges over Sidney, might say to his friends, with regard to his own latter end, "No elegies, by request!"

am not in the least puzzled by the moods of so moody a man as Jonson. On the other hand, I claim that anybody putting forward such an amazing argument as Mr. Greenwood's, above summarised, is bound to bring it into some appearance of rationality if he desires it to be seriously considered; and I confess I cannot see how he is ever to do so. The thesis he has propounded by implication is the most hopeless of literary chimeras —a riddle beside which all the anomalies he discovers in the "Shakespeare Problem" are trifles. And this chimera it is that Mark Twain complacently adopts, and embodies in *his* "anti-Stratfordian" argument.

Leaving it standing in its naked insanity, we can but turn to the remainder of the exposition, and criticise that on its merits. It is sufficiently fantastic with the chimera left out. Mark Twain's statements are those of a man of letters who ostensibly knew substantially nothing of the conditions of literary life in Elizabethan England, and who yet assumed that he knew it in virtue of his knowledge of the modern United States. This is the kind of trouble that faces us all through the Baconian controversy. The Baconians are often studious, and, in some matters, well-informed people: unfortunately they do not acquire the information that is relevant to this discussion. Mark writes that "For seven years after Shakespeare's death nobody seems to have been interested in him." What is here meant by "seems"? That there was no biography published? That was not the usage of the time. And there were positively no newspapers to deal with such matters. But who wrote the lines of the epitaph commemorating the Shakespeare "with whom quick nature died?" Certainly a man of culture, improbably a Stratfordian. When they were written we know not; but it was inferribly before 1623, when we know the bust to have been in place.

"Then," writes Mark, "the *quarto* was published." Such a blunder could not have been made by a properly

informed student. "Ben Jonson," he goes on, "*awoke out of his long indifference.*" In no other controversy, surely, could such an assertion have been so advanced. No man has the faintest right to say, on the bare ground of his not having published an elegy, that Jonson had shown indifference to the death of the man whom he tells us he had loved. "Then," continues our investigator, "silence fell *again*. *For sixty years*. Then inquiries into Shakespeare's life began to be made of Stratfordians."

It is difficult to be sure as to what is here meant. Mark Twain explicitly asserts an absolute "silence" in the way of printed allusions to Shakespeare over a period of sixty years. But he was following Mr. Greenwood, who is of course aware of the many literary allusions to Shakespeare in the period in question. Mr. Greenwood's case is [1] that allusions to the work of Shakespeare have no evidential force inasmuch as they do not say "who" he was—a kind of test which would reduce to nullity most of the literary allusions in all literature. One can but note the self-stultifying character of the argument, for the purposes either of Mark Twain or of Mr. Greenwood. If in a long series of allusions to Shakespeare there is no specification or designation of the man, the only inference rationally to be drawn so far is that nobody had ever hinted a doubt of the genuineness of his claims. Had any such doubt been current, we might look for either a qualifying "whosoever he was" or a positive claim for the "swan of Avon." The complete absence of any questioning is obviously a very strong proof that no questioning ever took place. Simple references to Shakespeare have exactly the force of simple references to Chaucer or Spenser: they signify that only one poet so named was known; and that no outside claimant to the honours of the name had ever been heard of.

But, as it happens, the post-Shakespearean allusions do often point to an unlearned poet, and exclude a

[1] *Shakespeare Problem Re-stated*, 1908, ch. xi.

learned one. Let us follow the series. Ben Jonson, as aforesaid, was discussing Shakespeare with Drummond in or about 1619. In 1620 John Taylor wrote[1] that "Spencer and Shakespeare did in art excel"; and it is a scholarly and not an ignorant "conjecture" that the anonymous lines "On the Time-Poets" reprinted in the CHOYCE DROLLERY in 1656, naming "*Ben* . . . fluent *Flètcher*, *Beaumont* rich in sense, . . . ingenious *Shakespeare* . . . *Massinger* . . . *Chapman*," were written between 1620 and 1626. To the Folio of 1623 there are prefixed not only the noble eulogy by Jonson, but others as high pitched, by Hugh Holland, Leonard Digges, and I.M.; and the fine epitaph by William Basse, referred to in Jonson's memorial, is assigned to 1622. It was in 1627, again, that Drayton published his lines:

> Shakespeare, thou hadst as smooth a comic vein,
> Fitting the sock, and in thy natural brain
> As strong conception and as clear a rage
> As any one that traffick'd with the stage;

Cowley's passing allusion to Shakespeare's plays was made between 1628 and 1631; and Ben Jonson's paragraph with the phrase, "I loved the man, and do honour his memory, on this side Idolatry, as much as any," published in his TIMBER: OR DISCOVERIES in 1641, is to be dated between 1630 and 1637. Milton's eulogium, prefixed to the second Folio, 1632, appeared again in 1640 and in 1645, and in the edition of his poems of the latter year it is dated 1630. In the last-named year appeared A BANQUET OF JESTS, in which (No. 259) there is an allusion to "Stratford upon *Avon*, a Towne most remarkable for the birth of famous William Shakespeare"; and Milton's lines on "sweetest Shakespeare, Fancy's child," in L'ALLEGRO, are to be dated between 1632 and 1638. To the second Folio, of which, evidently, Mark Twain knew nothing, are further prefixed the glowing panegyric verses of I.M.S. and the anonymous lines "upon the

[1] *The Praise of Hemp-Seed*, 1620, p. 26.

effigies of my worthy friend the Author, Master William Shakespeare and his Workes"; and in the same year Shakespeare is named with Spenser, Jonson, Beaumont, and Fletcher in the commendatory verses of Sir Aston Cokaine prefixed to Massinger's EMPEROR OF THE EAST. In William Habington's CASTARA, 1634, appear the lines "To a Friend," praising a wine of which

> should Prynne
> Drink but a plenteous glass, he would begin
> A health to Shakespeare's ghost;

and the famous eulogium passed on Shakespeare by Hales of Eton, though only traditionally preserved, is reasonably to be dated before 1633. That testimony, to be sure, is ill-documented; but in 1635 we have Heywood's mention of "mellifluous Shakespeare" in THE HIERARCHIE OF THE BLESSED ANGELLS; and the three allusions to Shakespeare by Suckling in his posthumous FRAGMENTA AUREA, published in 1646, that in his comedy THE GOBLINS, in the same volume, and those in his letters, are to be dated between 1636 and 1641.

In JONSONUS VIRBIUS, published in 1638, there are praises of Shakespeare by Jasper Mayne, Owen Feltham, Richard West, H. Ramsay, and T. Terrent; and in the same year appeared Sir William Davenant's MADAGASCAR, WITH OTHER POEMS, containing his Ode "In Remembrance of Master William Shakespeare." Then in 1640 comes the edition of the POEMS, to which are prefixed the preface of John Benson, the laudatory poem on "lofty Shakespeare" by John Warren, and the well-known lines of Leonard Digges on "never-dying Shakespeare," whereto is appended the anonymous "Elegy on the death of that famous Writer and Actor, Mr. William Shakespeare," which is to be dated 1637 or earlier, since it speaks of Ben Jonson as living. To 1638 belong the lines of James Mervyn, naming "Beaumont, Fletcher, Shakespeare, and a train of glorious poets"; and to 1639 the eulogy of Thomas Bancroft in his TWO BOOKES OF EPIGRAMMES

and that of the anonymous quatrain in WITTS RESERVATIONS.

And so the stream of testimony goes on through the century—all this independently of mere references to and imitations of the plays. There is no difficulty in ascertaining these testimonies: they are all duly collected for the students of Shakespeare by Dr. Ingleby in his Shakespeare's CENTURIE OF PRAYSE, of 1874, which has been repeatedly reprinted since; and again in Mr. C. E. Hughes' compilation, THE PRAISE OF SHAKESPEARE (1904). Yet of all this commemoration Mark Twain ostensibly knew nothing: he writes confidently of a "silence" of "sixty" years after the printing of the Folio, which he calls a quarto. It is a distressing spectacle. For, if he merely meant that the literary allusions to Shakespeare during sixty years after his death convey no specification of the man, but are simply praises of the work, he still betrays an entire inacquaintance with the record. The allusions do repeatedly indicate Shakespeare the actor; some profess personal acquaintance with him; yet others are applicable only to an unlearned poet. Jonson, Drayton, and Milton, to say nothing of Digges, all indicate the knowledge that the poet was not a scholar. Heywood, who must have known much of Shakespeare the man, calls him "mellifluous," even as Milton had spoken of his "native wood-notes wild," and as Webster, in his lifetime, had praised his "right happy and copious industry." All these testimonies significantly exclude any hint of "learning," and cannot sanely be supposed to hint at any "concealed author" whatever.

It is thus mere wilful myth-mongering to pretend that any one of the references under notice leaves the slightest opening for the notion that Shakespeare was for a moment suspected to be but the mask of another man. All the later testimonies plainly proceed upon a universal acceptance. The Shakespeare of the later eulogies is just Ben Jonson's Shakespeare, the actor, the man of Stratford-

on-Avon. If it be still complained that they convey no "gossip," no stories or reminiscences of the man, one can but ask how much personal reminiscence we find of Heywood, Dekker, Greene, Peele, Marlowe, Kyd, Nashe; of Spenser, the laurelled poet; nay, even of Ben Jonson, the foremost and most personally remembered man of letters in that age; and of Bacon himself, who lived in the eye of the court and the nation as well as of the men of letters? Save for the published observations of Rawley, his chaplain, how much should we have known of *him* in his simple capacity of man of letters? How much did Fulke Greville tell of the private life of Sidney? When will the "antis" realise that in Bacon's day the age of modern biography had not begun?

Sparing comment, we turn to Mark Twain's handling of his theorem that *after* sixty years "inquiries into Shakespeare's Stratford life began to be made by Stratfordians." He asks: "Has it ever happened before—or since—that a celebrated person who had spent exactly half of a fairly long life in the village where he was born and reared, was able to slip out of this world and leave that village *voiceless and gossipless behind him—utterly voiceless, utterly gossipless*? And permanently so?" This is really as bad as what went before. To assume that there was no gossip in Stratford about Shakespeare after his death, because none of it has been preserved, is to bring into the Baconian propaganda a new exorbitance of absurdity. When Mark Twain goes on to tell how his own name and fame have been preserved to his own knowledge, in the village of Hannibal, Missouri, in an age and a land of newspapers and newspaper readers, of cheap books and universal literary comment, in a country where every one is taught to read and books are printed by the billion, he does but show that he has never even tried to realise what Elizabethan life in England was like. Yet he knew, for he has said as much, that the people of Stratford in Shakespeare's day were mostly illiterates. The more reason,

surely, to expect that they would not publish reminiscences of a man of letters.

If such a wit as Mark Twain's could so divagate, there must be many who wander after him; and perhaps the best way to call up for them some idea of the relevant facts is to note briefly how little has been preserved of biographical detail concerning the general run of the English poets and dramatists of Shakespeare's age. After noting such matters they may begin to realise how entirely beside the case is Mark Twain's argument.

1. John Lilly was one of the most famous English men-of-letters of his day, yet we know not the place or the date of his birth. We have extant letters of his writing, and know him to have been a university man and a member of Parliament; but fifty years ago an editor could say that beyond his writings "we know three facts only, that he was a little man, was married, and was fond of tobacco." [1] The date and place of his death are gathered only from entries which may refer to another man; and we cannot clearly tell how he subsisted.

2. Thomas Dekker was one of the most popular of the Elizabethan dramatists, but "the outline of his life is indeed singularly blank. We do not know exactly when he was born, or where; there is scarcely any clue to the important period of his youth, and his early struggles as a poet and playwright: we do not even know when he died." [2]

3. Thomas Heywood, by his own account, had either "an entire hand or at least a main finger" in two hundred and twenty dramas; and he published twenty-four; yet we know not his birthplace. He "was a Lincolnshire man, presumably of good family," says Mr. Symonds,

[1] Memoir by Fairholt, prefixed to Lilly's *Works* in "Library of Old Authors."

[2] Memoir by E. Rhys, prefixed to the "Mermaid" edition of Dekker's Plays. Dekker tells, however, that he was born in London.

" though I cannot find that the Visitations of that county record any pedigree of his name." He was a Cambridge University man ; he began to write for the stage in 1596, and in 1598 he was an actor and sharer in Henslowe's company. " Little else is known about his life; and though it is certain that he lived to a ripe age, we are ignorant of the date of his death." [1]

4. Thomas Kyd was the author of some of the best-known plays of his age : in at least four contemporary plays mention is made of his JERONYMO. By a rare chance, the entry of his baptism has lately been discovered, and his parentage has thus been traced : we know too, from recent research, not from contemporary mention, that he was sent to the Merchant Taylors' School. " But between 1565 and 1589 history is entirely silent about him." We know from official documents, never published till our own time, that he was involved in the " atheistic academy " associated with the name of Raleigh ; but " henceforth we lose all trace of Kyd's person. It is as a rule supposed that he died in 1594 or 1595 " ; all that is certain is that he died before 1601.[2]

5. Of the life of Ben Jonson we know more than of that of any dramatist or poet of the Shakespearean age ; but we have not the exact date or the place of his birth, though we know it was in Westminster ; and we lack the dates of his matriculation at Cambridge, of the length of his stay, and of the time of his soldiering in Flanders. All the biographical details we have of him will go into small space.

6. But in the case of Spenser, the most illustrious poet of his age, the lack of biography is most signal. Mr. Greenwood's account contrasts pleasantly with that of the biographers. " The life of Spenser is wrapt in a

[1] Symonds' Essay, prefixed to the " Mermaid " edition of Heywood's Plays.

[2] Professor J. Shick's preface to the " Temple " edition of *The Spanish Tragedy*.

similar obscurity to that which hides from us his great predecessor Chaucer, and his still greater contemporary Shakespeare. As in the case of Chaucer, our principal external authorities are a few meagre entries in certain official documents, and such facts as may be gathered from his works. The birth-year of each poet is determined by inference. The circumstances in which each died are a matter of controversy."[1] "Of his parents, the only fact secured is that his mother's name was Elizabeth; this appears from sonnet 74"; there is no other trace, though he was highly connected on his father's side. We infer that he was born in 1552; we have it on his own testimony that he was born in London, but we know not in what part. Quite recently it has been discovered that he went to the Merchant Taylors' School; and we trace him at Cambridge in 1569; but of the rest of his life up to that year we know nothing whatever.

Here is a fair analogy to the case of Shakespeare. But for the school and college entries we should know nothing of Spenser till he had reached manhood; and we know Shakespeare's parentage and place of schooling with certainty. We also know the name of his wife: we do not certainly know the surname of Spenser's, nor the names of his children.

7. Finally, let us take the case of Drake, one of the most famous Englishmen of Shakespeare's day. He was a national hero, and his ship, *The Golden Hind*, was treasured as long as she held together. Yet the research of Professor Laughton has failed to establish either his parentage or the place of his birth.[2] The ascertaining of such data, in fact, when there was any obscurity about

[1] Prof. Hales' Memoir, prefixed to the "Globe" edition of Spenser's Works.

[2] More recent research is understood to have established the birthplace. But the fact of the long blank in English knowledge on the subject bears out our case.

them, never preoccupied the Elizabethans even in the case of their greatest celebrities.

Nevertheless it is not rationally to be supposed that there was not current, in the age of Shakespeare and Jonson, abundant gossip concerning all of these men; alike in London and in the country places with which they had been at all intimately connected. The contrary is inconceivable: gossip is universal and irrepressible. Of what else does the bulk of human conversation ever consist? The residual literary fact is simply this, that in the England of that time even the most famous poets and men of action and the most popular dramatists were, for lack of literacy and periodicals, not commemorated as much less distinguished people are to-day. They could not be. There were no journals in which to do it, and the custom of writing biographies of writers or even of heroes had hardly begun.

But as regards the poets and the dramatists in particular there came into play a process of partial disrepute, which could account only too easily for that absence of a *cult* of Shakespeare at Stratford-on-Avon which is the sole residual fact in Mark Twain's argument under the head of non-commemoration. When the antiquaries did begin to seek for reminiscences of Shakespeare at his native town two or more generations after his death they found little to record. But why? Mark Twain all along absurdly subsumes the extreme Baconian explanation—that Shakespeare's contemporaries *knew* that he was not really a man of genius; and that, by consequence, there was a general inkling that the plays, recognised to be works of genius, were the works of another man. This theorem, which puts the Baconian theory in its most entirely incredible form, has literally not a shred of evidence to support it. There is abundant testimony to the belief of the bookish and literary men that William Shakespeare was a man of genius. This recognition is prominent in Ben Jonson's talk even when he is

carping; it suffuses with fire his panegyric. But every explicit testimony in his own day and among the next generation of readers recognises the dramatist-actor as a man of rare powers; there is never the shadow of a hint to the contrary.

On the other hand, there is not the slightest reason to suppose that the average inhabitants of Stratford did or could *appreciate the plays as literature*, all questions of authorship apart. If for most of them Shakespeare was not "a celebrity" it was because, first, many could not read; and, secondly, because they tended to be puritanical, and did not dream that stage plays could be great or serious matter. Many of them, in fact, would regard everything connected with the "harlotry players" as savouring of sin. As Halliwell-Phillipps summed up:

> When the monument was first erected, there can, indeed, be little doubt that most of the inhabitants of Stratford-on-Avon, including the puritanical vicar, regarded it as the memorial of one whose literary career had, to say the least, been painfully useless to society. A like fanaticism no doubt pervaded no insignificant section of Londoners; but it was not sufficiently dominant in the metropolis to restrain the continued popularity of the works of the great dramatist.[1]

This is not a matter of mere "conjecture," legitimate or other. There is solid evidence of the growth of Puritanism in Stratford-on-Avon as elsewhere in Shakespeare's latter years. A rigorous bylaw against theatrical performances was passed by the town in 1612; and when it was found that this could not well be enforced against players under Court protection, resort was had to other devices; for instance, that of the year 1622, when six shillings were "pay'd to the Kinges players for not playing in the hall." We know further that Shakespeare's daughter, Mrs. Hall, entertained a Puritan preacher at New Place, the town paying for his drink—a very tolerable deal of sack—while she presumably provided his food. Yet when her epitaph came to be written, after her death

[1] *Outlines of the Life of Shakespeare*, 5th ed. p. 241.

in 1649, even the pious hand that composed it testified that among the more cultured folk of Stratford the memory and the fame of her father were still green :

> Witty above her sexe, but that's not all :
> Wise to salvation was good Mistress Hall :
> Something of Shakespeare was in that, but this
> Wholly of him with whom she's now in blisse.

This epitaph, apparently, was as unknown to Mark Twain as all the rest of the evidence which confutes him.

To sum up, a playwright and actor was the last man to be made a local hero in Stratford-on-Avon in the days of deepening Puritanism. The not wholly undeserved disrepute of the theatre affected all connected with it, as we can already see in the Sonnets.[1] A population at once unlettered and fanatical could not conceivably cherish the literary memory of the author of ROMEO AND JULIET and ANTONY AND CLEOPATRA, VENUS AND ADONIS and THE RAPE OF LUCRECE ; though they must have gossiped somewhat about his memory while his generation lasted. But in the special circles outside, where literary genius could be and was appreciated, while Puritanism was doing its best and worst against free art, the name of Shakespeare never ceased to be a word to conjure with ; and the English avowals are more abundant than the testimonies to the differing fame of Bacon himself, no one ever indicating a suspicion that the Stratford actor was not the great poet he was reputed to be. And even in Stratford itself, as we have seen, three and thirty years after Shakespeare's death, the quasi-Puritan composer of the epitaph of his Puritan daughter takes for granted the knowledge of all educated people that Shakespeare was a man of intellectual distinction, whose daughter a

[1] Even in France, long afterwards, it was told that two kinswomen of Molière in the religious life—it may have been his sister and his cousin—" blushed to recognise as a relative the author of *Tartuffe*, and fasted on a fixed day every year to expiate the misfortune of such a connection." Fournier, *Études sur la vie et les œuvres de Molière*, 1885, pp. 9–10.

Puritan woman might be proud to be, though his sole fame was as a writer of poems and plays, and mayhap, in some little degree, as an actor.

Thus the documentary identification of " the Stratford actor " as the author of the plays, though not copious, is perfectly valid, especially in view of the scantiness of biographical record all round for the period. Those who make much of the sparsity of exact traces of Shakespeare might be led to pause in their propaganda if they realised that for the birth, upbringing, and life of Cervantes, the most famous writer of Spain, the record is just as scanty. The enthusiastic devotion of Cervantes' countrymen has failed to ascertain his parentage or his place of birth; and what we know of him has been preserved not by biographical research among his contemporaries but by the chance of his own statements and of non-biographical documents. It is sometimes urged as a strange circumstance that there survives no known manuscript of Shakespeare. But there survives no known manuscript of Molière; and concerning even that dramatist, who lived so much nearer the age of biography, it is uncertain whether he was or was not called to the Bar. The latter-day biography of Molière, indeed, has been built up only by a " miracle of investigation " [1] which has left openings for endless disputes.[2] The argument from lack of early biographical commemoration or research, in short, has no weight whatever for the earlier part of the seventeenth century.

The ground being thus cleared of the first section of Mark Twain's unhappy mystification, we may proceed to the somewhat lengthier task of disposing of the second, which, however, is a mere repetition of an elaborate mystification evolved by others and taken by him on trust.

[1] The *Recherches sur Molière* of Eudore Soulié, 1863.

[2] Cp. the *Etudes sur la vie et les œuvres de Molière* of Edouard Fournier, *passim;* the préface to that work by Auguste Vitu; and the *Autour de Molière* of Auguste Baluffe, 1889, *passim*.

CHAPTER III

THE ARGUMENT FROM LEGAL ALLUSIONS IN SHAKESPEARE : LORD CAMPBELL'S CASE

§ 1

TAKING Mark Twain as the protagonist of the Baconian case, we have found him rejecting the normal view of the authorship of the Shakespearean plays on the strength of a series of gross errors as to the documentary evidence, and an all-pervading misconception as to the conditions of Elizabethan life. Protesting against the acceptance of "conjecture" as biographical material, he founded his own case upon mere wild misstatement in matters of notorious fact, followed up by an argument which on a little scrutiny is found to be wholly irrelevant. When, however, the whole case thus far is disposed of, the unabashed Baconians are found confidently justifying their unexampled "conjecture" by a proposition or propositions in regard to which they can claim the support of Shakespearean scholars of good standing,—the general theorem, to wit, that the author of the plays in question was demonstrably possessed of a deep and technically expert knowledge of English law.

On the strength of this affirmation, confidently accepted by him from others, Mark Twain embraced the "conjecture" that Bacon wrote VENUS AND ADONIS, THE MERCHANT OF VENICE, ROMEO AND JULIET, OTHELLO, LEAR, and all the rest of the plays. In his view "we are entitled to assume" (even as Stratfordian biographers might put it) that where lawyers profess to find legal *expertise* in the plays they cannot be mistaken; that only a lawyer

therefore can have written them; and that the lawyer must have been Bacon. The foe of conjectures died ostensibly in full reconcilement to the conjecture that HAMLET was written by Bacon for a company of actor-partners, all in the secret, after the trial of Essex and while Bacon was scheming for the favour of King James; and that THE TEMPEST, THE WINTER'S TALE, CYMBELINE, and HENRY VIII were written under similar conditions of open secrecy by King James' Solicitor-General—the last-named play just before his elevation to the Attorney-Generalship. And it is expressly insisted on that while thus carrying on a kind of authorship which he was deeply concerned to keep secret, Sir Francis, either deliberately or through inability to refrain from "talking shop," went on garnishing the plays with a multitude of legal expressions which to any trained ear must have betrayed their emanation from a legal source, and which, be it observed, he never introduces in his Essays.

N. 1

To this extremity of conjecture we are exhorted to come on the bare authority, cited at third hand, of certain pronouncements by lawyers of high and other status, not one of whom had a fair knowledge of the Elizabethan and Jacobean drama in general. In a dispute in which the principle of mere authority is expressly sought to be overthrown, we are asked to let an inference from the dicta of one or two purely legal authorities reverse at a stroke the whole structure of Shakespearean and Baconian biography. The authority of the great mass of Shakespearean students is to go for nothing, whether as to biography or as to comparison of styles; but the authority of certain lawyers, and these of the "idolatrous" school; is to settle once for all the question whether the author of the plays had a professional knowledge of law. Thus, it may be said, is idolatry pursued by its Nemesis: the Shakespeare-worshippers' habit of ascribing to the author of the plays every accomplishment in a superlative degree is made a ground for taking away the Stratford actor's

kingdom and giving it to another. And the same sequence occurs in respect of the ascription to the playwright of a wide knowledge of the classics. The idolaters are in effect slain by their own lintel-stones. But for the non-idolater all this concludes nothing. As simple student, he asks :

1. What expressions, in which plays, prove the playwright to have had an incomparably exact knowledge of law, possible only to a trained lawyer ?

2. Is it averred that the dramatic use of these expressions has the effect of making personages speak out of character, in respect of their being endowed with a legal knowledge which they could not reasonably be supposed to possess ? If so, is this admitted to be a detraction from the dramatist's own artistic credit ? If, on the other hand, his characterisation is not on this score called in question, with what fitness can he be credited with abnormal legal knowledge on the score of expressions which can dramatically pass muster as " in character " ?

3. Is it claimed that such legal expressions do not occur in the works of other Elizabethan and Jacobean dramatists in similar quantity and quality ? Have the lawyers ever faced this problem ?

4. How is it to be *proved* that the mere habit of haunting law courts, common to multitudes in Shakespeare's day as in ours, *could not* yield to a quick mind precisely the amount of familiarity with legal terminology seen in the plays ?

5. Is it *true*, as asserted by Lord Campbell and others, that the Shakespearean handling of law terms and phrases is constantly and impeccably correct ?

6. *Does Bacon*, in his non-legal works, make any such play with legal terms and phrases ?

Every one of these six questions, to raise no others, is vital to the issue which Mark Twain declares to be vital to the problem of the authorship of the plays. And he does not raise one of them ; does not even indicate that

it has occurred to him that any one of them might be raised. He simply cites on the legal question nine pages of Mr. George Greenwood's able but *ex parte* treatise, THE SHAKESPEARE PROBLEM RESTATED, ascribing to *that* a conclusiveness which is denied to any argumentation on the "Stratfordian" side, and there makes an end of discussion on that issue, declared to be central.

Now, Mr. Greenwood, setting out to challenge the whole "Stratford" tradition, and all the dogmatism thereon accruing, has made out his own negative case largely by means of the uncritical deliverances of men who adhered uncritically to the tradition in question. He has done this as regards the vital problem of the classical learning said to be exhibited in the plays. Rejecting absolutely the late Mr. Churton Collins's verdict on the main issue, he accepts without scrutiny Mr. Collins's judgment on the primary point of the dramatist's learning. Yet it can be demonstrated that at every important point Mr. Collins's judgment breaks down on analysis.[1] The author of the plays exhibits, on exact scrutiny, no such learning as he ascribes to him. Ben Jonson's ascription to Shakespeare of "small Latin and less Greek," which Mr. Collins arbitrarily and illicitly sets aside, turns out on close examination to be in perfect accord with the internal evidence of the plays, after these have been carefully considered with a view to the whole problem of authenticity. If, then, evidence which, with his own scholarly investigations, satisfies Mr. Greenwood as to the playwright's learning, is found to be quite inadequate, evidence which satisfies him as to the playwright's mastery of English law may turn out to be no less inadequate, albeit he is himself a lawyer.

ex.

The thesis of the juristic knowledge of the dramatist, long ago set up by Steevens and Malone, on the basis of the "attorney's clerk" tradition, is specially insisted

[1] *See* the present writer's *Montaigne and Shakespeare, and other Essays on Cognate Questions*, 1909, per index.

on by Mr. Churton Collins as part of his proof that TITUS ANDRONICUS is a genuine Shakespearean work. Now this, of all of "the" plays, has moved the largest number of critics to reject it, on general grounds, as alien work; and an all-round survey of the problem is found to bear out their conclusion. As to this, Mr. Greenwood is of my opinion. So far as demonstration in such matters can be said to be attainable, TITUS is demonstrably the work, in the main, of Peele and Greene, with portions possibly by Kyd or Lodge or Marlowe.[1] Its legal allusions, then, tell of no legal knowledge on the part of the author of OTHELLO, CORIOLANUS, AS YOU LIKE IT, and the unquestioned plays. Nor is this all. The legal knowledge exhibited in the plays is found to be assigned by the lawyers mainly on the score of phrases which will not in the least bear out their assertion. Mr. Greenwood cites (from Lord Penzance) the astounding judgments of Lord Chief Justice Campbell (afterwards Lord Chancellor) without quoting, save in subsequent discussion and in other connections, one specimen of the grounds given by his lordship for them; and Mark Twain thereupon adopts without inquiry a verdict which, had he had the grounds before him, he would, I believe, have regarded as much better matter for jest than any of the themes he has jested on—unless, indeed, he recognised in the Lord Chancellor a fellow humorist. It is important to keep in view from the outset the evolution of the argument; because Mr. Greenwood will be found ere long putting a thesis which is only in appearance Campbell's, while citing Campbell's pronouncements in support of it. Campbell goes about to prove his general proposition by a series of items of evidence, consisting substantially of legal phrases used in the plays. By that series of items his general pronouncement must stand or fall. But Mr. Greenwood at a certain stage of the debate in effect

[1] *See* the present writer's *Did Shakespeare Write "Titus Andronicus"?* 1905.

repudiates the very grounds of Campbell's judgment while asking us to accept that judgment as decisive.

§ 2

Let us first examine Lord Campbell's entire case, put in the form of a letter to J. Payne Collier under the title SHAKESPEARE'S LEGAL ACQUIREMENTS CONSIDERED (1859).[1] This case, which Mark Twain had never seen, and the tenuity of which no one could imagine from a mere reading of Mr. Greenwood's extracts, made through Lord Penzance, is framed, bad as it is, merely to support the theory that Shakespeare *may* have been a clerk in a country attorney's office.

> Great as is the knowledge of law which Shakespeare's writings display, and familiar as he appears to have been with *all its forms and proceedings*, the whole of this would easily be accounted for if for some years he had occupied a desk in the office of a country attorney in good business—attending sessions and assizes—keeping leets and law days—and *perhaps* being sent up to the metropolis in term time to conduct suits before the Lord Chancellor or the superior courts of common law at Westminster, according to the ancient practice of country attorneys who would not employ a London agent to divide their fees.[2]

And here, at the very outset, we have radical conflict between the champions of the lawyer theory. "We quite agree with Mr. Castle,"[3] writes Mr. Greenwood, "that Shakespeare's legal knowledge is *not* what could have been picked up in an attorney's office, but could only have been learned by an actual attendance at the

[1] A year before, W. L. Rushton, then a law student, had published *Shakespeare a Lawyer* (Liverpool, 1858); and Mr. Jaggard writes, in his *Shakespeare Bibliography* (p. 271), that "Lord Campbell coolly plundered and plagiarised it a year later, in his imitation work, entitled *Shakespeare's Legal Acquirements*, without the least acknowledgment." But Rushton also followed Malone. Cp. Rushton's own Appendices to his brochure, *Shakespeare's Testamentary Language*, 1869.

[2] Work cited, pp. 22–23.

[3] E. J. Castle, *Shakespeare, Bacon, Jonson, and Greene: A Study*, 1897, pp. 8, 26.

Courts, at a Pleader's in Chambers, and on circuit, or by associating intimately with members of the Bench and Bar."[1] Mr. Greenwood is thus in conflict with his chief witness, upon whose testimony have apparently been built the opinions of nearly all the other witnesses whom he cites. Further, Mr. Castle finds plenty of law in plays in which Lord Campbell finds none; no law at all in plays in which Lord Campbell finds some; and "laughable mistakes" where Lord Campbell declares there is no deviation from strict legal accuracy. With Mr. Castle we shall deal later: for the present we have to follow the variegated reasoning of the Chief Justice.

It is significant of the texture of Campbell's argument that after the explicit statement last cited from him he finds in the plays a "wonderful" and "profound"[2] knowledge of law—implying that profundity in that knowledge may be attained by a village attorney's clerk in a few years. But still more staggering is the circumstance that after putting his whole case he writes: "*Still I must warn you* (Collier) *that I myself remain rather sceptical. All that I can admit to you is that you may be right, and that while there is weighty evidence for you there is nothing conclusive against you.*"[3] And he further points out to Collier: "You must likewise remember that you require us implicitly to believe a fact which, were it true, positive and irrefragable evidence in Shakespeare's own handwriting might have been forthcoming to establish. Not having been actually enrolled as an attorney, neither the records of the local court at Stratford, nor of the superior courts at Westminster, would present his name as being concerned in any suits as an attorney; but it might have been reasonably expected that there would have been deeds or wills witnessed by him still extant;—and after a very diligent search none such can be discovered."

[1] *The Shakespeare Problem Restated*, p. 31.
[2] P. 113. [3] Pp. 110–11.

Upon this caveat Mr. Greenwood expressly insists; and whereas Campbell's argument went solely to prove possible clerkship, Mr. Greenwood turns his evidence to the support of the thesis that the playwright must have been a lawyer trained on a higher plane. He in turn refuses to accept the Baconian theory; whereas the Baconians turn his and Campbell's arguments alike to the support of that. Mr. Greenwood must have a lawyer, but cannot accept Bacon, and can name no other. And the whole theorem rests on the forensic if not insincere reasoning of a judge who would have laughed the Baconian theory to scorn. Campbell's argumentation, as he himself observed, is "worthy of Serjeant Eitherside"; and still it is the sole or main foundation of his summing-up or judgment, which constitutes Mr. Greenwood's case. Lord Campbell had in fact been indulging in a forensic exercise, using the language of exaggerated conviction in the forensic manner, as a barrister would in a defence of a clouded client before an ignorant jury. To make clear the truth of this, it is necessary only to summarise his argument.

It sets out by taking for granted (*a*) that Nashe's allusion, in the epistle prefixed to Greene's MENAPHON (1589), to "shifting companions that . . . leave the trade of *noverint*, whereto they were born," must have referred to Shakespeare, in respect of the further allusion to HAMLET; and (*b*) that Greene, in respect of his later "Shake-scene" fling, must be held to have been party to the description of Shakespeare as a lawyer by trade. Now, it has long been established to the satisfaction, I think, of absolutely all Shakespearean scholars, that Nashe's allusion is to Kyd, whose father was a law scrivener; and who was in all probability the author of the old HAMLET, upon which, by common consent (Campbell's included), Shakespeare's play is founded. Lord Campbell's preliminary case thus goes by the board at once: the testimony of "two contemporaries . . . . who must

have known him [Shakespeare] well," with which he presents Collier at the outset, is a myth of mistaken inference. In passing, it may be noted that he is equally astray (p. 25) in taking Spenser's "pleasant Willy" to be the dramatist. No scholar, at least, now agrees with him.

The adherents of the lawyer theory should further note, what Mr. Greenwood omits to mention, that Campbell "entered" the following caveat:

> In THE TWO GENTLEMEN OF VERONA, TWELFTH NIGHT, JULIUS CAESAR, CYMBELINE, TIMON OF ATHENS, THE TEMPEST, KING RICHARD II, KING HENRY V, KING HENRY VI, Part I; KING HENRY VI, Part II; KING RICHARD III, KING HENRY VIII, PERICLES OF TYRE, and TITUS ANDRONICUS—fourteen of the thirty-seven dramas generally attributed to Shakespeare,—I find nothing that fairly bears upon this controversy. Of course I had only to look for expressions and allusions that must be supposed to come from one who has been a professional lawyer. Amidst the seducing beauties of sentiment and language through which I had to pick my way, I may have overlooked various specimens of the article of which I was in quest, which would have been accidentally valuable, although intrinsically worthless.

N.

In this connection it should be noted (*a*) that the late Professor Churton Collins found a long series of "unquestionable" legal allusions in TITUS ANDRONICUS—where it can hardly have been "seducing beauties of sentiment" that prevented Campbell from seeing them; (*b*) that Mr. Greenwood in turn finds these allusions to be "very ordinary expressions," which it is "ridiculous" to ascribe to a trained lawyer, though they are just such expressions as Campbell cites from other plays; and (*c*) that while the Lord Chancellor finds only one passage "with the juridical mark" upon it in MACBETH, Mr. Castle, K.C., goes further, and denies that there is any sign of legal knowledge in that play at all. Thus in both early and late plays, in genuine and ungenuine alike, the experts themselves confess to lack of evidence over nearly forty per cent of the area involved.

N.

Let us now take Lord Campbell's evidential passages in detail. The mere presentment will probably suffice to dispose of them for most readers, so utterly void are they of justification for the thesis built upon them. Comment is often entirely needless; the one constant difficulty is to believe that the judge is serious.

1. In THE MERRY WIVES (ii, 2) Ford says his love was

> Like a fair house built upon another man's ground; so that I have lost my edifice by mistaking the place where I erected it.

Upon which Lord Campbell pronounces that "this shows in Shakespeare a knowledge of the law of real property, *not generally possessed*." It might suffice to answer that such knowledge is to-day possessed by millions of laymen: and that in the litigious days of Elizabeth it must have been at least as common. But let the lawyer be answered in legal form. In Dekker's SHOEMAKER'S HOLIDAY, published in 1597, Hodge says (v, 2): "The law's on our side; he that sows on another man's ground forfeits his harvest." Hodge is a foreman shoemaker. Was Dekker an attorney's clerk, or was Hodge talking in character and saying what any shoemaker might? Or was it a lawyer who penned in Heywood's ENGLISH TRAVELLER (iv, 1) the lines:

> Was not the money
> Due to the usurer, took upon good ground
> That proved well built upon? We are no fools
> That knew not what we did——?

Or is Chapman to be credited with a legal training because he cites the legal maxim, *Aedificium cedit solo* in MAY-DAY (iii, 3)? According to Mr. Rushton, *this*[1] is the legal maxim underlying the words of Ford, and not the formula, *Cujus est solum, ejus est usque ad cœlum*,[2] cited by Campbell.

2. In Act IV of the same play, says Campbell, "Shakespeare's head was so full of the recondite terms of the law

[1] More strictly, *Aedificatum solo solo cedit.*

[2] *Shakespeare's Legal Maxims*, 1907, pp. 24–25.

that he makes a lady . . . pour them out in a confidential *tête-à-tête* conversation with another lady. . . .” The passages thus characterised are :

> May we, with the *warrant* of womanhood and the *witness* of a good conscience pursue him ? . . . If the devil have him not *in fee simple, with fine and recovery*, he will never, &c.

On Lord Campbell’s principles, then, what inference shall we draw from this piece of dialogue between wooer and lady in one of Greene’s stories ?—

> Yet Madame (quoth he) when the debt is confest there remaineth some hope of recovery. . . . The debt being due, he shall by constraint of law and his own confession (maugre his face) be forced to make restitution.
>
> Truth, Garydonius (quoth she), if he commence his action in a right case, and the plea he puts in prove not imperfect. But yet take this by the way, it is hard for that plaintiff to recover his costs where the defendant, being judge, sets down the sentence.
>
> *The Card of Fancy*, 1587 : Works, ed. Grosart, iv, 108.

The “ debt ” in question is one of unrequited love. Shall we then pronounce that Greene wrote as he did because “ his head was full of the recondite terms of the law ” ?

And what, again, shall we say of the passage in Dekker’s HONEST WHORE (Pt. I, iv, 1) in which Hippolito points to the portrait of Infelice as

> The copy of that obligation
> Where my soul’s bound in heavy penalties ;

and Bellafront replies :

> She’s dead, you told me : she’ll let fall her suit.

Must Dekker too be a lawyer ? The reader has already begun, perhaps, to realise that lawyership is out of the question. Greene was no lawyer. He wrote legalisms as he wrote Euphuism, because it was a fashion of the time ; and he did it, as we shall see later, to a far greater extent, in the way of elaboration, than Shakespeare ever did. Dekker and the other dramatists in general did the same thing as Shakespeare.