The Assassination of Shakespeare's Patron: Investigating the Death of the Fifth Earl of Derby

by Leo Daugherty

Cambria Press, 374 pages, 2011

reviewed by Peter W. Dickson

In publishing the first-ever attempt to resolve the question of who in April 1594 murdered Ferdinando Stanley, the Fifth Earl of Derby and the heir apparent to Queen Elizabeth, Professor Emeritus Leo Daugherty of the University of Virginia has produced a monumental achievement in the annals of historical research. Stanley's mysterious and extremely violent death—evidently from a massive dose of arsenic—had a huge impact on the royal succession, but is also relevant to the Shakespeare authorship dispute because most orthodox scholars (the Stratfordians) believe that William Shakespeare was a member of Ferdinando's acting company in the early 1590s known then as Lord Strange's Men.

Hence the title of Daugherty's new book, *The Assassination of Shakespeare's Patron: Investigating the Death of the Fifth Earl of Derby*, published by Cambria Press in May 2011. This book is the second by Daugherty with this publisher, following quickly on the heels of *William Shakespeare, Richard Barnfield and the Sixth Earl of Derby,* which appeared in 2010. In the earlier book Daugherty advanced the theory that Barnfield and Shakespeare were the rival poets alluded to in the *Sonnets* and that the Fair Youth was Ferdinando's younger brother William – the same fellow whom Burghley moved quickly to marry his granddaughter and Oxford's daughter, Elizabeth, immediately after Ferdinando's April 1594 murder.

The earlier book is less impressive than the newer book dealing with Ferdinando's murder, for two reasons. First, William was no fair youth because he was already in his early 30s when the two poets allegedly competed for his attention, if not also his affection. Second, Daugherty makes his case based on selecting passages from poetry, a weak methodology, especially when he draws on the notoriously enigmatic *Sonnets*, about which there is no agreement when the poems were written and to whom they were addressed.

In sharp contrast, the new book concerning Ferdinando's assassination is a *tour de force*. Daugherty spent 15 years mining archives in Britain, especially the Cecil Papers, which yielded documentation that few even knew existed, let alone studied.

Daugherty addresses the basic question of culpability for Ferdinando's untimely death, which some at the time attributed to witchcraft, given that Ferdinando had an encounter with a witch-like woman on April Fool's Day 1594, only four days before he began to show signs of ill health. However, as Daugherty emphasizes, the four doctors tasked with trying to save the Earl's life were in agreement that his death was due to poison from the hands of an assassin.

The immediate suspicion fell on the Catholics in exile who had tried to lure Ferdinando into a plot to overthrow the Queen, but failed because Ferdinando turned over the agent who had approached him (Richard Hesketh, his own step-brother, as Daugherty has discovered) to the Queen and Burghley. After extensive interrogation and investigations overseen by Sir Robert Cecil, Hesketh was executed in late November 1593. Amazingly, Daugherty located there only the records of this interrogation in the Cecil papers, but found the original talking points that Hesketh were given by the exiled Catholics for him to use in his exploratory discussions with Ferdinando about a possible plot.

Although Daugherty is a Stratfordian who has connections with scholars such as Carol Enos and Ian Wilson, who have argued or suggested that the incumbent Bard from Stratford was a secret Roman Catholic, he refuses to endorse that view openly. Furthermore, Daugherty rejects the attempt of one of the forerunners of the Catholic Bard movement, Christopher Devlin, to shift blame for the assassination from the Catholic conspirators on the Continent, such as the Jesuit Robert Parsons and Cardinal Allen, to Lord Burghley. Devlin tried to advance this thesis in an essay entitled "The Earl and the Alchemist" in 1963. Nonetheless, as even Daugherty admits, it was not only these Catholic conspirators who promptly accused Burghley of being behind the assassination because of his hasty decision to arrange the marriage of Ferdinando's brother William to his own granddaughter Elizabeth de Vere. Many at the English court and in the public at large who had those same suspicions, although it is hard to imagine Derby would have ever married the granddaughter of a man he thought had a hand in his brother's murder.

Daugherty concedes that the Catholic conspirators wanted revenge for Ferdinando's betrayal of Hesketh because in a second edition of a seditious tract published in Antwerp and circulated in England under the title *A Conference on the Next Succession to the Crowne of England*, the author Robert Parsons, under the pseudonym Robert Doleman, backed away from supporting Ferdinando as the heir apparent. Parsons did this on the grounds that distrust of him was growing for obvious reasons given his betrayal of Hesketh. Parsons even asserted that some men (meaning English Catholics) were beginning to think that his younger brother William might make a better successor to Queen Elizabeth, a remark which, along with other rumors, suggested that Ferdinando might not have long to live.

Parsons' tract was dedicated to the Earl of Essex, the Queen's hyper-ambitious favorite, as a way to get him into trouble; surely anyone reading it could see that it was only a matter of time before these frustrated Catholic conspirators hiding in the Continent would try to kill Ferdinando.

As Daugherty does not believe that Burghley beat them to the punch to clear the way for his granddaughter's marriage to William Stanley, the question is whether the Catholics in exile carried out the deed or some other faction did. Daughterly opts for the latter explanation and assembles substantial evidence to support his theory than certain quasi-Catholic retainers formerly in the service of the Stanley family were the murderers. These men abandoned Ferdinand when, not long after he succeeded his father as Earl in September 1593, he betrayed Hesketh. They also were aware that the royal court (the Queen and the two Cecils, William and his son Robert) had lost confidence or trust in Ferdinando and were taking steps to marginalize him in local administrative affairs in the Cheshire-Lancashire domains, the traditional strongholds of the Stanley family.

These retainers fled Ferdinando's service circa December 1593 (after Hesketh's execution) and declared their loyalty to Essex, of all persons, who had little reason to accept them into this service unless he had an ulterior motive—which is precisely what Ferdinando suspected and feared. In accepting these retainers into his own service, Essex was signaling that since the regime had decided to marginalize Ferdinando, then he would join in.

This is a crucial factor in Daugherty's interpretation, which crystallizes in chapter 12, "Ferdinando, Essex and the Throne." Daugherty reviews in great detail a long bitter stream of letters between Ferdinando and Essex in early 1594 not previously known to exist. This correspondence makes clear that Ferdinando had become paranoid about Essex's refusal to dismiss the retainers from his service, especially a man named Richard Bold who, in 1587, had threatened to kill Ferdinando because he had persecuted his mother-in-law for being a Catholic.

Daugherty discovered that Ferdinando, frustrated with Essex's refusal to cooperate, decided after receiving a report about seditious activity at Bold's residence (a well-known haven for Catholic recusants and secret masses) to raid Bolt's home on April 2, the day after the conversation with the witch. Ferdinando took sworn depositions from Bold and his allies and reported their suspicious behavior to the local authorities, and also dispatched a messenger to the royal court in London. But in so doing Ferdinando exceeded his jurisdictional authority in the region.

Daugherty concludes that Bold and his associates, who were not incarcerated, were now primed to strike back at Ferdinando and that their plans to kill him likely were known by Essex, who essentially gave them a wink and a nod. Essex's interests were served by seeing Ferdinando out of the way because he wanted to play kingmaker. Of course, the Stanleys did not need a kingmaker, because on the basis of the Third Act of Succession (1544) and the last will of Henry VIII, which barred the Stuarts from the royal succession, the Countess of Derby (Margaret Clifford) and her sons (Ferdinando and William) were next in line to succeed Queen Elizabeth. Thus, Daugherty concludes:

> The evidence also points strongly upward to Essex. Perhaps he was communicating with Richard Bold obliquely about getting rid of Ferdinando, and Bold knew what Essex wanted. It also appears that

> Essex knew he had a ready, willing, able assassin in Bold – a servant whom he knew had his own strong motives for killing the Earl of Derby. (275)

Even though there is no evidence that Essex authorized the assassination, there is no way to view Tudor succession in the same light after reading Daugherty's chapter 12, a masterful historical reconstruction of the tense dialogue between a would-be kingmaker and the widely recognized heir apparent to the English throne.

Nonetheless, there remains a lingering issue concerning the timing and therefore the true perpetrator of Ferdinando's murder. Daugherty notes on page 178 that Ferdinando was already showing signs of stress with a horrible dream on the night of April 4. The next day he claimed to have seen an apparition and gave an uncharacteristically weak signature on his last letter, just before another night of restless sleep. Unmistakable signs that he looked to be fatally ill were clear to his personal physician by April 7.

This tight chronology means that if the Bold-led group achieved its revenge, then they had acted quickly—within 72 hours after the raid on April 2—and obtained a large amount of arsenic to do the job. Daugherty sensed a problem here in terms of chronology after this writer pointed out that to him in a telephone conversation. He does not categorically rule out that the plan to murder Ferdinando was already in place by either the Bold-led faction that had gone over to Essex or the exiled Catholics who wanted revenge for the execution of Hesketh. But this would mean that Ferdinando's raid on Bold's residence on April 2 merely telescoped his fate. The bottom line is that whatever the truth about the identity of the assassins, the Catholics in exile had more than four months to plan their retaliation with their own agents, as opposed to Bold's clique, and might well have been the party (as opposed to Essex) to encourage Bold and his men to finish off Ferdinando.

Daugherty dismisses the idea that Burghley's quick move to marry Elizabeth de Vere to William, who inherited his brother's claim to the throne, was an effort to shore up the regime, which perceived growing threats from Catholics at home and abroad. We should note Southampton's former tutor (Smithin Wells) was executed as a crypto-Catholic in December 1591 and the Jesuit poet Robert Southwell was imprisoned in 1592. Just before *Venus and Adonis* appeared in print in the spring of 1593, Parliament intensified the penalties for all English Catholics, with a new Edict Against Papist and Other Recusants. Less than a year later, Essex launched the smear campaign against the Queen's Spanish-Jewish doctor (Raphael Lopez) during his bitter correspondence with Ferdinando. During this time the palace guard was doubled in size.

Given that the Queen and Burghley were increasingly paranoid about "creeping Catholicism," Daugherty's dismissal of the political significance of the hastily arranged de Vere-Stanley marriage in April-May 1594 is not fully convincing. Contrary to his suggestion, it is doubtful that, during such a tense period, Ferdinando's 14-year-old daughter was a stronger candidate than her 33-year-old uncle to be heir apparent. The stature gap between Derby and his young niece was

too great, and surely so after his marriage to the daughter of the nation's highest ranking Earl, and granddaughter of the most powerful person in the realm after the Queen herself.

Furthermore, if William was not the obvious heir apparent, then why did Parsons in the second edition of his controversial tract on the royal succession endorse William as the best successor to the throne to protect Catholic interests? The second edition appeared in print in early 1594, *before* Ferdinando's murder (see page 157). It is obvious that both Burghley and the Catholic conspirators agreed on at least one thing: William was the figure with the strongest claim to the throne by a wide margin after his brother's death, which means that his marriage to Oxford's daughter was a strong signal about who the Tudor regime envisioned in 1595 as likely successors to the crown.

The impact of Daugherty's book on the Shakespeare authorship debate should be profound. It helps illuminate how people with, or aspiring to, great power in the 1590s clearly viewed the royal succession in terms of the Stanley family's powerful legal claim to the throne as stipulated in the Third Act of Succession and Henry's VIII's will. Even if it can be argued that the wording of the 1571 Treason Act (which changed "lawful issue [of the Queen]" to "natural issue") opened the door to a possible later change to the Succession Statute, the fact remains that the Queen and Parliament never passed a new act or amended the old one. Hence, it is irrelevant to fantasize about other Tudor claimants, including the wild theories about Oxford or Southampton being secret royal bastards.

If one is going to argue that Oxford was the Bard, either on his own or possibly in conjunction with his son-in-law Derby, then obviously in the wake of the marriage in 1595, Oxford's literary fate became bound to his son-in-law's status as the heir apparent. There is no way the authorship of the Shakespearean literary works, if they came from the pens of these two Earls, would not become a highly sensitive political matter, requiring either anonymity or the employment of a pen name not only until 1603, when King James ascended to the throne, but well beyond that date, as by 1612 only two of this King's eight children were still alive, with no guarantee that the Stuart line would not die out, a possibility which would have raised the issue of a reversion to the Stanleys as the default successors.

The other important aspect of Daugherty's book for the authorship question can be found on pages 26-32, where he highlights recent analysis by Stratfordians such as Catherine Canino, Lawrence Manley, and Ian Wilson concerning Shakespearean dramas such as *Henry VI Parts 1-3* and *Richard III*. They observe how the dramatist seems to go out of his way to highlight the roles of the ancestors of Ferdinando and William Stanley during the War of the Roses, even distorting facts to achieve this effect. The originator of the Oxfordian movement J. Thomas Looney also noted this phenomenon in his book, *"Shakespeare" Identified* (1920) and struggled to explain why Oxford would do this. Looney proposed that Oxford and Derby may have collaborated, a view also adopted by Robert Plumer Fowler in *Shakespeare Identified in Oxford's Letters* (1986) among others.

A sensible conclusion would be to entertain the proposition that these particular dramas might well have been composed by Ferdinando for his own acting company, Lord Strange's Men. This conclusion would also lend weight to the remark of Claire Asquith in her 2005 book, *Shadowplay*, that after Ferdinando's murder, Burghley and the Queen moved not only quickly to marry his brother to Oxford's daughter, but to confiscate his acting company and bring it under firm, direct royal control as a renamed troupe known as the Lord Chamberlain's Men. From this perspective, we can easily imagine how the repertoire of this company so closely associated with the name "William Shakespeare" might have contained many, if not all, of the dramas that came from the pen of one or both of the Stanley brothers.