The Black Book, Oedipus and Robin Hood: Oxford's Lawsuits and the Character of Timon

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"Let all my land be sold."—Timon to Flavius: *Timon of Athens*. II.ii.145
"Sell any portion of my land."—Oxford to Burghley: Letter from Italy.1576.

In "Why is there no *History of Henry VII*?" (Fox, 2010a) I argued that a feudal aristocrat like the 17th Earl of Oxford would not have found Henry VII to be a hero. The first modern king created a centralized bureaucracy of "new men" (exaggerating a trend started by earlier kings) and curbed the power of the nobility with laws, bonds and fines. But this was not for Oxford an issue of political power—he was remarkably indifferent to power as such, but an issue of land and wealth. He was deeply personally involved in the takeover by the new men, and had good personal reason to be resentful of them and their royal patron.

The Two Great Tides

For a start, the man who dominated his life, William Cecil, was the epitome of the new breed. A commoner risen to great wealth and power and finally ennobled, the first Baron Burghley benefited financially from his position as master of the Court of Wards, and the 17th Earl was ambivalently dependent on him all his life, while caught in an arranged marriage with his daughter. The letters of Oxford that remain were those preserved by the obsessive Cecil, and are a mixture of flattery, elegant prose, importuning and complaint, many about the sale of his estates to support his own high living. There was a head-on clash between the traditions of extravagance and entertainment of the feudal nobleman and the parsimony and frugality of the newly ennobled and stringently prudential Cecil. Lawrence Stone, in *The Crisis of the Aristocracy*, draws the contrast in his chapter on "Conspicuous Expenditure":

> All these forms of excessive expenditure sprang from an attitude of mind which put generosity and display before thrift and economy, and which was encouraged by the growing popularity of attendance, often unrequited attendance, upon a deliberately and conspicuously extravagant court… Superimposed upon this general tendency, however, was a more personal recklessness of behavior that was more psychological than social. This private malaise was particularly common the 1580's and 1590's as there grew up a whole new generation of high-spirited young aristocrats in open rebellion against the conservative establishment in general and Lord Burghley in particular. Very many like Oxford, Rutland, Southampton, Bedford and Essex, had been wards of the old man and were reacting violently against his counsels of worldly prudence. Such a development was hardly surprising. To listen to Polonius for a few minutes in a theatre is one thing; to have to put with him pontificating at meal times for years on end is another. No wonder these young men adopted a way of life of absurdly prodigal extravagance; it was the only revenge they could take on a guardian to whom waste and imprudence were deeply horrifying. The knowledge that so many of his charges had both disliked him and gone to the bad must have puzzled and saddened this well-meaning old gentleman.

Stone's comments show that Oxford was not unusual in his recklessness (although he was by far the eldest of this group) and also not alone in his difficult, to say the least, relationship with Cecil. That Stone should so directly link Cecil and Polonius in this context is equally interesting. None of the other young noblemen were married to Polonius's daughter, however.

Land Acquisition

The constant nagging from Oxford about the sale of his lands raises the question: sale to whom? Oxford is in fact Stone's prime example of the growing trend of social mobility by the acquisition of land. The new men, the traders, merchants and yeomen, were gobbling up the lands of the spendthrift aristocracy, particularly the youngsters in Stone's list, and primarily Oxford. The Earl is Stone's chief example, with some thirty-one references, of this damaging transfer. Leading the charge of the new men was Oxford's own steward, Roger Harlackenden, whose dealings with the Earl are recorded in remarkable detail as the result of a prolonged lawsuit that took up the decade of the 1590s and extended beyond the death of the principals well into the seventeenth century, setting precedents that held in English common law for several hundred years.

Two devoted scholars of Oxford's life deal at length with the details. Daphne Pearson's *The Seventeenth Earl of Oxford: The Crisis and Consequences of Wardship* (2005) and her "Robin Hood's Pennyworth: the DeVere-Harlackenden Lawsuits" (1999) are basic, as are Nina Greens's "The Fall of the House of Oxford" (2009) and "An Earl in Bondage" (2004). While the two accounts differ on some important matters such as Oxford's actual income (important since it could show that Oxford's debt was not nearly so much his own fault as historians have implied) they together contain much vital information. Alan Nelson has a chapter in *Monstrous Adversary* that is not much help, being largely quotations from one witness to the lawsuit. (Also, although he cites Pearson

in his text and notes, her book does not appear in his bibliography.) Most other biographers do not deal with the issue in any detail because the research had not been done when they were writing, or their focus was elsewhere. Eva Turner Clark in *Hidden Allusions in Shakespeare's Plays* (1931) did see the striking parallels between Oxford and Timon and we shall look at these.

The disputed lands were in the towns of Earls Colne and Colne Priory in Essex. As the name suggests, these were a part of the estates of the Earls of Oxford. I became interested in them because of the role of the Oxford family as patrons of the Grammar School at Earls Colne (Fox 2009), and the conflict between Edward de Vere and the locals over the appointment of a schoolmaster. By happy coincidence, Earls Colne has become a model of intensive local history and is perhaps the best-documented town in Europe, or anywhere for that matter. The anthropologist-historian Alan Macfarlane and his team from Cambridge University have gathered together the documents on the town's history, which can be found at his website. But Macfarlane also analyzed in detail the specific matter of the lawsuit with the Harlackendens in an unpublished manuscript *The Strife of Two Great Tides* (after, I believe, a remark by Francis Bacon in his life of Henry VII). This is also available on his website, but seems little known to the world of the authorship issue. The great tides in question were of course the established aristocratic landowners whose wealth and power lay in land, and the rising middle classes which had made their money in trade and which were rapidly purchasing the lands in question.

The Queen, Leicester and Wardship

But first we should answer the question: why did Oxford have to sell his lands? Was it simply his financial recklessness? This did not help, but initially and throughout his life he was plagued by the immense debts forced upon him by the crown as a consequence of having to buy his way out from being a royal ward.

Pearson explains this complicated and basically unfair process thus. As Oxford's tutor, Sir Thomas Smith, explained in his *De Republica Anglorum*, all land in England was legally owned by the crown. So while land could be bought, sold, rented, mortgaged, bequeathed and so on, there were always "residual rights" that remained with the crown. Aristocrats during the middle- ages held their land largely by "tenure of knight service." Their land was held from the crown technically in return for their service (and that of their retainers) in war. By Tudor times this had been commuted to an annual cash payment in lieu of service.

One consequence of the law however was grim for under-age male heirs. Since they could not serve in arms independently until they were twenty-one, they (and their brothers and sisters) had to become royal wards, and once they achieved majority they had to "sue livery" (i.e. for *de*-livery) of their estates. The phrase crops up several times in the plays (*1 Henry IV, Richard III*). In effect, for orphaned noblemen, this meant paying a large fine to the crown to get back title to their estates.

These estates meanwhile were in the hands of a committee, the "Court of Wards"

and of a legally appointed guardian, who, while being tasked with maintaining the estates could also profit from them, and had among other things the right to wed his daughters to the wards. What is more, the wardship became a marketable commodity that could be bought, sold, invested in and borrowed against.

Pearson describes the process as "an early attempt at inheritance tax on noblemen and women unfortunate enough to have lost their father in early life." Green calls it a blatant "revenue grab" meant to extract "a windfall profit." She questions the legality of some of the queen's actions regarding it in Oxford's case (2004). The practice suited Elizabeth's grandfather Henry VII very well since it was yet another way of controlling the nobility. It also became a factor in the ascent of the new men and the crisis of the aristocracy. Oxford, whose guardian (acting for the queen) and father-in-law, the ennobled commoner Cecil, was Master of the Court of Wards, was never free from its consequences.

One third of the land of such a ward was in the direct gift of the crown, which could use it to boost the fortunes of royal favorites. This third of Oxford's inheritance was thus granted to her favorite, Robert Dudley, later the Earl of Leicester, by Elizabeth in 1563. Again, while the grantee was supposed to maintain the estate thus acquired, he was free to profit from it until the heir came of age and successfully sued livery. According to Green, Dudley's actions towards the de Vere family were rife with double-dealing and he was even suspected of poisoning the 16th earl to benefit financially from his death. Green explains in breathtaking detail how Dudley came to be one of the three executors of the 16th earl's estate (with Sir Thomas Golding and the Duke of Norfolk.) This was because of the betrothal of young Edward, then twelve years old, to one or other of Dudley's two sisters-in-law, the daughters of the Earl of Huntingdon (of whom more later.) The 16th earl's unexpected death (he was in apparently good health) was disastrous to all concerned except the impecunious Dudley, who could look forward to the Queen's grant of the rights in one third of the Oxford lands.

The complications of Oxford's relationship to Leicester were never free of the shadow of this grant. It might have been a device cunningly manipulated by Elizabeth and Cecil to give Dudley an earl's income while not expanding his power base, although

contemporary documents seem to show that Cecil and other members of the council were unwilling partners in the land grab. Green shows how Elizabeth continued to try to extort more and more from the Oxford estate, which makes it odd that she should eventually have settled a pension of one-thousand pounds a year on him in 1586. The money was once thought to have cost her nothing, coming from another windfall for the crown from the bishopric of Ely, part of which went to Oxford and, ironically, part to his rival Sir Christopher Hatton. Green's research (personal communication) shows there is no basis for this rumor and that the grant came directly from the Treasury. Consistency was never Elizabeth's strong point, but in the acquisition of funds she was ruthless.

Robert Dudley, Earl of Leicester

When Oxford came of age in 1571, his wardship fees and fines were "stalled"—he was allowed to pay them in installments over the years. The large legal expenses involved in the process were another drain on his income, and his bonds and fees alone amounted to more than seven thousand pounds—a huge sum in those days. Oxford according to Pearson, was caught in a Catch-22: "with only a proportion of his income to call upon he was unable to p pay the fine until he received his other revenues and unable to receive them without paying the fine."

Oxford never even began to pay these huge debts. Green maintains that his income from his lands was too low to let him meet the payments in the first place, and to maintain himself he had to sell the lands anyway, thus reducing his income. It was for Oxford a lose-lose situation: he either sold anyway thus losing the income, or didn't sell in which case he had no ready cash. In effect he lived largely off his credit card for the rest of his life. In the end most of his debt was humiliatingly paid by purchasers of his land (to free it of encumbrances) including his second wife's family, the non-aristocratic but wealthy Trenthams.

Frugality vs. Life

Of course, had he lived frugally and never left home as his puritanical relatives like the Goldings might have preferred, he could perhaps have paid the wardship fines and debts and lived a comfortable life by bourgeois standards. But those standards were not his, and the conflict between feudal extravagance and puritan sobriety that Stone noted kicked in. His subsequent high living and hugely expensive travels to the Continent, especially Italy, doubly complicated his situation; hence the constant pleas to Cecil (by then Lord Burghley) to sell his land and send the money. He tried gambling on various expeditions that failed, including the famous 3,000 pounds to Michael Lock (or Lok) for the Martin Frobisher expedition in 1576. According to Pearson, he borrowed large sums at exorbitant interest, and mortgaged land on totally unfavorable terms. Green thinks he did

not act any more recklessly than his peers in these matters, but he did proceed apace with the alienations.

The whole business drove Cecil to distraction and at one point (according to Strype, quoted in Pearson 2005:73) he asked Israel Amyce, one of Oxford's stewards, and the writer John Lyly, Oxford's secretary at the time, to try to take over the Earl's affairs and run them sensibly. This is the only time (1584) in his letters when Oxford actually shows unrestrained rage at Cecil: one is reminded of Hamlet's fury at being spied on by Polonius. "I scorn to be offered that injury to think I am so weak of government as to be ruled by servants or not able to govern myself." (Oxford's letters are in Fowler, 1986.) The sales had begun in earnest in 1575 to finance his grand tour of the continent, and in 1592 more than 174 estates had been sold, many for a fraction of what they were worth. The number of his creditors even by 1575 was 128: he was then only twenty-five years old.

The Earl, while not totally impractical, was uninterested in anything to do with administration if it did not produce what he wanted and was, like his compeers, always short of, liquidity; that is, ready cash. Some of the episodes in his life border on comic opera as he persistently tries to elude and distract his hapless auditors and stewards when they follow him from house to house trying to get his attention. Actually by 1588 he had sold all his houses and it is difficult to know where he lived until he remarried—in lodgings in London or at the Savoy, it is supposed. And what did he spend his ready cash on? The main obvious expense was his purchase in 1580 of the enormous mansion in Bishopsgate rightly called Fisher's Folly. This money pit became the lively center of literary activity where Oxford subsidized and employed the likes of writers John Lyly and Anthony Munday, and many more. He obviously also spent money on his theatre companies and his plays, although financial records are lacking. He did have an ongoing interest in the chances of making a fortune from the trading of tin, perhaps from his knowledge of his estates in Cornwall, which were among the first to be sold.

Sixteen Discourses

From 1595 to 1599 he wrote the Cecils "sixteen discourses," plus letters and memoranda on tin, its mining, smelting and trading. The tin industry was still thriving in Cornwall then. The documents are mostly about how the queen could increase her profits from her monopoly on the tin trade, and might have been primarily intended to influence her to receive Oxford back into favor rather than to profit him directly. Nelson has a good chapter on this episode where, however, he comments: "Nothing reveals more than these utilitarian letters and memoranda the essentially prosaic character of this peculiar – and uncharacteristic – Elizabethan mind." I hope no mind will be judged by its business correspondence. My collected letters to the IRS would give little hint of any worthwhile intellectual career. Try ploughing through J.S. Bach's correspondence—all whining about pay and working conditions (Hurst and Mandel, 1966). Oxford's writings on tin actually show a surprisingly practical streak and attention to detail in a man not generally reputed to be businesslike. All this tin business was happening when Oxford was not laying out

legal expenses and writing even more letters trying, unsuccessfully, to obtain the Stewardship of the Forest of Waltham that he thought was his by hereditary right.

Pearson asks what could have been the position "and occupation of a landless peer"—which he was in the 1590s. She continues: "It is probable that he kept himself employed in his writing, as lack of funds would not have inhibited this."

What might hang on that innocent observation? She does not consider his theater dealings as part of his expense record, although the deep association with Lyly (and Henry Evans) might have been seen as a clue. Oxford's keeping of acting companies, patronage of playwrights, and the leasing of Blackfriar's Theatre in 1583 (with George Peele the co-author of *Titus Andronicus*) are on record. In passing, though, we should look at one of her suggestions. She describes the ingenuity with which the Earl of Leicester rescued his stepson, Robert Devereux, the future Earl of Essex, from the obligations of his wardship.

Abandoned Cornish Tin Mine

By knighting him in the field (Flanders) Leicester ensured that Devereux had done his "knight service," thus freeing him from his obligations and allowing him to come into his estates before he came of age. He won on a technicality, as it were.

The question arises, then, why the Earl of Sussex (Leicester's lifelong enemy and Oxford's ally) did not do the same with Oxford during the rebellion of the northern earls and Oxford's service in Scotland in 1570? The result would have been a sea-change in the twenty-year-old peer's fortunes. The answer is probably that the ambitious Leicester was at height of his power as the queen's favorite; he was after all to get control of one third of Oxford's estates. "Honest Sussex" was not in the same position. Leicester could get away with it partly because the crown had not much to expect from Devereaux in the way of wardship fees. The costs to the crown would have been much greater in Oxford's case. Royal displeasure over funds was not to be incurred lightly.

Robin Hood's Pennyworth

It was Burghley who made the famous comment that Oxford had sold his land for "a Robin Hood's pennyworth"—a popular saying meaning something sold for half or a fraction of its value (presumably because the rest was stolen). A lost play of around 1600

was called *Robin Hood's Penn'orths* (Knight & Ohlgren 1997). Burghley's reference was specifically to the sale of Earls Colne to Roger Harlackenden, which will loom large as we proceed. Burghley's role in all this is sometimes hard to figure out. He had both been a careful guardian to Oxford during his minority, and at the same time a definite beneficiary of the wardship process, conniving with the queen, however reluctantly, to allot Oxford's land to Leicester. Clark wonders why, if Burghley had been the steward of the lands for so long, Oxford's affairs were not in a better state when he came of age. Burghley managed the estates of his other wards, for example the Earl of Rutland, more than competently (Stone: *Family and Fortune*.) Why was Oxford different?

Burghley had of course surrendered the management and income of one-third of the lands, at the queen's instructions, to Leicester. What exactly was Leicester's role in Oxford's fall? We don't know the full extent of it, especially whether the profits from the de Vere lands were totally pocketed by Leicester, or the queen was given her full share. Green strongly suspects Leicester here. As we have seen, it was not just Oxford's extravagances that were great; he was overwhelmed by the burden of debt with which he was encumbered through his wardship. Here he was more often than not at the mercy of his stewards and auditors, who were deeply involved for their own profit and also sometimes at their own expense, in his alienations and borrowings.

Amyce, Lok and Lyly

We have already met Israel Amyce, one of the stewards of the Earls Colne estate. His was a merchant family of Essex, and Amyce, an expert surveyor and cartographer, was a shrewd, upwardly mobile character. He married four rich widows in turn, and the last one, who outlived him, married Oxford's cousin, John Vere, no doubt helping that branch of the family to shore up its fortunes. Oxfordian commentators have observed that the Earl was in debt to Amyce for 3,000 pounds, the same sum he invested in the abortive Frobisher expedition through the financier Michael Lock (or Lok). I can add that 3,000 pounds was the sum of one of his wardship fines, as well as the amount of the down payment on his wife's dowry, which he complained to Burghley about not receiving. It was also a sum reckoned as the true purchase price of his family seat of Earls Colne, which we shall get to anon.

Oxford might well have been obsessed by the number 3,000 and reproduced it in the loan of 3,000 ducats to Antonio from Shylock in *The Merchant of Venice*. Oxford's contact with Lock was however through Lock's nephew, Henry Lok (or Lock) a young poet who was a devoted admirer, follower and servant of the Earl, and who borrowed money on Oxford's behalf, and was not repaid. Amyce was not Jewish despite his first name; even so, perhaps in Oxford's mind there was an "Israel-Lock-3000" association, melded with his experiences in Venice itself to produce "Shylock" (Lock the Shyster) and the 3,000 ducats. The business with Shylock and Robin Hood does not end here and we shall return to it. For the moment let us just remember that Michael Lock was sent to the Fleet Prison for defrauding the investors, and Shylock forfeited his fortune and was forced to convert to Christianity: a fate worse than jail for him.

We must consider the reality of Amyce and his like in Oxford's life. The names roll out in the lawsuits and the sales: Weston, Hampton, Beeston, Huberd (Hubert), Drawater, Bragg, Townsend, Skinner, Wood, Ashfield, Gooche, Turner…and above all Harlackenden. Gentry and merchants, lawyers and stewards, all on the search for aristocratic land to buy at a discount and with Oxford as their willing mark. Huberd or Hubert had already had a serious run-in with Oxford over the matter of cheating his employer. Pearson comments: "The Earl was always conscious that he could be cheated by his entourage and may even have been slightly paranoid about this, but he was not alone. Stone has found that many aristocrats lived in perpetual fear of chicanery and that this fear led to an immediate attempt to repossess any records in the hands of officers." (2004:173.) This repossession of records became a major issue in the lawsuit. Pearson thinks that Burghley encouraged the fear in Oxford and warned him against being too trusting. Oxford replied that he thought he was "greatly abused" but did not say by whom, although a letter of the 1590s mentions his belief that his lawyer Thomas Hampton had cheated him in dealings with Thomas Skinner, a moneylender (Pearson 1996:19.)

Leicester and Burghley both bought Oxford's land, Burghley buying Castle Hedingham, the Oxfords' home seat close to Earls Colne, to protect it for his grandchildren. The social climber Christopher Hatton, Oxford's rival at court for the queen's favor, bought some properties as the calamitous sales continued. But the overwhelming majority went to the new men: Wiseman, Stubbing, Farmer, Tylney, Mabbe, and perhaps surprisingly, John Lyly. Lyly, credited with the invention of the English novel (the *Euphues* series) wrote several plays that are acknowledged as the basis of Shakespeare's comedies. Oxfordian commentators have noted that he wrote nothing before coming into the Earl's service and nothing after he left it, and drawn their own conclusions (e.g., Hughes, 1998.) He was the Earl's secretary and collaborator of course, and we have already come across him as being in the confidence of Burghley, as was Amyce. Oxford might have sold this land to Lyly at a discount—as a favor, as he did to his friend William Cornwallis (who bought Fisher's Folly in 1588). He did grant Lyly a "perpetual rent" from certain lands by way of payment for his services. Everyone seemed to be in on the act of Oxford's borrowings and the alienation of his heritage, including his servants and stewards, surveyors, auditors, solicitors and attorneys. In the end it was his new in-laws, the Trenthams, who rescued him from genteel penury.

It is not clear why at some point Oxford rebelled, realized that he was being taken advantage of, and decided to fight back. Perhaps things had come to such a desperate pass that he felt he needed to take a stand and try to get back some of the value he had lost in his haste and carelessness. But it could have been more fundamental to his personality than that. He was certainly quick to take offense, as the tennis-court episode with Sidney shows. The rumor of his wife's infidelity was met with massive hurt pride and an instant separation. (In fact separation from one's wife was not unusual among the nobility: Stone notes that six earls other than Oxford and at least two barons were all estranged from their wives.) He could be impulsive as with his apparently sudden public betrayal to the Queen of his Catholic fellow sympathizers. But paranoid as he might have

been on matters of honor, once his attention was truly fixed on his predicament he put his whole energy into righting the perceived wrong done to him.

It was in fact the 1592 sale of Earls Colne Priory to Richard Harlackenden, Roger's son, that was the spur. In 1584 Roger Harlackenden had bought the Oxford home village of Earls Colne, where the Oxford family ancestors were entombed. Oxford undoubtedly felt he had been abused and cheated by Harlackenden. He wrote to Burghley earlier that he had been "greatly abused by such as I put trust in before" and this kind of betrayal hurt him deeply. He didn't write any letters on the subject of the lawsuits to Burghley, however; he was fighting his own battles now. Macfarlane acutely notes a stanza of one of his poems:

> I am no sot to suffer such abuse
> As does bereave my heart of his delight;
> Nor will I frame myself to such as use
> With calm consent to suffer such despite;
> No quiet sleep shall once possess mine eye,
> Till wit hath wrought his will on injury.

That fine last line is very "Shakespearean." The last couplet of the next stanza adds a prophetic punch:

> Lo, thus in rage of ruthful mind refus'd,
> I rest revenged on whom I am abused.

From now on it would be a battle literally to the death between the two "tides" over the betrayal and the land, and symbolically over the decline of the landed aristocracy and the rise of the bourgeoisie: the way to the modern world.

Oxford vs. Harlackenden *et al.*

It is easy to speak of selling and buying with regard to land and property, but in Elizabethan England the matter was incredibly complicated. Each property and parcel of land was more like a "structured finance instrument" or "collateralized debt obligation" that we know well today for good and evil, mostly the latter. Just as now many houses are trapped in foreclosure because it is impossible to figure out who in law holds the mortgage, in Tudor England the encumbrances on land could be like a maze or set of Chinese boxes: an endless series of claims benefiting in the end only the lawyers who had to sort it all out. Property was encumbered with leases, liens, bonds, vouchers, mortgages, fines, extensions, recoveries, loans, escheats, sureties, entailments, reversions, and tithes for the Crown, the ultimate owner. Sometimes the rights to wood and water or river frontage (riparian rights) were more valuable than the land itself and were often separately owned.

It was a problem always even to evaluate the true worth of the property with so many claims on it. When Oxford decided to sue Harlackenden over Earls Colne it took literally decades to sort it out. The Court of Chancery saw the heirs still battling in 1623 (when

the First Folio appeared). Macfarlane, impressed by the overwhelming detail of the never-ending law case, wonders if Oxford's reclusive "lost years" from 1594 to 1604 were simply a matter of his being completely immersed in the legal battle. Pearson agrees that Oxford showed "some knowledge of land law" presumably from his time as a student at the Inns of Court, but also his eight formative years with Sir Thomas Smith, one of the period's greatest lawyers. Smith had his own ongoing problems with land and lawsuits that his young pupil was later to face, and from which he could have learned (Dewar 1964). If Oxford was writing masterpieces during these very busy "lost" years then he had more than enough to occupy him.

Pearson and Green have many of the details, particularly in Pearson's "Robin Hood's Pennyworth." In all their tortuous complexity they are mostly to be found in the various court papers that have survived (largely from the Court of Chancery) and in private family archives (the Harlackendens particularly.) Fortunately Macfarlane in his unpublished manuscript has done much of the hard work for us and I shall plunder him ruthlessly with his kind permission. Roger Harlackenden, like Israel Amyce, another consummate new man, is variously described as Oxford's steward or auditor, and was one of those men in Burghley's confidence who must have appeared to the Earl as spies or agents for his father-in-law. This spying—as he saw it—ramped up his feelings of oppression from that quarter and could have pushed him to some kind of revenge against his tormentors.

When Burghley bought the de Vere seat of Castle Hedingham in 1592, the Lord Treasurer (as he then was) made Harlackenden "his receiver of the honour, manor and premises" and had asked the steward to "keep the evidences for him and for those who would have the lands after him." Roger, as the keeper of the records and knowing all the land values, (he was also described as "surveyor and receiver") was thus in a position to make deals for himself and very much to his own advantage. He was certainly a sharp dealer and was sued by aggrieved parties other than Oxford in his time.

The Case

Oxford's case against him as far as I can make out, was that he had cheated and robbed the Earl of his just price. He had done this in several ways: one, by not doing as ordered and offering the tenants the chance to make a bid on the lands; two, by undervaluing the properties and purchasing them himself or through his son Richard while concealing the actual relationship; three, by bribing one of Oxford's servants with the considerable sum of two hundred pounds to present these valuations to the Earl as genuine; four, by rigging the deed of sale so that he got not only the manor but also the tithes in various parishes, these being worth more than the manor itself. Since there was no disputing the legality of the sale itself, Oxford, claiming to have been cheated, had to sue in a court of equity, ultimately before the Lord Chancellor, with subsidiary matters fought in other courts.

Leicester and the Black Book

The details are mind-boggling and the reader should go to Pearson's and Macfarlane's

accounts of the lawsuit for the minutiae. I shall here concentrate on a set of interrogations and depositions from 1598 that I find of interest because of the link to Leicester. Harlackenden defended himself by saying that he had offered the land to the tenants but that they refused to buy it; that he had not cheated and bought the tithes fair and square; that he had not bribed anyone but simply paid a fee for services; that he had offered to sell the land back to the Earl for the purchase price (which he knew Oxford could not afford); that he only bought land in his son's name to encourage others to buy, and so on. A lot was to depend on what the various witnesses deposed since this became very much a "he-said-she-said" case.

One witness, Barnaby Worthy, testified very firmly that Roger was guilty of offering the man Felton a bribe, but later asked to "revise" his statement, obviously under intimidation from the Harlackendens. (This is the only item in the ten-year lawsuit that Nelson deals with—quoting most of Worthy's statement but nothing else: pp. 346-48.) Several witnesses said they had heard of such a bribe being offered, and two, Partridge and Crow, offered direct evidence on this count. Several of the tenants were quite firm that Roger had indeed failed to tell them they could buy the land, and had put them off by talking of all the encumbrances on the property. Roger, probably alarmed by the strength of this evidence, wrote fulsomely of his intention to sell it back to the Earl at cost—but never mentioned Earls Colne itself or the valuable tithes. Roger's co-conspirators of course denied any wrongdoing at length. And so it went on.

A major problem for the court was to find actual valuations written at the time of the sales and other legal paper germane to the issue. These evidences of possession came into the hands of Edward Huberd (in-law of the Harlackendens), Hugh Beeston, Roger Harlackenden, Israel Amyce, Thomas Hampton, Nicholas Bleake, Simon Ive or other of his servants, "who carried them about in the course of their duties, and that they kept them, refusing to deliver them up." The Earl asked for them back. The court then asked the men whether they has seen "the book called the Black Book wherein are registered sundry charters and evidences belonging to the Earl, and whether they had the book in their custody." Beeston, Amyce and Hampton, said they had never seen it. Huberd replied that he remembered that for a number of years past he and others "in perusing of divers evidences and books and writings of the Earl at his lordship's then lodgings in Brad Street, London, did see a certain book called the Black Book." This is the only reference I know to Oxford's living in Brad Street, and perhaps helps solve the mystery of where he lived in his homeless period. On the other hand, it could be a faulty rendering of "Broad Street" where Oxford did live after his return from Italy and well before he became homeless. One wonders what these other "books and writings" of the Earl were that were lying around so casually in his London lodgings.

Roger replied that while he knew about the Black Book he had never seen it despite "great enquiry of late and divers years past." Black Books were not uncommon at the time. Thomas Middleton, who figures later in the story, wrote a book actually called *The Black Book*, but that was about Lucifer and Piers Penniless among other things. The anonymous drama, *Richard II, Part One*, possibly one of Oxford's earliest plays, has a group of townsmen fearfully referring to a "black book" in which new tax regulations

have been recorded (III.iii.66-7). The *OED* cites "The Black Book of the Exchequer" and "The Black Book of Warwick." These were large black-bound estate records with complete accounts of the estate's dealings, hence a truly valuable piece of evidence in real-property transactions. Green notes that Leicester's estate had Black Books too (2009, note 140.) But in this case, Oxford's own Black Book was missing and all the litigants, for their own reasons, wanted it. Where was it? Here I shall let Macfarlane take over since he quotes directly from these amazing court records and there is no better way to re-tell this complicated story.

> The second question asked whether the examinant had heard it reported that Israel Amyce "did deliver the Black Book to the late Earl of Leicester and that the Earl did burn or cause the same to be burnt." Hampton had heard no such report, Beeston had heard it "brated" and Harlackenden had heard it "by some uncertain reports." Amyce himself denied the accusation absolutely. He added that if the Earl of Leicester had received the book he "would not so far have dishonoured himself by wronging the Right Honourable now Earl of Oxford as to burn the same book or to cause the same to be burnt," for he could see no way in which Leicester would have "benefited himself by doing so." Huberd gave the most illuminating reply. He said that he had heard speeches, "but whether from Mr Amyce or from else he remembreth not certainly but thinketh it was from Mr Amyce himself and that Mr Amyce, speaking of the book said 'I pray God my Lord of Leicester hath not gotten it and burnt it because of my Lord's title to the Stewardship of the Forest.'" (This referred to the Earl of Oxford's stewardship of Waltham Forest). Huberd continued that he wished for the Earl's satisfaction and to find the book that Mrs Golding, late wife of George Golding Esq., the Earl's late auditor, should be "caused to search her studies where her late husband's books and writings are kept for the Black Book."

This reads like some legal soap opera of double-dealing and finger pointing among sleazy co-conspirators. What on earth was Amyce up to? He was very much Burghley's man, but was he in fact in league with Leicester? Harlackenden hints at this. One certainly would not put it past him. But then Huberd claims that Amyce was shocked, shocked by the idea that Leicester might have burned the Black Book. Leicester who, as we saw, controlled a third of Oxford's lands during the latter's minority, had raised rents for the tenants and profited mightily from his actions after the suspicious death of the 16th earl. Leicester might have had very good reason then to want the records of that time destroyed. The attacks on him in *Leicester's Commonwealth*, while scurrilously partisan, show that he had a reputation for such dirty dealings.

That this should have been an issue at all is interesting, to say the least. Amyce is hard to read but all the examinants here were protecting their backs, and all had profited at Oxford's expense. An exception was the Goldings. George, another auditor, is mentioned here, and he was the half-brother of Arthur Golding, Oxford's maternal uncle, friend and mentor (and possibly collaborator on the "translation" of Ovid's *Metamorphoses* (Fox, 2010b.) The Goldings seem to have been models of integrity

towards Oxford. As for Leicester, those more informed about his life and doings should take it up from here, but his life-long enmity towards Oxford is well documented.

Tudor House in Earls Colne.

Naughtily and Fraudulently

Not to keep the reader in suspense, let me add that after much, much more of this wrangling, in 1598-9 the court found for the Earl on the matter of the fraudulent sale of the tithes, and severely reprimanded Roger Harlackenden for behaving "naughtily and fraudulently." But the more serious charge of corruption and confederacy (conspiracy), and any subsequent financial settlement, was still to be heard. It was still being heard when the two principals died, Roger in 1603 and Oxford in 1604. The subsequent Oxford-Harlackenden battles over the timber in the park, which set legal precedents, and the riot at Colneford Mill in 1606, together with the ongoing lawsuit against Harlackenden by Rose Partridge are described in Macfarlane's manuscript. They are a continuation of this complicated and puzzling tale of one small wave in the strife of the two great tides.

What this curious morality play tells us is that the grip of the aristocracy was slipping, even rather rapidly. Macfarlane asks why Oxford did not, as his ancestors would have done, just take his retainers and seize the disputed land from the irritating commoners who in his opinion stole it? But that time had already passed: the legacy of Henry VII. The triumph of the rule of law and the necessity of all to settle their disputes under its aegis was firmly in place. The system of common law and individual rights, as Macfarlane (1978, 2002) has shown, was longstanding in England, but the flouting of that law by feudal barons, and even monarchs, was by now almost thing of the past. As we have seen in Oxford's case the crown could still get away with next to theft in some things, with no redress. But in general this was a new and different England where the Harlackendens could take on the de Veres with a relatively level playing field. It was the new order, the order of the new men: the new men that the intensely feudal Shakespeare despised so much. All these themes, perhaps tellingly, are again explored and dramatized in *1 Richard II*, a play that probably tells us a great deal about Oxford's concern with the historical origins of these matters.

Timon of Athens

Let us look at the relevance of all this for an understanding of the "problem play" *The Life of Timon of Athens*. That this awkward, unfinished and to many people unplayable and unsatisfactory drama, could reflect Oxford's own dealings has long been recognized.

The source for Timon's story lies in Plutarch's *Lives*, which was translated from a French version in 1579, but was well known in Latin and other languages before that.

Versions of the story had appeared in English as early as 1567. It also appeared as Lucian of Samosata's satire *Timon the Misanthrope*, in Greek, in the first century AD. Oxford we know had studied and owned the French copy of Plutarch, and the Lucian was available in Sir Thomas Smith's library both in Greek and in Erasmus' Latin translation. Boiardo's *Timone* was another possible source and Oxford knew Italian and as we know spent time in Italy.

Timon and Apemantus

The plot structure of the second part of *Timon,* as Earl Showerman demonstrates (*The Oxfordian,* 2009), following a hint from the perceptive A. D. Nuttall (1989), shows uncanny resemblances to Sophocles's *Oedipus at Colonus.* The playwright obviously knew the tragic Theban trilogy, not yet translated into English. But while he generally stuck to the Plutarch-Lucian story-line, he added a passion to Timon's character, and his alter ego the surly Cynic Apemantus, that was all his own. Also, he dealt at length with Timon's life before his retreat from the world, something that is not there in the Greek originals. The on-stage details of the lavish entertaining, the accumulation of debts, the desertion of friends and rapacity of creditors, were the author's contribution.

We all know the dismal story as told in the play. Timon is a rich Athenian who lavishly entertains his friends, including writers and artists, and gives them expensive gifts. In doing so he squanders his inheritance, but when he turns to these friends for help they uniformly reject him. He gives one last banquet where they are served only rocks and warm water, which he throws at them. In a state of misanthropic fury he leaves for a life in the woods. There he finds a cache of gold, which makes him popular again, but he gives it away to thieves, whom he sees as more honest than honest men, and to Alcibiades, the Athenian "captain" who is leading an army to destroy Athens.

There is no love interest. Timon gives gold to Alcibiades' whores to spread venereal disease and has a bitter dialogue with the two women about it. The main relationships are those between Timon and his sarcastic critic Apemantus, and with his faithful and honest servant Flavius.

Edward of Oxenford and Timon of Athens

The parallels with Oxford's life are of course striking and most Oxfordian commentators

have mentioned this. Earl Showerman's "Timon of Athens" is a generous and judicious overview, and William Farina gives a good account of them in *De Vere as Shakespeare*.

What can we add from what we have learned in these more recent revelations? To summarize the correspondences: both Oxford and Timon were patrons of writers and artists. Both were ruined by lavish living and extravagant generosity. Both felt rejected and humiliated by their erstwhile friends. Both felt cheated and abused by those they had trusted. Above all, both had to sell all their lands to pay off their debts. Both retired from the world into a reclusive existence.

These parallels have been recognized in a general way, but now we know some of them are quite exact. Pearson describes how Oxford dodged any attempt by his stewards to confront him with the details of his affairs. Burghley in 1576, despatched one Barnard Dewhurst to pursue Oxford and make him deal with pressing matters. Dewhurst's letter to Burghley is preserved so we can follow what happened, as Pearson describes it (2005: 39):

It is obvious that although several attorneys and his steward Mr Gent had arranged to talk to Oxford about his financial affairs, they had great difficulty in actually engaging with him… Oxford led them a merry dance over several days from the Savoy in London where he was lodging, to Burghley's country house of Theobalds in Hertfordshire, back to Cecil House in the Strand, and finally to the Savoy again where the lawyers awaited his 'pleasure.' Even then the Earl sent word: first that he was busy making an inventory of his plate—an unlikely story—and second that he was summoned to the court and was travelling there via Gravesend and so, yet again, had to postpone any meeting. Moreover, in his opinion he did not need to meet his attorneys personally, he was quite content to leave the ordering of his affairs to others.

It goes on in the same vein. When he replied to written "questionnaires" from the commissioners, he was obviously bored and dismissive of the whole business. Timon is equally dismissive (Arden Shakespeare):

> How goes the world that I am thus encumbered
> With clamorous demands of date-broke bonds,
> And the detention of long-since-due debts
> Against my honour?
>
> (II.ii.138-41)

These words could have been taken out of Oxford's mouth. In the same scene Flavius laments, sounding like Burghley at his most desperate:

> No care, no stop! So senseless of expense,
> That he will neither know how to maintain it,
> Nor cease his flow of riot: takes no account
> How things go from him, nor resumes no care
> Of what is to continue: never mind
> Was to be so unwise, to be so kind.
>
> (II.ii.1-6)

When he learns of the extent of his long-since-due debts, Timon rebukes his steward Flavius:

Timon: You make me marvel: wherefore, ere this time,
Had you not fully laid my state before me;
That I might have so rated my expense
As I had leave of means?
Flavius: You would not hear me
At many leisures I proposed.
Timon: Go to:
Perchance some single vantages you took
When my indignation put you back
And that unaptness made you minister
Thus to excuse yourself.
(II.ii.124-132)

Flavius counters, again with overtones of Burghley and the exasperated Dewhurst on their fruitless quest for Oxford's attention:

Flavius: Oh my good lord
At many times I brought in my accounts,
Laid them before you; you would throw them off,
And say you found them in my honesty.
When, for some trifling present, you have bid me
Return so much, I have shook my head and wept;
Yea, 'gainst the authority of manner, pray'd you
To hold your hand more close: I did endure
Not seldom, nor no slight checks, when I have
Prompted you, in the ebb of your estate,
And your great flow of debts. My lovèd lord
Though you hear now—too late! Yet now's a time,
The greatest of your having lacks a half
To pay your present debts.
Timon: Let all my land be sold.
Flavius: 'Tis all engaged, some forfeited and gone;
And what remains will hardly stop the mouth
Of present dues; (II.ii.132-148)

Timon protests that he has land that extends "to Lacedaemon." But Flavius says it is all gone. He tells Timon that if he suspects him to "Call me before the exactest auditors/And set me to the proof," just as Huberd and Christmas and Lyly had done with Oxford. But Timon does not suspect Flavius and he still thinks his friends will rescue him from his debts.

Audits, Quillets and the Law of Real Property

The legalistic language of Shakespeare in general has often been noted, but several times he uses the same set of property-law legalisms. As early as Sonnet 4 he addresses the Fair Youth on the subject of his failure to invest in offspring:

> Then how, when nature calls thee to be gone,
> What acceptable Audit cans't thou leave?
> Thy unus'd beauty must be tomb'd with thee,
> Which, usèd, lives th'executor to be.

And again in the final couplet of 126:

> Thy Audite though delayed, answered must be,
> And her Quietus is to render thee.

In both cases the capitalising of "Audit" and "Quietus" (the legal discharging of an obligation) is in the original. Only "Rose" (13) and "Will" (3) are thus capitalised more often. These references are peculiar to questions of accounting and estates and so to Oxford's immediate concerns at the turn of the century when he would have been writing the sonnets. One might compare Sonnet 134 with its insistent string of property-law terms: *mortgaged, forfeit, restore, surety, bond, statute, usurer, debtor*. There is the intriguing theme of the friend who "came debtor for my sake" and is lost in consequence of "my unkind abuse." He laments for the friend because: "He pays the whole and yet I am not free." These references may be compared to Oxford's dealings with John Lyly and Henry Lok, noted earlier.

Again in Sonnet 46 we get *plead, defendant, plea, title, impanelled, (in)quest, tenants, verdict*, *moiety, part*. I agree with Barton & Beck (1929) that the use of legalisms (often quite complex and technical) was commonplace in Elizabethan plays and that we cannot infer too much about the author's special legal expertise from his usage here. But we can infer that he was particularly focussed on and familiar with "the law of real property" (their Chapter 11) and the acute problem of titles, bonds, defaults and debts. Property metaphors like "fee-simple" occur throughout the works, as does "lease"—that of summer having, as we know, all too short a date.

Hamlet rages against "the law's delay" and has left commentators puzzled as to how he can have suffered from this particular affliction. Oxford understood it all too well, ten years and an unsettled lawsuit later.

Hamlet hits the lawyers again primarily over their false dealings in real property law. Speaking of a graveyard skull: "This fellow might be in's time a great buyer of land, with his statutes, his recognances, his fines, his double vouchers, his recoveries…The very conveyances of his lands will scarcely lie in this box; and must th'inheritor himself have no more, ha?" (V.i.) That last is particularly telling: in Oxford's case th'inheritor was to end up with next to very little. Timon himself urges us to "Crack the lawyer's voice/That he may nevermore false title plead/Nor sound his quillets shrilly" (V.iii). Hamlet had

complained about the very same lawyers' quillets (quibbles). All these are words that echo from Oxford's very real real-property troubles.

In fairness we should note that Will of Stratford was a dealer in properties and investments too, and must have been knowledgeable about their legal implications. But there is this difference: Will *made* a fortune from his property transactions; Oxford *lost* one from his.

The Characters in *Timon*

Clark noted the relevance of the *Timon* passage we quoted to the general state of Oxford's affairs (Lacedaemon she thinks stands for Cornwall—each about the same distance from Athens and London respectively). But she had not seen the Dewhurst letter with its exact, day-to-day description of Oxford's dodging of his stewards and his refusal to face the reality of his circumstances. And we should remember also that in many of the plays there is a *mea culpa* element: the protagonist sees that he is as much sinning as sinned against, and the play is a recognition of this fault.

Abandonment by those one has trusted, and feigned love for personal gain, reappear in many guises: in *Cymbeline*, in *Hamlet*, in *Lear*. The Sonnets are redolent with the probability and reality of betrayal. Caroline Spurgeon, in her study of the author's imagery, concludes that: "It is as certain as anything can be, short of direct proof, that he had been hurt, directly or indirectly, in this particular way." (1935: 195) She cites *Julius Caesar*, *Antony and Cleopatra* and *Timon* as examples of this convincing evidence for the author's personal involvement in his characters.

But we should not expect one-to-one correspondences. The Jeweller and the Merchant seem to reflect actual and recorded Oxfordian dealings ("silver basin and ew'r") but the Poet and the Painter are generic characters. They could represent, as well as the numerous flattering dedicators of works to his lordship, the bohemian household Oxford kept at Fisher's Folly when he still had funds. Timon does in the end give a large part of the gold he finds in the forest to these two, perhaps showing that he holds less against them than against the others. But one wonders how Oxford felt about the gang he so heavily subsidized in his prime at Fisher's Folly, and where they were after his fall.

Other Characters

There is no one Flavius. Oxford did have faithful upright stewards including Thomas Gent, who was his steward during the bulk of the land sales, George Golding, and John Lyly, deputed by Burghley to try to handle the Earl's affairs. Lyly perhaps served time in gaol, probably taking the fall for Oxford's failure to repay a debt Lyly incurred in his name (according to Feuillerat cited by Pearson). His other employee, Robert Christmas (d. 1584), while cleared of any actual wrongdoing towards Oxford was oddly in the employ of both Oxford and Leicester at the same time. Christmas worked for Dudley (and had relations of affinity with his family) while he was sole administrator of the 16th Earl's will, and profited from this role. (Green 2009: 60.) None of this can have inspired great trust. Gent, Lyly and Golding are better candidates both for Flavius and the faithful

servants who are true to Timon. Lyly is outstanding, although like Christmas and Hubert he too came under suspicion and demanded exoneration, exactly as does the indignant Flavius. There is also something of Burghley in Flavius, as we have seen: the nagging concern with Oxford's ruinous way of life and his failure in practical affairs. He is in this the "wise old man" as LaFew in *All's Well that Ends Well*, or Escalus in *Coriolanus*, and yes, Polonius in *Hamlet*.

I think Alcibiades could have been in some way modelled on Sussex. (except perhaps for the whores). In an odd interpolated scene Alcibiades, pleads before the Athenian senate for one of his junior officers who has killed a man "in hot blood." Oxford too killed a man in strange circumstances and had to be rescued from the consequences by his protectors. "Honest Sussex," maternally related to Oxford through the Howards, and who stood by him all his life and mentored him in military matters, seems a model for aspects of the Athenian soldier. Walter Raleigh has also been proposed and he did speak up on Oxford's behalf to the queen, but he and Oxford parted on really bad terms. Sussex (Thomas Radcliffe), who was Lord Chamberlain 1572-83, was also Leicester's lifelong enemy and the leading opponent of his potential marriage to the queen. Sussex of course would never have rebelled against the state, but Oxford might have liked him to.

The romantic young Lucilius, a minor character but effective as the adoring dependant of Timon who ultimately fails him, strongly suggests young Henry Lok. Lok wrote a flattering sonnet to Oxford: "Your passèd noble proof doth well assure/Your blood's, your mind's, your body's excellence." He said—in a letter to Burghley of course—that the Earl was someone "whose favour shown sometimes so graciously upon me that my young years were easily drawn thereby to account it as impossible that the beauty therof should be eclipsed." He also told Burghley that he had not been "among the overmany greedy horseleeches which had sucked too ravenously on his [the Earl's] sweet liberality."

There are obviously strong echoes of Timon and Lucilius here. Pearson (2005: 169) comments "It is likely that Lok, young, impressionable and new at court, was overwhelmed by the aura of wealth and status surrounding Oxford in that decade of his success as a courtier, before his debts and alienations ruined him." (2005: 145) As we saw, he borrowed money for Oxford that was not re-paid, and he was the go-between with his uncle Michael Lock for the Frobisher loan. It sounds very much like Antonio and Bassanio in *The Merchant of Venice*—see Ramon Jiménez's discussion elsewhere in this issue. Bassanio never seems to grasp the depth of Antonio's one-sided passionate devotion to him. One wonders how much the affair of the 3,000 pounds with uncle Michael soured Oxford even on so devoted an acolyte as Henry. Lucilius, when asked to contribute to save Timon, charmingly demurs, and the Strangers, like a Greek chorus, ruminate grimly on this ingratitude.

But all the figures in the play are composites. There is no one character that represents Leicester (who is more likely to have inspired Claudius in *Hamlet*) since nothing in the original story matches the condition of Oxford as a frustrated ward of the crown. That part of the story we find with Bertram in *All's Well That Ends Well,* and then more with regard to the restrictions on travel and marriage than the land. (In Anthony Munday's

first *Robert*, *Earle of Huntington* play there is a puzzling Leicester who switches character from villainous to virtuous with no explanation – but that play is set back in the twelfth century: *vide infra*.) Oxford's overt personal relations with Leicester were never all that hostile, though he fully understood the damage Leicester had done, was clearly his opponent politically, and probably saw him reflected in the gang of senators who represented the establishment that had turned against Oxford in his disgrace. Athens in the play represents the uncaring state in general: the real Athens had no senate, and most of the senators' names in *Timon* are Roman.

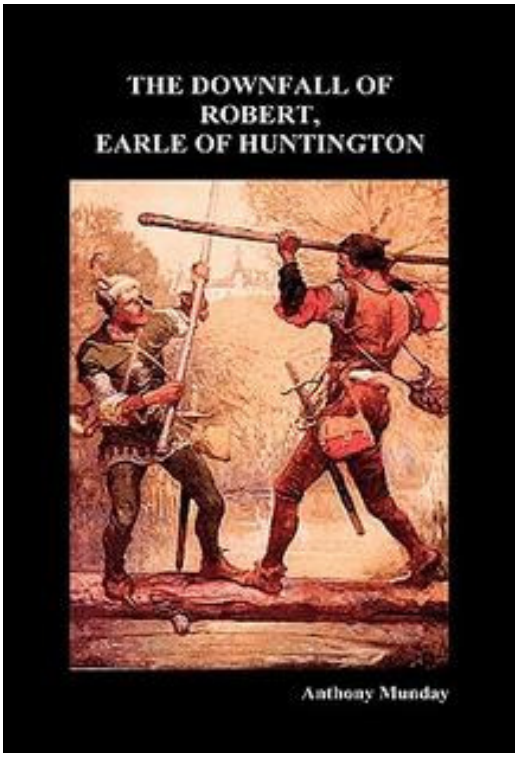
Apemantus seems like the dark and cynical alter to Timon's trusting and generous self: "like a piece of Timon" as Dawson and Minton say in their Arden edition (2008.) He is possibly modelled on Diogenes the Cynic in Lyly's popular *Campaspe*, written during his time with Oxford, and resembles Thersites in *Troilus and Cressida*. The two characters in *Timon*, whose verse often seems so different, should perhaps be seen as "splits" of the same person: splits that rage through so many of the plays. They are the "Boar" versus the "Puritan" in Ted Hughes' *Shakespeare and the Goddess of Complete Being*. Hughes had no interest in the authorship question, but we might note that the Boar was Oxford's aristocratic crest, and that Golding and Burghley were his puritanical conscience.

Robin Hood, Shyrelock and the Timing of Timon

Even so, *Timon* does not seem like a play that could have been written by a practical minded playwright with an eye to big money at the popular theatre, such as Shakespeare is portrayed by his conventional biographers. There is no record of its being performed, and like so many others it arrives fresh in the First Folio. Views differ about when it was written: early and late are both plausible, but most probably early with later revisions. (Gilvary 2010). There is an anonymous *Timon* (in which he has a mistress) that is supposed to date from 1601 (internal references to Ben Jonson's plays) and that shares some features with Shakespeare that are not in Plutarch or Lucian. If this were a rip-off or a satire (it was written for the Inns of Court evidently) it would suggest that the Shakespeare *Timon* was written and performed before that date at least.

Clark cites evidence of a play that she takes to be *Timon*, given at Westminster as early as 1579, after North's English translation of Plutarch's *Lives* appeared. But this "Historie of the Solitarie Knight" could also have been one of the many Robin Hood plays extant at the time, where the protagonist is described as the "sorry Knight." The story of the sorry Knight that opens the late-medieval *Gest of Robin Hood* (Dobson and Taylor 1997), however, is also suggestive since in it the fugitive yeoman Robin finds the Knight to be a fellow sufferer from injustice. The Knight has been forced to mortgage his land and finds that "all his friends, who were many when he was rich, have deserted him now that he is poor." (Pollard: 146) Robin loans the Knight (later identified as Sir Richard of the Lee) the necessary money whereby he redeems his mortgage from the rapacious abbot of St. Mary's, York. The Knight repays the loan (with interest) a year later at the trysting tree, as he swore to do. Robin and the Knight successfully defy a siege by the Sheriff of Nottingham and are reconciled with the king—Edward (which one is not specified). If

the play Clark cites was about the sorry Knight (and many Robin Hood plays, as well as masques, were presented at court) then the parallels with Oxford's life are indeed striking. Even if it was not, the connection with Robin Hood is worth pursuing.



The "Legend of Robin Hood" as we have come to know it, was largely the creation of the playwright Anthony Munday, although Henry Chettle reworked Munday's unwieldy opus into a more-or-less playable two-part drama in about 1597-8. Munday, who in addition to being a playwright and translator was a pamphleteer, organiser of pageants and part-time spy, enjoyed Oxford's patronage over many years (from about 1579.) He dedicated works to the Earl (recollecting their "delightful literary discussions") and was a member of the household at Fisher's Folly, acting much as John Lyly did as secretary, amanuensis and collaborator. He was somehow deeply involved in the Earl's flirtation with Catholicism and his then precipitous break with it and with his Catholic associates. (Ogburn1984: 725.) In his two plays about Robin Hood, Munday had taken (from recent chroniclers) the idea that Robin was not the sturdy yeoman portrayed in the *Gest*. Re-setting the late-medieval story in the reign of Richard I, he made Robin a nobleman wrongly dispossessed of his lands: Robert, Earl of Huntington [*sic*]. We have already seen that Oxford was, at age twelve, betrothed to one or other of the two daughters of the contemporary Earl of Huntingdon. Another, perhaps, of Orson Welles' awfully funny coincidences.

Munday also introduced the modern version of Maid Marian (sometimes Matilda), who became, of course, not a camp follower but herself the child of an earl: Lord Fitzwalter, a secondary title of the Earl of Sussex, whom we have already met as Oxford's ally and mentor. This twist was in turn based on a poem by Michael Drayton, one of the University Wits associated with Oxford at Fisher's Folly. In his second Robin Hood play, *The Death of Robert, Earle of Huntington*, Munday actually introduces an "Aubrey de Vere, Earl of Oxford" (who again figures in *1 Richard II*). Robin of Sherwood and the sorry Knight then line up with Timon of Athens as avatars of the Earl of Oxford. Munday's gentrified Robin became the stock Hollywood version—so much so that when Russell Crowe portrayed him as a sturdy yeoman with a yeoman accent, true lovers of the legend criticized the film because they wanted their populist noble-man back.

In the ballads and plays of Robin Hood on which Munday drew, one of Robin's Merry Men was Will Scarlet. Scarlet was originally called "Scathlock" or "Scarlock" (or even "Scathelock" or "Scadlock") implying a thief ("break-lock") or someone who does harm. (Pollard 2004, Roberts 1890). Munday's *The Downfall of Robert Earle of Huntington* actually has two half-brothers, "Scathlock" and "Scarlet," showing the transition he engineered to the modern Will, dressed in his identifying scarlet clothes as opposed to the standard Lincoln green of the other Merry Men. (The same two characters crop up in Ben Jonson's unfinished pastoral *The Sad Shepherd* c.1637.) The alternative original versions to "Scarlet" are tantalizing: "Schakelock" (viz. "Schakespeare" and "Breakspeare") and "Shirlock" (viz. "Sherlock" as in Holmes.) There is even a potential origin in a real person, a novice called "William Shyrelock" who, in 1286, became an outlaw after being dismissed from the abbey of St. Mary's, York, which predacious institution we have already met in the tale of the sorry Knight. (Bellamy 1985) It is perhaps too heavy-handed to point out that there is a small shift from any of these pre-Scarlet names to "Shylock."

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As well as obviously inspiring Munday's version of Robin Hood, and hence Hollywood's, Oxford was totally familiar with, and perhaps influenced by, these Sherwood characters. Robin Hood gets a mention in *As You Like It* with its theme of a retreat of noble outlaws to the forest of Arden. Robin is thought by folklorists to have originated in the woodland sprite Robin Goodfellow who is of course Puck in *A Midsummer Night's Dream*. Scholars have suggested many "borrowings" by Shakespeare from the *Huntington* plays (e.g. Thorndyke, 1902), and there have been many comments on the Shakespearean qualities of parts of them. Orthodox scholars agree that the play *Sir Thomas More,* while written in Munday's hand, was in fact largely by Shakespeare, and also that Munday's *Sir John Oldcastle* was the origin of Falstaff (and was printed as Shakespeare's.). Munday's *Zelauto* (1580) seems to be the origin of the Shylock story itself (again see Jiménez's well-researched article), based on an Italian original. Oxford would then have been in the intimate company of Munday when each was working up these themes for his own plays: there would have been a constant back-and-forth (with often a blurred overlap.)

There is more to this than just the origins of a name. Oxford would have been reminded, not only of the suggestive prefixes to the suffix *lock* (Ben Jonson has a lawyer called "Picklock") but also of the parallel of the Hood story with his own sorry state of dispossession. It might also have influenced his determination, like Robin and the Knight, to fight back, even if it was only by a tedious lawsuit (the Knight gets his land back legally after all - thanks to Robin.) Timon gives up on the corrupt court and the

greedy world; Robin and Oxford take them on: Robin by force and guile, Oxford by wit and litigation.

While the date 1579 might be considered too early for the earliest version of *Timon*, Oxford *had* lost most of his lands by then and was, as we saw, beset by 128 creditors. These creditors in *Timon* are Isidore, Varro, Titus, Hortensius, Caphis and Philotus. Isidore sounds suspiciously like "Israel" and the whole thing like the roll call of tradesmen, stewards and lawyers that were Oxford's bourgeois nemeses. His first identification with Timon could then date from that time, any preliminary manuscript being revised and re-written by his and other hands later.

The Authorship of *Timon*

There is evidence of more than one hand in the Folio version of the play but that is now seen as not unusual with "Shakespeare" (Vickers, 2004). This matters because if we wish to argue that the poetry was a true reflection of the author's mind and circumstances, then we need to know who the author was, or who the authors were. Vickers (p. 270) is scornful of E. K. Chambers for suggesting that the author showed evidence of being on the "edge of a nervous breakdown" and hence wrote some chaotic verse which, because the subject was so painful, he never revisited. Sidney Lee (1899: 417) likewise insists that when the author was writing the tragedies his life was "an unbroken progress of prosperity, a final farewell to pecuniary anxieties, and the general recognition of his towering genius by contemporary opinion." He continues: "The biographic record lends no support to the suggestion of a prolonged personal experience of tragic suffering." The tragedies for Lee did not reflect personal anguish but poetic imagination. On the other hand, Spurgeon, taking a deep look at the author's imagery, concludes that at about the turn of the century "he suffered from some perturbation, shock and revulsion of nature…" (1935: 121.) If the author were indeed Oxford in the midst of his extremes of humiliation, anguish and fury, the Chambers/Spurgeon idea actually makes great sense. The life of Will of Stratford doesn't.

The other hands in *Timon* who could have revisited it have been argued as George Chapman and Thomas Middleton. Chapman, the great translator of Homer, published a flattering pen portrait of the Earl, although it did not appear until after Oxford's death, so there is a connection there. Middleton was a friend of Anthony Munday; another connection (this was a small world). Perhaps one of the playwrights, working for The King's Men, tried to revise the original *Timon* script and turn it into an actable play, adding to and changing the early version. This would be one explanation of the disjunctions, lacunae and conflicting styles, but Vickers seems sure it was collaborative, largely because most plays with more than one author at that time were collaborations. However we know Middleton did his own "revised" version of *Macbeth* and *Measure for Measure,* so why was he not trying his hand with the "raw" *Timon*, in the end leaving the unequal effort unfinished?

Dawson and Minton (who firmly bill the play as by both Shakespeare and Middleton) struggle mightily to understand why these authors decided to make a radical switch in the character of Timon. In the sources he is a comic or at best satiric character. Hermes in

Lucian calls Timon "a fool, a simpleton, and a blunderer." Zeus and the gods give him gold in the wilderness to make fun of him. In the anonymous *Timon* likewise he is a comic figure. Why would our authors turn him into a bitterly tragic victim? In the lives of Shakespeare and Middleton there is indeed nothing to give a clue: nothing at all. The life of Oxford speaks for itself.

The problems with attempts at attribution seem intractable. Oxfordians resist dual authorship as much as the orthodox. Jiménez (2011) in reviewing Craig and Kinney (2009) for example concludes that: "It is much more likely that the substandard scenes that are attributed to co-authors are Shakespeare's original versions that, by chance or by compositor's error remained in the play after he improved and refined the rest of it." Karl Klein in the *New Cambridge Shakespeare* edition, while thoroughly orthodox on authorship, also argues strongly against two authors. What matters for our enquiry though is not the minutiae of style, but who supplied the raw emotional and dramatic material for the character of Timon, and that does not seem to have been Middleton by anyone's estimate.

That Apemantus and Timon should quarrel so bitterly, and in such different styles of verse, about who is imitating who's cynical pessimism is, however, curiously suggestive of an internal dialogue between two authors. Middleton, whose work fits well with Apemantus' cynicism, would have had the last word, although Chapman was the last man standing.

Oedipus at Colonus
With Polynices, Antigone and Ismene

Oedipus and the Naked Timon

The character of Timon survives the possible duality of authorship but is hard to make sympathetic on stage, so it's not surprising that despite some of the brilliance of the later verse this uneven and gloomy play is not often produced. Nevertheless, G. Wilson Knight (1930), my favorite commentator on Shakespeare and whose lectures I heard at Leeds University in the 1950s, thought *Timon* to be of central importance to the interpretation of the tragedies. Because it was stripped of the usual dramatic plot trimmings it became a kind of appeal to universal emotions, more so than the other great tragedies. Knight, in

his famous monologue version of *Timon*, used to strip naked on the stage at the end to make his point—at least towards the end of his own life he did this. We should see the play then not as the journeywork of a jobbing playwright (or even two jobbing playwrights) but as the self-pitying and self-critical outcry of a man who read into Timon's misfortune the anguish of his own life. That this, in Oxford's case, was a life disastrously ruined by both outside circumstances (the costs of wardship) and personal character flaws (the indulgent extravagance), makes a lot of emotional and dramatic sense.

The author would, as Earl Showerman so amply demonstrates, naturally turn to the Sophoclean tragic model he knew so well (and which was not, as we've noted, translated into English at the time) both in direct imitation and with "direct inversions." He would see himself as the infirm and exiled king in *Oedipus at Colonus*: the man who had gained everything and lost everything (except his daughters): railing against Thebes as Timon rails against Athens; waiting outside that city for his fate to be determined.

Timon in the Wilderness
With Alcibiades, Timandra and Phrynia

As I see some of the ironic inversions: the visitors that Oedipus receives want his precious body for burial in their earth; the visitors Timon receives want the buried gold he has dug up from the earth. In *Colonus* Theseus gets the body to benefit Athens; in *Timon* Alcibiades gets the gold to destroy Athens. It is also as though the two whores, Timandra and Phrynia (or Phrinica) are almost vicious inversions of Oedipus' virtuous daughters, Antigone and Ismene. The name Timandra is a kind of feminine Timon, and a witty Greek scholar might be betting that his Inns of Court audience knew that one of the references to Timon in antiquity was a fragment by Phrynichus.

The Senators in *Timon* on the other hand are simulacra of Creon in *Colonus*: these are the abusers of the heroes. The Banditti could be Timon's version of Oedipus' sons who are cursed by him and fight over his heritage. Only Polynices appears in *Colonus* and reports the actions of his brother Eteocles. Perhaps again, completing a reversal, Alicbiades wanting to destroy Athens could be Polynices aspiring to do the same to Thebes. In the end both Oedipus and Timon die offstage, and the death of each is reported. The setting of the plays in and near Athens helps to enforce these cruel

parallels and inversions, and maybe even to suggest a flip version of *A Midsummer Night's Dream*. But that takes us on another journey.

This wall plaque, with its misspelled Latin, is in the Castle Inn at Earls Colne.

Conclusion

This poetic outcry, this "Greek tragedy" with Timon's apostrophe to gold that Karl Marx so admired, and the magnificent verse of invective against mankind, was written loosely in the form of a play. But it was not intended primarily for the stage: it was more of a *de profundis*, an angry cry from the depths by someone who had plumbed them. It resonates with Othello and Leontes in their searing jealousy over the supposed infidelity of their wives; with Lear, who even doubted his dearest daughter; with Hamlet raging at Claudius and his mother's sensual weakness. Above all it reads and sounds like the *cri de coeur* of a fallen aristocrat who had totally lost the source of his wealth and power: his ancestral estates, and with them his precious honour. None of this anguish calls to mind the genial Will of Stratford living comfortably in prime-real-estate New Place, where he enjoyed a considerable income from his shrewdly successful property dealings, relished his family's recently acquired coat-of-arms, and pondered the disposal of his second-best bed.

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classicist who channelled Vergil (and Jack the Ripper) see my *Participant Observer* (Transaction, 2002.) The Arden Shakespeare *Timon* is far and away the best edition, having excerpts from Plutarch, Lucian, the anonymous *Timon* and Boiardo's *Timone*. Marx's comments on *Timon* are in his *Economic and Philosophical Manuscripts of 1844.* I know them from Bottomore and Rubel, 1956: 172-3.

The opening painting is by Thomas Couture, 1815-79. The painting of Oedipus at Colonus is by Jean-Antoine-Théodore Giroust, 1788. I cannot find a source for the uncannily similar print of Timon (could the dog be a witty reference to Apemantus the Cynic). See also the very different dog in the Couture, and the extensive dog imagery in *Timon*. (Spurgeon 1935:198-9.) The photograph of the house at Earls Colne is from the Macfarlane website, and the photo of the wall painting at the end is courtesy of Alan Macfarlane.

Works Cited

Barton, Dunbar Plunket & James Montgomery Beck, 1929. *Links Between Shakespeare and the Law*. London: Faber and Gwyer.

Bellamy, John G., 1985. *Robin Hood: An Historical Inquiry*. London: Croom Helm.

Bottomore, T. B. & M. Rubel, 1956. *Karl Marx: Selected Writings on Sociology and Social Philosophy*. London: Watts.

Clark, Eva Turner, 1931. *Hidden Allusions in Shakespeare's Plays*. New York: William Farquar Payson.

Craig, Hugh & Arthur F. Kinney, 2009. *Shakespeare, Computers and the Mystery of Authorship*. Cambridge: Cambridge University Press.

Dawson, Anthony B. & Gretchen E. Minton, eds. 2008. *Timon of Athens*. (The Arden Shakespeare. Third Series.) London: Cenage.

Dewar, Jane, 1964. *Sir Thomas Smith*: *A Tudor Intellectual in Office*. London: Athlone.

Dobson, R. B. & Taylor. J. 1997 (1976). *Rymes of Robin Hood: An Introduction to the English Outlaw*. Stroud: Sutton.

Egan, Michael, 2006. *The Tragedy of Richard II Part One: A Newly Authenticated Play by William Shakespeare*. 4 Vols. Lewiston, Queenston, Lampeter: The Edwin Mellen Press.

Farina, William, 2006. *De Vere as Shakespeare: An Oxfordian Reading of the Canon.* Jefferson NC: McFarland & Co.

Fowler, William Plumer, 1986. *Shakespeare Revealed in Oxford's Letters*. Portsmouth NH: Peter E. Randall.

Fox, Robin, 2009. "Shakespeare, Oxford and the Grammar School Question." *The Oxfordian.* XI: pp.113-136.

_____, 2010a. "Why is there no *History of King Henry VII*?" *Shakespeare-Oxford Newsletter*, 46: 1-4.

_____, 2010b. "A Matter of Pronunciation: Shakespeare, Oxford and the Petty School Question." *The Oxfordian*. 12: 56-64.

Gilvary, Kevin, ed. 2010. *Dating Shakespeare's Plays: A Critical Review of the Evidence*. Tunbridge Wells: Parapress.

Green, Nina, 2004. "An Earl in Bondage." *The Shakespeare-Oxford Society's 50th Anniversary Anthology*. Newsletter. Summer. Pp.124-133.

_____, 2009. "The Fall of the House of Oxford." *Brief Chronicles* 1: 49-122

Hughes, Stephanie Hopkins, 1998. *The Relevance of Robert Greene to the Oxfordian Thesis*. Portland OR: Paradigm Press.

Hughes, Ted, 1992. *Shakespeare and the Goddess of Complete Being*. New York: Farrar Strauss and Giroux.
Hurst, David and Arthur Mendel, 1966 (1945). *The Bach Reader: A Life of Johann Sebastian Bach in Letters and Documents*. Rev. Ed., New York: W. W. Norton.
Jiménez, Ramon, 2011. "How Reliable is Stylometrics? Two Orthodox Scholars Investigate." *Shakespeare-Oxford Newsletter*, 46:3. pp. 5-10
Klein, Karl, 2001. *Timon of Athens.* (The Cambridge New Shakespeare.) Cambridge: Cambridge University Press.
Knight, G. Wilson, 1930. *The Wheel of Fire: Interpretations of Shakespearean Tragedy.* Oxford: Oxford University Press.
Knight, Stephen & Thomas H. Ohlgren, eds. 1997. *Robin Hood and Other Outlaw Tales*. Kalamazoo MI: Medieval Institute Publications.
Lee, Sidney, 1899. *A Life of William Shakespeare.* London: Smith, Elder.
Macfarlane, Alan, nd. *The Strife of Two Great Tides*. Unpublished Ms. available at http://www.alanmacfarlane.com/FILES/earlscolne.html.
_____, 1978 . *The Origins of English Individualism*: *The Family, Property and Social Transition*. Oxford: Blackwell.
_____, 2002. *The Making of the Modern World: Visions from the West and East*. London: Palgrave.
Nelson, Alan H., 2001. *Monstrous Adversary: The Life of Edward De Vere.* Liverpool: Liverpool University Press.
Nuttall, A. D. 1989. *Timon of Athens.* (Twayne's New Critical Introductions to Shakespeare.) Boston: Twayne Publishers.
Ogburn, Charles, 1984. *The Mysterious William Shakespeare*. New York: Dodd Mead
Pearson, Daphne, 2005. *Edward de Vere: The Crisis and Consequences of Wardship*. London: Ashgate.
_____, 1999. "Robin Hood's Pennyworth: the DeVere-Harlackenden Lawsuits." *The Elizabethan Review*. 7: 1, 4-32.
Pollard, A. J. 2004. *Imagining Robin Hood: The Late-Medieval Stories in Historical Context*. London/New York: Routledge.
Roberts, John S., 1890. *The Legendary Ballads of England and Scotland.* London and New York: Frederick Warne.
Showerman, Earl, 2009. "Timon of Athens: Shakespeare's Sophoclean Tragedy." *The Oxfordian*, 11: 205-232
Spurgeon, Caroline, 1935. *Shakespeare's Imagery and What It Tells Us*. Cambridge: Cambridge University Press.
Stone, Lawrence, 1965. *The Crisis of the Aristocracy*. Oxford: Oxford University Press.
_____, 1973. *Family and Fortune*. Oxford: Oxford University Press.
Thorndyke, A. H. 1902. "The Relation of *As You Like It* to Robin Hood Plays." *J. of English and Germanic Philology*. 4: 59-69. (Cited by Russell Peck in Dobson and Taylor *supra*.)
Vickers, Brian, 2004. *Shakespeare, Co-author: A Study of Five Collaborative Plays*. Oxford: Oxford University Press.