



# The Shakespeare OXFORD Newsletter



Vol. 40: No. 3

"No army can withstand the strength of an idea whose time has come." – Victor Hugo

Summer 2004

## University of Tennessee Law School Hosts Authorship Conference

By Richard F. Whalen

For the first time, a symposium at a university law school has examined the historical and literary evidence for the identity of William Shakespeare.

For two full days in early June, lawyers, Oxfordians, Stratfordians, and an anti-Stratfordian presented papers on the question, "Who Wrote Shakespeare? An Evidentiary Puzzle," at the University of Tennessee College of Law. The audience of more than 135, mostly law school students and lawyers, heard from a dozen speakers on a wide variety of topics.

The format called for one-hour papers but without questioning after each paper, so there was no extended debate on specific evidence. Likewise, the two panel sessions were designed to elicit answers to a range of questions from the moderators, who were law professors, and from the audience, rather than to encourage any in-depth discussion of the evidence.

Two of the six speakers who defended the Stratford man as the poet-dramatist delivered papers that were more pointed, detailed and hard-hitting than they usually give at Oxfordian conferences or other public forums. Alan Nelson, professor emeritus at UC-Berkeley, marshaled a long list of evidence in the *First Folio* that he considers unambiguous support for the Stratford man and evidence against the Earl of Oxford.

Steven May of Georgetown College, probably the leading authority on Oxford's  
(cont'd on p. 4)

## An Earl in Bondage

By Nina Green

Countess: In delivering my son from me, I bury a second husband.

Bertram: And I in going, madam, weep o'er my father's death anew; but I must attend his Majesty's command, to whom I am now in ward, evermore in subjection.

Bertram's resigned prediction in the opening lines of *All's Well That Ends Well*, that as a ward, he will be *evermore in subjection*, is a reflection of Oxford's unique personal experience after his father's death on 3 August 1562.

There appears to be general agreement that Tudor wardship was an oppressive institution. Its only real function was to permit the Crown to realize a windfall profit when a subject who held land of the Crown *in capite* died leaving an underage heir. The Crown was permitted to sell to a third party both the custody of the heir and the right to control his marriage. In addition, the Crown was entitled to retain one-third of the revenues of the lands of the heir during his minority, and to sell these revenues to a third party.

In almost all of the hundreds of Tudor wardship cases, this is precisely what the Crown did. It sold to third parties the custody of the ward, the right to control his marriage, and the revenues from one-third of the ward's lands during his minority. In the case of a few noble wards such as Oxford, the Crown made an exception and retained the custody of the ward, the right to control his marriage, and the revenues from one-third of his lands in its own possession until the ward came of age.

All wards must have eagerly looked forward to the day when they reached the

age of majority. At that point, wardship came to an end once the ward had successfully "sued his livery." Under Tudor wardship the suing of livery was a complicated and expensive bureaucratic procedure, the main point of which was another revenue grab by the Crown under which it extracted from the ward a payment, usually amounting to half the annual rental value of the ward's lands, before it would agree to return them. If the ward did not have sufficient funds available to make this cash payment, he was required to enter into bonds to secure his debt to the Court of Wards. These bonds contained strict conditions of payment, and severe penalties for non-payment.

A document at Hatfield House (CP 25/105) shows that Oxford's total debt to the Court of Wards after he had sued his livery was £3306 17s 10d, comprised of a £2000 fine said to be for his "wardship," a £1257 18s 3/4d fine for the suing of his livery, and a small sum of £48 19s 9-1/4d for mean rates while he was underage.<sup>1</sup> The £2000 fine for Oxford's "wardship" was payable in 10 installments of £200 apiece annually from 10 May 1572 until 10 May 1581. The £1257 18s 3/4d fine for suing his livery was payable at the rate of £57 18s 3/4d on 1 November 1571, and £100 per year on November 1 thereafter until 1583. (Note: £ = pounds, s = shillings, and d = pence)

The legality of the Crown's imposition of a £2000 fine for wardship and marriage on Oxford after he had reached the age of majority, and when his marriage to Anne Cecil had been approved by his legal guardian the Queen, is questionable, but legal or not, Oxford was required to pay it.

To guarantee the payment of this debt of £3306 17s 10d, Oxford entered into a large  
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## Editor's Column

After 80 years of research, publication and debate, almost entirely by amateur scholars, evidence in support of the Oxfordian hypothesis is not robust enough to compel its acceptance by the majority of academics or the general public. That evidence, while mostly circumstantial, is comprehensive, and so the continuing lack of general acceptance may lie more with the amateur presentation of evidence than the inherent weakness of the case.

When I say "academics" I refer not only to professors of English but to scholars of theater, history, linguistics, and other humanities. A key achievement of J.T. Looney's seminal book, "*Shakespeare Identified in Edward de Vere, 17<sup>th</sup> Earl of Oxford*," in 1920, was demonstrating the need for interdisciplinary scholarship in finding a conclusive answer to the Shakespeare authorship question.

Perhaps the academy's traditional segregation of the humanistic disciplines has prevented the academic custodians of Shakespeare from ever seeing beyond the text to its creator. Indeed, to English professors, Shakespeare is always just the text.

Over time, the university's territorial imperative has undermined all those who attempt to raise their eyes above the academic parapet to see the Elizabethan landscape in all its squalor and splendor — the living environment in which Shakespeare created his extraordinary poems and plays. The good news is that the true keepers of Shakespeare — the theater world — are saying they no longer are satisfied with the status quo.

In her keynote address at the 2003 annual SOS conference in New York, Kristin Linklater, professor of theater at Columbia University, told attendees, "[T]o properly act Shakespeare, theater professionals need to know as much as possible about the five "P"s — the personal, professional, psychological, political, and philosophical attributes of the author and his or her social environment."

The one great advantage of independent Shakespeare scholars has been this interdisciplinary approach to research, an intellectual method that integrates a knowledge of Elizabethan history, theater,

poetry, linguistics, religion, and political science. Persuading professional scholars that such an approach is necessary for resolving the authorship debate may be the best way to effect a paradigm shift.

Additional good news is that the scholarly environment for Oxfordians is showing more openness to the legitimacy of the authorship question on both sides of the Atlantic. While Oxfordians remain excluded from mainstream peer review journals, universities are beginning to sponsor authorship conferences where Oxfordians and other anti-Stratfordians can present their case. In addition to the ongoing sponsorship by Concordia University of the Edward de Vere Studies Conference, now in its eighth year, this year saw Shakespeare authorship conferences at the University of Tennessee Law School and overseas in Utrecht, Holland, the latter organized by a professor of organizational psychology at Tilburg University.

The commercial publishing community also is showing an openness to Oxfordian literary projects, such as last year's novel, *Chasing Shakespeares*, by Sarah Smith, the paperback version of which has an Amazon.com sales rank of 50,841, compared to Alan Nelson's malicious biography of Oxford published last year (*Monstrous Adversary*), the paperback version of which has an Amazon.com sales rank of 639,159. Then there is the scheduled publication of Mark Anderson's biography of the Earl of Oxford, entitled, "*Shakespeare by Another Name: The Literary Life of Edward de Vere, Earl of Oxford*." The book will be printed in spring 2005 by Gotham Books, an imprint of Penguin-Putnam, a major commercial publisher.

There are yet other positive signs, such as new student societies dedicated to the study of the Oxfordian hypothesis, the most prominent being Dr. Thomas Hunter's Oberon group, which recently established an Oxfordian branch at the University of Michigan.

Even as the Oxfordian case makes inroads, however, several groups are taking a step back, fearing to proclaim their Oxfordian position in public. The most

*Editor's Column (cont'd on p. 3)*

recent example of this is reflected in Professor Dan Wright's decision in August to rename the Edward de Vere Studies Conference (as well as its website and listserv), sponsored by Concordia University, as the Shakespeare Authorship Studies Conference.

As the professor explained in an email to listserv subscribers: "We think that for many new students of Shakespeare, new middle school and high school teachers, graduate students, and yes — even some professors. . . the way to Shakespeare. . . is best marked by a path that doesn't assume

a destination but by one that offers a map to the destination (hence, for example, the Shakespeare Fellowship's choice to leave Oxford out of its organizational name and titling its newsletter Shakespeare Matters — a title that makes a declaration rather than focusing on Oxford qua Oxford). So, the changes in name of the conference, the listserv and the website don't change our recognition of where most of us are confident the road to Shakespeare leads, but we think these provide a better invitation to some — especially young folks — to begin a journey they otherwise might not

take if they assume the destination has already been plotted."

The key point is that the Shakespeare Fellowship and Shakespeare Authorship Studies Conference both remain dedicated to research, debate and publication about the Oxfordian authorship of Shakespeare.

We now find ourselves in a situation where there appears to be a lack of confidence in the Oxfordian hypothesis precisely when the subject is gaining legitimacy in the publishing, theater and academic communities. It will be fascinating to see which approach succeeds. — GG

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## US-Australian Academics Research Authorship

By Gary Goldstein

“Forget to be ornotto be—the question remains, did he or didn't he?” So began an international press release appearing this spring in newspapers worldwide, announcing the first-ever collaborative grant awarded by the Australian Research Council and the National Endowment for the Humanities in Washington, D.C.

The two-year grant of \$170,000 was awarded to develop computer software capable of analyzing the writings of William Shakespeare. The co-principal investigators are Hugh Craig, Head of the School of Language and Media and Director of the Center for Computational Stylistics at the University of Newcastle, Australia, and Arthur F. Kinney, Director of the Renaissance Center, University of Massachusetts at Amherst, who “hope to expand the knowledge of Shakespeare and clarify historical disputes over the authorship of Shakespeare's work.”

According to Professor Craig, “The two teams of researchers on the two campuses will use a method called Computational Stylistics to count the frequency of both common and rare words to detect writing styles, to determine if and when there have been collaborations,” as well as determine influences on Shakespeare's work by other writers — and to find out perhaps what he was doing during the seven “lost years,” 1585-1592, for which there is no archival evidence of his activity.

According to Professor Craig, computers

allow researchers to conduct searches of large databases of works, including those of Shakespeare, in order to detect patterns of word use that are specific to each individual writer. “By using computers to do these searches on a scale not previously possible,” he says, “it becomes clear that individual styles are detectable even down to quite short passages.” As Kinney puts it, such a method is like verbal fingerprinting.

The project is being carried out by Australian and American research teams composed largely of graduate students. The Australian team is focusing on collaboration — not only determining the specific parts written by such well-known pairs of authors as Beaumont and Fletcher but by determining what part, if any, Middleton, Fletcher, and perhaps others had in the writing of such plays as *Macbeth*, *Pericles*, *Two Noble Kinsmen*, and *Henry VIII*, which over the years have been thought to be exclusively by Shakespeare.

The Massachusetts team is testing various other propositions. Graham Christian will try to determine if Shakespeare was a boy actor in the Admiral's Men, thus speaking the lines of Marlowe and helping to explain the conventional idea that early Shakespeare sounds very Marlovian. Anne-Marie Strohm is testing the two very different texts of quarto and folio *King Lear* to determine if Shakespeare or someone else revised the play. Edward Cottrill is looking

at Hand D in the manuscript of the *Play of Sir Thomas More*, long thought to be the only dramatic text in Shakespeare's own handwriting, to see if it is authentically Shakespearean. Kevin Petersen is testing Shakespearean vocabulary against that of Montaigne to see just when the French philosopher began to influence the English playwright. K.C. Elliott Squiers and Young-Jin Chung are establishing a list of properties according to speeches and stage directions to see if they were suggestive or restrictive to Shakespeare when he composed his plays for immediate performance.

Once computer programs to test such problems are refined they will be made available to other Renaissance scholars for their use. The two research teams plan to publish their programs, their experiences, and the results in a book to be written at the end of the investigations.

In making the awards, the NEH said of the project, “This is of great intellectual significance. Having a computer specialist work with a textual scholar on a series of questions concerning computational stylistics holds forth the promise of a disciplinary synthesis that would give the statistical analysis of style new prominence and make an important area of scholarship accessible to a broad range of readers. We have no doubt that the results will challenge conventional wisdom and provoke further research as scholars try both to extend the work and contest it.”

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*Univ. TN Hosts Conf. (cont'd from cover)*

poetry, argued as usual that Oxford's poetry resembled that of other Elizabethan writers, not just Shakespeare's. But he also argued that proposing Oxford as the true author required, in his view, an improbable conspiracy to hide his authorship. Despite the rather comprehensive attack on the Oxfordian proposition, Oxfordians did not spot any significant new evidence or arguments.

Ward Elliott of Claremont McKenna College, and former adviser to the "Claremont Shakespeare Clinic," reviewed the clinic's computerized, statistical analysis of the styles of Elizabethan writers, a complex and controversial stylometric analysis done in the 1990s that he claims ruled out Oxford as the author. Elliott did take a few questions, which challenged the methodology. A professor of government, Elliott got his interest in Oxford from his father, who was an outspoken Oxfordian. Indeed, the clinic's earliest stylometric analysis "proved" that Oxford was the true author.

An English professor, D. Allen Carroll of the University of Tennessee, author of an annotated edition of *Greenes Groatsworth of Witte*, dismissed the case for Oxford as unsupported by his colleagues in academia. He interpreted the arcane language in the 1593 pamphlet as pointing to the Stratford man as actor and author, insisting that "bombast" in *Groatsworth* meant cotton stuffing, i.e., writings, and not, as Oxfordians maintain, inflated "bombastic" speaking by an actor delivering lines.

Arguing against the Stratford man was Diana Price of Cleveland, author of *Shakespeare's Unorthodox Biography* and daughter of John Price, past president of the Shakespeare Oxford Society. She described the lack of a paper trail for the Stratford man as a writer, even though most Elizabethan writers were identified as such in personal, direct ways in various records. She made her point with slides of primary source documents.

This correspondent summarized the "woefully inadequate" evidence for the Stratford man and the powerful evidence for Oxford as a published poet, recognized playwright, patron of acting companies, leading courtier and sojourner in Italy who had England's foremost law scholar for a

tutor and read law at Gray's Inn. He also cited many of the lawyers and judges who marveled at the extraordinary and profound knowledge of the law in the works of Shakespeare—knowledge that is in the fabric of his thinking.

Peter Dickson, author and former CIA political-military analyst, was one of the luncheon speakers. He described the controversy among leading Stratfordian scholars over whether Shakespeare (that is, the Stratford man) was a Roman Catholic. Some Stratfordians find evidence in the records that he was. If so, Dickson said, the Stratfordian establishment has a major problem because the works of Shakespeare are so Protestant and patriotic it's hard to see how the Stratford man would have written them.

Professor Roger Stritmatter of Coppin State College, a vice president of the Shakespeare Fellowship, delivered a paper on "A Law Case in Verse: Authorship, Law and Representation in *Venus and Adonis*." He also was able to make several strong arguments for Oxford during a panel session, as did Gerald Downs of Redondo Beach, CA, who served on both panels.

William Niederkorn, an editor on the cultural staff of *The New York Times*, discussed articles from the newspaper that illustrated the importance of lawyers and judges in the authorship controversy from 1866 to his own major article in the *Times* two years ago. Niederkorn has spoken at a number of Oxfordian conferences.

Three lawyers, one neutral and two Stratfordian, delivered papers. Donald F. Paine, past president of the Tennessee Bar Association and a lecturer at the University of Tennessee College of Law, confined his remarks to the law of evidence—the burden of proof, relevance of evidence, and the degree of proof required, whether preponderance of evidence or clear and convincing evidence.

William F. Causey, assistant general counsel for the American Red Cross, also discussed the law of evidence. But he concluded by proposing eight "incontrovertible facts" and four "crucial presumptions" showing that the man from Stratford, not Oxford, wrote the Shakespeare plays. Counsel for Oxford would object: not enough facts and erroneous

presumptions. Causey professes agnosticism, but he organized and moderated two debates on the authorship controversy for the Smithsonian a few years ago, and he was the keynote speaker at the Shakespeare Fellowship conference in Carmel, CA last year.

Daniel Kornstein, a founding partner of a New York City law firm, described Mark Twain's rejection of the Stratford man in *Is Shakespeare Dead?* but went on to tell how Twain said in *Pudd'nhead Wilson* that he got a lawyer to ensure the accuracy of a trial scene. So, said Kornstein, Shakespeare could have done the same. Kornstein, however, is the author of *Kill All the Lawyers: Shakespeare's Legal Appeal*, which makes a powerful case for the extraordinary knowledge of the law in twelve Shakespeare plays.

If nothing else, the symposium served to raise the consciousness of the lawyers and law students to the validity of the controversy and the strength of the Oxfordian evidence. The venue also seemed to have the effect of putting the two major Stratfordian speakers, Steven May and Alan Nelson, on the defensive. In their papers, they assumed the burden of proof.

The symposium was launched by Professor Jerry Phillips, a distinguished law professor at the University of Tennessee, but he died last January before the symposium could be held. Phillips had attended an Oxfordian conference and read books on the authorship controversy. The symposium was dedicated to him, and speakers who knew him remembered him as a beloved, generous and distinguished professor of law.

The College of Law offered the symposium for credit to practicing lawyers. Lawyers generally must fulfill bar association requirements through annual study called Continuing Legal Education. Lawyers paid \$350 for fourteen hours of CLE credit and \$175 for seven hours of CLE credit. Academics and others paid \$125 to attend. No fee was required of law school students. Symposium speakers had their travel expenses paid and received an honorarium—a rare and welcome emolument for the Oxfordian speakers.

Among the Oxfordian attendees were Frank Davis, president of the Shakespeare

Oxford Society and Joe Peel, treasurer; Bill Farina and Marion Buckley, founders of the Chicago Oxford Society; and Lynne Kositsky, vice president of the Shakespeare Fellowship.

The proceedings were videotaped and will be available on the Internet, primarily for lawyers who want to earn the CLE

credits. And the *University of Tennessee Law Review* plans to select presentations to be published in their next issue.

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*Richard F. Whalen, a past president of the Shakespeare Oxford Society, is the author of Shakespeare: Who Was He? The Oxford*

*Challenge to the Bard of Avon, now in its seventh printing from Greenwood/Praeger. His research articles and book reviews have appeared in this newsletter for almost a decade, and also in The Oxfordian and in Harper's Magazine.*

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## Shakespeare and the Law

By Richard F. Whalen

Lawyers love Shakespeare. They hold mock trials on the identity of the poet/dramatist. They debate whether Hamlet was guilty of murdering Polonius or innocent by reason of insanity. Judges, particularly those on the U.S. Supreme Court, cite Shakespeare in their opinions. They write books about the law in Shakespeare and articles in magazines and law reviews.

Most recently, the University of Tennessee College of Law sponsored a seminar on the evidence for Shakespeare's identity. More than a hundred lawyers and law students attended the two-day event in May. (See accompanying article in this issue.)

The latest articles by lawyers appeared in two law reviews.

Edith Z. Friedler of Loyola Law School in Los Angeles wrote on "Shakespeare's Contribution to the Teaching of Comparative Law—Some Reflections on *The Merchant of Venice*" in an article that appeared in *The Louisiana Law Review* (Summer 2000).

She notes that the law in *The Merchant of Venice* is not English law but the law of Venice (where Oxford lived for several months), that the Venetian law is essential to the plot and that the dramatist was extremely well-versed in it. Shakespeare, she writes, "draws from a legal system so foreign to his own and yet so eminently suitable to the purposes of his story." And she notes that the idea of a pound of flesh to satisfy a debt comes from old Roman law,

specifically in the Law of the XII Tables. Oxfordians would ask how in the world the Stratford man would have been able to absorb all the subtleties of Venetian and Roman law.

Portia, the eloquent heroine, controls the action with ease but, as Friedler points out, she violates the very laws she knows so much about and she is not a fair and neutral judge. Oxfordians would call it the dramatist's subtlety at work.

Professor Friedler was very impressed with the law in *Merchant*. She concludes that the play "raises an infinite variety of legal issues, making it difficult to resist the temptation to mention others. This essay has examined only some of the issues that directly relate to comparative law."

A much broader view of the law in Shakespeare is taken by Thomas Regnier in his article in the *University of Miami Law Review* (January 2003): "Could Shakespeare Think Like a Lawyer? How Inheritance Law Issues in *Hamlet* May Shed Light on the Authorship Question."

Regnier, a 2003 graduate of the University of Miami School of Law, reviews the controversy over Shakespeare's identity and the extent of law found in the poems and plays, concluding with an examination of inheritance law in *Hamlet* as discussed by J. Anthony Burton, a lawyer, in *The Shakespeare Newsletter*, a Stratfordian publication. Regnier considers inheritance law in *Hamlet* relevant evidence supporting the case for an author with advanced legal experience.

"In my view," he concludes, "Shakespeare's use of law is here [in the *Hales v. Pettit* inheritance lawsuit alluded to in *Hamlet*] at its most sophisticated. He has melded it so seamlessly into the plot that it makes up an organic whole. It infuses the plot, it informs the characters, it is pervasive and subtle, yet it shapes the whole picture."

And he challenges the Stratfordians to show how their man got this "highly sophisticated, deeply ingrained understanding of the law" that is demonstrated in the works of Shakespeare.

In her law review article, Professor Friedler footnotes a book by Daniel J. Kornstein, a New York City attorney. In his book, entitled *Kill All the Lawyers: Shakespeare's Legal Appeal* (1994), Kornstein surveys the knowledgeable use of the law in a dozen plays and concludes: "At long last we can acknowledge Shakespeare as one of our greatest lawgivers."

Not recent, but worthy of note, is the article by Justice John Paul Stevens of the U. S. Supreme Court, "The Shakespeare Canon of Statutory Construction," in *The University of Pennsylvania Law Review* (April 1992). He uses the authorship controversy, specifically the case that can be made for Oxford as the true author, to illustrate five canons or rules for courts to use in deciding whether federal laws have been violated. Since then, Justice Stevens has declared that he considers the evidence for Oxford most persuasive.

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## 2<sup>nd</sup> Annual Shakespearean Authorship Trust Conference

By John Hamill

Mark Rylance, actor and Artistic Director of London's Globe Theatre, opened the second annual Shakespearean Authorship Trust (SAT) Conference on July 3<sup>rd</sup> as he did the year before — by reading a Shakespeare sonnet to the 100-plus attendees. He chose one at random and this time fate picked Sonnet 100, "Where art thou, Muse." Rylance set the tone of the conference by asking the audience to close their eyes and imagine the author, whoever he or she may be.

Rylance largely followed the same non-partisan format established at the first conference, explaining that the purpose of the Trust was to educate and not to change minds: "We will never come to a homogeneous point of view even if any one person is 'discovered' to be author." As such, the SAT facilitates an open debate on the authorship of the literary works attributed to William Shakespeare. "We see our job as an agnostic society," Rylance stated, "with representatives or contacts from all the different authorship researchers. Our job is to make a space for us to meet in friendship rather than debating in antagonism."

SAT neutrality in respect to the authorship issue was highlighted by the Globe Theater with a disclaimer on page 6 of their program: "The work attributed to Shakespeare may have been written by someone else entirely."

In his welcoming remarks, Rylance emphasized the importance of research in advancing the authorship debate. (Ed.: Rylance also lauded John Hamill's two-part article, "The Ten Restless Ghosts of Mantua," which appeared in the Summer and Autumn 2003 issues of the SOS Newsletter.) He informed the audience that June 24th was the 400th anniversary of Oxford's death, and that a movie about Oxford, *The Soul of the Age*, was being developed by Roland Emmerich, the director of *The Day After Tomorrow*.

He then introduced the speakers for each of the candidates: Peter Dawkins for the Bacon brothers, Francis and Anthony;

Charles Beauclerk for Edward de Vere, Earl of Oxford; Michael Frohnsdorff for Christopher Marlowe; Robin Williams for Mary Sydney Herbert, Countess of Pembroke; and Michael Wood for the traditional author, William Shakspear.

This year's debate focused on the play *Measure for Measure*. Each presenter delivered their evidence for their candidate, after which time was allotted for questions from the audience, moderated with great attention and impartiality by Rylance.

The spirited presentations began with Michael Wood, who asserted that Shakespeare of Stratford's claim to the authorship is solid as it is based upon primary and secondary sources. The primary sources he identified are the wills of Shakspear and his colleagues, the Blackfriars lease, and the Folio dedications identifying "William Shakespeare" as the author. Wood also insisted that the plays reflect only a grammar school education, not a university education or a detailed knowledge of languages. He believes that a Shakespeare mystery exists because we have failed to anchor him in his time — the social context and Catholic background. Wood claimed that Shakespeare never satirized Catholicism and wrote *Measure for Measure* for James I in 1604. He also believes that as a livery man of the King, Shakspear carried the canopy at the coronation for James I, as stated in the Sonnet 125 "Were't aught to me I bore the canopy."

Michael Frohnsdorff claimed that Christopher Marlowe did not die in 1593 but escaped to Italy, where he wrote the "Shakespeare" plays. As a spy for the Queen, Marlowe was able to fake his own death. Frohnsdorff also revealed a new computer technology that is able to determine authorship of literary works by analyzing repetitive data found through a compression algorithm of the text. The results, he claimed, prove that the works of Marlowe and Shakespeare are indistinguishable. But he believes the plays are a collaboration of many authors, with Marlowe the focal point. He claims that the name Christopher

Marlowe appeared listed as a priest on May 3, 1599. Since *Measure for Measure* has so many topical allusions, he thinks it was written in 1604 when Marlowe returned to England, probably as a secret double agent, and possibly disguised as a priest.

Since this was the first time that a female candidate was introduced — Mary Sidney Herbert, Countess of Pembroke, sister of writer Sir Philip Sidney — Robin Williams was allotted twice as much time to present her case. Williams delivered an impressive PowerPoint presentation focusing on Mary's reputation — as the most educated person in England and one of the most important women writers of Elizabethan times. According to Williams, Mary Sidney's mission was to create great works in the English language and to this end developed the most important literary circle in the nation.

Works definitely attributed to Mary include three poems, a variety of translations and metrical paraphrases of Psalms 44 to 150. Williams claims that Mary's authorship was concealed because her sons, William and Philip Herbert, the dedicatees of the *First Folio*, wanted to avoid the dishonor of a mother who was recognized as a playwright. It did not help that Mary's greatest antagonist was her oldest son, William Herbert, the richest man in England, after King James. Robin emphasized that Mary's home, Wilton House, was on the Avon and that her symbols were swans.

Peter Dawkins presented the case for authorship for the Bacons — Francis, an attorney, and his brother Anthony. Dawkins believes that the plays were a collaboration between the brothers with Francis as the lead, and speculated that Shakspear might have edited the plays and arranged for their performances. Dawkins stated that the writing of the plays began in 1592 when Anthony Bacon returned from France to work at Essex House. Dawkins asserted there is documentary evidence showing that both Francis and Anthony wrote plays for the Earl of Essex. He believes that *Measure for Measure*, the theme of which

is how to use mercy in applying authority and law, was written in 1604 for King James to instruct him on how to be a just King.

The final presenter was Charles Beauclerk, who made the case for the 17<sup>th</sup> Earl of Oxford. Beauclerk asserted that Oxford's authorship should be used as a means to better understand Shakespeare, but that this has been lost in the debate. Instead, anti-Stratfordians in general pillage the plays for authorship clues. Beauclerk thinks that *Measure for Measure* was written in 1581, then revised in 1588 and 1603, which explains the topical allusions to events in the early 1600s. He then brought up Oxford's complex relationship with the Queen, and suggested that he might have been her son and lover. Beauclerk also

speculated that *Measure for Measure* might evoke Queen Elizabeth's relationship with Oxford since its themes include sex and incest.

The conference concluded with Mark Rylance asserting that the challenge to the traditional author is becoming stronger and is now being pushed to the forefront of public discussions about Shakespeare. Hopefully, he said, Stratfordians will be more willing to join the debate, as Michael Wood did, in order to provide a balanced presentation of all the leading candidates.

When he polled the audience for their reactions, many requested recommendations for books on the authorship issue, and that additional information be provided to future attendees in advance of the conference to be better prepared for the

ensuing debate. Rylance also described plans by the SAT to promote research, find a permanent home for the SAT library, and create an authorship exhibit. Finally, he thanked the International Shakespeare Globe Center, comprised mostly of Stratfordians, for being open to the authorship question.

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*John Hamill is a scientist with the US Environmental Protection Agency, has been a member of the Shakespeare-Oxford Society since 1998, and became a Society Trustee in 2001. He became interested in the authorship issue after reading Joseph Sobran's Alias Shakespeare. He has published several articles in the SOS Newsletter.*

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## 28<sup>th</sup> SOS Annual Conference Program October 28-31

### DoubleTree Hotel Buckhead, Atlanta Georgia

The educational program for the annual conference will offer attendees 14 presentations covering the Catholic Bard Theory, Shakespeare and the law, the influence of the Psalms in the canon, and other topics. Also scheduled are three panels covering the Sonnets, the Italian associations in Shakespeare, as well as teaching Shakespeare in the classroom.

Noted speakers include Joseph Sobran, Professor Daniel Wright, Chris Paul, Ramon Jiménez, John Hamill, Kevin Gilvary, Bill Farina, Professor Stuart Marlow, Dr. Paul Altrocchi, Ron Hess, Dr. James Brooks, Matthew Cossolotto, Peter Dickson, Derran Charlton, Professor Bob Peterson, Hank Whittemore, Professor Steven May, Professor Paul Voss, Professor Lewis Tate and Pidge Sexton.

The conference will start with a welcoming cocktail party Thursday evening at the DoubleTree Hotel with compli-

mentary hors d'oeuvres and a cash bar.

Keynote speakers are Joseph Sobran or Dan Wright on Friday, and Bill Farina speaking on Macbeth on Saturday.

The Italian Connection panel will consist of Kevin Gilvary, John Hamill, and Bill Farina. The Sonnet panel will be moderated by Professor Wright with Joe Sobran and Hank Whittemore representing Oxfordian positions and Professors Steven May (Georgetown College) and Paul Voss (Georgia State University) representing Stratfordian positions. The teaching panel will consist of Lew Tate, Matthew Cossolotto and Pidge Sexton. Cossolotto will also make a separate presentation on Shakespeare's "Last Will" sonnets.

Individual presenters include Christopher Paul on "The Death of the 16<sup>th</sup> Earl of Oxford: Murder Most Foul?", Dr. James Brooks, who will delve into "Shakespeare, The Psalms, and Oxford's Bible: A

Connection?", Professor Bob Peterson, who will examine "The Bard and the Bench", and Derran Charlton, who will map out the relationships among "Edward de Vere, Shakspeare, and the Trussel family of Billesley Hall, Warwickshire."

Luncheons with special programs will be held on both Friday, when Oxfordian actor Christopher Paul will perform Claudius' soliloquy from *Hamlet*, and Saturday.

On Friday evening, October 29<sup>th</sup>, participants will be able to enjoy dinner and a performance of *Richard II* at the Shakespeare Tavern, or have the option of seeing *Macbeth* at the Georgia Shakespeare Festival, Oglethorpe University.

The annual general meeting of the SOS will be held Saturday morning and the annual banquet will be held Saturday evening. The conference will adjourn on Sunday at noon.

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# International Media Cover Oxford's Quadcentenary

By Gary Goldstein

Three international news wire services — the BBC, Associated Press, and Reuters — all published articles on the 400<sup>th</sup> anniversary of Oxford's death on June 24, 2004, quoting De Vere Society officials Richard Malim and Kevin Gilvary, as well as Stratfordian academics in England, such as Stanley Wells of the Shakespeare Birthplace Trust, William Poole from Downing College, Cambridge University, and Ann Barton of Trinity College, Cambridge University.

Most US media, such as the New York Times, Miami Herald, MSNBC, and others, chose to print the Associated Press feature.

In addition, former *SOS Newsletter* editor, Katherine Chiljan, had a letter published in the San Francisco Chronicle, and The Independent, a London newspaper, ran a separate feature.

We reprint the coverage in full below.

## Literary Group Discredits Shakespeare

By Jane Wardell

LONDON June 24, 2004 (AP) - A literary group on Thursday marked the 400th anniversary of the death of an Elizabethan nobleman they contend was the "true" Shakespeare.

The de Vere Society alleges that Edward de Vere penned the 37 plays officially attributed to the master playwright. "He had the education and did the traveling, which Shakespeare did not," said society secretary Richard Malim of de Vere.

The Shakespeare Birthplace Trust in William Shakespeare's hometown of Stratford-Upon-Avon was dismissive of the claim. "It's all nonsense. Edward de Vere did not write the works of Shakespeare. Shakespeare wrote the works of Shakespeare," said Stanley Wells, the trust's chairman. "There is ample evidence from his own time that Shakespeare was a very well-regarded writer, especially playwright."

The playwright has long been targeted by pretenders to his throne, most notably playwright Francis Bacon and poet Christopher Marlowe. The de Vere Society

simply believes that Shakespeare got lucky. Arriving penniless in London, their story goes, he was seized upon by de Vere who, as an aristocrat, needed a cover for his writing and acting.

Wells said that it would have been impossible to pull off such a deception in the "busy, gossipy world of the theater" in Shakespeare's time. He added that the idea that de Vere, a busy man, would have found time "in the midst of his multifarious activities to write 40 masterpieces or so is in itself ridiculous."

De Vere, the 17th Earl of Oxford, was born in 1550 at Castle Hedingham, his family's ancestral home. He studied at Oxford and Cambridge, and traveled extensively in Europe.

By contrast, Shakespeare was born to commoner parents in 1564 and ended his formal education after a stint at Stratford Grammar School. Malim said that it was important to give credit to the right playwright. "If you persist in suggesting that William Shakespeare of Stratford-Upon-Avon is the author, you distort the whole of literary history," he said.

Wells, long used to rebutting such claims, said groups like the de Vere Society "are impervious to reason. The light of fanaticism comes into their eyes when they start talking about this instead of looking at the hard evidence," he said.

## De Vere Anniversary Revives Shakespeare Debate

By Alexandra Hudson

LONDON, June 24 (Reuters) - Four hundred years ago today, a little known aristocrat died who may just have written plays like "Hamlet" and "Romeo and Juliet." His name: Edward De Vere, better known by his nom de plume of Shakespeare.

A sacrilegious notion perhaps, but a determined group of history and drama enthusiasts still believes there are too many unanswered questions in the Bard's works for them to have been written by a provincial actor from Stratford. The De Vere Society argues that what little is known of William of Stratford, esteemed as Shakespeare the

world over, just doesn't match the profile of the author to emerge from the plays. They see De Vere, the 17th Earl of Oxford, as the most likely candidate.

"A lot of people just stop on the word 'genius' with Shakespeare," said society spokesman Kevin Gilvary. "But the author must have been well known, highly regarded and highly placed."

Consider this:

— How could a provincial actor gain such an intimate knowledge of court life if he was never present there?

— How could he know so much of classical authors? When did he learn Latin, Italian and French?

— How could he ignore his books and manuscripts in his will?

— How could he know so much of Italy, where many of the plays are set, when he is not known to have been abroad?

— And if he was so famous, why was there no public notice of his death in 1616?

Edward De Vere, by contrast, had constant access to the court, was an outstanding scholar and spent time in Italy, his supporters note.

### Historical Spadework

But some academics dismiss such sticking points. Shakespeare specialist Dr William Poole from Downing College, Cambridge said: "It takes only the most basic historical spadework to conclude that each and every one of the standard objections fall flat at the kindergarten stage of reasoning. Some people would just like to think that an Earl can write plays better than a glovemaker's son," he told Reuters.

Shakespeare knew of court life because he wrote as a London resident and acted before the court, Poole said. "Shakespeare does not show 'intimate' knowledge of the court, just the kind of clued-up attention we would expect from, say, a keen radiol listener today. This is exactly the same with his 'knowledge' of Italy—easy to obtain: read books, talk to people."

Poole also pointed out Shakespeare would have learnt his classics at grammar school and that his will did not mention any arrangements he may have made before.

As for the lack of a death notice, Poole



said Shakespeare had been absent from the stage for at least four years. "When it got around to people publishing his material in the folio of 1623, the compliments flowed," he noted.

None of which convinces the skeptics. The De Vere society believes the story of the humble playwright has more than an element of myth. "It's very romantic — a bit of a Cinderella story and we'd all love to believe it," said Gilvary, "but once you start asking questions it's very difficult to stop."

### Row Over Shakespeare Name Claim

**BBC News** — The De Vere Society is marking the 400th anniversary of the death of Elizabethan nobleman Edward de Vere, who it says is the "real Shakespeare."

"To put it politely, they're barking up the wrong tree," the Birthplace Trust's chairman Professor Stanley Wells said. He described it as the latest in a line of Shakespeare "conspiracy theories."

The De Vere Society says de Vere, Earl of Oxford, who lived from 1550 to 1604, used "William Shakespeare" as a pen name. De Vere was much better educated, had traveled widely and was a member of Elizabeth I's court, it says, and the "historical" Shakespeare we know of came from a more modest upbringing.

"It is time to accept that the name Shakespeare was almost certainly a pseudonym for the real writer of genius," a spokesman for the group said. "We now need to look for the author elsewhere in the Elizabethan world."

But Professor Wells said the society's views were "nonsensical. Edward de Vere did not write the works of Shakespeare, Shakespeare wrote the works of Shakespeare," he told BBC News Online. He said there was a long history of groups trying to prove Shakespeare had not written the plays.

"They have quite a large following. Like every organization of this kind, they ignore the basic evidence and construct conspiracy theories." Professor Wells said de Vere had led a "busy life" and he found it hard to believe the Earl had managed to write so many "masterpieces" at the same time.

Thursday is the anniversary of de Vere's death and The De Vere Society is planning more celebrations in London on Saturday.

Over the years, other theories about who wrote Shakespeare's plays have included claims they were written by playwright Francis Bacon and poet Christopher Marlowe.

### Letter to Datebook: Tribute to "Authentic" Shakespeare

**San Francisco Chronicle** — It is sad that perhaps the only public tributes made to the greatest writer of the English language on the 400th anniversary of his death will be letters to the editor.

Edward de Vere, the Earl of Oxford, died on June 24, 1604. There is no record of his funeral, and several people who sung his praises during his lifetime for his literary achievements were silent at his death. This is consistent with the necessity of concealing his authorship of Shakespeare.

A mass of circumstantial evidence has proven, and continues to prove, that Oxford wrote the Shakespeare works, initially anonymously, and later under the pen name "William Shakespeare." Even Oxford's family, who patronized Shakespeare's First Folio (the first printed collection of the plays in one book) 19 years after his death, maintained the pseudonym. Consequently, history has confused the pen name with William Shakspeare of Stratford-upon-Avon, and has stubbornly refused to look back. Consequently, much of Shakespeare scholarship is plain wrong, and lovers of Shakespeare are denied knowledge of his true life story, both magnificent and tragic, which is so much reflected in his works.

In his sonnets, "Shakespeare" predicted correctly that his "powerful rhyme" would outlive the "gilded monuments of princes." He also wrote, "my name be buried where my body is and live no more to shame nor me nor you" — this need not be so, if only Shakespeare admirers would realize that neither the Stratford man nor his family ever claimed he was the writer Shakespeare, and that no evidence supports it.

It was the Earl of Oxford who was responsible for Hamlet, Lear, Romeo and Othello, for enriching the English language with more than 2,000 new words, for artfully relating the history of England, and for inspiring numberless works of art of all types after his death.

Katherine Chiljan  
San Francisco, CA

### Devotees of De Vere, "the real Bard," Mark 400th Anniversary

#### The Independent

By Ciar Byrne. June 25 2004

Did an obscure 16th century nobleman write the works of Shakespeare? A group of literary enthusiasts who believe that Edward De Vere, 17th Earl of Oxford, wrote the most famous plays in the English language are celebrating the 400th anniversary of his death this weekend.

The De Vere Society argues that William Shakespeare does not match the profile of the author of *Hamlet*, *Measure for Measure* and *Macbeth*. The Society believes the works were written by De Vere, an aristocrat at the court of Elizabeth I who was better educated and more widely traveled than Shakespeare from Stratford-upon-Avon.

"We believe that William Shakespeare could not have written the works of Shakespeare, because he didn't have the educational or life opportunities to be able to produce the plays," said Richard Malim, general secretary of the De Vere Society. De Vere spent time in Italy, where many of Shakespeare's plays, including *Two Gentlemen of Verona* and *Romeo and Juliet*, are set.

Many scholars are skeptical of the claims. Professor Anne Barton, a fellow of Trinity College, Cambridge, said: "I think it is absolute rubbish. There are all kinds of problems with this. We do have poems that are authenticated as his [De Vere's] and they are not very good."

Many of the plays are dated after De Vere's death, 400 years ago yesterday — "an insuperable problem," said Professor Barton. "It's like the attempt to attribute Shakespeare's plays to Francis Bacon. Like that one, this one is a product of snobbery, that a Stratford grammar school boy could not have written the plays, and I'm thoroughly fed up with it."

A conference on the authorship of Shakespeare is being held at the Globe theatre in London on 3 and 4 July, when theories that the works were written by De Vere, Francis Bacon, Christopher Marlowe or Mary Sidney, Countess of Pembroke, will be discussed.

## Letter to the Editor

### Update on Greene's *Groats-Worth*

In my article about Greene's *Groats-Worth of Witte* (or *GGW*) in the Autumn 1996 issue of *The Elizabethan Review*, I criticized the orthodox insistence that one or the other of two things applied:

a) either *GGW* was written entirely by Greene, who was jealously attacking someone specific (Mr. Shakspeare) as he lay dying in 1592, or

b) *GGW* was written largely or entirely by *GGW*'s editor, Henry Chettle, who was later a playwright collaborating with Munday, Day, Drayton, and others in competition with Shakespeare, and thus *GGW* again specifically attacked Mr. Shakspeare.

In particular, I called attention to Chettle's claim in *Kinde Hartes Dreame* that in *GGW* he had only cut-and-pasted together scattered works of Greene's that lay with other publishers, and Thomas Nashe's claim that *GGW* was nothing more than a "scald trivial lying pamphlet." Yet, having *GGW* "certainly" refer to Shakespeare and/or Mr. Shakspeare remains an essential cog in the wheel of the orthodox "Stratfordian myth," providing them with the core to their many "biographies" of Mr. Shakspeare.

While amplifying upon my 1996 article for Vol. III of *The Dark Side of Shakespeare*, I discovered something that may throw both orthodox interpretations into disarray.

In the Stationers Record is an entry

dated August 16, 1586 that list four items by Edward White, an Oxford-Shakespeare-Munday-related publisher who in 1587-88, 1592, and 1599 would publish six works by Robert Greene. The entry is for the following ballads (essentially any lyrics which tell a story):

1) "William Clowdisley" — or Cloudesley, a 15th century outlaw (see [www.lib.rochester.edu/camelot/teams/adam.htm](http://www.lib.rochester.edu/camelot/teams/adam.htm)). "Robin Hood" was the hero of Greene's 1593 and 1599 *George a Greene* and Munday's works of 1598, 1601, and 1615 ("Wm. Cloudesley" was combined with "Robin Hood" in an anonymous ballad c. 1600 about Robin Hood's birth, breeding, valour, and marriage);

2) "the frere and the boie." This seems to be a clumsy listing of Greene's *Friar Bacon & Frier Bungay*, published by E. White in 1594, where OED defines "bung" as a cut-purse (who were notorious users of boys for their nefarious work);

3) "a penyworth of witt." This is almost certainly part or all of Greene's 1592 *Groats-Worth of Witte*, where OED has "groat" defined as a Dutch low-value coin known by the English as a "thick penny"; and

4) "a Cosener at Antwerpe." This appears to be in the nature of Greene's 1591 *Notable Discovery of Coosenage* and other Conny-Catching works (see [www.johndee.org/charlotte/Chapter5/5p3.html](http://www.johndee.org/charlotte/Chapter5/5p3.html), where "Antwerpe" may have been about Richard

Hesketh of Antwerp, who was associated with astrologists Dr. John Dee and Dr. Andreas Hess in the 1580s).

The titles to these four ballads can be interpreted any number of ways. For example, though E. White entered these titles in 1586, only one of them was later formally published by him. Yet informal transfers of rights to titles were often more the rule than the exception — the object of entering a title into the S.R. was often to "quit claim" in case other Stationers later wished to challenge it, and a private bill of sale would certainly trump such considerations.

That each of the four titles were arguably written by Robert Greene, and identified more than six years before *GGW*, should have been recognized by scholars as relevant to the various controversies about *GGW*. In particular, if Greene wrote all or part of *GGW* as early as 1586, then the "prime imperative" of orthodox scholars — that *GGW* "certainly" referred to Mr. Shakspeare as "Shake-scene" — must be called into question. Of course, without *GGW*, the orthodox Stratfordian myth loses essential biographical detail about Mr. Shakspeare that virtually removes him from Shakespeare's London and the theater world during the critical period of the 1590s, when they insist Mr. Shakspeare was a great mover and shaker.

W. Ron Hess  
Baltimore, Maryland

## Two New Biographies of 17<sup>th</sup> Earl of Oxford

By Gary Goldstein

Mark Anderson is finishing a biography of the Earl of Oxford that will be published by Gotham Books, an imprint of Penguin-Putnam, in April 2005. The book is entitled "*Shakespeare by Another Name: The Literary Life of Edward de Vere, Earl of Oxford*." The book's website is located at [www.shakespearebyanothername.com/](http://www.shakespearebyanothername.com/).

Appearing at the same time is the PhD dissertation of Daphne Pearson, who

received her doctorate from the University of Sheffield in England in 2000. Her dissertation will be published by Ashgate Publishing in hardcover only in the spring of 2005. The book is entitled, *Edward de Vere (1550-1604): The Crisis and Consequences of Wardship* (278 pages; \$79.95).

The publisher is promoting the book as follows:

"Edward de Vere, 17th Earl of Oxford,

is often regarded as the epitome of the profligate Tudor Nobleman, whose riches to rags story provides a salutary warning of the dangers of conspicuous consumption. Inheriting great wealth on the death of his father, his personal annual income had fallen to just £20 on his death in 1604. Yet, as this book demonstrates, the story of the earl's fall is much more complicated than it is generally portrayed."

## Authorship Workshops Planned at Kherson State University

Kherson State University in Ukraine is planning to hold a series of six workshops on the Shakespeare Authorship Question, each for a period of two weeks, during the 2005-2006 academic year. Each workshop will be conducted by a lecturer who will focus on a single authorship candidate, according to the following schedule:

William of Stratford: Sept. 14 – 28, 2005

Sir Francis Bacon: Oct. 19 – Nov. 2, 2005

Christopher Marlowe: Nov. 17 – 30, 2005

Earl of Rutland: Feb. 15 – 28, 2006

Earl of Oxford: Apr. 11 – 25, 2006

To be announced

At the conclusion of the workshop rotation, an international conference dedicated to Shakespeare Authorship Debate will be held at Kherson State University in autumn 2006.

Presently, the University expects to invite lecturers representing the Stratfordian, Baconian and Oxfordian schools from Great Britain, while workshop leaders for the Marlovian and Rutland schools are expected to come from Russia.

Each lecturer will spend their two weeks in Kherson presenting lectures on the theory and evidence in support of their respective authorship candidate. Lodging, meals and cultural tours for workshop participants will be provided by Kherson State University.

The objective of the project is to motivate Ukrainian university students to develop research on their own initiative related to the Shakespeare Authorship Question, as well as to present the published findings of the workshop project at the international conference.

In addition to the six workshops and

international authorship conference, the Shakespeare Authorship project seeks to establish a Shakespeare library in the Ukraine containing the complete works of Shakespeare, a wide range of critical materials covering the Shakespeare Authorship Question and the plays and poems, and a comprehensive collection of videos of the Shakespeare plays.

Each lecturer will develop their own workshop course that will constitute the basic material for further research and instruction on the topic at Kherson State.

The University has collected more than half the necessary funds to conduct all six workshops, and is seeking financial aid for the remainder. The project coordinator is Kateryna Sinkevych, who can be reached by email at: [cath\\_sinkevich@mail.ru](mailto:cath_sinkevich@mail.ru). Kherson State University, 40 let Oktyabrya 27, Kherson 73000 Ukraine.



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*An Earl in Bondage (cont'd from cover)*

number of bonds to the Court of Wards, putting up his lands as security. Two guarantors, Oxford's first cousin John, Lord Darcy, and Sir William Waldegrave, were also required to enter into bonds for very large sums, guaranteeing payment to the Court of Wards if Oxford defaulted.

This debt to the Court of Wards and the web of bonds which secured it were Oxford's financial downfall. Oxford was unable to pay his debt to the Court of Wards, and in consequence he forfeited huge sums via these bonds. Notes by Lord Burghley on one of Oxford's letters (BL Lansdowne 68/11, f. 22) show that the bonds forfeited by Oxford for non-payment of his original debt amounted to £11,446 13s 4d, as will be explained in greater detail below. When this figure is added to Oxford's original debt of £3306 17s 10d, the total amount that Oxford owed the Court of Wards by the end of 1583 was £14,753 11s 2d. It is useful to keep in mind that Oxford received nothing tangible in return for this huge debt to the Court of Wards of £14,753 11s 2d; it merely represented fines levied against Oxford, and forfeitures for non-payment of the fines.

The historical record of the network of bonds entered into by Oxford, Darcy, and Waldegrave to secure Oxford's debt to the Court of Wards is sparse and fragmentary, and information must therefore be pieced together from a number of different primary source documents. An itemization of these primary sources and what they tell us about Oxford, Darcy, and Waldegrave's bonds in the Court of Wards will be the focus of the balance of this article.

There appear to be at least seven primary sources which provide information concerning the bonds that Oxford, Darcy, and Waldegrave entered into in 1572 to guarantee payment of Oxford's debt to the Court of Wards.

1. The first primary source is Oxford's letter to Lord Burghley of 30 October 1584 (BL Lansdowne 42/39, ff. 97-8), in which Oxford writes:

And because I stand indebted unto her Majesty (as your Lordship knoweth), many of the said purchasers do greatly fear some trouble likely to

fall upon them by reason of her Majesty's said debt, & especially if the lands of the Lord Darcy and Sir William Waldegrave should be extended for the same, who have two several statutes of great sums for their discharge.

This initial reference by Oxford to the bonds guaranteeing his debt to the Court of Wards is an oblique one. Oxford does not refer directly to the bonds themselves, but to the harm which purchasers of his lands fear because of Oxford's debt to the Queen, and, by implication, the bonds which guarantee payment of that debt, bonds secured by lands which the purchasers have now bought from Oxford and which the Crown may therefore extend against at its pleasure.

2. The second primary source is Oxford's letter of 30 June 1591 to Lord Burghley and an accompanying memorandum (BL Lansdowne 68/11, ff. 22-3, 28). In the memorandum, Oxford writes:

Now, that it may appear to your Lordship that her Majesty's meaning was to grant me leases during the forfeiture of a £11,000 which myself had forfeited to the Court of Wards, as appeareth of record (part of them for the rate of my land while I was under-age, and part of them for the fine of my marriage and suing of my livery, as they appear by 12 several obligations)

Oxford states that his debt to the Court of Wards consisted of (1) the rate of his land while he was under age, (2) the fine for his marriage, and (3) the fine for suing his livery, and that he had entered into "12 several obligations" or bonds to guarantee payment of it. It is significant that in this memorandum, Oxford himself refers to the original £2000 fine levied by the Court of Wards as a fine for his "marriage" whereas in CP 25/105 it is termed a fine for his "wardship." From the variety of ways in which it is described in different documents, it would appear that no one really knew what the original £2000 fine was for, which

supports the inference that it was anomalous, and was likely levied against Oxford illegally.

Oxford states in this memorandum that the total amount he has forfeited to the Court of Wards via his bonds is £11,000. As mentioned earlier, this figure is confirmed by notes made by Lord Burghley on Oxford's accompanying letter. Lord Burghley's notes on the top left margin of Oxford's letter indicate that Oxford had entered into 13 bonds to guarantee the 13 annual payments of the fine for his livery; the total amount forfeited when Oxford did not make these payments was £1666. Similarly, Oxford had entered into 10 bonds to guarantee the 10 annual payments for the fine for his wardship and marriage, and had forfeited a total of £2700 when he did not make 9 of the 10 payments on time. Finally, Oxford had entered into one other bond to guarantee payment of his debt for mean rates, and had forfeited £80 for non-payment. It thus appears from Lord Burghley's notes that, for each one of the 24 payments due on Oxford's original debt to the Court of Wards from 1572 to 1583, there was a corresponding bond which was forfeited immediately if the payment was not made.

According to Lord Burghley's notes, Oxford had also entered into two other bonds, one for £4000 "for covenants upon his livery" and another for £3000 "for covenants upon his wardship." Burghley totals all these forfeitures together, arriving at the enormous sum of £11,446 13s 4d. He then notes that Oxford's "due debt" to the Court of Wards is still outstanding as well, that is, the original £3306 17s 10d, which Burghley reduces to £3106 18 9d, apparently being under the impression that Oxford had at some time made one of the £200 payments due on the original fine of £2000 for his wardship and marriage. This impression is confirmed by the fact that Lord Burghley lists only 9 bonds as having being forfeited with respect to that debt, rather than 10.

Lord Burghley's figures make it clear that by 1583, when Oxford had forfeited the enormous sum of £11,446 13s 4d to the Court of Wards for non-payment of his original debt of £3306 17s 10d, his hopes of ever getting out of debt to the Crown were

*(cont'd on p. 14)*

*An Earl in Bondage (cont'd from p. 13)*

all but non-existent. The situation then became extremely precarious for those individuals who had purchased lands from Oxford, since the lands they had purchased from Oxford were security for Oxford's debt to the Court of Wards and were thus subject to extent at the Queen's pleasure. Oxford's letter of 30 October 1584 (see above) reflects the anxiety felt by the purchasers. The result was a scheme by the purchasers to repay Oxford's original debt of £3306 17s 10d to the Court of Wards (but not, of course, the forfeitures amounting to £11,446 13s 4d).

3. The third primary source for our knowledge of Oxford's bonds deals with this plan by the purchasers. It is BL Lansdowne 68/11, f. 26, an undated document which records certain details of the plan set afoot in 1587, whereby the purchasers of Oxford's lands sought to repay Oxford's original debt of £3306 17s 10d to the Court of Wards.

The purchasers took this extraordinary step as a result of actual or anticipated extents by the Queen against their lands under Oxford's forfeited bonds. Extent was a legal process in which a creditor seized lands and took the income from them until the debt was repaid. Shakespeare alludes to it in *As You Like It*:

Duke: Push him out of doors  
And let my officers of such a  
nature  
Make an extent upon his house  
and lands. (III.i.17)

The document outlining the plan states that the rates for the purchasers' repayment of Oxford's debt to the Court of Wards were set on 30 April 1587, and that in November 1587 a decree was made setting up a five-year installment plan for repayment, which was to run from 2 February 1588 to 2 February 1592, but which a later document (BL Lansdowne 68/11, f.24) suggests was extended to 2 February 1594. At the bottom of BL Lansdowne 68/11, f. 26 is an itemization of the "principal parts" of the November 1587 decree, the first and second sections of which read as follows:

1. That the whole debt of £3306 18s 9-1/4d

should be stalled to pay at th' aforesaid feast-days.

2. All the purchasers and farmers of the Earl's lands since the obligations knowledged should contribute to that payment.

The words "the obligations acknowledged" refer to Oxford's bonds guaranteeing repayment of his debt to the Court of Wards, and the gist of item #2 is therefore that anyone who had leased land from Oxford ("farmers") or purchased land from Oxford ("purchasers") at any time since 1572, when Oxford first entered into these bonds, was to be required to contribute to the repayment plan. This provision was a departure from the original repayment scheme, which had been dreamed up by a few purchasers who were worried that the Queen might extend against the lands they had purchased from Oxford. Ultimately everyone, leaseholders and purchasers alike, was forced to contribute proportionately to the repayment of Oxford's debt.

4. The fourth primary source is an undated petition (BL Lansdowne 77/80) from the purchasers of Oxford's lands to Lord Burghley. It begins:

Our humble suit is unto my Lord Treasurer, that whereas we are to pay unto her Majesty for the debt of the right honourable the Earl of Oxenford the sum of three thousand three hundred pounds for the which debt all those lands stand charged which have been bought of the foresaid Earl, most of which lands were leased by the said Earl before they were sold to us

It seems obvious that BL Lansdowne 77/80 must predate BL Lansdowne 68/11, f. 26 because in BL Lansdowne 77/80 the repayment scheme is merely at the "suit" stage. Its importance is that it clarifies why the leaseholders ("farmers") of Oxford's lands were ultimately forced to contribute to the repayment scheme along with the purchasers. It was because Oxford's bonds to the Court of Wards in 1572 guaranteeing

his debt covered all the land he had owned in 1572 ("for the which debt all those lands stand charged"), and it was therefore considered fair and equitable that everyone now benefitting from Oxford's former lands, whether as a purchaser or as a leaseholder, should contribute proportionately to the repayment of his debt to the Court of Wards, even though the repayment scheme had originally been proposed by only a few purchasers.

5. The fifth primary source is BL Lansdowne 68/11, f. 24. This is an undated document, apparently addressed to Lord Burghley, which states that of Oxford's original debt to the Court of Wards of £3306 18s 9-1/4d, only £800 now remained owing at Candlemas [February 2] 1594, "whereof part is paid already."

Then follows a shocking statement:

The said Earl further became bound to her Highness in two several bonds, the one of 3000 for performing of covenants contained in the indenture of his wardship, the other of 4000 for performing of covenants contained in the indenture of his livery, concerning which bonds your Lordship gave warrant 23 July 1590 to extend these manors following, viz. [list follows].

In other words, even though the purchasers and leaseholders were apparently repaying Oxford's original debt to the Court of Wards in an orderly fashion, and by the time of this document had repaid all but £800, the Queen had nonetheless extended against the purchasers' lands by means of Oxford's forfeited bonds.

On the surface the Queen's action in extending against these lands when the repayment of Oxford's debt was apparently proceeding in an orderly fashion seems unfair and capricious, but it is known from other documents that the original repayment scheme of 1587 had collapsed because of the fraud of one of the purchasers, Thomas Skinner, later Lord Mayor of London, who deliberately failed to make his payments. It would appear that Skinner's fraud forced

the Court of Wards into the position of having to authorize extents against some of the purchasers' lands by means of Oxford's forfeited bonds, and that the Queen's action was therefore perhaps not as heavy-handed as it at first appears.

6. The sixth primary source is PRO C2/Eliz/T6/48, which consists of a petition to Sir Christopher Hatton of 6 November 1590 and an answer by Sir William Waldegrave of 25 November 1590.

The petition was filed in the Court of Chancery by Sir Roger Townshend, Sir John Danvers, Christopher Yelverton, and Miles Sandes on behalf of themselves "as also of divers others purchasers" of Oxford's lands. The gist of their complaint was that the two co-guarantors of Oxford's debt to the Court of Wards in 1572, John, Lord Darcy and Sir William Waldegrave, had been given bonds in the amount of £6000 apiece by Oxford at that time as indemnity against any loss they might suffer as co-guarantors of his debt to the Court of Wards.

Lord Darcy had died in 1581, and it would appear that both Lord Darcy's son and heir and Sir William Waldegrave were thinking of assigning these £6000 bonds from Oxford to third parties so that the third parties could collect on them. The purchasers (Townshend et al) were afraid that this would have a domino effect, triggering default on other bonds of Oxford's, and asked Sir Christopher Hatton to prevent Darcy and Waldegrave from assigning their £6000 bonds from Oxford to third parties.

The principal background facts are contained in this section of the petition:

that whereas there was a debt of three thousand three hundred six pounds seventeen shillings and ninepence halfpenny farthing due to her Majesty by the said Earl of Oxenford upon several obligations taken and yet remaining in her Highness' Court of Wards and Liveries for and concerning the wardship and livery of the said Earl and for mean rates of his lands within age, that is to say, two thousand pounds for the

fine of his wardship and marriage, one thousand two hundred fifty-seven pounds eighteen shillings halfpenny farthing for the fine of his livery, and eight-and-forty pounds nineteen shillings and ninepence for mean rates of his lands, as by the said several obligations remaining in the said Court of Wards at large appeareth, in which said several obligations the right honourable John, Lord Darcy, late of Chiche in the county of Essex, now deceased, and Sir William Waldegrave, knight, became jointly and severally bound with the said Earl unto her Majesty as sureties for the payment of the said debt and duties of the said Earl, by reason whereof, and for the saving harmless of the said Lord Darcy and Sir William Waldegrave, the said Earl became bound unto the said Lord Darcy and Sir William Waldegrave in two several statutes of six thousand pounds apiece to save them, their lands and goods harmless against her Majesty, or to the like effect, as by the defeasances thereof may appear, sithence which time the said Earl hath not paid any of the said debts due to her Majesty, whereby the said several obligations so made and entered into by the said Earl, Lord Darcy, and Sir William Waldegrave to her Majesty as aforesaid became forfeited.

Townshend's petition is valuable in that it provides confirmation of the total amount of Oxford's original debt of £3306 17s 9-3/4d to the Court of Wards, and of the three categories of which it was comprised. It also indicates that the original £2000 fine was considered by Townshend to be for both Oxford's wardship *and* marriage, which lends further support to the suggestion that no one was really certain what the fine

was for. Townshend also confirms that Oxford's guarantors, John, Lord Darcy and Sir William Waldegrave, had jointly and separately ("ointly and severally") entered into bonds to the Queen as sureties for the payment of Oxford's debt.

Townshend also points out that, naturally enough, having entered into such an onerous guarantee of Oxford's debt to the Court of Wards, both Darcy and Waldegrave had wanted a guarantee of indemnification from Oxford if the Queen took legal remedies against them for Oxford's debt because of the bonds they had entered into on his behalf. Accordingly, Oxford gave Darcy and Waldegrave each a bond ("tatute" of £6000, probably in the form of a statute staple, which the Oxford English Dictionary defines as a particular type of bond:

statute staple. Law. A bond of record, acknowledged before the mayor of the staple, conveying powers similar to those given by the statute merchant.

Oxford alludes to these two bonds of indemnification of £6000 apiece in his letter of October 30 1584 (see above), when he refers to "he Lord Darcy and Sir William Waldegrave . . . who have two several statutes of great sums for their discharge."

Townshend also states that Oxford's non-payment of any part of his debt to the Court of Wards had caused the joint and several bonds entered into by Oxford, Darcy, and Waldegrave to be forfeited to the Queen, thereby permitting the Queen to take all the legal remedies open to her to collect the debt, including extending against the lands put up as security for the bonds, irrespective of who now leased or owned them. In Oxford's case, he had long since sold virtually all of the lands in question, and any remedy taken by the Queen would fall upon those who had purchased the lands from him. In Darcy and Waldegrave's case, Waldegrave and Darcy's heir apparently still owned most of the lands which had been put up as security for the bonds to the Court of Wards in 1572, and they were thus in real danger of extents against their lands by the Queen.

The two £6000 statutes which Oxford

(cont'd on p. 16)

*An Earl in Bondage (cont'd from p. 15)*

had given to Darcy and Waldegrave in 1572 for their indemnification were doubtless secured by Oxford's lands, as was the common practice in such cases. This is likely why the petitioners (Townshend et al) were fearful that if Darcy's heir or Waldegrave assigned their bonds from Oxford to third parties, any attempt by these third parties to collect against Oxford would trigger a domino effect, because the lands which Oxford had put up as security for his £6000 bonds to Darcy and Waldegrave were the same lands he had put up as security for his debt to the Court of Wards.

Townshend then makes a statement which is somewhat puzzling when juxtaposed with Oxford's letter of October 30, 1584:

Sithence which time divers personsthatdidpurchase lands of the said Earl of Oxenford were much encumbered and molested by process of extents out of her Majesty's said Court of Wards by reason that their lands were liable to the said obligations made to her Highness, whereupon they, the said purchasers that so were encumbered as aforesaid, made humble suit as well to have an instalment of the said Earl's debt, as also that all and singular other persons who have taken by lease or purchased any of the said Earl's lands since the said obligations made to her Highness by the said Earl might be called into the said Court of Wards to make contribution towards the payment of the said debt and duties due to her Highness, and to have an equal rate and proportion to be imposed and set upon every of them for the payment thereof

From Townshend's statement one would gather that the Queen had taken the initiative of issuing a number of extents against Oxford's lands now owned by those who had purchased from him, and that as a result of her actions the purchasers had come up

with the idea of repaying Oxford's debt to the Court of Wards. This sequence of events seems to be contradicted by Oxford's letter of 30 October 1584 quoted from earlier:

... And because I stand indebted unto her Majesty (as your Lordship knoweth), many of the said purchasers do greatly fear some trouble likely to fall upon them by reason of her Majesty's said debt, & especially if the lands of the Lord Darcy and Sir William Waldegrave should be extended for the same, who have two several statutes of great sums for their discharge. Whereupon many of the said purchasers have been suitors unto me to procure the discharging of her Majesty's said debt, and do seem very willing to bear the burden thereof if, by my means, the same might be stalled payable at some convenient days.

Oxford's letter implies that no extents had actually taken place before the purchasers came to Oxford with their plan in October 1584, although the purchasers were *fearful* that such extents by the Queen might occur. Conversely, Townshend states in his petition that process for extents had *already* been issued by the Queen before the purchasers came up with the plan to pay Oxford's debt to the Court of Wards. If Townshend's sequence of events is the correct one, the fact that the Queen had already begun extending against their lands would have given the purchasers a powerful motive for offering to repay Oxford's debt to the Court of Wards.

Townshend then confirms the information cited earlier from BL Lansdowne 68/11, ff. 24 and 26, indicating that the repayment scheme was put in place by a decree in November 1587, and that, under it, "the greatest part" of Oxford's entire debt to the Court of Wards had been repaid by the purchasers by the date of Townshend's petition of 6 November 1590. In Townshend's words:

Which suit seemed so reasonable to the Master and Council of the said Court of Wards, the said purchasers offering to satisfy the said debt and duties at their own charge, which they (but in respect of their own quiet) needed not to have done, for that they in respect thereof had divers statutes and recognizances of the said Earl of great penalties for their indemnity and saving harmless, that it was ordered and decreed in the nine-and-twentieth year of her Majesty's reign [=1587] that the said debt of three thousand three hundred six pounds seventeen shillings nine pence halfpenny farthing should be stalled to be paid to her Majesty by the purchasers, farmers, and tenants of the said Earl's lands at certain days in the said decree limited and appointed, as by the same decree more at large appeareth, by reason of which said decree, and according to the said instalment, the greatest part of the said sum due to her Majesty as aforesaid hath been by your said orators and other the said purchasers, farmers and tenants, according to the true meaning of the said decree satisfied and paid, and there remaineth good and sufficient provision for the residue hereafter to be paid to her Majesty according to the said decree

If everything was going according to plan, as Townshend claims, what was it that precipitated Townshend's petition of 6 November 1590, complaining that Darcy and Waldegrave were planning to assign their £6000 bonds from Oxford to third parties?

One possible explanation is that the process which issued out of the Court of Wards on Lord Burghley's warrant of 23 July 1590 (see BL Lansdowne 68/11, f. 24 quoted earlier) had resulted in the arrest of



Waldegrave and the seizure of his goods, as he complains in his answer to Townshend's petition, and that this recent event had prompted Waldegrave to consider taking action on his own £6000 bond in order to seek indemnity from Oxford. It is true that no manor of Waldegrave's is listed in BL Lansdowne 68/11, f. 24 among the manors extended by authority of Lord Burghley's warrant of 23 July 1590, but in his answer to Townshend's petition Waldegrave himself seems unsure whether his lands had been extended, although he is certain that he was arrested by William Clopton, then sheriff of Suffolk, and that his goods were seized.

It thus seems possible that there was such shock at Waldegrave's arrest by the Queen for Oxford's debt that any process for extent against his land (if any had actually been issued) was speedily cancelled. This would explain why no extent against Waldegrave is listed in BL Lansdowne 68/11, f. 24. Sir William Waldegrave came from an old and prominent family, and the Queen twice visited his home. That she would have him arrested for Oxford's debt seems almost unthinkable. That she did so is indisputable, since Waldegrave himself attests to it, but the outrage his arrest provoked may have made his confinement very short-lived, and may have caused the authorities to suspend any planned extents against his lands.

One further point in PRO C2/Eliz/T6/48 is somewhat puzzling. In his answer, Waldegrave says that:

the said right honourable John, Lord Darcy of Chiche in the county of Essex, now deceased, and this now defendant became jointly and severally bound with the said Earl, and as sureties for the said Earl, in divers penal recognizances or bonds unto her Majesty for the true payment of the said debt and duties of the said Earl, which bonds and recognizances did amount in the whole, as this defendant taketh it, to the sum of five thousand pounds or thereabouts

Waldegrave provides the information that he, Darcy, and Oxford had entered into bonds and recognizances to the Queen amounting in total to £5000 "or thereabouts" to guarantee Oxford's debt to the Court of Wards. These bonds were both joint and several; in other words, some were bonds to the Queen made jointly by Oxford, Darcy, and Waldegrave, while others were separate ("several") bonds to the Queen made by Darcy and Waldegrave alone. Unfortunately Waldegrave's answer provides no information as to the amounts of these different bonds, although it does give the total as £5000, an enormous sum.

Another important point made by Waldegrave in his answer is that none of the bonds in the Court of Wards had yet been cancelled by 25 November 1590, despite the fact that the "greatest part" of Oxford's debt had already been paid by the purchasers. Keeping all the bonds entered into by Oxford, Darcy, and Waldegrave

*This debt to the Court of  
Wards and the web of bonds  
which secured it were  
Oxford's financial downfall.*

uncancelled and in full force and effect, when the greatest part of Oxford's debt to the Court of Wards had already been paid, seems a Draconian procedure on the part of the Queen.

7. The seventh primary source is BL Lansdowne 77/81, in which Roger Harlakenden speaks of an extent by the Court of Wards against Colne Priory because of the forfeiture of Oxford's bonds to the Court of Wards:

Now as touching the lease of Colne Priory which is now extended out of the honourable Court of Wards towards a bond of my honourable good [Lord] the Earl of Oxenford, forfeited to her Majesty.

Unfortunately, BL Lansdowne 77/81 is undated, so the precise time at which the Court of Wards extended against

Harlakenden's lease of Colne Priory is not known. Nor is Colne Priory included among the manors listed in BL Lansdowne 68/11, f. 24 as having been extended under Lord Burghley's warrant of 23 July 1590. The reason for this may be that Lord Burghley's warrant of 23 July 1590 applied only to manors purchased from Oxford, and Harlakenden was merely a leaseholder. This may, in fact, be why Harlakenden puts so much emphasis in this document on the fact that he is a leaseholder and that he did not originally acquire his lease from Oxford, although it was regularized and extended by Oxford on 2 January 1588 (see ERO D/DPr 178), a fact which Harlakenden fails to mention in BL Lansdowne 77/81.

The snapshot of Oxford's financial difficulties provided by these primary source documents is a revealing one. Not only did his bonds in the Court of Wards keep Oxford *evermore in subjection*, like Bertram in *Alls Well*, but one cannot help also being reminded of the desperate frustration of the Husband in the Shakespeare apocryphal play *A Yorkshire Tragedy*, who is faced, like Oxford, with a situation in which the security he has entered into for a huge debt is destroying his inheritance:

Husband: That mortgage sits  
like a snaffle upon  
mine inheritance  
and makes me  
chaw upon iron.  
[ii.46]

### Endnote

1. In other documents, the figures for shillings and pence vary slightly, but the figures in pounds for these fines are always given as £2000 for wardship and marriage, £48 for mean rates, and £1257 for livery, totaling £3306.

(The documents referred to are available online on Nina Green's website at [www3.telus.net/oxford](http://www3.telus.net/oxford).)

(Ed. Note: In view of the current and previous article in the *SOS Newsletter* by Nina Green, those interested in another perspective on the Harlakenden legal case may wish to see Daphne Pearson's "Robin Hood's Pennyworth: the De Vere-Harlackenden Lawsuits," *The Elizabethan Review*, spring 1999, 4-32.)

## Book Reviews

*Shakespeare's Songbook*, by Ross W. Duffin. W.W. Norton, 2004

By Gordon C. Cyr

This is an impressive work of scholarship in an area of Shakespearean studies where much light remains to be shed. As the author states in his Prologue, this “is not a songbook . . . that once belonged to . . . William Shakespeare.” Rather, he continues, “this is a collection of well over a hundred songs that Shakespeare seemed certain to have known because he inserts them, quotes them, or simply alludes to them in his works.” Ross Duffin (who is Fynette H. Kulas Professor of Music at Case Western Reserve University) is frank in conceding that many of his assignments of particular tunes to any Shakespearean song text — as well as his tune reconstructions made necessary by those assignments — are conjectural. Given Professor Duffin’s wide reading and thorough study of previous scholarship by Sternfeld, Seng, Rimbault, the Professor’s speculations seem informed and reasonable. Room, however, may yet remain for differing opinions in some cases.

The problems Duffin faces are clear enough: many songs in Shakespeare’s plays have no direction for which tune should be used, or for which no tune is known to exist. Conversely, some melodies with

Shakespearean titles exist in instrumental versions — lute, keyboard, or consort (i.e., chamber ensembles) — or in vocal settings but with texts other than Shakespeare’s. Whether the available musical version is instrumental or vocal, however, there is occasionally a discrepancy between the number and grouping of musical phrases and the often peculiar stanzaic construction of Shakespeare’s lyric.

An example of the former is found in the song “When Griping Grief,” whose bold chromaticisms (see below) set it apart from most of the tunes in this collection. The words of the song are alluded to and partially quoted in *Romeo and Juliet*. Professor Duffin assigns this melody also to “Take, O Take Those Lips Away” from *Measure for Measure* — for which no known tune has been discovered — and to “Fear No More” from *Cymbeline*. His reasons are logical enough (at least in the case of *Cymbeline*), but his “reconstruction” for “Take, O Take. . .” requires a rhythmic alteration of the last phrase in order to accommodate the different accentuation of the “seals of love” line. It should be noted that Shakespeare’s own repetitions of “bring again” and “seal’d in vain” find no place in the professor’s version.

A similar issue confronts the compiler with respect to “O Mistress Mine” from *Twelfth Night*. Here the play’s lyrics employ an unique six-line rhyming scheme: aabccb.

Two instrumental arrangements of a tune with this title exist — by William Byrd (keyboard) and Thomas Morley (consort) — without words. Neither one quite matches Shakespeare’s six-line stanza. Duffin solves the problem by juggling the four musical phrases to fit.

### Of Interest to Oxfodians

The book under review does not deal with the authorship question, by even so much as a mention. Elsewhere, Ross Duffin has written of De Vere’s musical connections (see “The Earle of Oxfords Marche,” *S.O.S. Newsletter*, Fall 1986, 3 and 4). He also dedicates this songbook, and frequently pays tribute to, his mother, longtime Oxfordian, Eileen Duffin.

Here, however, he is silent on the subject. Oxfordians may well sympathize with the Professor’s timidity, inasmuch as he is part of the orthodox academy that remains hostile to our cause. But we are surely entitled to raised eyebrows when a straight-faced Duffin uncritically parrots some dubious Stratfordian ascriptions.

The text of “When Griping Grief,” for example, is assigned by Professor Duffin to Richard Edwards (who died in 1566) — on the basis of its attribution to him in *The Paradyse of Daynty Deuises* (1576), which collection contains also the earliest exemplars of Oxford’s youthful poetry. But as Steven W. May, the Stratfordian

### In Commendation of Music

When grip-ing grief the heart doth wound and dole-ful dumps the mind op-press,  
 Then Mu-sic with her sil-ver sound with spee-dy help doth lend re - dress,  
 Of trou-bled mind for e - ve-ry sore, sweet Mu - sic harh a salve there-fore.

## Take, O Take Those Lips Away

Take, oh take those lips a - way, that so sweet - ly were for - sworn,  
 5 And those eyes: the break of day lights that do mis - lead the Morn;  
 9 Bur my kis - ses bring a - gain, Seals of love, but seal'd in vain.

scholar of Oxford's and Essex's poetry concedes, whereas the ascriptions to Oxford in *The Paradise* "seem. . . entirely reliable," those to Edwards are only "probably" as dependable. Further, the Oxfordian reader is confronted with striking evidence of the earl's own hand: "When griping grief," "with doleful dumps," "silver sound" — so reminiscent of De Vere's single — and double-barreled alliterations: "piercing plaints," "fair and yet not fond," "firm, not fickle still," "as death shall daunt my deadly dolours long," etc. On the other hand, Duffin ignores May altogether, and uncritically adopts the Stratfordian ascription of "My Mind to Me a Kingdom Is" to Sir Edward Dyer. Steven May long ago gave compelling reasons for assigning this poem to Oxford.

Further, since the professor has accepted the text of "When Griping Grief" as Richard Edwards', it seems a logical step to "go along" with the "traditional" assignment of the anonymous tune to him as well. But the tune's "bold chromaticisms" mentioned above — three successive semitones: G-F sharp-F natural-

E, followed by a succession of two semitones: D-C sharp-C natural, in which the latter note is displaced by a striking upward leap of a diminished octave — would seem to suggest the "experimental" poet-earl of Steven May's description, the musician befriended by composers such as William Byrd and John Farmer — the latter having praised Oxford as a musical amateur who had "overgone" most of the professional musicians of the time.

### Songbook's Great Value

Despite the few caveats entered above, (as well as the wince-making endorsements by such entrenched Stratfordian pundits as Harold Bloom, David Bevington, and Stephen Greenblatt), this fine collection should prove of great value to musicians, musicologists (who will note the modal origins of most of these tunes, representing the great Renaissance transition from medieval musical practice to modern tonality), theatrical producers, directors, and actors involved in "authentic," or "period" presentations of the plays by Shakespeare and other Elizabethan dramatists. Moreover,

the book's appeal to lovers of Shakespeare (of whatever persuasion) will be enormous.

The format is logical; the musical examples are clearly printed in modern notation. An accompanying CD with 81 of the songs (indicated by asterisks after the titles in the text), is beautifully sung by six singers (three women and three men), with lute and cittern accompaniments (except in the case of the rounds). Appendices include some ground bass melodies of the period and a table of pronunciations from Shakespeare's time. There is also a source list, an index of titles, first lines and refrains, an index of names and places, an index of citations, and a list of the CD contents.

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## An Encore for Shakespeare's Rare Italian Master

By Ross Duffin

In the spring 1993 issue of the *Elizabethan Review*, Bette Talvacchia presents an admirably detailed re-examination of Shakespeare's citation of "that rare Italian Master, Julio Romano," the reported sculptor of Hermione's statue in *The Winter's Tale*. Some of the material she presented there is familiar from the discussion in *The Variorum Shakespeare* and elsewhere,<sup>1</sup> but having the arguments re-presented and augmented by Professor Talvacchia led me to notice something new about the way Julio Romano's artwork is represented in the text.

Much of the confusion, whether intentional or not on the part of the playwright, centers on the fact that Giulio Romano (1499-1546) is known by reputation and from his surviving work as a painter and an architect, rather than a sculptor. This has been handily explained away by a reference to Giulio's sculpting skill in the first edition (1550) of Vasari's *Lives*. At the same time, D.E. Baughn has suggested that Shakespeare may have intentionally conflated Giulio with another artist, the sculptor Giovanni Romano (ca. 1470-1512),<sup>2</sup> leading Leonard Barkan to see in the name itself, "the multiplicity of the arts, the rivalry among them, and the paragone of art and nature."<sup>3</sup> I would like to suggest that there is yet another layer of ambiguity beyond that already recognized, namely, that Julio Romano is also the name of an Italian musician whose work was certainly known in England in the early 17<sup>th</sup> Century.

The statue is introduced in the play as follows: "a piece many years in the doing and now newly performed by that rare Italian master, Julio Romano, who, had he himself eternity and could put breath into his work, would beguile Nature of her custom, so perfectly he is her ape." (V.ii.104-108) The imagery of the first phrase is itself suggestive of music: "a piece many years in the doing and now newly performed. . ." A musical composition might be worked on for many years, certainly, and "performance" is a more typical description of musical activity — or even theatrical

activity — than of painting or sculpture. It is also true that a singer "puts breath into his work" in giving voice to his song, so that particular imagery might be regarded as musical as well.

As for the name of the artist, Julio Romano, it seems to have gone unnoticed heretofore in discussions of this passage that the famous Italian singer, composer, and theorist, usually identified today as Giulio Caccini (ca. 1545-1618), was frequently referred to at that time as Giulio Romano.

If the musical "performance" imagery is acknowledged as a possibility, then this man must have been the artist referred to, or at least this particular name must have been chosen to add to the artistic ambiguity of the situation. Caccini alias Romano was

*Shakespeare was a playwright fully aware of the latest currents in music, both popular and refined.*

known as a virtuoso singer at the court of Florence from about the year 1579. In 1600, he contributed to one of the first operas ever written, *L'Euridice*, and in 1602 published a landmark collection of songs combined with a groundbreaking treatise on singing — *Le nuove musiche*.<sup>4</sup> (Some scholars regard this as the beginning of *bel canto*.) He also spent time at Ferrara, Rome, and even Paris. Caccini was unquestionably famous enough as a singer and composer to have come to the notice of English musicians, such as John Dowland, who traveled on the continent during this period. In fact, Dowland's son, Robert, included two of Giulio's songs from *Le nuove musiche* in his 1610 collection of songs, *A Musicall Banquet*. Even before that, however, the English composer Peter Philips wrote a keyboard piece based on the most famous song from Caccini's 1602 collection, *Amarilli mia bella*. When Francis Tregian, a friend of the composer, copied that setting

into his famous *Fitzwilliam Virginal Book* sometime in the second decade of the century, he wrote at the top, "Amarilli di Julio Romano," and at the end, "Peter Philips 1603." This shows that Caccini was recognized by English musicians under the name Julio Romano — note the orthography — from a date early enough in the 17<sup>th</sup> Century to accommodate virtually any dating of *The Winter's Tale*.

What is Julio Caccini alias Romano doing in Shakespeare's play? I would propose that he is there precisely because he is alive and capable of "performing" and because his name is the same as the painter/sculptor — thus adding a layer of confusion and yet another art to the so-called "battle of the arts" in the play. Shakespeare's choice of ambiguous language and a confusing artist's name could well have been a sign that Hermione's statue was not a statue, that the 3<sup>rd</sup> Gentleman who delivered that speech was deliberately being obscure and ironic, and that the question, often posed, as to whether Hermione really died ought to be answered in the negative. To solve such an established riddle by the splendid richness of a new uncertainty based on a possible musical reference may seem far-fetched. The reason I think Shakespeare capable of obtuse musical imagery at this point is because this is not the first time in this scene that he uses a veiled musical allusion.

Near the beginning of this same scene, the 1<sup>st</sup> Gentleman addresses the newly arrived 2<sup>nd</sup> Gentleman with the phrase, "The news Rogero?" (Vii.23) This is Shakespeare's only reference to the name of this otherwise unidentified gentleman. It is also his only use of the name Rogero in his entire oeuvre, so he must have inserted it here for a reason. Rogero is, of course, the name of a ballad tune, and if the audience had missed that connection in passing, Shakespeare renders it unmistakable with the 2<sup>nd</sup> Gentleman's reply to the question: "Nothing but bonfires: the oracle is fulfilled; the king's daughter is found; such a deal of wonder is broken out that ballad-makers cannot be able to express it." (V.ii.23-27) It is important to remember that Shakespeare's

audience was the same audience that waited so excitedly for the stage jigs that frequently followed the dramas, and that all the dialogue for the jiggs was sung to ballad tunes. The printed editions of jiggs, like the broadside ballads themselves, included no music, only tune citations by title. Thus, the audience could be expected to have recognized instantly this reference to one of the well-known tunes in the repertoire. Why would Shakespeare have wanted to allude to a specific, popular ballad at this point in the drama?

A general mention of ballads, certainly, would have recalled a number of previous scenes, especially those involving the ballad-monger Autolycus, who was actually onstage with the gentlemen at the time. But the citation of Rogero, I believe, was made for a particular reason.

Among the so-called Shirburn Ballads, collected between 1585 and 1616, are two to the tune of Rogero.<sup>5</sup> One of these, No. 44, is entitled: "All such as lead a jealous life." The introduction and the first four stanzas are given below:

The torment of a Jealous minde,  
expressed  
By the Tragical and true historye  
of one Commlye called "the Jealous man  
of *Marger*" in Kent

All such as lead a Jealous lyfe,  
as bad as pains of hell,  
Bend downe attentive eares to this  
which I shall brieflye tell;  
And, thereby, learne to live content,  
in quiet peace and rest,  
And harbor not suspicious thoughts  
within a troubled brest.

Vnto all married men I write,  
the which doth lead their liues  
With proper women, fayre and fine,  
their loyall wedded wiues:  
Beare not a bad conceite in them;  
suspect not without cause;  
And, though a furious jealousye,  
breake not true lovers' law —  
As this olde man of *Margat* did,  
whose wife was yong and fayre,  
And not soe fayre as vertuous found,  
yet still opprest with care.

Abroad, got wot! she could not goe,  
but he would watch her styll,  
And follow her in everye place,  
for feare she did some yll.

If any man cast eye on her,  
the iealous foole would sware  
That she made him, in shamefull sort,  
a payre of horns to weare.  
And, by this meanes, the woman liu'd  
in dayly woe and strife;  
And, in the flowre of her youth, waxt  
weary of her lyfe.

The obvious parallel — and the reason Shakespeare must have alluded to the ballad here — is the unfounded jealousy of Leontes concerning his virtuous Hermione. The virtuous wife in the ballad winds up dead, as Hermione apparently is at this point in the play, but in *The Winter's Tale*, Hermione's resurrection gives Leontes a chance to see his error and apologize to her. To use a religious metaphor, he is redeemed by her resurrection. In the ballad, the jealous husband sees his error and repents, but irremediably — his wife is really dead. When Rogero is mentioned in the play, however, the audience still thinks Hermione is dead, and the mention of the tune serves to make the connection to "All such as lead a jealous life." The familiarity of that ballad to the audience would have led them to anticipate an unhappy ending — even in the face of Perdita's recent discovery — thus heightening their joy at the ending as it actually transpires in the play.

This subtle but effective use of a musical allusion here, I believe, reinforces the likelihood that the reference to Julio Romano later in the same scene was by a playwright fully aware of the latest currents in music, both popular and refined, and clearly poised to use that knowledge as one more way to "thicken the plot." The more we uncover the possible layers of meaning to Shakespeare's audience, the more we learn about the author, and the less such references look like accidents.<sup>6</sup>

### Endnotes

1. *A New Variorum Shakespeare*. Horace Howard Furness, ed. 284-286.
2. D.E. Baughn, "Shakespeare's Confusion of

- the Two Romanos," *JEGP* 36 (1937): 35-39.
3. Leonard Barkan, "Living Sculptures: Ovid, Michaelangelo, and *The Winter's Tale*," *ELH* 48 (1981): 657.
4. There is also the sense that Caccini "put breath into his work" by including examples of the new solo vocal form, the *aria*, in his collection. *Aria*, or "air," might be construed as a substitute for "breath."
5. *The Shirburn Ballads: 1585-1616*. Andrew Clark, ed. (Oxford: 1907).
6. A study of ballad references in Shakespeare's plays is in progress by the author.

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## Book Review

### Kermode Attacks Catholic Bard Movement

**The Age of Shakespeare**, by Frank Kermode. Modern Library, 2004.

By Peter Dickson

There are often watershed moments relating to the Shakespeare authorship dispute that stick in one's mind. Certainly one candidate for such a moment would be when the famous literary critic and scholar, Sir Frank Kermode (born in 1919) put a bright spotlight last January on the increasingly bitter dispute among Stratfordians over the hot issue of whether the Stratford man was a secret Roman Catholic, a growing and strong suspicion which has profoundly negative implications for his continued claim to the true Bard.

Kermode chose to confront the issue in his own latest book, entitled *The Age of Shakespeare*. This book appeared simultaneously with a separate book review which Kermode wrote for The New York Times (January 11, 2004), where he explored in amazing detail how this contentious Catholic Question has divided Stratfordians, as is quite clear with the two latest Shakespeare biographies by Stanley Wells and Michael Wood.

In his own book, Kermode makes no attempt to offer a sustained biographical narrative. He openly acknowledges the huge gaps and is well aware of the dreary quality of what records do survive concerning the Stratford man's activities.

Kermode tries to get around this systemic problem by devoting chapters to discrete topics: the Tudor succession problem, English theatrical history, discussion about specific theaters such as The Globe and Blackfriars, and a lengthy discussion of a literary rival, Marlowe.

Although he never refers to the authorship dispute, Kermode touches on one other crucial issue, in addition to the troublesome Catholic Question, that has always had great significance for the Shakespeare controversy.

The first hint of Kermode's troubled mind is when he makes contradictory

remarks about the Lord Chamberlain's Men, later known as the King's Men. He suggests initially that even this acting company enjoyed no particular privileged status but then a bit later observes that these particular actors enjoyed the patronage of the royal court.

This is a gross understatement. From the time this acting group was formed in June 1594, it was the most prestigious acting company, directly on the royal payroll and under the control of the Lord Chamberlain, who functioned as the royal court's Chief of Staff, the official overseer of what were known and are still known as the Inner and Outer Chambers, the private and public activities of the royal family.

It is no mere coincidence that Kermode's waffling on the status of this acting company coincides in his book with his puzzlement

*Kermode wants no part of the burgeoning Catholic Bard movement.*

as to how this company's senior professional dramatist, William Shakespeare, avoided any condemnation or imprisonment for the performance of *Richard II* on the eve of the Essex Rebellion in early 1601. He is genuinely mystified as to how the Bard remained "apparently blameless" with regard to the "imagery of treason" that the Queen and others saw in the controversial deposition scene, which was included in this specific performance evidently at the insistence of Essex and the other conspirators.

While none of this causes Kermode to ask if the true author had some extraordinary political protection, or if "Shakespeare" was perhaps a pen name, his uncertainty about what to make of this *Richard II* performance exposes how the Stratfordians remain vulnerable here. They simply have no credible explanation of what really happened and the whereabouts of the dramatist, when other authors would have

been and often were punished severely for much less.

On other matters, skeptical that Southampton was the Fair Youth, Kermode is content to aver that there was "some relationship of sorts" without speculating what that might have been.

More generally, Kermode offers no discernible connecting thread or theory about what made Shakespeare's mind tick, failures which the topical non-biographical chapters cannot hide from the astute reader.

There is only a passing reference to Shakespeare's death in 1616 and only a few to the *First Folio* project of 1623. Kermode has no interest in London printers and bibliographical evidence, namely, how and why the Shakespearean manuscripts came into print as quartos and the famous folio precisely when they did.

Ultimately, what Kermode has to say about the Catholic Question is the most revealing part of *The Age of Shakespeare*. Kermode begins with an admission that this age was still in fact more an age of religion than secular humanism. He expresses great admiration for Eamon Duffy's 1992 work, entitled *The Stripping of the Altars*, a work which has jolted literary historians of the Stratfordian persuasion into admitting how they have underestimated the importance of the Catholic-Protestant schism on cultural, social and political life in Britain during the 16<sup>th</sup> and 17<sup>th</sup> centuries.

However, Kermode, who was completing his book just as Michael Wood's BBC-financed book and documentary film, *In Search of Shakespeare*, appeared in the United Kingdom, wants no part of the burgeoning Catholic Bard movement.

While noting the theory that Shakespeare was a secret Catholic is now "thriving among literary historians," Kermode rejects the alleged connection between the young Stratford man and a "William Shakeshafte" who was a tutor for aristocratic Catholic families (Houghton and Hesketh) in Lancashire, a possible connection explored in detail by Ernst Honigmann in his famous 1985 work, *Shakespeare: "The Lost Years."*

Unlike other orthodox scholars, who

correctly note the Shakeshafte families were far too numerous in Lancashire to make a definitive link, Kermode asks why did not the young William pick an entirely different name to hide behind. For Kermode, the whole Lancashire connection is a mountain of conjecture and speculation.

“Sentimentality has always been a nuisance in Shakespeare studies” he tells us, but curiously Kermode lowers the threshold of proof when he offers his own speculation as to what the man from Stratford was doing before, during and after the “lost years.”

Kermode asserts that the motive of those advocating the Lancashire-Shakeshafte connection is to prove that Shakespeare was a Catholic. However, the situation is more complicated, and Kermode explains on page 41 in a very candid, insightful analysis exactly why the Lancashire variation on the secret Catholic theory is so seductive, virtually irresistible for a rising generation of Stratfordian scholars (see box below).

If this new attractive rival theory promises to make the Stratford man more real and more credible by filling in those vexing “lost years,” then why does Kermode reject it and also the Catholic theory *in toto*, when there is still more than enough Catholic-flavored biographical evidence in Warwickshire and London records concerning the Bard and the Shakespeare-Arden family to keep this Catholic Connection a hot topic for decades?

Kermode decided to take a firm stand against the Catholic Bard movement for the principle reason other famous Shakespeare scholars such as Sidney Lee, Roland Frye, A.L. Rowse and Samuel Schoenbaum have in the past.

Kermode asserts flatly: “there is no unequivocal trace” of a Catholic faith or inner conviction in the Bard’s poems and three dozen dramas. The Catholic Bard advocates beg to differ and this is the cutting issue in the controversy, with Kermode being convinced of the Protestant ethos or spirit of the history plays, a point which he emphasized in his review of Wood’s book and film in *The New York Times*.

Kermode also rejects the claim that the Ghost scene in *Hamlet* can be taken as conclusive evidence that the Bard was a

Catholic who believed in Purgatory. He argues that the Bard’s heavy reliance on Calvin’s Geneva Bible “need not imply a complete loss of interest in the old faith: it is perfectly plausible that Shakespeare and many non-Catholic contemporaries used it (this Bible), yet retained an interest in Purgatory.”

Finally, Kermode suggests that regardless of his parents’ religious convictions, Shakespeare is not likely to have resisted the social and political pressure to conform to the Anglican Church, the censorship machine of the Tudor regime, and more broadly the new humanist learning flowing from both the Renaissance and the Reformation. In sum, the Bard is for Kermode a secular humanist and sometime Tudor propagandist, but could never have been a secret Roman Catholic.

In his dual review in *The New York Times* of the Wells and Wood Shakespeare biographies, Kermode restates his opposition to the Catholic Bard movement. This makes him an ally of Wells, Katherine-Duncan Jones and Park Honan, all orthodox British Stratfordians representing a generation born in the 1920s and 1930s that still reveres the Bard as the cultural and literary icon of a Protestant nation which once also had a great global Empire, an empire which these scholars are old enough to remember.

Although in this dual book review Kermode sides with Wells in rejecting the secret Catholic theory, his admission that this serious question has split the once

monolithic Shakespeare Establishment, and his concise commentary on several key points of difference between Wells and Wood, surely is a major watershed.

The biggest flaw in Kermode’s review is that while he shows how Wood and other Catholic Bard advocates stretch the evidence to fit their theory, Kermode like Wells and other orthodox Stratfordians are intellectually dishonest in that they simply walk away from powerful evidence for an abiding attachment to Roman Catholicism.

Kermode totally sidesteps compelling evidence to which Wood and Ian Wilson (in his 1993 book *Shakespeare the Evidence*) point, such as the Stratford man’s oldest and favorite child (Susanna) appearing on a recusancy list in April 1606 for failing to attend Anglican Services, astonishingly only five months after the notorious Gunpowder Plot failed.

Even worse, if that can be imagined, the Stratford man in February-March 1613 negotiated for the purchase of a notorious Catholic safehouse or hideout in London, known as the Blackfriars Gatehouse. Moreover, he arranged for this purchase precisely when five of the real Bard’s dramas were the centerpiece of the wedding festivities for the first royal wedding in 70 years. This was the popular marriage of King James’s only daughter to the leader of the German Protestants, Frederick, Elector of the Palatinate, to cement a London-Heidelberg alliance against the Catholic Hapsburgs.

*Kermode Attacks (cont’d on p. 24)*

### **Kermode’s Dismissal of Lancashire Theory as “Conspiratorial”**

“As for the rest of the (Lancashire) story, it may be thought a fiction, one bright idea breeding another from another, the whole dependent on a prior aspiration to get Shakespeare from Stratford to London via Lancashire with Lord Strange’s Men, and to close the gap between the Stratford baptismal record and the bitter recognition given him by Robert Greene’s attack in 1592. The older story of his joining a traveling troupe at Stratford is also mere conjecture, but it serves as well to get the young man to London, and it sets at rest the anxieties of all who cannot think of Shakespeare’s having had quite a long spell of life that remains completely private, of which they know nothing. However, it lacks the conspiratorial detail that makes the rival theory more attractive.” (p. 41)

*Kermode Attacks (cont'd from p. 23)*

A greater incongruity cannot be imagined since the real Bard, if still alive in 1613 and concerned about his professional reputation and standing with the royal court, would never have made such a politically questionable real estate purchase.

However, the Stratford man as a prosperous grain merchant, and secret Roman Catholic from the Midlands, might well have bought such a London property. Though conforming outwardly as an Anglican in his hometown, this fellow might have been living a double life in London.

That Shakespeare lived for some years in London as a boarder in the household of the Mountjoys, French Huguenots, is highly suggestive. The households of non-English Protestants were given an official exemption from Anglican services. This exemption might have been exercised by the Stratford man as a boarder, since his name never appears as a regular communicant in any of the city's more than 30 Anglican parishes in the late 1500s or early 1600s. A high profile dramatist attached to the royal court with this name could never have afforded politically to be such a mystery man in terms of attendance at Anglican services.

The underlying theme and paranoia in Kermode's *The Age of Shakespeare* and his

review of the Wells-Wood dispute for The New York Times, is that the Stratford man could not have been and must not have been a person with an abiding sympathy for Roman Catholicism during the Counter-Reformation. Kermode knows that if the Stratford man was such a person, then he never could have been the real Bard.

For Kermode, the Catholic Bard movement must be stopped dead in its tracks because it is a slippery slope for Orthodox Stratfordians. They do not wish to fuel any further public suspicion that the Stratford man is the wrong man, given that a secret Catholic Bard clashes so sharply with the content and ethos of the literary works and also with the real Bard's official status as the Tudor regime's premier professional dramatist.

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## ***Shakespeare Oxford Newsletter***

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