

# *A Sufficient Warrant*

## Censorship, Punishment, and Shakespeare in Early Modern England

by Bonner Miller Cutting

Many laws were on the books in Tudor England to control the spoken and written word. These laws empowered the Elizabethan and later, the Jacobean authorities to censor writing that was critical of government officials and their policies. In her book *Censorship and Interpretation*, the eminent Annabel Patterson opened the door to academic discussion of the relationship of politics and art in early modern England, exploring the strategic approaches used by writers to circumvent the restrictions on freedom of expression (44-75). In *Art Made Tongue-tied by Authority*, Janet Clare provides more details on the harsh enforcement measures used in the late sixteenth and early seventeenth centuries to punish writers who went too far with politically sensitive commentary in plays, books, or pamphlets. However, the subject of censorship as it relates directly to the Shakespeare canon receives only peripheral attention from academics, a disinclination that is understandable in light of the questions that it raises in the Shakespeare authorship discussion.

That the man from Stratford-upon-Avon went unnoticed by the Elizabethan government is a stark reality. Nowhere in the multitudinous biographies of this individual's life is there anything to indicate that the authorities of state were aware of his existence as a writer. So far as the record shows, he was never interviewed by the Privy Council or any legal enforcement entity. If any scholars or members of the London literati met him, corresponded with him, or even visited him during his affluent retirement in Stratford-upon-Avon, there is no mention of it (Price 302-305). Nor is there anything to connect him in a personal way with a patron or an important government official, as Charlotte Stopes, the industrious Shakespearean researcher, noted regretfully in the preface of her 1922 biography of the Earl of Southampton (v).

Even if Shakespeare's works had no political overtones whatsoever, it is odd that the man from Stratford went unseen by the watchful eye of the government if, indeed, he wrote those magisterial works. After reviewing the punishments meted out to other writers in early modern England whose words were deemed seditious, this paper will discuss the politically dangerous material in the works of Shakespeare. If the author behind these works was a habitual political miscreant, then how did he escape the punitive measures visited regularly on less reprehensible, less prolific, and considerably

less talented, Elizabethan writers?

This leads to a more profound question: how could anyone have written these works and remained untouched by the brutal hand of government authority?

## Censorship in Early Modern England

In the last decades of the 16th century, the Revels Office and the Stationers Company controlled what the public could see and hear through the power of licensing. Exhibitions of the spoken word, i.e., theatrical performances, required the approval of the Master of the Revels. Books, pamphlets and other publications were licensed by the Stationers Company. Officials of the Revels Office and the Stationers Company were on the lookout for two kinds of subversive material: satire directed toward an important individual and subject matter critical of governmental policy. Both the written and spoken word could be used to promote dangerous political commentary; of the two, the written word was regarded as a more enduring weapon of propaganda. The authorities recalled parts of the second edition of Raphael Holinshed's 1587 *Chronicles*, as the historian had included a "reporte of matters of later yeeres that concern the State, and are not therefore meete to be published in such sorte as they are delivered" (Clare 38-39).

Books about historical subjects were scrutinized for contemporary political satire disguised in historical settings. An example was made of Sir John Hayward, a scholarly historian whose book, *The Life and Reign of King Henrie IIII*, met with a harsh reception when it was published in February 1599. Henry IV's usurpation of the throne of England was a touchy subject in the closing years of Elizabeth's reign, and the authorities were quick to spot a treasonable subtext in Hayward's book. Unwisely, Haywood dedicated the work to the Earl of Essex (Patterson 47-48).<sup>1</sup> Essex was thought to be positioning himself as the successor to the Tudor queen and the dedication further strengthened the analogy of the earl with the usurper Bolingbroke (Hazard 191). Although Hayward's book preceded the Essex Rebellion by two years, the offending inference brought him imprisonment in the Tower. At his trial, Attorney

---

**Bonner Miller Cutting** is a frequent presenter at Shakespeare authorship conferences and has researched many subjects including *Lady Anne Clifford's Triptych*, the *Van Dyke portrait of Susan Vere at Wilton House*, and *censorship and punishment in early modern England*. She has published articles on the will of William Shakspeare of Stratford-upon-Avon and her transcript of the Stratford will was published in the *Shakespeare Authorship Coalition book Shakespeare Beyond Doubt? Exposing an Industry in Denial*. Cutting holds a BFA degree from Tulane University in New Orleans and a Masters of Music in piano performance from McNeese State University in Lake Charles, Louisiana. She published an article on "Wardship and Edward de Vere" in *The Oxfordian* 18.

General Edward Coke didn't mince words in characterizing it as "a storie 200 yere olde . . . intending the application of it to this tyme" (Hammer 6). The furor over Hayward's book reveals how aggressively Elizabethan officials responded to writing that was thought to mask current events in a historical context. Moreover, in the aftermath, the Archbishop of Canterbury stipulated that all histories be approved by the Privy Council, a startling measure which gave the elite in the Queen's government direct authority over the writers of the era in matters pertaining to England's history (Clare 83).

Though treasonous intent could be embedded in the written word, the theater was considered a more immediate danger, as seditious dialogue could rouse an audience. A play that incited riot or, worse still, open rebellion could pose a direct threat to the peace of the realm. The risk increased as the population of London surged during Elizabeth's reign. As early as 1573, William Cecil, Lord Burghley, tightened the government's grip on "playmakers and plaiers" with a document designed to increase the authority of the Revels Office. Another document prepared for Lord Burghley in 1581 implemented even closer state surveillance of the theaters and reinforced the penalty of imprisonment for those who violated government restrictions.<sup>2</sup> By the early 1580s, the Queen's Privy Council was regularly issuing orders to Justices of the Peace, the Lord Mayor of London, and other authorities to permit only those plays which yielded "honest recreation and no example of evil" (Clare 30-31).

These increasingly severe measures were underpinned by legislation passed by Parliament in 1581. An "Act against seditious words and rumours," recorded as 23 ELIZ CAP II, became known as the "Statute of Silence" (Patterson 25-26). The statute came in the wake of the punishment of John Stubbes, who wrote a pamphlet, *The Gaping Gulf*, in which he disapproved of Lord Burghley's policy supporting the Queen's proposed marriage to the French Duc d'Anjou. Stubbes was charged with disseminating seditious writings and found guilty. As punishment, his right hand was cut off with a butcher's knife and the wound seared with a hot iron. His publisher suffered the same fate. Stubbes was imprisoned for eighteen months; the publisher died of his wounds (*DNB*, 19: 118-119). If the "unhanding" of Stubbes was meant as an object lesson to stifle public criticism of government policy, it succeeded. The subsequent Statute of Silence clarified just what kinds of writing would constitute a libelous crime and specified even harsher penalties for disobedience.

## The Playwrights

Christopher Marlowe was a successful playwright whose work brought him unwelcome attention. In May of 1593, he was summoned to London by the Privy Council. Charges had been brought against him by one Richard Baines (Nicholl, *Reckoning* 46, 352). In correspondence with Lord Burghley, Baines wrote that Marlowe "persuades men to Atheism . . . scorning both God and his ministers" (Riggs, *Marlowe* 329-336).

In spite of the fact that Baines was an insidious informer in the Elizabethan secret service, these charges were serious enough to be punishable by death.

In building the case against Marlowe, on May 6, 1593, government officials arrested his roommate Thomas Kyd (Riggs, *Marlowe* 319-320).<sup>3</sup> Kyd's lodgings were searched and his papers confiscated by order of the Royal Commissioners.<sup>4</sup> He was incarcerated in Bridewell Prison, interrogated on May 11, and, in his own words, withstood "pains and undeserved tortures (Miles 27)."<sup>5</sup> Bridewell was known for a method of torture called "the scavenger's daughter." This mechanism consisted of an iron ring, tightened by turning a screw to bring the head, feet and hands together until they formed a circle. With this incentive, Kyd wrote two letters to Thomas Puckering, the Lord Keeper of the Privy Seal, in which he confirmed that Marlowe had committed religious heresies.<sup>6</sup>

These letters are still extant, but scholars, quite sensibly, discount their credibility since Kyd composed them under the duress of "being crushed alive at Bridewell" (Riggs, *Marlowe* 320-322). It is thought, not unreasonably, that this treatment hastened his death a year later. Historian Rosalind Miles summarizes this unfortunate situation: "Ignorance, innocence even, was no defense for a suspected playwright against the might of a suspicious state (27)."

Although Marlowe's associates accused him of heretical religious views, his works, are ambivalent toward religion, suggesting that it was the sheer popularity of his plays that brought him to the attention of the Royal Commissioners and the Privy Council. His plays: *Tamburlaine*, *The Jew of Malta*, and *The Massacre at Paris* had played to packed houses (Riggs, *Marlowe* 319). By the spring of 1593, *Doctor Faustus* may have been in the works (Clare 50), and the material dealing with the unorthodox Catholic philosopher Giordano Bruno could have been a factor contributing to Marlowe's downfall (Riggs, *Marlowe* 248-249). Bruno became known in England when he lectured at Oxford University in the 1580s. He later spent some time in France, where Sir Francis Walsingham used him as an "intelligencer" (a spy) within the French embassy (Nicholl, *Reckoning* 202-210). The details are beyond the scope of this paper, but it is clear that the Bruno material in Marlowe's play had, according to Clare's *Art Made Tongue-Tied by Authority*, "disquieting implications for the Elizabethan government (49)." That something was indeed disquieting about the Bruno scene can be inferred from the delay of twenty-three years before the scene was published in the 1616 edition of Marlowe's *Doctor Faustus*.<sup>7</sup>

Although it remains unclear exactly what alerted the authorities to Marlowe's writing, once activated, they moved swiftly. On May 18, 1593, the Privy Council issued a warrant for his apprehension. Henry Maunder was sent "to repair to the house of Mr. Thomas Walsingham in Kent" to bring Marlowe to London. Marlowe was questioned by the Council on May 20 and released on bail with the command "to give his daily attendance on their Lordships" – which meant that he had to report every

day to Greenwich Palace where the Council resided. Marlowe was on a short leash (Riggs, *Marlowe* 333; Nicholl, *Reckoning* 46-47). It is instructive to note that it took only two days for the Privy Councilors to locate Marlowe and reel him in for questioning. By May 30 – only ten days later – he was dead.

Thomas Nashe was another writer making a name for himself in the 1590s, by which time he had established a reputation for catching “the intellectual pulse” of the urbane London intelligentsia (*ODNB* 5: 40, 240). He was arrested and imprisoned in 1593 for his apocalyptic religious lament *Christs Tears Over Jerusalem*, and was released through the good offices of his new-found patron, Sir George Carey, to whose wife the work was prudently dedicated (*ODNB* 5: 241). In the summer of 1597, Nashe collaborated with Ben Jonson on a play, *The Isle of Dogs*. It was performed at the Swan Theater. Records of the Privy Council and other literary sources reveal the fierce response it elicited from the authorities (Clare 72). It is reported that Queen Elizabeth was greatly angered, and the matter was handled by the highest officials in her court (Miles 31-32).<sup>8</sup> In an order of July 28, 1597, the Privy Council closed down all the London playhouses. Jonson and several actors were imprisoned immediately (Miles 32). Most tellingly, the investigation was turned over to none other than the Queen’s notorious torturer, Richard Topcliffe (Clare 72-76). Topcliffe was further empowered by the Council to “peruse such papers as were found in Nashe’s lodging” and to discover how many copies of the play had been distributed and to whom (Nicholl, *Nashe* 244). As no copies of *The Isle of Dogs* survive, it is reasonable to assume that Topcliffe did his job thoroughly (Hibbard 235).

Known as a “monster of iniquity,” Topcliffe tortured confessions from the Jesuit missionaries in England during the last decades of Elizabeth’s reign (*DNB* 19: 979-980). He had a rack and other demonic machines of his own invention in his home, and was given the authority to bring prisoners there for questioning. He reported directly to the Queen (Nicholl, *Reckoning* 110-112).

Henslowe wrote in his Diary that he “paid this 23 of August 1597 to Harey Porter, to care to T Nashe now at this in the Fleet, for writing the Isle of Dogs ten shillings, to be paid again to me when he can.” Twentieth-century historians have come to question the authenticity of this entry (Freeman 206, 415),<sup>9</sup> though a woodcut published in 1597 shows Nashe in leg irons. It is accepted today that somehow Nashe made a getaway to the country (*DNB* 14: 107-109),<sup>10</sup> perhaps having recovered from the ministrations of Topcliffe. It is unknown when, where, and how Nashe died (Miles 65; Nicholl, *Nashe* 269). The earliest reference to Nashe as deceased was in 1601.

Nevertheless, according to the official story, Nashe supposedly wrote *Lenten Stuffe* the next spring when he was on the lam, and it was entered in the Stationers Register in early 1599 (Hibbard 236-237).<sup>11</sup> Again, the hammer came down swiftly. Soon after, the Archbishop of Canterbury ordered that all of Nashe’s writings be collected

and destroyed (Arber 677-678). Nashe had suffered quite a fall from the days when his play, *Summers Last Will and Testament*, was performed at the Archbishop's summer lodgings at Croydon (Hibbard 88-89).<sup>12</sup>

Nashe was not the only writer whose work was consigned to the flames. Included in the Archbishop's instruction "to be burnt" were works of John Marston, Thomas Middleton, Gabriel Harvey, Sir John Davis, and several writers who were less well known (Arber 677).

In 1599, John Marston was new on the London scene, having made his debut the year before with a satirical book, *Pigmalion*. This, and his subsequent *Scourge of Villany* were at the top of the list of books set for destruction by the Archbishop's ban. With his total literary output condemned, Marston might have taken the hint that he did not have much of a future in the London literary world. But in case he needed further prompting, two years later he was satirized by Ben Jonson (along with Thomas Dekker) in Jonson's play *The Poetaster*. Jonson was in trouble as well for *Poetaster* (Patterson 49). Brought up on charges before Lord Chief Justice Popham, Jonson "lawyered up" – a novel approach for that day and age. His attorney, Richard Martin, defended him successfully, and Martin's advocacy is credited with saving the play, although it was highly censored upon its publication the following year (Riggs, *Jonson: Life* 80, 87; Clare 107-111).

The bone of contention between Marston and Jonson is unclear, but several years later, their enmity forgotten, they collaborated (along with George Chapman) on another dangerous undertaking. That play, *Eastward Ho*, was performed in 1605 and reportedly mocked the new King and his courtiers. Jonson and Chapman were imprisoned (Clare 119-172).<sup>13</sup> According to the *Dictionary of National Biography*, Marston was incarcerated as well, though recent historians are uncertain on this point (DNB 12: 1142; Miles 96).

The offense provoked a serious response. It appears from Jonson's letters that the playwrights were to have their ears and noses cut (Clare 141,169). Pleading for clemency, Jonson wrote frantically to highly placed individuals including the Earls of Salisbury, Suffolk, Pembroke, Montgomery, the Countess of Bedford, his patron Esme Stuart Lord D'Aubigny, and the King himself (Salgado 180).<sup>14</sup> Even though Jonson was still at a fairly early point in his career, he had established a remarkable network of acquaintances he could call on directly. Apparently this lobbying effort secured his release with his ears and nose intact.

Reliable information about Marston and his literary career is difficult to come by. Much of his work was published anonymously, and some with only his initials I. M. In *Scourge of Villainy*, he adopted an odd pseudonym, "W. Kinsayder," and he dedicated *Scourge* to "Oblivioni Sacrum." Translated as "everlasting oblivion," this motto must have been meaningful to him as it appeared on his funeral monument decades

later (*DNB* 12: 1141-1142).

In 1608, three years after the *Eastward Ho* debacle, Marston was imprisoned with George Chapman. Marston continued to operate in the shadows and his later offense is unclear, but after his release from prison, he was put out to pasture. He took holy orders and was given the living of Christchurch in Hampshire, a post he held until shortly before his death in 1633. Still, he may not have disappeared entirely from the literary scene, as he is suspected of writing anonymous satires from time to time. It is thought he was responsible for criticism of the Duke of Buckingham shortly before the Duke's assassination in 1628 (*DNB* 12: 1143).

The Earl of Essex continued to be a sore subject long after the Earl and his eponymous rebellion had come and gone in 1601. In 1605, Samuel Daniel brought the wrath of the Privy Council down on his head when he published a milquetoast play *Philotas* (*DNB* 5: 477-478).<sup>15</sup> The Council was disturbed by what they thought were sympathetic allusions to the now quite late Earl of Essex (Clare 148, 169-170).<sup>16</sup> Daniel has been described as “a workmanlike man of letters” who “edged his way from one noble family to another in precarious feats of survival” (Parry 209). By this time, he had worked his way up to a cushy court job as the director of the Children of the Queen's Revels. But the allegations against him could end his upward mobility, and when he turned to his patron, the Earl of Devonshire, for a word in his defense, the Earl sought to distance himself from Daniel. This incident reveals how hypersensitive the government elite could be to the slightest hint of sedition. It is odd, too, that a small misstep nearly ruined the career of the politically savvy Samuel Daniel. Janet Clare brushes off the situation with the mild assessment that “its scholarly use of classical material failed to deflect interest in its topicality as political drama” (148). More to the point, the damage done by the Earl of Essex had a strangely long shelf life.

Ben Jonson was one of the best-known playwrights of the English Renaissance. Characterized as the dictator of the London literati, his turbulent career spanned almost four decades. He was imprisoned four times (though two were in connection with murder and do not concern us here (*DNB* 10: 1070-1071; Riggs *Jonson: Life* 32-35, 80, 105-106, 122-126). Three of his encounters with the law have been previously discussed: his imprisonment over the *Isle of Dogs*, his appearance before the Chief Justice Popham over *The Poetaster*, and his incarceration with Chapman and (and possibly Marston) as a result of *Eastward Ho*. Though other troubles were in his future, one more incident is especially noteworthy. This time he was called to report to the Privy Council on a charge of treason. The penalty for treason was death, so it is safe to say Jonson found himself, once more, in a rather serious situation.

Sometime in 1603, *Sejanus* was performed at the Globe by the King's Men. This play was suspected of depicting parallels between the careers of the historical Sejanus and the recently executed Earl of Essex; the Privy Council suspected that ancient

history was being used to disguise contemporaneous satire (Patterson 50; Clare 134).<sup>17</sup> Jonson responded to the charges by marshaling the support of his influential friends, and turned to his patron Esme Stuart, Lord D'Aubigny (Riggs, *Jonson: Life* 369). Although the details are not known, it appears that D'Aubigny used his status as a favorite with King James to get Jonson off the hook from the treason charge (Clare 133). When the play was published two years later, Jonson smartly added what has been called an "ideological gloss," i.e., elaborate annotations to give the play more historical context and lessen its contemporary relevance (Patterson 49-50).<sup>18</sup> Remarkably, the disingenuous Jonson asserts his innocence of historical parallelism, even as he puts forth his "less-than-innocent critique of contemporary English authorities" (Donaldson 187-189, 437). But the literary gambit worked, and Jonson's ostensible exposition on the heinousness of tyranny, for some reason, satisfied the authorities. Jonson makes it clear, however, that the printed quarto is "not the same as that which was acted on the public Stage."

The *Sejanus* affair has an additional significance: this is the second time that Jonson's path supposedly, directly, crosses Shakespeare's (Riggs, *Jonson: Life* 105). Orthodox scholars often note that Shakespeare acted in two of Jonson's plays, *Every Man in His Humor* and *Sejanus*, performed in 1598 and 1603 respectively. Jonson biographer Ian Donaldson goes so far as to suggest that "[w]ith Shakespeare possibly playing the part of the emperor Tiberius, this [*Sejanus*] would have been the hottest ticket in town" (186).<sup>19</sup> It is seldom noted that these two references to Shakespeare as an actor are found in Jonson's *Works*, published in 1616. Doing the math, this is a delay of eighteen years for *Everyman* and thirteen years for *Sejanus*. Coming so long after the fact, Jonson's reference to Shakespeare suggests that the clever Jonson has done some bootstrapping. That inference is supported by a legal test known as *res gestae*. *Res gestae* means that for evidence to be reliable, it must be "so spontaneous and contemporaneous with the circumstances as to exclude the idea of deliberation or fabrication" (Miller 376). In other words, reliable evidence cannot appear to be contrived.

In his biography of Ben Jonson, David Riggs discusses how Jonson used his 1616 folio as an opportunity to reinvent himself:

Jonson was not content merely to revise his early quartos: by dating the folio texts from the time of their original performances, he also fostered the illusion that he had not revised them... Jonson's pretense of total accuracy is exceedingly disingenuous. (225)

Riggs gives examples of statements that are misleading, and notes that Jonson "also expunged various clues about his own changing circumstances" (225). Riggs' suggestions lead to something beyond mere embellishment. While Jonson was reinventing himself, might he have taken the opportunity to invent a paper trail for someone else?

The lack of real-time references to Shakespeare as an actor in *Sejanus* are all the more



bizarre in the historical context when, as noted, the play kicked up some trouble when it was originally performed in 1603. Bearing in mind that Jonson was called before the Privy Council on charges of treason, does it not seem a bit odd that no one thought to have a word or two with Shakespeare? (Chambers, *Stage 4*: 168).<sup>20</sup> In his book *Contested Will*, James Shapiro labors to tell the readers that Shakespeare was a phenomenal observer (275). If Jonson's belated reference in 1616 can be trusted, then Shakespeare was right there on the scene in 1603. If so, here was the perfect witness to report to the Privy Council on Jonson's theatrical intent. After all, by 1603 (if the Stratford man was truly the author of the Shakespeare works), he was a well-established playwright with a long list of masterpieces under his belt. Both his narrative poems, *Venus and Adonis* (1593) and *Lucrece* (1594), had been republished several times, indicating broad public awareness of Shakespeare's poetry. Is it not strange that the Privy Council let this golden opportunity for a firsthand account of *Sejanus* from an individual so articulate (not to mention one with such great powers of observation) slip through their fingers?

## The Shakespeare Canon and Censorship

### Falstaff – Oldcastle

In a controversy affecting Shakespeare directly, it seems the dissipated character Sir John Falstaff in *1 Henry IV*, *2 Henry IV*, and *Henry V* was initially named Sir John Oldcastle (*Riverside* 930, 972). A commentator later wrote that the Cobham family was offended by the “buffone” in *Henry V* using the name “Oldcastle” (Clare 97). The historical Sir John Oldcastle held the title of Lord Cobham, and the Brooke family, who had the Cobham title during Elizabeth's reign, apparently regarded Shakespeare's use of this name for a crass, debauched character as a denigration of their family dignity. In the words of Janet Clare, “we can only surmise whether he [Shakespeare] set out deliberately to travesty the House of Cobham” (98). It gets worse. What escapes Clare's notice is that Lord Cobham's daughter, Elizabeth Brooke, was the wife of Robert Cecil; therefore, the House of Cecil might have taken notice of the slight as well (Handover 67-69). That any writer of the era could get off scot free with a travesty of these two families – and could keep the offending name going through three plays before it was imperfectly removed from the published versions – should raise questions about the author's identity.

### Polonius – Lord Burghley

First broached in 1869 by George Russell French, it became accepted in the twentieth century that the character Polonius in *Hamlet* is modeled on William Cecil, Lord Burghley. Orthodox Shakespearean biographers shriek with dismay, but the identification has been recognized by established historians including Lawrence Stone, Joel

Hurstfield, and Alan Gordon Smith. In an innocuous comment, a historian refers to Lord Burghley as “the canny Polonius,” an indication that the theatrical representation is well accepted (James 387).

Pushing back as best he can on behalf of Stratfordians, James Shapiro has grasped that the stakes are high, purporting that those who concur with the Polonius-Burghley comparison “betray a shallow grasp of Elizabethan dramatic censorship” (177).<sup>21</sup> How ironic a position for an academic to take, especially in light of the stature of the historians who accept the identification. But more to the point, the identification is ironclad. The character was named Corambis in the first quarto, an unflattering take on Lord Burghley’s motto, *Cor unum, via una* (One heart, one way). Polonius’s precepts to his son Laertes resonate with Burghley’s “Precepts to a Son,” published after the Stratford man’s death.<sup>22</sup> Knowledge of the unpublished “Precepts” and other parallels between the character Polonius and Lord Burghley indicate that the author of *Hamlet* had inside information about the Cecil family, as well as a lot of nerve.

### Robert Cecil – Little Crookback

And what of the canny Cecil’s hunchback son, Sir Robert Cecil? The younger Cecil’s gift for strong-armed tactics was first apparent in 1592 in his recovery of pilfered goods from the Spanish ship the *Madre de Dios*. As he reported to the Queen, “I must be offensive to the multitude and to others that may be revengeful...” Unsurprisingly, the younger Cecil soon earned the moniker “*Robertus diabolus*.” Biographer P. M. Handover accepts that “to attain his ends he has ignored the moral distinction between good and evil.” Cecil himself commented that “By my rough dealing I have left an impression” (1, 85-88).

The outpouring of pent-up revulsion that followed Robert Cecil’s death in 1612 reveals the extent to which he was hated (Dickinson 76; Handover 145).<sup>23</sup> According to G. P. V. Akrigg in *Jacobean Pageant*, “Men who had been afraid of him and his spies while he lived now spoke freely” (109). Cecil’s distinguished cousin Francis Bacon published an essay, titled “On Deformity,” that was widely thought to be modeled on him. Of this essay, the busy correspondent John Chamberlain wrote that “the world takes notice that he [Bacon] paints out his little cousin [Cecil] to the life” (du Maurier 61). Among the more unkind epitaphs is an anonymous verse comparing Cecil to Richard III: “Here lies little Crookback/ Who justly was reckon’d/ Richard III and Judas the second” (Akrigg 110).<sup>24</sup> It would be far too bold for historian Akrigg to associate the hunchbacked Cecil with the despised Plantagenet king in the popular play, yet this libel demonstrably shows that someone did indeed connect the dots.

Tellingly, the occupant of the mansion home in Stratford-upon-Avon was never asked by the authorities to explain if his character Richard III was a thinly veiled

dramatic representation of the eminent Tudor official with whom he shared conspicuous physical attributes (Clare 42).

### Richard II and the Essex Rebellion

Which leads us to the most puzzling failure of Elizabethan censorship: Shakespeare's *Richard II*. It is known that this play was publically performed the day before the Essex Rebellion.<sup>25</sup> It is also known that this play had already acquired a clear association with the Earl of Essex. In a 1597 correspondence dealing with Essex's military campaign to the Azores four years earlier, Walter Raleigh wrote that "the conceit of *Richard II* hath made the Earl of Essex wonderful merry" (Handover 155, 162). Two years later, John Hayward's dedication of *The Life and Reign of King Henrie III* to Essex reinforced the comparison between the Earl and Bolingbroke (Lacey 218, 300; Donaldson 187-188). One wonders how Essex kept his head on his shoulders as long as he did. But whatever his eccentricities, when his literary interests are taken into consideration, it does seem odd that Essex never extended an invitation to the author of the play he so admired to join with his clientele of scholars, statesmen and soldiers who gathered around him for many years at Essex House (Dickinson 100-102).<sup>26</sup>

Moreover, on the fateful weekend of February 7, 1601, the performance of *Richard II* at the Globe Theater was intended to embolden the followers of Essex and Southampton and rouse the populace in support of their uprising – exactly what the Queen and her royal administration feared the most from the public theater. Historians are uncertain whether this was the first time the deposition scene was played on the public stage; the three quartos published prior to the rebellion do not contain it (*Riverside* 837-838).<sup>27</sup> Yet it seems that this scene had to have been a focal point in the performance, as the play is referred to in the legal aftermath as "the killing of Richard II" (Chambers, 2: 322-327).<sup>28</sup>

Essex and his leading adherents were quickly apprehended, tried and convicted, but the actors themselves were handled gently. Ten days elapsed before one actor from the Lord Chamberlain's Men, Augustine Phillips, was tapped for questioning by the Privy Council, and he was not even placed under arrest. In his deposition, he stated that *Richard II* was an old play and nobody would come to see it (Chambers, 2: 323). The actors, he said, were paid an additional forty shillings for their efforts, ostensibly to compensate them for the loss at the box office (Handover 192-194, 222, 229). For whatever reason, the actors were readily forgiven and, strangely enough, the company was performing for Elizabeth's court just days later on February 24, the day before the Earl of Essex's execution.

As noted, the theaters were kept under government surveillance for the very reason that they could be cauldrons for public disturbance, leading to riot and rebellion. It

has also been noted that historical subjects were considered especially dangerous. The Essex Rebellion was the most serious threat to Elizabeth's reign since the Spanish Armada in 1588 and the most dangerous civil uprising in thirty years. Worse still, discussion of the royal succession was expressly forbidden. Yet *Richard II* deals with not one, but three, explosive subjects: the deposition of a reigning monarch, the succession of the next, and the Royal prerogative (Gohn).

### Shakespeare and Richard II

It is instructive to review how many Shakespearean elements coalesce in this performance of *Richard II*:

- Shakespeare's play is used for sedition and inciting rebellion (Dean 55).
- It is performed by Shakespeare's company, the Lord Chamberlain's Men.
- The performance takes place in Shakespeare's theater, the Globe.
- Shakespeare's patron, the Earl of Southampton, is a principal leader in the uprising (Handover 224).<sup>29</sup>

In his introduction to the *Riverside Shakespeare*, G. Blakemore Evans writes of the eminence of Shakespeare in his company, a position undisputed by the orthodox (28). However, if that is true, it is all the more odd that the authorities chose to question Augustine Phillips rather than Shakespeare, the individual whose associations with the play, the company, the venue and the leader of the rebellion should have been readily apparent, again assuming that the traditional attribution of authorship is true.

It seems that only the author of Shakespeare could insult important families, write about the deposition of a monarch, and have his work performed as part of a treasonous enterprise, and still remain unseen (Akrigg, *Southampton* 248-253).<sup>30</sup> Shakespeare was free of governmental oversight when transgressions that were far less serious brought consequences to other writers of the time, ending their writing careers if not their lives. But as far as the record shows, Shakespeare was never asked to explain himself. He inhabited a very special place in the Elizabethan world. He was exempt from retribution – and untouchable.

### The Privy Seal Warrant

A document extant in the public record may shed some light on the paradox of an individual who composed highly seditious works but remained invisible to the authorities. On June 26, 1586, Queen Elizabeth executed a Privy Seal Warrant in which she instructed her Exchequer to pay a thousand pounds a year to Edward de Vere, the seventeenth Earl of Oxford. A Privy Seal Warrant was the Queen's order to her Exchequer to pay the bills of her royal administration (Adams 114-123). Such

warrants were usually issued for a single payment for a specific expense or service rendered. However, this particular Privy Seal Warrant was a kind less often utilized; its language makes it a Privy Seal Warrant Dormant. The word *dormant* means that the payment is a standing order for a sum to be paid for an indefinite length of time until the Queen commands its cessation – something she never did in this case (Ward 257-260, 357-358).<sup>31</sup> This payment continued for the remaining seventeen years of Elizabeth's life and was reinstated by King James on his accession to the throne in 1603. By the time of Oxford's death in 1604, the grant had continued for eighteen years, amounting to a total between \$9 million and \$18 million (US) in today's money.

The longevity of the annuity is all the more puzzling as it lasted throughout the years when the royal treasury was seriously strapped for cash. Historians of the Tudor era recognize that Elizabeth I was impoverished from the beginning of her reign, and her finances steadily worsened (Lacey 57-58).<sup>32</sup> After years of sparring with Spain on the high seas and in the Low Countries, the war with Spain effectively began in 1585. King James brought the wars to an end in 1604 with the formal signing of a treaty between England and Spain (Akrigg, *Pageant* 60-63).

In his *Economic History of England*, Frederick Dietz uses contemporaneous sources to summarize the costs of the wars, giving a total of over £5,000,000 expended on “economically unproductive military operations” (155). Over £3,000,000 was spent in the decade 1590 to 1600 with the crown frequently calling on Parliament for subsidies to finance the costly mess (Black 228-230). The conquest of Ireland cost nearly £2,000,000 in the last decade of the Queen's life (Dietz 155). In his chapter “The War Goes Sour, 1586-1587,” Paul Hammer details the “sorry shape” of the war effort in the Low Countries (132-137). It is significant that 1586 is the year when Oxford's annuity began. According to Hammer, the financial shambles of the war in the Low Countries had become clear even by the early months of 1586, and the Queen's army was left destitute over the winter of 1586 (124-133). The people in her realm were not any better off than the soldiers, and it was said in the Commons that the poor “were compelled to sell their pots and pans to meet the already heavy taxation” (Black 228-231).<sup>33</sup>

In his study of the Elizabethan Exchequer, Dietz notes that the sale of crown estates was a last resort, but lands were sold in 1589 because “conditions were so bad that Burghley himself seemed to despair” (71). Dietz continues that, after Burghley's death in 1598, “the Irish rebellion was sucking the treasury dry and new ministers abandoned Burghley's caution and sold land in quantities unequalled since Edward VI's time...” The Queen's last Parliament of 1601 was acrimonious. Yet in spite of the expenses of the foreign wars, the bad harvests of the 1590s, and the poverty of the Exchequer, the payments to the seventeenth Earl of Oxford continued.<sup>34</sup>

It would seem that a large outlay of cash during these troubled years – especially

a thousand pounds annually to the Queen’s “well beloved Cousin, the earl of Oxford” – should merit close scrutiny (Ward 257-260). Remarkably, historical scrutiny is precisely what this document has not had. The only historian to report on it prior to Bernard Ward’s discovery of it in 1928 was Edmund Bohun in his 1693 biography of Elizabeth I (Ogburn 689).<sup>35</sup> The purpose of the remainder of this paper will be to remedy this oversight.

### The Document

Elizabeth, etc., to the Treasurer and Chamberlains of our Exchequer, Greeting. We will and command you of Our treasure being and remaining from time to time within the receipt of Our Exchequer, to deliver and pay, or cause to be delivered and paid, unto Our right trusty and well beloved Cousin the earl of Oxford, or to his assigns sufficiently authorized by him, the sum of One Thousand Pounds good and lawful money of England. The same to be yearly delivered and paid unto Our said Cousin at four terms of the year by even portions [beginning at the Feast of the Annunciation last past]: and so to be continued unto him **during Our pleasure, or until such time as he shall be by Us otherwise provided for to be in some manner relieved;** at what time Our pleasure is that this payment of One Thousand Pounds yearly to Our said Cousin in manner above specified **shall cease.** And for the same or any part thereof, **Our further will and commandment is that neither the said Earl nor his assigns nor his or their executors nor any of them shall by way of account, imprest, or any other way whatsoever be charged towards Us, Our heirs or successors.** And these Our letters shall be your sufficient warrant and discharge in that behalf. Given under Our Privy Seal at Our Manor of Greenwich, the six and twentieth day of June in the eight and twentieth year of Our reign. (bold emphasis added).

First, this grant is given entirely at Her Majesty’s discretion, i.e., at “her pleasure,” and it will cease at her pleasure. This is why it is a warrant *dormant*. Next, the phrase “by Us otherwise provided for” has attracted a great deal of attention, and the explanation is offered that the Queen assumed financial responsibility for Oxford in order to maintain him in his nobility. Most curious of all is the non-accountability clause that “neither the said Earl...shall by way of account...be charged towards us.” But before these statements are examined, the following facts should be kept in mind:

1. Oxford did nothing for which he might have *earned* financial remuneration. He held no important state office, no embassy, and no military posts (Ward 256).<sup>36</sup>
2. A thousand pounds was more than one per cent of the Queen’s annual domestic budget. Simon Adams estimates that the cost of running the various household

departments (some supplied directly through the Exchequer and some through other means) came to roughly £90,000 annually by the end of her reign (119).

3. Queen Elizabeth I has been known through the centuries for many fine qualities, but charity has never been one of them (Hazard 118, 227). In fact, Lawrence Stone describes the Queen as a master at giving that which cost her nothing (191, 194-197, 201-204, 222). According to Stone, “Money [was] the one thing that Elizabeth could not bring herself to give away” (197).
4. The money was paid to Oxford in quarterly installments of £250. Oxford’s detractors argue that the Queen was doling out the money, but a more likely explanation lies in the large amount of the annuity. It took time for the funds to accrue during the year, especially in a depleted Exchequer.
5. The Royal Exchequer was a hard cash concern with payment in gold or silver coin or bullion. Delivery of the money was not a simple matter. It had to be counted out, packed in saddlebags or carts, and accompanied by armed guards to its destination (Stone, unabridged 508-512).

To explain away this annuity, academics have recently picked up on Edmund Bohun’s 17th century comment that the Queen wished to maintain the Earl of Oxford in the splendor of a courtier (Nelson 300-303, 379-380).<sup>37</sup> It obliges one to believe that Queen Elizabeth gave the earl this financial underpinning simply to keep up appearances, something hardly credible in the context of her parsimony and impoverished treasury. In his book *Crisis of the Aristocracy*, Stone reports that it took an income of approximately £5,000 annually to support an earl in an earldom (unabridged 547-586). If the purpose was to keep the Earl of Oxford in a manner commensurate with his rank, a thousand pounds a year – though an enormous sum – was only 20% of what it would take to do the job (Green 60-78).

The more serious flaw in the argument, however, is that this is not how the Queen did business. Had she wanted to do something nice for him, she could have given him a preferment (Stone, abridged 191, 199-207). Queen Elizabeth regularly gave profitable offices, land grants and monopolies to reward her favorite courtiers, turning her court “into the unique market-place for the distribution of an enormous range of offices, favours and titles” (207).<sup>38</sup> Oxford played that game as best he could, throwing his hat into the ring to petition for a license for the imports of oils, fruits and wools, the gauging of beer, the governorship of Jersey and the presidency of Wales. He repeatedly requested the return of his ancestral properties in Waltham Forest and the tin monopoly in Cornwall (Nelson 337-338, 344, 355-358, 380). The Queen denied them all. Any one of these preferments could have restored his fortunes and provided far more effectively for his livelihood, if that had been her intent. Any one of them would have been far less burdensome on her limited resources.<sup>39</sup>

Better yet, the Queen had a veritable silver bullet in her fiscal arsenal that could ameliorate his financial woes. In fact, it did. In 1592, she allowed Oxford to marry Elizabeth Trentham, a wealthy maid of honor in her court. It was an accepted practice for English peers to marry wealthy heiresses in order to restore depleted finances. According to Stone, “Around the turn of the century the growing financial embarrassment of the peerage drove them into a far more single-minded pursuit of wealthy marriages than had previously been their custom” (abridged 282).<sup>40</sup> After Oxford’s remarriage, he was in comfortable circumstances for the rest of his life and his annuity given by the Queen was renewed by King James. Inexplicably, the thousand pounds continued to be paid in quarterly installments out of the royal Exchequer until Oxford’s death in 1604 – a strong indicator that it was payment to the man, not his house.<sup>41</sup>

### The Historical Question

There is no getting around it: this annuity is a conundrum. So what about the recipient? Following the lead of Sir Sidney Lee in the *Dictionary of National Biography*, historians are nearly unanimous in their condemnation of the seventeenth Earl of Oxford. Lawrence Stone describes him as “feckless” (unabridged 514), a term defined in the OED as “incompetent, useless, hopeless, spineless, feeble, weak, futile, ineffective, and worthless.” In *The Cecils of Hatfield House*, family historian David Cecil applies the pejoratives “unreliable, uncontrolled, ill-tempered and wildly extravagant” (84). To this litany, Tresham Lever adds that he was “eccentric, quarrelsome and absurd” (92). If anything, the severity of the historical characterization of Oxford should bring the thousand-pound annuity into sharp focus. What could possibly have motivated the not-at-all feckless Queen to give cold hard cash to this feckless wastrel of a courtier? If the historical assessments were true, then this grant from the parsimonious Elizabeth, with its peculiar non-accountability clause, is an anomaly that defies rational explanation.<sup>42</sup>

### The Answer

In an article published in the *University of Pennsylvania Law Review* in 1992, U.S. Supreme Court Justice John Paul Stevens suggested that the Queen was underwriting Oxford’s theatrical activities (1383-1384). Many agree with his idea that she “may have decided to patronize a gifted dramatist, who agreed to remain anonymous while he loyally rewrote much of the early history of Great Britain.” Indeed, the Privy Seal Warrant starts to make sense when it is examined in the context of Oxford’s life and the biographical facts that point to Oxford as the author of the Shakespeare canon.

In *Shakespeare By Another Name*, Mark Anderson quotes the literary scholar Seymour M. Pitcher who suggested that these funds were intended “for the first organized propaganda.”



Oxford was to produce plays which would educate the English people – most of whom could not read – in their country’s history, in appreciation of its greatness, and of their own stake in its welfare. In point of fact and time, a spate of chronicle plays did follow the authorization of the stipend (211).

Anderson summarizes that “under this scenario, the end products of the Queen’s £1,000 annuity were Shake-speare’s *King John*, *Richard II*, the first and second parts of *Henry IV*, *Henry V*, the three parts of *Henry VI*, *Richard III*, and *Henry VIII*” (211).

But something beyond simple financial underwriting may be tacitly implied within the warrant’s provision clause: “and so to be continued unto him during Our pleasure, or until such time as he shall be by Us otherwise provided for to be in some manner relieved.” It does appear that the Queen is accepting financial responsibility for Oxford. This is a puzzling feature. If there had been a romantic involvement between them, as some Oxfordians have suggested, then why did she not give him a lucrative sinecure? Moreover, Queen Elizabeth was a monarch. There was no legal obligation or superior moral authority that could compel her to support him financially, whatever had occurred in the past.

What the Queen may have had in mind might be akin to the modern concept of financial responsibility known as indemnification. In today’s legal practice, one person or entity indemnifies another by taking fiscal responsibility for the actions of that person or entity, securing them against future loss, damage or liability.

Next let’s take a closer look at the non-accountability clause: *Our further will and commandment is that neither the said Earl nor his assigns nor his or their executors nor any of them shall by way of account, imprest, or any other way whatsoever be charged towards Us, Our heirs or successors.* The non-accountability clause broadly implies that Oxford is not to be held to account for what he is doing with the money. By extension, does this not also imply that he need not account for what he is doing? It would seem that with this warrant, the Queen is protecting him from scrutiny. It would seem that she is giving him something along the lines of what today we would call immunity. Oxford can do as he sees fit with the money as long as Queen Elizabeth herself is satisfied with whatever it is that he is doing. No questions asked.

The legal concepts of indemnification and immunity, as we know them today, were only in their infancy in early modern England. But what was operational at this time was the feudal concept in which a great lord granted maintenance and protection to his followers in return for their service. It is well-accepted that the Elizabethan mentality was steeped in feudalistic traditions. Historians acknowledge the resurgence of feudalism in the reign of Henry VII and furthered in his descendants (Hurstfield 3-17). The formula playing out here is a simple one: maintenance (funds) and protection (immunity from government retaliation) in return for service (the plays and poetry known to posterity as the Shakespeare canon). It is plain, unadulterated

feudalism (Hazard 125).

Justice Stevens and others believe that Shakespeare's history plays established the legitimacy of the Tudor dynasty, quite a fine service to provide to the insecure Tudor woman who nervously ruled a vulnerable country in a dangerous time with three on-going wars. The plays glorified her reign, all the while providing the royal court with the highest quality entertainment, something Queen Elizabeth coveted.

Yet there may be even more to discover within this short document. Let us read the non-accountability sentence again: *the said Earl ... nor any of them shall by way of account, imprest, or any other way whatsoever be charged towards Us, Our heirs or successors.* The pronoun "Us" surely does not refer to the Queen herself, but to her royal administration. Also, the word "Us," rather than "Him," is odd. The clause might make more sense if it read like this: "nor any of them shall by way of account, imprest, or any other way whatsoever be charged towards **Him, his** heirs or successors." Taken literally, the Queen is saying that the recipient cannot charge the royal Exchequer, i.e. "Us," with accounting. This is nonsensical. Normally, the recipient of funds accounts for how the money allocated to him is spent, not the entity providing the funds.

It was noted by Oxford's 20th century biographer Bernard Ward that the Queen's laconic instructions in this warrant are similar to the non-accountability clause in her warrant of funds to Sir Francis Walsingham (260). Research recently conducted in the National Archives reveals that non-accountability clauses appear in all of the nineteen warrants issued by the Queen to Walsingham from 1582-1588.<sup>43</sup> But the odd verbiage "charged toward Us" is nowhere to be found. Of special interest is the warrant to Walsingham dated July 2, 1586 that comes only a week after Oxford's warrant of June 26, 1586. The language of the non-accountability clause is as follows: "The said sum to be thus delivered unto him *without any imprest or other charge to be set upon him for the same* and neither he, his heirs, executors or administrators to be any way accountable therefore." In this, as in the other warrants to Walsingham, the Queen uses the sensible third person singular pronoun "him", and it is "his heirs" that are included in the non-accountability instruction – not "Our heirs" as stated in Oxford's warrant.

In the appendix to Ward's biography is a list of Privy Seal Warrants dormant, and among these is a sum of £800 issued to Robert Cecil on September 27, 1596 (355-358). This document serves as another comparable for the Oxford warrant as a similar amount of money is to be "delivered and paid" in quarterly installments.<sup>44</sup> That it is for secret service is evident in the language: "for our private and inward services which by our special trust we have made known to him only." Again, the non-accountability clause follows the language in the Walsingham warrants: the funds are to be delivered to Cecil "*without imprest account or other charge to be set on him for the same.*"<sup>45</sup>

Further evidence of the stability of this non-accountability language can be found in the study of the Exchequer warrants from the reign of King James. Published in 1836, historian Frederick Devon transcribed over a thousand warrants dating from 1603 to 1626. Of these, about a hundred contain non-accountability clauses. In every one of them, the third person (to whom the money is given) is the party to be held unaccountable, not the royal Exchequer. An example is found in the October 30, 1612 warrant to the merchant Paul Fourre which states that the funds are given “*without account, imprest, or other charge to be set on him for the same*” (151).

Since the Privy Seal Warrant is an order to the Exchequer, a closer look at this office might shed light on what these unique words – “charged towards Us” – might mean, and to whom this instruction may be addressed. At this point, it would be helpful to have a better understanding of the departmental structure of the Elizabethan Exchequer, and how receipts and disbursements were managed. But a better understanding is not to be had. Unfortunately, no historian or archivist has made a transcription of the accounts of Queen Elizabeth’s Exchequer along the lines of Devon’s previously mentioned *Issues of the Exchequer* for the reign of King James.<sup>46</sup> The best resource is a short essay by Frederick Dietz, a professor of history at the University of Illinois (65-105).

In his essay published in 1923, Dietz explains that the Elizabethan Exchequer was made up of two departments: the Lower Exchequer of Receipt and the Upper Exchequer of Audit (105). The money was received and dispersed in the Lower Exchequer and audited in the Upper Exchequer. The four tellers in the Lower House communicated with the three audit courts and the Exchequer barons in various ways, including a primitive system of tallies. This communication was linked together by accountants who carried a slip or bill to the Court of Receipt to be handed to the treasurer’s clerk for writing the tallies. Another clerk entered the information into the Pells while two clerks, each representing a Chamberlain, wrote the Controllment of the Pells. The Cofferer of the Household was audited by the Upper Exchequer, but the Office of the Imprest, with its own two auditors, was a separate department. However, Lord Burghley, as the crown-in-council, kept “exclusive control and oversight over the prests” and “there was no provision for regular submission of such accounts to the auditors” (108). Along the way was an array of lesser under-clerks, ushers and messengers (109-111). With so many offices and positions, it is not surprising that, according to Dietz, “Elizabethan exchequer officials were never quite as accurate as a modern adding machine” and “there are nearly always discrepancies between the totals as they give them at the close of their accounts, and the actual additions of the individual items making up the accounts” (77). Although Dietz’s overview is helpful, the internal operations of the Queen’s Exchequer remain poorly understood.<sup>47</sup>

Through all this complexity and the passing of many centuries, we cannot discern

with certainty to whom the instruction “charged toward Us” is intended. What is proposed here is that this unusual phrase carries unusual significance. It suggests that the Queen is covering several bases with this instruction. Ostensibly, the recipient is not to be held accountable for the money. Biographer Ward suggests that “the Earl is not to be called on by the Exchequer to render any account as to its expenditure” (260). That may well be the long and short of it. But taking it one step further, it appears that this may be a command to the Upper Exchequer auditors or the Auditors of the Imprest to suspend business-as-usual in handling this annuity. It supports the proposal that information about the annuity is a state secret, *to be guarded at every step along the way*. If this is the case, then with one single pronoun, the Queen has circumscribed, if not dismantled, the normal channels of communication within the departments of her own administration, putting another layer of secrecy around the person to whom this money is given.

Lord Burghley would have known about the Privy Seal Warrant with its non-accountability clause. He was the Lord Treasurer of England; he knew in minute detail what went in and out of the royal coffers (Loades 142). An example of Burghley’s command of the Treasury can be found in an award of £50 by Queen Elizabeth to the poet Edmund Spenser. It is unknown if this grant, made in February of 1591, was only a single payment or if it continued in subsequent years. However, it is reported in Manningham’s Diary and later by Fuller that Lord Burghley objected to the Queen’s “largesse.” It was also suggested that this grant carried with it the formal dignity of poet-laureate. Whether or not this is the case, it is noteworthy that money from the Queen’s treasury could be construed as an endorsement of the recipient’s work (*DNB* 18: 799).

In Elizabethan society, symbolic, unspoken communication infused every aspect of court life, and the court was led by a moody, miserly Queen who never gave out a shilling when a smile would do, and never a smile if a curt nod would suffice (Lacey 57-58).<sup>48</sup> For those in the know, saddlebags full of gold coin delivered four times a year to the doorstep of the 17th Earl of Oxford must have been a happenstance beyond their comprehension (Hazard 109-140, 118). It would be understandable that the royal officials involved in the payment process would keep a wise silence (Handover 156). Thus, this Privy Seal Warrant Dormant, with its feudal implications of royal protection, gave the recipient a degree of autonomy that was unheard of at the time, a veritable freedom of the press. No questions were ever asked of this singular odd man to whom this singular odd act of regal generosity was directed.

## Conclusion

It has been shown that the Shakespeare canon contained much material that was treasonable by the standards of the era. It surpasses understanding that the Stratford man could write works that were clearly seditious and not be invited to drop by

the Privy Council for a chat. Another anomaly is the large sum of money paid over many years by Queen Elizabeth to the 17th Earl of Oxford with no accountability required, quite possibly not even within her own Exchequer. These anomalous circumstances make sense when it is understood that Oxford is the author of the body of works known today as the Shakespeare canon.

In writing *Hamlet*, the 17th Earl of Oxford might have been reflecting on the unique patronage that allowed him to circumvent the political hazards that often ensnared his literary cohorts. He had the effrontery to model Polonius on his duplicitous father-in-law, Lord Burghley; Queen Gertrude is Queen Elizabeth; Oxford is Hamlet himself. And what does Polonius say to Queen Gertrude immediately before he hides behind the arras? It is an important line in an important scene of an important play: “Your Grace hath screen’d and stood between much heat and him.”<sup>249</sup>



## *Notes*

1. Hayward's biography was published at a time when the Earl of Essex was challenging the Queen's authority, and the dedication to the Earl sent a provocative signal to the readers that there was a contemporary subtext in his history book.
2. Clare, 32-33. The document is printed in Albert Feuillerat's *Documents Relating to the Office of the Revels in the Time of Queen Elizabeth* (Louvain, 1908), 51-52.
3. Riggs notes the attentiveness of Queen Elizabeth to the libels posted at the Dutch churchyard on May 5, 1593. Though there is nothing to indicate that Marlowe was involved with these libels, references were made to several of his plays. The Queen expressed her "vexation" with this matter to the Royal Commissioners on May 11, 1593, and seven days later, Marlowe reported to the Privy Council.
4. The Royal Commission (also known as the High Commission) was a multifaceted apparatus used directly by the Queen and her Privy Council. It could be used to enforce royal statutes as well as a means to investigate and respond to matters that might endanger the Queen's safety. It could also operate as a court in which ecclesiastical disputes were resolved. For additional information, see Arthur J. Klein, *Intolerance in the Reign of Elizabeth the Queen* (1917; rpt. NY: Kennikat Press, Inc., 1968), 71-75.
5. Miles cites Fredson Thayer Bowers's article published in *Studies in Philology*, xxxiv (1937) for Kyd's account of the torture.
6. Documents of the charges against Kyd are preserved among Thomas Baker's manuscripts (MS Harl. 7042, f. 401). *DNB*, xi, 351-352; Riggs, *World*, 329.
7. Clare, Patterson, Nicholl and Riggs do not speculate if the Bruno scene was included in this 1594 production. It is possible that it was for two reasons. First, it contained a powerful anti-Catholic message which should have been popular with audiences at the time; and second, Bruno's connection to the Pembroke faction (as verified by Bruno's dedication of his 1584 *Spaccio de la bestia trionfante* to Sir Philip Sidney) indicates that he had powerful patronage. Patterson, p. 109.
8. Those present to consider the matter included the Lord Treasurer, the Lord Chamberlain, the Chancellor of the Exchequer, the Comptroller of the Household, and Sir Robert Cecil, who at this time was the Queen's Principal Secretary.
9. It has been suggested that the entry in Henslowe's Diary concerning Nashe's incarceration in the Fleet prison is a John Payne Collier forgery. But the Freemans

do not make the reasons for this clear in their two-volume study of Collier's forgeries.

10. According to the *DNB*, Nashe was "banished" from London after his release from Fleet Prison. The engraving of Nashe in irons in the Fleet Prison appeared in Gabriel Harvey's 1597 pamphlet *Trimming*, and was republished in Harvey's *Works* edited by Grosart, iii. 43.
11. See Hibbard for a discussion of *Lenten Stuff* with the "red herring" in the title and a text disclosing to the reader that there is "one red herring after another." The notice of false scents indicates that there is misdirection in *Lenten Stuff*.
12. Hibbard concurs with E.K. Chambers and R.B. McKerrow that the play was performed at the Archbishop's summer residence of Croydon.
13. In her chapter on "Drama and the new regime," Clare notes that "literary censorship often arose from the King's personal disapproval of particular books...." The astute contemporaneous commentator Sir Robert Wilbraham noted that "The Queene [was] slow to resolution, and seldom to be retracted: his majestie quick in concluding indecorous and libelous in their satire; but when the critique touched on issues which he cherished, such as the projected union between England and Scotland, he was irascible and quick to act" (121). Robert Ashston, *James I By His Contemporaries* (London: 1969), 6,7.
14. Of particular interest is the letter written by Jonson to Robert Cecil. From this letter it appears that writing a satirical play was a serious offence.
15. According to the *DNB*, the "play excited groundless suspicions at court." Daniel's sympathetic treatment of the historical Philotas—who suffered for a treasonable conspiracy against Alexander the Great—suggests a parallel with the Earl of Essex, raising the suspicion at the time that Daniel might be making an effort to rehabilitate the fallen Earl.
16. Additional details of the problems generated by Philotas can be found in Lawrence Michel's edition of the play, and in Stirling Brents's article "Philotas and the Essex case" in *Modern Language Quarterly* 3 (1942).
17. Jonson's source was the Roman historian Tacitus. Tacitus was a favorite of Essex and his circle, pointing to a connection between the murderous Sejanus and the Essex conspiracy. It even seemed to suggest that the recently deceased Queen Elizabeth was a Tiberius, something that should not have terribly distressed her successor King James. Nevertheless, Jonson was hitting a nerve; treason was not a trivial matter.
18. Patterson furnishes a concise overview of Jonson's "sociopolitical difficulties,"

- and notes that Jonson “incorporated them into a political and social theory of literature” which he develops further in his later epigrams.
19. It is disheartening to see a scholar of Donaldson’s stature join the undiscerning who accept the belated 1616 list. Moreover, there is not a scrap of evidence to suggest any part that “Shakespeare” might have played in any play.
  20. According to E.K. Chambers in *The Elizabethan Stage*, the Kings Men performed at court December 26-30, 1603. Though there is no record of what was performed, Chambers reasonably concludes that one of the plays was *Sejanus*. If it is true that “Shakespeare” was indeed among the cast, it is strange that King James gave him no recognition. (Riggs, *Life* 105, 367).
  21. Shapiro amplifies his position with the argument that the Master of the Revels would have lost vital parts of his anatomy had he allowed a play to be published that caricatured the Queen’s leading statesman. It is true: Lord Burghley would hardly have stood for it, nor would his son and political successor. In an account of Burghley, his biographer remarks “Throughout his life he was, for a veteran politician, exceptionally sensitive to personal attacks.” Conyers Read, *Lord Burghley and Queen Elizabeth* (London: Jonathan Cape, 1965), 96.
  22. Mark Alexander provides a comprehensive study of the parallels between the character Polonius and William Cecil, Lord Burghley. ([www.sourcetext.com/sourcebook/essays/polonius/corambis.html](http://www.sourcetext.com/sourcebook/essays/polonius/corambis.html))
  23. Court circles did not necessarily wait until Cecil’s death in 1612. In her recent explication of Essex and his clientele, Dickinson notes pejorative allusions to Robert Cecil’s spinal curvature in correspondence between Francis Davison and his father. In these letters, written in 1596, Cecil is called a “pygmy” and “St. Gobbo,” the latter a reference to the statue of the hunchback St. Gobbo in the Rialto in Venice.
  24. The epitaph (whose author smartly chose to remain anonymous) is archived in the Folger Library, MS. 452.1.
  25. In his 2008 article Paul Hammer responds to a proposal by Blair Worden that the play performed the day before the Essex Rebellion was an adaptation of John Hayward’s book. Hammer cites facts and makes arguments that support the longstanding assessment that the performance was the Shakespearean *Richard II*.
  26. Orthodox historian Janet Dickinson’s work is supported by Martin Green in his book *Wriothesley’s Roses: In Shakespeare’s Sonnets, Poems and Plays* (Clevedon Books, 1993), pp. 129-136, 156-160, 323, 325, 350-351. Green has amassed a wealth of information about the literary men who were directly associated with the Earl of Essex. Green examines the possible connections through which “Shakespeare”



- may have had access to Essex House, and attempts to connect “Shakespeare” to the Essex clientele. In spite of Green’s herculean effort, there is still no tangible evidence of “Shakespeare’s” supposed presence in the Essex House Group.
27. In his introductory notes, Herschel Baker covers the well-trodden ground of the *Richard II* Q1 (1597) and Q2, Q3 (1598). The deposition scene was added in Q4 of 1608, but, according to Baker, “strongly suggests a memorially contaminated text.”
  28. In Sir Gelly Meyricke’s deposition taken on February 17, 1601 (two days before Essex trial), he states that “the play was *King Harry the iv*, and of *the kylling of Kyng Richard the second* played by the L. Chamberlen’s players.” Augustine Phillips’s testimony was taken the next day, and he called it “the play of the deposyng and kylling of Kyng Rychard the second.”
  29. In a shocking, candid letter written on February 10, 1601, Robert Cecil states that “by the time my letters shall come unto you, both he [Essex] and the Earl of Southampton, with some other of the principals, shall have lost their heads” (Camden Society, 66).
  30. In his chapter on “Shakespeare and the Essex Rebellion,” Akrigg admits that “Southampton’s surviving letters make no mention of Shakespeare and contain no allusion to any Shakespearean play or character.”
  31. In Appendix C, Ward includes a “Table of Annuities” with an overview of the annuities, grants, and pensions paid by Exchequer warrants dormant from 1580 through the end of Elizabeth’s reign.
  32. Lacey describes queen Elizabeth as “hopelessly, helplessly poor,” and writes colorfully that “she had to scrape together a living and put on an appropriately regal display from a ragbag of odd incomes worth – thanks to a century of inflation – half as much as when she ascended the throne.”
  33. Supporting information is found in Conyers Read’s biography of William Cecil, *Lord Burghley and Queen Elizabeth* (London: Jonathan Cape, 1965), 473.
  34. Private communication with researcher.
  35. “The Earl of Oxford was one of the most ancient houses amongst the nobility but by the excessive bounty and splendor of the former Earl was reduced to a very low and mean condition, so that the family was no longer able to maintain its dignity and grandeur: And the Queen allowed that house one thousand pound the year out of her Exchequer that one of the most illustrious houses in her kingdom might not suffer want.” Edmund Bohun, *The Character of Queen Elizabeth* (London: R. Chiswell, 1693).

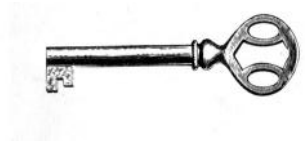
36. Ward notes that Oxford had not “been called on to undertake any of those duties that so often impoverished Elizabethan courtiers. He had never held appointments such as Lord Deputy of Ireland, Custodian of the Queen of Scots, or Ambassador at Paris – appointments that had been so disastrous financially to Sir Henry Sidney, Lord Shrewsbury, and Francis Walsingham.” Although Oxford had several short stints in the military, his experience is limited to a few temporary assignments and does not justify his annuity.
37. Nelson continues the spin by referencing an account written by Thomas Wilson in which he states that “the Queen . . . gives him maintenance for his nobility sake.” A quick check in the *DNB* reveals that Thomas Wilson was a stout Cecil man. He was appointed by Robert Cecil to the office of the Keeper of the Records. His home adjoined Cecil’s at Durham Place, and he supervised the construction of Cecil’s Hatfield House. Obviously, Wilson was hardly an objective observer of current events. For the Wilson document, see *State Papers, Dom. Elizabeth*, vol. cclxxx.
38. In his *History of England* published in 1914, Edward P. Cheney writes that “Elizabeth’s grants rarely took the form of ready money or direct gifts. An appointment to office, a promotion to a more lucrative office, the reversion of an office, an antiquated sinecure, a grant of confiscated lands, a monopoly of the licensing of some article for import . . . Such made up the treasury from which the Queen rewarded her courtiers and to which they looked with constant eagerness.” p. 50.
39. In *Shakespeare Revealed in Oxford’s Letters*, William Plumer Fowler published a letter written by Oxford on May 18, 1591 (pp. 411-413). In writing to his former father-in-law, Oxford puts a remarkable proposal on the table. He makes an offer to the Queen to buy out his “pension” and sets the price at £5,000. Bear in mind that the Queen owed him nothing and could discontinue the “pension” at will; thus, it is strange that he thinks he has something to bargain with. This twist to the story of the annuity amplifies the durability and sustainability of the money. It is all the more inexplicable in the context of how badly Elizabeth treated her courtiers. As Mary Hazard relates: “One’s fortunes were never permanently secure and they were unstable even on a daily basis, responsive to the moods of the queen.” p. 240.
40. Earlier in the sixteenth century, the preservation of class distinctions took precedence over the quest for financial benefit. However, Stone demonstrates that though “wealth was not the most important consideration” in choosing a spouse, “its supremacy was increasing” during the reign of Elizabeth. Stone details the dire financial conditions of many noble families, and it becomes clear that Oxford’s financial woes were not unique to him. His second marriage to an heiress was a socially acceptable remedy.

41. In his search for an alternative explanation for the thousand-pound annuity, Alan Nelson prints a letter from Oxford's surviving spouse in which she sates that "the pension of a thousand pounds was not given by the late Queen for his life, and then to determine, but to continue, until she might raise his decay, by some better provision." pp. 427-428.
42. The Queen's constant financial woes can be gauged by the important officials who pleaded for their salaries. As early as 1572, Henry Carey, the 1st Lord Hunsdon, "prayed Lord Burghley to procure his recall from Berwick on the ground that his salary was unpaid and his private resources could not endure the constant calls which his office made on them." Things had not improved in twelve years, for in 1584, Hunsdon again appealed to Lord Burghley for his salary in arrears, and "that his soldiers and servants were in want of food and clothing." (*DNB*, III, 977-978). In similar destitution after returning from service in The Netherlands, Thomas Digges wrote to Lord Burghley in May of 1590 that "I am forced to beseech your favour that I may have my pay so long forborn..." (*DNB*, V, 977). In a contemporaneous observation made by Sir Robert Naunton, "We have not many precedents of her liberality, or of any large donative to particular men.... Her rewards consisted chiefly in grants of leases of offices, places of judicature." (Hurstfield, 348, citing *Naunton's Fragmenta Regalia*, ed E. Arber, 18).
43. Documents from research conducted in the National Archives in January 2017.
44. Document from research conducted in the National Archives in March, 2016 and transcribed by Nina Green, for which the author is most grateful.
45. The non-accountability clauses in all of these warrants to Walsingham and the Cecil warrant dormant imply something secretive; usually incorporating the words "for Our special services." However, Ward finds no indication in the court records that Oxford was involved in secret service work, stating that "This quite rules out the possibility that the £1,000 a year was secret service money." It seems that later commentators have conflated the instruction for secrecy implied in the non-accountability clause with secret service duties (i.e., duties relating to the "intelligence" collecting of Walsingham, the Cecils and Essex).
46. It has been confirmed through private communication with a researcher in England that no one has transcribed and published the Exchequer books with the receipts and expenditures from Elizabeth's reign. Individual documents can be purchased through the National Archives, but the books were kept in secretary hand and require transcription by a paleographer. Thus a substantial cost and effort is involved to access each document.
47. Dietz provides the totals of the Elizabethan Exchequer Receipts (87-89) and

Expenditures (96-104) for each year of the Queen's reign, but individual entries are not included.

48. Lacey notes that some of the Queen's servants "were paid part in money and the rest with grace."

49. *Hamlet*, (3.4.3-4).



## Works Cited

- Adams, Simon. *Leicester and the Court: Essays on Elizabethan Politics*. Manchester University Press, 2002.
- Akrigg, G. P. V. *Jacobean Pageant*. Harvard University Press, 1963.
- . *Shakespeare and the Earl of Southampton*. London: Hamish Hamilton, 1968.
- Anderson, Mark. *Shakespeare By Another Name*. Gotham Books, 2005.
- Arber, Edward, ed., *A Transcript of the Registers of the Company of Stationers of London 1554-1640, vol. iii*. London: Privately printed, 1876; reprint, Mass: Peter Smith, 1967.
- Black, J. B. *The Reign of Elizabeth 1558-1603*. Clarendon Press, 1959.
- Chambers, Edmund K. *William Shakespeare: A Study of Facts and Problems*, vol. 2. Clarendon Press, 1930.
- Cecil, David. *The Cecils of Hatfield House*. Houghton Mifflin Company, 1973.
- Clare, Janet. *'Art made tongue-tied by authority': Elizabeth and Jacobean Dramatic Censorship*. Manchester University Press, 1999.
- Dean, David. "Elizabethan Government and Politics." Robert Tittler and Norman Jones, eds. *A Companion to Tudor Britain*. Wiley-Blackwell, 2009.
- Devon, Frederick. *Issues of the Exchequer from the Issue Rolls*. Great Britain: John Murray Publisher, 1837; reprint Forgotten Books, 2015.
- Dickinson, Janet. *Court Politics and the Earl of Essex 1589-1601*. Pickering & Chatto, 2012.
- Dietz, Frederick C. *An Economic History of England*. Henry Holt & Company, 1942.
- Dietz, Frederick C. "The Exchequer in Elizabeth's Reign" in *Smith College Studies in History*, Vol. VIII, No. 2, 1923.
- Donaldson, Ian. *Ben Jonson: A Life*. Oxford University Press, 2013.
- du Maurier, Daphne. *The Winding Stair: Francis Bacon, His Rise and Fall*. Doubleday & Company, 1977.
- Evans, G. Blakemore, ed. *The Riverside Shakespeare*, Houghton Mifflin Company, 1974.

- Fowler, William Plumer. *Shakespeare Revealed in Oxford's Letters*. Peter E. Randall, 1986.
- Freeman, Arthur and Janet Ing Freeman, *John Payne Collier: Scholarship and Forgery in the Nineteenth Century*. Yale University Press, 2004.
- Gohn, Jack Benoit. "Richard II: Shakespeare's Legal Brief on the Royal Prerogative and the Succession to the Throne." *The Georgetown Law Journal*, Vol. 70, No. 3, February 1982.
- Green, Nina. "The Fall of the House of Oxford." Roger Stritmatter, ed. *Brief Chronicles*, vol. 1. 2009.
- Handover, P.M. *The Second Cecil: The Rise to Power 1563-1604*. Eyre & Spottiswoode, 1959.
- Hammer, Paul E. J. *Elizabeth's Wars: War, Government and Society in Tudor England, 1544-1604*. Palgrave Macmillan, 2003.
- . "Shakespeare's *Richard II*, the Play of 7 February 1601, and the Essex Rising." *The Shakespeare Quarterly* 50.1. Folger Shakespeare Library, 2008.
- Hazard, Mary E. *Elizabethan Silent Language*. University of Nebraska Press, 2000.
- Hibbard, G. R. *Thomas Nashe*. Harvard University Press, 1962.
- Hurstfield, Joel. *The Queen's Wards: Wardship and Marriage Under Elizabeth I*. Longmans, Green and Company, 1958.
- James, Susan E. *Kateryn Parr: The Making of a Queen*. Ashgate, 1999.
- Lacey, Robert. *Robert, Earl of Essex: An Elizabethan Icarus*. Phoenix Press, 1971.
- Lever, Tresham. *The Herberts of Wilton House*. John Murray, 1967.
- Loades, David. *The Cecils: Privilege and Power Behind the Throne*. Bloomsbury Publishing, 2013.
- Matthew, H. C. G. and Brian Harrison, eds. *Oxford Dictionary of National Biography*. Oxford University Press, 2004.
- Miller, Ruth Loyd. *Shakespeare Identified: Oxfordian Vistas*. New York: Kennikat Press Corp, 1975.
- Miles, Rosalind. *Ben Jonson: His Life and Work*. Routledge & Kegan Paul, 1986.
- Nelson, Alan H. *Monstrous Adversary: The Life of Edward de Vere Seventeenth Earl of Oxford*. Liverpool University Press, 2003.

- Nicholl, Charles. *A Cup of News: The Life of Thomas Nashe*. Routledge & Kegan Paul, 1984.
- . *The Reckoning: The Murder of Christopher Marlowe*. University of Chicago Press, 1992.
- Ogburn, Charlton Jr. *The Mysterious William Shakespeare: The Myth and the Reality*. Dodd, Mead and Company, 1984.
- Parry, Graham. “The Great Picture of Lady Anne Clifford.” David Howarth, ed. *Art and Patronage in the Caroline Courts*. Cambridge University Press, 1993.
- Patterson, Annabel. *Censorship and Interpretation: The Conditions of Writing and Reading in Early Modern England*. University of Wisconsin Press, 1984.
- Price, Diana. *Shakespeare’s Unorthodox Biography: New Evidence of an Authorship Problem*. Greenwood Press, 2001.
- Riggs, David. *Ben Jonson: A Life*. Harvard University Press, 1989.
- . *The World of Christopher Marlowe*. Henry Holt and Company, 2005.
- Salgado, Gamini. *The Elizabethan Underworld*. Wrens Park Publishing, 1992.
- Shapiro, James. *Contested Will: Who Wrote Shakespeare?* Simon and Schuster, 2010.
- Stephen, Leslie and Sidney Lee, eds. *Dictionary of National Biography*. Oxford University Press, 1968.
- Stevens, John Paul. “The Shakespeare Canon of Statutory Construction” in the *University of Pennsylvania Law Review*, v. 140: no. 4, April 1992.
- Stone, Lawrence. *Crisis of the Aristocracy*. Clarendon Press, 1965.
- . *Crisis of the Aristocracy*. Abridged ed. Oxford University Press, 1967.
- Stopes, Charlotte Carmichael. *The Life of Henry, Third Earl of Southampton, Shakespeare’s Patron*. AMS Press, 1922.
- Ward, Bernard M. *The Seventeenth Earl of Oxford 1550-1604*. John Murray, 1928. Reprinted by permission of John Murray, 1979.

