FRANCIS BACON AND THE LAW IN HIS EARLY SHAKESPEARE PLAYS REFLECTED IN HIS LIFE AND ACKNOWLEDGED WRITINGS

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Having concluded my examination of Shakespeare's juridical phrases and forensic allusions,- on the retrospect I am amazed, not only by their number, but by the accuracy and propriety with which they are uniformly introduced. There is nothing so dangerous as for one not of the craft to tamper with our free-masonry.

[Lord Campbell, *Shakespeare's Legal Acquirements Considered*, p. 107]

Legal phrases flow from his pen as part of his vocabulary and parcel of his thought…

[Richard Grant White, *Memoirs of the Life of William Shakespeare*, p. 74]

His works contain passages displaying not merely a knowledge of the principles and practice of the law of real property, but also of the common law, and of the criminal law, and a thorough intimacy with the exact letter of the Statute Law.

[William Lowes Rushton, *Shakespeare A Lawyer*, pp. 4-5]

The lawyer, when he reads attentively the works of William Shakespeare, may not be more surprised by the poet's correct use of law terms, and intimate acquaintance with legal customs and tenures and the *lex scripta*, than by his extensive and profound knowledge of the maxims of the English law.

[William Lowes Rushton, *Shakespeare's Legal Maxims*, p. 7]

The abstrusest elements of the common law are impressed into a disciplined service with every evidence of the right and knowledge of commanding. Over and over again, where such knowledge is unexampled in writers unlearned in the law, Shakespeare appears in perfect possession of it. In the law of real property, its rules of tenure and descents, its entails, its fines and recoveries, and their vouchers and double vouchers; in the procedure of the courts, the methods of bringing suits and of arrests, the nature of actions, the rules of pleading, the law of escapes, and of contempt of court; in the principles of evidence, both technical and philosophical; in the distinction between the temporal and spiritual tribunals; in the law of attainder and forfeiture; in the requisites of a valid marriage; in the presumption of legitimacy; in the learning of the law of prerogative; in the inalienable character of the crown, this mastership appears with surprising authority.

[C. K. Davis, The Law in Shakespeare, pp. 4-5]

I allude to his perfect familiarity with not only the principles, axioms and maxims, but the technicalities of English law….

…The mode in which this [legal] knowledge was pressed into the service on all occasions to express his meaning and illustrate his thought, was quite unexampled. He seems to have had a special pleasure in his complete and ready mastership of it in all its branches…At every turn and point at which the author required a metaphor, simile, or illustration, his mind ever turned first to the law. He seems almost to have thought in legal phrases…

To acquire a perfect familiarity with legal principles, and an accurate and ready use, of the technical terms and phrases not only of the conveyancer's office, but of the pleader's

chambers and the courts at Westminster, nothing short of employment in some career involving constant contact with legal questions and general legal work would be requisite.
[Lord Penzance, *The Bacon-Shakespeare Controversy a Judicial Summing-up*, pp. 83, 85, 87-8]

If anything is certain in regard to the Sonnets, the Poems, and the Plays, it is certain that the author was a Lawyer…In the *Plays*, every one of the characters talk law. Greek and Trojan, Roman and Syracusan, Ancient Briton and Scandinavian, Venetian and Illyrian, Lord and Lady, all discourse the jargon of the English courts. In *Troilus and Cressida* Pandarus talks of 'a kiss in fee-farm,' Thersites of 'the fee-simple of the tetter,' Troilus of 'perfection in reversion,' and the pre-contract which serves Cressida for a marriage concludes with the formula, 'In witness whereof the parties interchangeably,' of the draftsman. In *Antony and Cleopatra* the Roman Triumvir distinguishes between the title by purchase and title by descent. In *The Merchant of Venice* Antonio settles the property of the Jew in so lawyerlike a manner that Mr. Lewin, in his Treatise on Trusts, cites his language in illustration of a 'use.' In *As You Like It* the Duke orders his officers to make an 'extent.' In *Lear* the deluded Gloster proposes to make his bastard 'capable.' In *King John* the law of adulterine bastardy is laid down with the precision of a text-book. In *Henry the Fifth* the Archbishop Canterbury delivers a lecture on the Law Salique. In *Henry the Sixth* Somerset discusses the legal effect of an 'attainder.' In *Henry the Eighth* Suffolk cites the very words of the statute when he charges Wolsey with having brought himself 'into the compass of a praemunire.' In *Hamlet* the Prince of Denmark talks of statutes, recognisances, fines and recoveries, and double vouchers, as glibly as if he was fresh from reading Bacon's Law Tracts….
[Judge Webb, *The Mystery Of William Shakespeare A Summary Of Evidence*, pp. 166-8]

Of course it became his [Bacon's] duty in those various offices to deliver speeches, and to write papers on various subjects submitted to him for elucidation or judgement. Amongst the most important of these are Tracts on the "*Use of the Law*," and "*Maxims of the Law*;" "*Preparations* for the Union of the Laws of England and Scotland;" "Proposals for Reforming the Penal Laws;" Speeches on the King's Prerogative, on Duelling, and on Monopolies, with Some Charges to the Circuits on the Office of Constables, &c.
…in these few Law Tracts, Speeches, and Aphorisms, are to be found all "the profound and accurate knowledge which *Shakespeare* displayed of juridical principles and practice."
[Quill-Driver, 'Mr. Shakespeare, Q.C.', *Baconiana*, Vol. I, New Series, August, 1893, No 2, pp. 93-4]

Just as his aspirations for natural philosophy were adapted from the aspiration of his father's generation of Tudor statesmen, Bacon's procedures in natural philosophy were adapted by him from procedures in English law. Specifically, certain procedures in legal investigation and court trials, when linked with Bacon's own proposals for legal reform, not only exactly parallel his procedure for a reformed natural philosophy, but they were the model for it.

[Julian Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy*, p. 72]

I cite the following instances, with some additional circumstances, as going to show, not only that the author of Shakespeare was a lawyer, but that lawyer was Francis Bacon.
[Judge Nathaniel Holmes, *The Authorship of Shakespeare*, pp. 629-30].

CONTENTS

1. Background p. 5

2. Francis Bacon and the Law in his Early Shakespeare Plays p. 9

3. References p. 69

FACSIMILES

Fig. 1 Statue of Sir Francis Bacon at Gray's Inn, London p. 8

Fig. 2 The Bacon Gorhambury Quartos-title pages of *Romeo and Juliet* 1599, *Richard III* 1602, *Hamlet* 1605, *King Lear* 1608 p. 24

Fig. 3 The Bacon Gorhambury Quartos-title of pages *Titus Andronicus* 1611, *King John* 1611, *King Henry IV* 1613, *Richard II* 1615 p. 25

Fig. 4 The title page of *The Troublesome Raigne of King John* 1591 p. 32

Fig. 5 Queen Elizabeth (1572) by Nicholas Hilliard (National Portrait Gallery, No. 108), Robert Dudley, Earl of Leicester (1576) by Nicholas Hilliard (National Portrait Gallery, No. 4197), Francis Bacon (1578) by Nicholas Hilliard (National Portrait Gallery, No. 6761) p. 36

Fig. 6 The Outer-Cover of Bacon's Northumberland Manuscript originally containing his Shakespeare Plays *Richard II* and *Richard III* p. 56

1.
BACKGROUND

His father, Sir Nicholas Bacon, had been Lord Keeper under Elizabeth for nearly twenty years. It is not too much to say that from the first the elder Bacon's precept and example, and after his death, his memory were absolutely decisive in making his son [Francis] the Bacon that we know.

[Paul H. Kocher, 'Francis Bacon and His Father', *The Huntington Library Quarterly*, 21 (1957-8), p. 133]

From an early age one way or another it appears that Francis Bacon was destined to hold in his hands the helm of the kingdom. He was raised by the great Tudor lawyer and statesman Sir Nicholas Bacon and his learned wife Lady Anne Bacon, one of the greatest translators of the sixteenth century, fluent in Greek, Latin, Italian and French. Prior the onset of the Elizabethan era Nicholas Bacon served in the administration of Henry VIII as solicitor of the Court of Augmentations and as Attorney to the Court of Wards and Liveries which he held to 1561. When Elizabeth ascended to the throne in November 1558 she immediately appointed Sir William Cecil her Principal Secretary of State and with a reputation for his learning in law not long after she appointed Sir Nicholas Bacon as Lord Keeper and *de facto* Lord Chancellor of England. He and his brother-in-law Sir William Cecil were the two outstanding statesmen of her reign and the Grand Architects of the Elizabethan Reformation. In his long tenure as head of the Court of Chancery Sir Nicholas Bacon proved to be the greatest Lord keeper and Lord Chancellor of the sixteenth century. He implemented a wide progressive programme of law reforms including sweeping changes in the standards and operations of the Court of Assizes as set out in his speech shortly after his appointment as Lord Keeper of the Realm. In her recent groundbreaking chapter 'The Assize Circuitry of *Measure for Measure* in her very aptly titled *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019) Professor Strain frames and commences it with the policy words set out by Lord Keeper Bacon in his parliamentary speeches, policies that were later woven into the text of *Measure for Measure*, by his son Francis Bacon:

In his closing oration, the Lord Keeper [Bacon] addressed the country's provincial magistrates, admonishing them to put into practice the statutes that were especially prioritised by central policy. He warned of the dangers of bad justices who failed to enforce the law, and especially of negligent and corrupt officeholders who posed the most insidious threat to order by inviting the contempt of all authority…At the turn of the seventeenth century, the court of Assize was responsible for overseeing and reforming the execution of local justice and governance throughout the country. The court was an itinerant tribunal that convened twice a year, generating a cyclical representation of central authority in which judges from the Westminster courts brought legal expertise, the voice of the sovereign and the Privy Council, and imposing ceremonial grandeur to their sessions in the English counties. Through its operations, the national policies of the Privy Council were disseminated and corrupt or incompetent local officers were identified and reformed (corrected, fined, shamed or removed from office)….The Assizes, I argue, supply a historical analogue through which the representation and reformation of legal administration in *Measure for Measure* can be newly analysed.[2]

…The major features of the Assize system-the stages of its cyclical structure, the aspects of legal spectacle, the alternating surveillance and exposure of local office holders, the expectation that justice and legal process transformed private into public knowledge, the tensions between central and local authorities, between Assize judges and JPs, and between

the rule of law and its execution-all inform the plot and the characterisation of legal officers in *Measure for Measure*.[3]

…This limitation of central government inspired Bacon's most ambitious proposal for legal reform, a system of regular provincial visitations to evaluate the performance of local officers. As an advisor to James I, to his favourites and as Lord Chancellor, his son Francis would take pains to advocate and institute the investigation of local officers as a vital function of the Assize judges who were already responsible for holding court throughout the country during law-term vacations…I argue that the Assize judges' responsibility for the oversight of local justice informs the structure and ethics of *Measure for Measure*.[4]

The official residence of the Lord Keeper and *de facto* Lord Chancellor of England was York House on the Strand next to York Place (known as the Palace of Whitehall royal residence of Queen Elizabeth, the main residence of English monarchs from the early sixteenth century. It was primarily at York House and the Elizabethan court that Francis Bacon spent much of his childhood years surrounded by foreign ambassadors and diplomats and the ministers of the Elizabethan government and administration. His first English biographer Dr Rawley relates how on account of his prodigious mind he was taken notice of by '*several* Persons, *of* Worth, *and* Place; *And, especially, by the* Queen; *who,* (*as I have been informed*,) *delighted much, then, to confer with him*; *And to prove him with* Questions: *unto whom, he delivered Himself, with that* Gravity, *and Maturity, above his years*; *That her* Majesty, *would often term him*: The young Lord Keeper.'[5] He did not serve as her Lord Keeper but Elizabeth later appointed him Queen's Council Extraordinary, however in the following Jacobean reign he would go on to emulate his father Sir Nicholas Bacon with successive appointments as Solicitor –General, Attorney-General, Lord Keeper and Lord Chancellor of England. This lay in the distant future and after leaving Cambridge University the young Francis who had first drank in the law at the feet of his father Lord Keeper Sir Nicholas Bacon was now about to embark on his law career at Gray's Inn but behind the scenes something happened, a royal revelation, which resulted him being sent or exiled to France.[6]

On 27 June 1576 Francis Bacon with his brother Anthony were entered *de societate magistrorum* (to the society of masters, the grand company) at Gray's Inn, however it appears that these plans were soon afterwards altered with the agreement of Queen Elizabeth and Sir Nicholas and Lady Anne Bacon for Francis to travel abroad in the train of Sir Amias Paulet, the newly appointed English Ambassador to France. For the next two and a half years Bacon mainly resided at the English Embassy in Paris where he studied international politics, statecraft, intelligence (including codes and ciphers), and civil law. He was no doubt mixing with French lawyers and administrators at the royal court and at other official functions in and around Paris and during this early period he may have received private legal tutorship at the English Embassy. However this may be, it appears that his father directed Sir Amias Paulet to place Francis in the household of a practising French civil lawyer. On 24 January 1578 Sir Amias wrote to Sir Nicholas to inform of his change in circumstances:

Although I would have been glad to have enjoyed the company of Mr. Francis Bacon in my house during the time of his abode in this country, and to say truly did take great comfort of his person, yet being intended that he shall study the civil law I must confess that his absence from me shall be more profitable for him and especially being so happy as to be placed in the house of a civilian [civil lawyer] whose private conference shall stand him in great stead. Wheresoever he shall be, I will account of him as of your Lordship's son, and as I honour your Lordship so I will not fail to love him, to be careful for him, and to do him in all things all the pleasure that may lie in my little power. God bless him, and then your lordship shall be the happy father of a towardly son.[7]

It is not known just how long Bacon remained in the household of this unidentified French civil lawyer yet his early training and insight into Roman law appears to have had a profound influence on his later legal thinking concerning his proposals for the reform of English law.

His stay in France was brought to an abrupt end with the news of the death of his father Sir Nicholas Bacon in February 1579 and within a month Francis was back in London. Within a few weeks of his return Bacon took up residence at Gray's Inn in the former chambers of his father at No. 1 Coney Square, now known as No 1 Gray's Inn Square.[8] Very little is known about Bacon's legal studies and his other literary and dramatic activities in his first decade at Gray's Inn which is of course no coincidence as he was effectively Master of the Revels organising its entertainments, masques and plays, which became more apparent in the years ahead. Regarding his legal studies, benefiting from the fact his father was an erstwhile Lord Keeper and *de facto* Lord Chancellor, combined with his own extraordinary abilities Bacon made rapid progress and in less than four years he was called to the bar (which often took more than twice as long) admitted Utter Barrister on 27 June 1582. For the next few years he seems to have lived a secluded existence in the *sanctum sanctorum* of his private chambers frequently refusing visitors, reading and writing (anonymously and pseudonymously) poetry, drama and philosophy, as well as devoting time to law studies. In November 1584 Bacon was returned Member of Parliament for Weymouth and Melcombe Regis a borough under the control of his godfather and political patron the Earl of Bedford.[9] Evidently behind the scenes Bacon's mind was also intensely focussed on matters of politics and religion and matters of national security when towards the end of 1584 or in early 1585 he wrote *A Letter of Advice to Queen Elizabeth*.[10] Sometime in 1585 he also composed the first work on his far-reaching grand philosophical scheme for the instauration of human knowledge giving it the truly magnificent title *Temporis Partus Maximus* (*The Greatest Birth of Time*), which is no longer known to be extant. He became a Bencher of Gray's Inn in 1586 and Martin indicates he was also working with spymaster Sir Francis Walsingham head of the English Secret Service and other Privy Councillors in their capacity as members of the Court of Ecclesiastical Causes (the High Commission) investigating Jesuits, seminary priests, suspected Catholic conspirators, and their plots to foment recusant uprisings.[11] In November 1586 Bacon, working in league with Walsingham and his uncle Sir William Cecil, gave a speech supporting the execution of Mary, Queen of Scots and the next day he was named on a committee to draw up a petition for her execution.[12] He was now participating in the secret workings of government and intelligence and in September 1587 not only did the Privy Council seek the legal opinions of Attorney-General Popham and Solicitor-General Egerton, but also Gray's Inn's rising star 'Mr. Francis Bacon, Esq' on various examination reports of two Catholic prisoners.[13]

It was around this time Bacon was writing and completing his first surviving legal works. Sometime in 1587 he wrote a discourse on crown prerogatives and ownership in Law-French (Harleian MS 7017) 'From a man of Bacon's admired Latinity, fluent French, and extraordinary grasp of English, we have a right to expect, as we find, a truly distinguished Law-French, possessed of structure, of euphony, and of rhythm.'[14] Probably before 11 October 1587 Bacon also composed *A Brief Discourse Upon the Commission of Bridewell* (Harleian MS.1323) an examination of the royal charter that

Fig. 1 Statue of Sir Francis Bacon at Gray's Inn, London

established Bridewell Hospital.[15] His star was now firmly in the ascendancy and after only nine years residence Bacon was elected Reader of Gray's Inn delivering a lecture in Lent 1588 on the Statute Westminster 2nd, Chapter 5, *On Advowsons*.[16] Later in the December he was appointed to a government committee consisting of sixteen lawyers (four each from the Inns of Court) to review existing parliamentary statutes. During the following year Bacon also sat on several other government committees concerning matters of religion and in October 1589 he was granted the reversion to the Clerkship of Star Chamber by Queen Elizabeth.

During his time at Gray's Inn Bacon was *de facto* Master of the Revels writing and producing several masques, entertainments and plays, several of which have survived. Toward the latter end of the decade Bacon wrote the play entitled *The Misfortunes of Arthur* (a political allegory about Queen Elizabeth and Mary, Queen of Scots) which was performed by members of Gray's Inn before Queen Elizabeth at Greenwich on 28 February 1588, a date notable for the very singular fact that it marked the beginning of what is known as the Shakespearean era. Its themes and language find expression and are demonstrably echoed in a large number of his Shakespeare plays including the first tetralogy of *I Henry VI*, *2 Henry VI*, *3 Henry VI* and *Richard III*, written around the same time or shortly after the *Misfortunes*, and from the same early period *Titus Andronicus*, *King John*, *Richard II* and *The Comedy of Errors*[17] and may be described as his first unacknowledged Shakespeare play.

In February 1588 Bacon was joined at Gray's Inn by the strikingly attractive Henry Wriothesley the third Earl of Southampton with whom Bacon had a close relationship, to who he dedicated 'the first heir of his invention', the Shakespeare narrative poem *Venus and Adonis* signed by 'William Shakespeare', the first time his pseudonym had appeared in print, followed the very next year by an even more revealing dedication to Southampton prefixed to *The Rape of Lucrece*. His two narrative Shakespeare poems were printed by Richard Field at his printing press at Blackfriars, whose next door neighbour was Bacon's aunt Lady Elizabeth Cooke Hoby Russell (younger sister of Lady Anne Bacon) the model for Countess Roussillon in *All's Well That Ends Well*.[18]

2.
FRANCIS BACON AND THE LAW IN HIS EARLY SHAKESPEARE PLAYS

Sometime shortly after the performance of *The Misfortunes of Arthur* before Queen Elizabeth at Greenwich Bacon began writing the War of the Roses plays *I Henry VI*, *2 Henry VI* and 3 *Henry* VI during the late 1580s or early 1590s. In the Temple Garden scene of *I Henry VI* he reveals his intimate familiarity with the habits and life of the Inns of Court. In this invented scene Bacon portrays the War of Roses between the Houses of Lancaster and York as having its nascent beginnings in a dispute between some young noblemen studying law, arguing over an obscure legal point, in a passage containing technical legal language, set in the Temple Gardens.[19] The argument had clearly become already heated when Suffolk says 'Within the Temple Hall we were too loud/The garden here is more convenient' (2:4:3-4). The Temple Hall was until its dissolution the property and headquarters of the Knights Templar. To explain the 'too loud' Edward James Castle QC (whose work is signed from the Temple) pointed out that Rule VIII of the Knights Templar was 'In one common hall or refectory we will that you take your meat together, where, if your wants cannot be made known by signs, ye are softly and privately to ask for what you want.'[20] Castle correctly believed the scene in the Temple Gardens indicates it was written by a Gray's Inn lawyer:

This reference to the Temple Gardens, not saying whether the Inner or the Middle Temple is meant, curiously enough points to the writer being a member of Gray's Inn. This will be seen better when we discuss the *Gesta Grayorum* in 1594-5. At present I shall only point out that there was a strong alliance between Gray's Inn and the Inner Temple. The former speaking of the latter as the Temple; an Inner or Middle Temple man would have given the Inn its proper title.[21]

In the Temple Garden Richard Plantagenet continues the legal argument 'Then say at once if I have maintained the truth;/Or else was wrangling Somerset in th'error' to which Suffolk replies 'Faith, I have been a truant in the law,/And never yet could frame my will to it, And therefore frame the law until my will' (2:4:5-9). Somerset immediately intervenes 'Judge you, my lord of Warwick, then between us' (2:4:10), a task he is unable to adjudicate 'I have perhaps some shallow spirit of judgement;/But in these nice sharp quillets of the law, /Good faith, I am no wiser than a daw' (2:4:16-8). In his posthumously published *The Use of the Law* Bacon uses the term 'quillet' (a very subtle distinction or argument i.e. a quibble used in Acts of Parliament and legal documents, or alternatively, a small plot or narrow strip of land) relating to an aspect of law on inheritance 'if he that is in possession start away never so little, in making a lease, or selling a little quillet, forgetting after two or three descents, as often they do, how they are tied; the next heir must enter'.[22] He was somewhat fond of this archaic term. In *Shakespeare's Legal Language A Dictionary* its authors Sokol and Sokol point out that 'Hamlet uses both of the dual senses of 'quillets' at once in 'Why might not that be the skull of a lawyer? Where be his quiddits now, his quillets, his cases, his tenures, and his tricks' (5:1:96-7).[23] Bacon uses it again in *2 Henry VI* in the speech wherein Suffolk proposes to kill Gloucester 'And do not stand on quillets how to slay him;/Be it by gins, by snares, by subtlety' (3:1:261-2) and in another early play *Love's Labour's Lost* 'O, some authority how to proceed,/Some tricks, some quillets how to cheat the devil'(4:3:285-6). As well as two later plays 'Prithee, keep up thy quillets' (*Othello*: 3:1:23) and *Timon of Athens* 'Crack the lawyer's voice,/That he may never more false title plead/Nor sound his quillets shrilly' (4:3:153-5). The Temple garden scene in *I Henry VI* ends as it began with Richard Plantagenet 'Come, let us four to dinner. I dare say/This quarrel will drink blood another day' (2:4:133-4). This refers to the custom of lawyers dining in messes of four at the Inns of Court, a practice referred to by Bacon in passing in a letter to his cousin Sir Robert Cecil 'I have three new knights in my mess in Gray's Inn commons'.[24] In addition to the Temple garden scene with its ready familiarity with the life and habits of the Inns of Court references and allusions to the law run throughout the whole of the play from the first Act till the last.

In *Commentaries on the Law in Shakespeare* E. J. White presents twelve examples of legal allusions and language found in *I Henry VI* together with the relevant passage and explanation of its meaning (Homicide, Distraining property, Proclamation, Truant in the Law, Brawl, Outlaw, Contract, Partners, Fighting in the king's palace, or presence, *Quid quo pro*, Condemned woman's privilege of pregnancy, Compromise).[25] In their index 'Shakespeare Passages, Scenes, Works' Sokol & Sokol list a number of passages in *I Henry VI* directly containing legal ideas and language Bastard/ Bastardy, Conveyance, Poverty/Beggary, Sergeant/Serjeant, Quillets, Inns of Court, Lawyers, Lists, Traitor, Treason, Disinherit, Election, Usury/Interest, Outlawry/ Banishment/Exile, Dowry, Pre-Contract, Attorneys and Impediments.[26] Their method differs in they do not reproduce the Shakespeare passage, or provide an explanation or interpretation of its meaning, instead they strictly limiting themselves to the reference details of the play and the subject (for example 'IH6 1.3.4 Homicide'). Thus all in all

White and Sokol and Sokol provide around thirty references and allusions in *I Henry VI* to various aspects of the law in terms of concepts, ideas and language. Considering Bacon had spent the last decade at Gray's Inn wholly immersed in the law it is hardly surprising that legal concepts and language inform his thought, mental processes and vocabulary which found repeated expression in his early history play *I Henry VI*.

During his first decade at Gray's Inn (his primary residence for the rest of his life) Bacon was in continual personal contact and correspondence with his uncle and aunt Sir William and Lady Mildred Cecil, sister of his mother Lady Anne Bacon.[27] All the surviving letters from Bacon to his aunt and uncle are signed from Gray's Inn where he penned the second part of his Shakespeare trilogy *Henry VI*. On 29 October 1589, in his private note-book Cecil made the following entry 'A grant of the office of the Clerk of the Counsel in the Star Chamber to Francis Bacon.' The reversion of the office of Clerkship of the Star Chamber secured for Bacon by Cecil was worth £1600, but as was frequently the case, it was many years before Bacon enjoyed its fruits.[28] In a letter from his lodgings at Gray's Inn (*c*.1591-2) Bacon begins by saying 'With as much confidence as mine own honest and faithful devotion unto your service and your honourable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your Lordship.' Who he goes on to say 'being the Atlas of this commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am to do you service.'[29] In 1592 Bacon was commissioned by Cecil to compose a response to a Catholic anti-government tract (*A Declaration of the true Causes of the great Troubles, presupposed to be intended against the Realm of England*) which had accused Cecil of disloyalty to his sovereign: 'one that hath been counsellor before her Majesty's time, and hath continued longer counsellor than any other counsellor in Europe...one that hath passed the degrees of honour with great travail and long time, which quencheth always envy, except it be joined with extreme malice.'[30] After robustly defending his uncle Cecil against false and scurrilous accusations levelled against him in the Catholic libel Bacon proceeds to present a eulogistic account of the man and his character. He praised his loyalty to the monarch and the state and the 'greatness of his experience and wisdom'. He was 'ever respective and moderate' and 'no bearing man nor carrier of causes, but ever gave way to justice and law', who is Bacon concludes 'worthily celebrated as *pater patriae* [Father of the Country] in England.'[31] This tract by Bacon entitled *Observations Upon A Libel* (1592) only circulated privately in manuscript and was never published during his lifetime. During this period (when parts of the tract had already been drafted 'at least one section of it was probably in existence, and possibly in circulation, as early as 1589/90'),[32] Bacon composed the second part of *Henry VI*. A play which in certain passages writes Professor Chris Fitter 'generated a truly electrifying level of seditious suggestion in late 1591 and 1592' when placed in its immediate historical context:

> Believing (accurately) that, preparatory to another invasion by Philip of Spain, a fresh wave of Jesuits was infiltrating the nation to seduce English Catholics from loyalty to the Crown, Burghley in October 1591 caused a royal proclamation to be issued which confessed fear of the "undermining of our good subjects under a false colour and face of holiness to make breaches in men's minds and women's consciences and so train them to treasons."
>
> In this climate of fresh, high-surveillance hysteria over potential disloyalty to the English monarch, Shakespeare opted not only to dramatize a successful suborning of royal allegiance, but to supply it with steadfast justification, on grounds of principle, by a beloved and noble character, in populist terms, that go unrefuted…

It logically recalls us, to those overtones we picked up in Gloucester of the author of the October proclamation: Her Majesty's Lord Treasurer, Lord Burghley.[33]

Under the very telling heading '*Pater Patriae*' Fitter makes good the identification of Bacon's uncle and patron William Cecil, Lord Burghley with Lord Humphrey, Duke of Gloucester:

Unanimously, the Tudor chronicles had presented Gloucester as "the good Duke Humphrey," loyal servant of the realm and beloved of the commons. Shakespeare emphatically reproduces the popular gratitude for justice and underlines the Duke's unswerving impeccable loyalty to the crown (1.2.17-21). He also, however, introduces a range of further characteristics that must have made identification of Gloucester with Burghley in the minds of many in the audience entirely inescapable at many significant moments.

…A[nother] key similarity was a cluster of parallels centering upon the peers' wives. "Art thou not second woman of the realm?" demands Gloucester of Dame Eleanor, whose sumptuous dress (she "bears a Duke's revenues on her back" [1.3.84,134]) more than hinted at Mildred Cecil, whose "splendid garb," worn from the earliest of days of her marriage and reflecting "personal pleasure" not a necessary uniform," has been remarked upon by biographers and displayed in portraits. Mildred knew that "the status of her husband" demanded her "visibility at the centre of power," and was a regular attender at court….What is certain is that Gloucester's conspicuous pain over a "lost" wife ("sorrow and grief have vanquished all my powers" [2.1.193]) echoed Burghely's: Mildred's had recently died (1589), and Burghley's spirit was left, in his own words, "oppressed with the greatest grief."[34]

In his *Kill All the Lawyers*? *Shakespeare's Legal Appeal* D. Kornstein emphatically points out that Humphrey, Duke of Gloucester (as with Cecil governor of the realm) who dominates the first three acts of *2 Henry VI*, is the very personification of the law:

As lord protector, Gloucester in effect rules England during Henry's minority. A "virtuous prince" (2.2.74), Gloucester symbolizes the rule of law, its fair execution and administration, as well as the need-reminiscent of Socrates-to submit to it when it wrongly turns on him. In Gloucester, one finds the humane impulses that should animate the law. Other advisers to the king, ambitious for themselves and jealous of Gloucester's sway, unjustly accuse him, and while holding him for trial, kill him. All the time, everyone around the king-scrupulous or not-pays lip service to the law, its integrity and symbolism.

In the three acts before Jack Cade appears, law-especially law in the person of Gloucester-is a dominant theme. ..Early in the play, for example, the king asks Gloucester, "What shall we say to this in law?" (1.3.206). Gloucester passes judgement: "This is the law" (1.3.213). At another point, when his wife is banished "by sentence of law" for witchcraft, Gloucester shows the same emotional self-control and devotion to law as Brutus the Elder when his sons were convicted of treason, saying, "The law, thou seest, hath judged thee,/I cannot justify whom the law condemns" (2.3.15-16).

Law still dominates as other nobles intrigue against Gloucester. He then becomes a victim of perverted law. Buckingham falsely accuses Gloucester of imposing punishments that "exceeded law,/And left the mercy of the law" (1.3.136-37). As to these accusations, Gloucester spits back, "Prove them, and I lie open to the law." Even as his enemies have him within their grasp, Gloucester still believes in the integrity of the law, and his enemies at last say, "'Tis meet he be condemned by course of law" (3.1.237).[35]

In his letter to his uncle Bacon described Cecil as 'the Atlas of this commonwealth' and in his chapter entitled '2 Henry VI: *A Commonwealth Tragedy*' Dr Emrys Jones repeatedly characterized the play as a 'commonwealth tragedy': 'For Shakespeare the

key phrase seems to have been bending all his indeuours to the aduancement of the common-wealth'. For as he has written it, *2 Henry VI* is above all else a play of the commonwealth, a tragedy in which the commonwealth's Protector [the role also performed by Cecil] is conspired against and murdered and in which as a result the commonwealth is torn to pieces.'[36]

From the start the play Dr Emrys Jones writes '*2 Henry VI* has a striking number of trial scenes which show justice being administered.'[37] In her recent essay 'Noises Off: Participatory Justice in *2 Henry VI*' Professor Lorna Hutson says the opening two acts of the play may be seen 'as a sequence of intertwined plots of legal entrapment, plots of cynical manipulation of the law by the government "baddies" which, she continues, 'are only facilitated by the culpable blindness of the government's "goodies" (Henry VI and Humphrey, Duke of Gloucester)to the vulnerability of law to being so abused.' [38] And as we have seen Kornstein again correctly points out that the three acts before Jack Cade appears the law, especially in the person of the Duke of Gloucester, is the dominant theme. As for the portrayal of Jack Cade's 'legal carnival' that instructs the last two acts of the play Professor Bernthal argues that it can be interpreted 'as an unmasking of the Tudor (and all other) judicial systems: a demonstration that judicial decision-making is really just the exercise of raw power cloaked in the rhetoric of equitable language.'[39] He further points out that the last two acts of the play (here summarized by Professor Hutson) 'parodically echo and invert the structure of the first two, proceeding as a series of trials, or scenes of judgement, in which Jack Cade pronounces sentence on the hapless representatives of the common law'.[40] When the Shakespeare English history play *2 Henry VI* (as it is now generally referred to) was first printed in quarto the original title of the play was given as *The First part of the Contention betwixt the two famous Houses of Yorke and Lancaster, with the death of the good Duke Humphrey*. An un-stated sub-title could well have been: *A legal play about law and justice written by an anonymous member of Gray's Inn* (*namely Francis Bacon*).

When he was growing up Bacon spent his time at York House, the official residence of his father Lord Keeper Sir Nicholas Bacon, or at Gorhambury, the Bacon family estate, that comprised a large household overseen by his mother Lady Anne Bacon, which he still visited from time to time while residing at Gray's Inn, when composing *2 Henry VI*. The Bacon family Gorhambury estate is located on the edge of St Albans in Hertfordshire. It was the first major town on the old Roman road of Watling Street which became the Roman city of Verulamium where St Alban, believed to be the first proto-martyr of Great Britain lived and died. Within walking distance of the estate stands the St Albans Cathedral containing the Shrine of St Alban, marking the place where he was martyred and buried. It is less well known that St Albans Cathedral was also the final resting place of Humphrey, Duke of Gloucester, good Duke Humphrey, the dominant figure in the first three acts of *2 Henry VI*. He died on 23 February 1447 and his body was solemnly taken to St Albans, a town to which he was a protector and as well as special benefactor to the Abbey, where his tomb was built in his lifetime, near the shrine of the saint. On 4 March he was buried on the south side of the Shrine of St Alban in a 'stately arched Monument of Free-stone, adorned with the Figures of his Royal Ancestors' inscribed with an epitaph referring to the miracle of a blind impostor.[41] The miracle referred to in the Latin inscription attached to the tomb of Humphrey, Duke of Gloucester is made much of by Bacon in *2 Henry VI*, a local St Alban's legend to which Bacon devotes over a hundred lines to in Act 2 Scene I (lines 62-165) commencing as follows:

Enter one crying ‘*a miracle*’

GLOUCESTER What means this noise?
Fellow, what miracle dost thou proclaim?
ONE A miracle, a miracle!
SUFFOLK Come to the king-tell him what miracle.
ONE Forsooth, a blind man at Saint Alban’s shrine
Within this half-hour hath received his sight-
A man that ne’er saw in his life before.
KING HENRY Now God be praised, that to believing souls
Gives light in darkness, comfort in despair!

Enter the Mayor and aldermen of Saint Albans, with music, bearing the man, Simpcox, between two in a chair. Enter Simpcox’s Wife [*and other townsmen*] *with them*

QUEEN MARGARET Tell me, good fellow, cam’st thou here by chance,
Or of devotion to this holy shrine?
SIMPCOX God knows, of pure devotion, being called
A hundred times and oftener, in my sleep,
By good Saint Alban, who said, ‘Simon, come;
Come offer at my shrine and I will help thee.’
[*2 Henry VI*: 2:1: 62-70, 89-94]

The revealing name given to this character, ‘Simon Simpcox’, by Bacon in *2 Henry VI* (anonymous in the source) is perhaps instructive and certainly of some interest. The first part of the surname ‘Simp’ is an abbreviation for ‘simpleton’ (*OED*) and the definition of the second half ‘Cox’ is a person who steers (*OED*). The Christian name Simon suggests the phrase ‘Simple Simon’ a foolish and deluded person who believes he has the ability to fool or steer people away from the truth; for example, the wise, or even an inquisitive judge or lawyer.

In the passage Simon Simpcox supported by his wife attempts to exploit Henry VI’s piety and credulity by claiming to be the recipient of one of St Alban’s miracles. Simpcox tells Henry that he had been called in a dream ‘A hundred times and oftener’ (100 Francis Bacon in *simple* cipher) to come from his home Berwick by the good St Alban (be it noted that in Rosicrucian-Freemasonic literature the myth and legend of St Alban is transposed onto Bacon who was elected Baron of Verulam and Viscount St Alban) to his holy shrine, ‘and I will help thee’. Just at the moment King Henry had arrived in St Albans the glorious saint had miraculously cured Simpcox of his blindness with the Duke of Gloucester (Good Duke Humphrey) exclaiming ‘Fellow, what miracle dost thou proclaim’ (a Fellow of the Craft is a Brother who has achieved the second degree in Freemasonry). Unlike the incredulous king, Gloucester (who represents the rule of law) is not so easily deceived by fraudsters and illusions (the intoxicant of simpletons and the schoolmen) and systematically sets about like a judge or lawyer (and a Gray’s Inn lawyer to boot) to fully examine and subtly question the trickster.

The Duke of Gloucester asks Simon Simpcox how long had he been blind to which he replied ‘O, born so master’ (Master Mason-the highest rank in Freemasonry) but his inquisitor is not deceived by mere words. To draw him on Gloucester turns to

Simpcox and says ‘Let me see thine eyes: wink now, now open them/In my opinion yet thou seest not well’ (2:1:107-8) which elicits the response ‘Yes, master, clear as day, I thank God and Saint Alban’ (Saint Alban the mythical founder of Freemasonry/ Francis Bacon, Viscount St Alban, the true founder of Speculative Freemasonry). His clever questioning soon exposes Simpcox’s fraud, who was not blind or born blind, and turning to the mayor and aldermen asks ‘My masters of Saint Albans, have you not/Beadles in your town,/and things called whips?’ (2:1:140-1). A beadle (a parish constable invested with the power of keeping order and punishing offenders) is duly called for and Gloucester also asks for a stool to be fetched. To save yourself from a whipping, Gloucester tells the ‘lame’ Simpcox, leap over the stool and run away, but unfortunately with liars they keep on lying ‘Alas, master,/I am not able even to stand alone. You go about to torture me in vain’ (1:2:148-9). This other lie did not endure as long as the more elaborate one. After the beadle had wielded the whip the fraudster Simpcox leapt over the stool and for all he was worth made a run for it with some of the townsmen in hot pursuit crying “A miracle! A miracle!”. In drawing the scene to a close Cardinal Beaufort says ‘Duke Humphrey has done a miracle today’, in making the lame leap and fly away; alluded to in the Latin ascription on his monument in St Alban’s Cathedral, which Bacon growing up at Gorhambury, just a hop, skip and a jump away, would have many times passed and read, and after incorporated a version of it, into act two of the second part of his *Henry VI* trilogy.

In a brief discussion of *2 Henry VI* in his *Shakespeare’s Legal Acquirements* Lord Campbell (Lord Chief Justice and Lord Chancellor of England) informs us that the speeches of Jack Cade and his coadjutors in the second half of the play display a ready familiarity with the law which strongly indicates its author must have had some professional practice or education as a lawyer.[42] In support of this Lord Campbell cites the example where Cade asks ‘Is not this a lamentable thing that of the skin of an innocent lamb should be made parchment? That parchment, being scribbled o’er, should undo a man? Some say the bee stings, but I say ’tis the bee’s wax. For I did but seal once to a thing, and I was never mine own man since’ (4:2:79-84). The Clerk of Chatham is then brought in, who could ‘make obligations and write in a court hand’ (4:2:94) who, instead of making his ‘mark to thyself like an honest plain-dealing man’ (4:2:102) was able to write his name for which *offence* Jack Cade sentenced him to be hanged with his pen and ink-horn about his neck. ‘Surely’, comments Lord Campbell, ‘Shakespeare must have been employed to write *deeds* on *parchment* in *court hand*, and to apply the *wax* to them in the form of *seals*’, to have been acquainted with these details.[43] Campbell proceeds to cite the indictment on which Lord Saye was arraigned (4:7:30-43) of which he says ‘it is quite certain that the drawer of this indictment must have had some acquaintance with ‘The Crown Circuit Companion,’ and must have had a full and accurate knowledge of that rather obscure and intricate subject-“Felony and Benefit of Clergy.”’[44] Yet he continues Cade’s proclamation which follows ‘deals with still more recondite heads of jurisprudence’:

> The proudest peer in the realm shall not wear a head on his shoulders unless he pay me tribute. There shall not a maid be married but she shall pay to me her maidenhead, ere they have it. Married men shall hold of me *in capite*. And we charge and command that their wives be as free as heart can wish or tongue can tell.
>
> [*2 Henry VI*: 4:7:117-22]

With the above passage illuminated and explained by Lord Campbell as follows:

He thus declares a great forthcoming change in the tenure of land and in the liability to taxation: he is to have a poll-tax like that which had raised the rebellion; but, instead of coming down to the daughters of blacksmiths who had reached the age of fifteen, it was to be confined to the nobility. Then he is to legislate on the *mercheta mulierum*. According to Blackstone and other high authorities this never had been known in England; although, till the reign of Malcolm III., it certainly appears to have been established in Scotland; but Cade intimates his determination to adopt it,-with this alteration, that instead of conferring the privilege on every lord of a manor, to be exercised within the manor, he is to assume it exclusively for himself all over the realm, as belonging to his prerogative royal.

He proceeds to announce his intention to abolish tenure in *free soccage*, and that all *men* should hold of him *in capite*, concluding with a licentious jest, that although his subjects should no longer hold in free soccage, "their wives should be as free as heart can wish, or tongue can tell." Strange to say, this phrase, or one almost identically the same, "as free as tongue can speak or heart can think," is feudal, and was known to the ancient law of England. In the tenth year of King Henry VII., that very distinguished judge, Lord Hussey, who was Chief Justice of England during four reigns, in a considered judgment delivered the opinion of the whole Court of the King's Bench as to the construction to be put upon the words "as free as tongue can speak or heart can think." See YEAR BOOK, *Hil. Term*, 10 *Hen. VII.*, fol. 13, pl. 6.[45]

This area of law (of tenancy held *in capite* or in *socage*) was explored some years later by Bacon in one of his four little-known *Arguments of Law* which were never published in his lifetime (first printed in 1730 from Sloane MS 4263). It is dedicated 'To My Loving Friends and Fellows, The Readers, Ancients, Utter-Barristers, and Students of Gray's Inn.' In the dedication to his colleagues at Gray's Inn he states 'I do not hold the law of England in so mean an account, but that which other laws are held worthy of should be due likewise to our laws, as no less worthy for our state. Therefore, when I found that, not only in the ancient times, but now at this day in France, Italy, and other nations, the speeches, and as they term them pleadings, which have been made in judicial cases, where the cases were weighty and famous, have been set down by those that made them, and published, so that not only a Cicero, or a Demosthenes, or an AEschines hath set forth his orations, as well in the kind judicial as deliberative, but a Marrian and a Pavier have done the like by their pleadings, I know no reason why the same should not be brought in use by the professors of our law for their arguments in principal cases. And this I think the more necessary, because the compendious form of reporting resolutions with the substance of the reasons, lately used by Sir Edward Coke, Lord Chief Justice of the King's Bench, doth not delineate or trace out to the young practisers of law a method and a form of argument for them to imitate.'[46] The second of these four arguments concerned 'one of the greatest and fairest flowers of the crown, which is the King's tenures':

THE ARGUMENT IN LOWE'S CASE OF TENURES
IN THE KING'S BENCH

The manor of Alderwasley, parcel of the Duchy and lying out of the county Palatine, was (before the Duchy came to the Crown) held of the King by knight-service *in capite*. The land in question was held of the said manor in *socage*. The Duchy and this manor parcel thereof descended to King Henry IV. King Henry VIII. by letters patent 19º of his reign, granted this manor to Anthony Lowe, grandfather of the ward, and then tenant of the land in question, reserving twenty-six pounds ten shillings rent and fealty *tantum pro amnibus servitiis*; and

this patent is under the duchy seal only. The question is *how this tenancy is held, whether in* capite *or in* socage.

The case rests upon two points, unto which all the questions arising are to be reduced. The first is *whether this tenancy being, by the grant of the King of the manor to the tenant, grown to an unity of possession with the manor, be held as the manor is held*, which is expressed in the patent to be in *socage*.

The second, *whether the manor itself be held in* socage, *according to the last reservation, or* in capite *by revivor of the ancient seigniory, which was* in capite *before the Duchy came to the Crown*.[47]

In *Commentaries on the Law in Shakespeare* White gives twenty-five examples of law and legal concepts found in *2 Henry VI* together with the relevant passage and an accompanying explanation under the these headings: Articles of Agreement, Bargain and sale, Margery Jourdemayn's case, Pursuivant, Bondman, Open to the Law, Rigour of the Law, To apprehend in the fact, York's title to the Crown of England, Duchess' of Gloucester's sentence, Justification for one condemned by Law, Contrary to form of Law, Levying sums of money, Taking bribes, Taxes-Restitution, Bearing false witness-Perjury, Executioner, Land held in common, Sales of meat during Lent, Source of Law-Biting statutes, Jurisdiction regal, Benefit of Clergy, Determining causes, Maiden rent, Bail.[48] This number of references to the law and other legal elements in the play is considerably increased by Sokol & Sokol in *Shakespeare's Legal Language* listed under the headings: Spousal/Espousal, Poverty/Beggary, Heir-Apparent, Treason, Lists, Usury/Interest, Election, Divorce, Bills, Witch/Witchcraft, Outlawry/Banishment/Exile, Sheriff, Approve, Felon/Felony, Robbery/Theft, Equity, Traitor, Quillets, Murder/Homicide, Branded, Lawyers, Prentice, Statute, Justices of the Peace, Sergeant/Serjeant, Commodity, Lease, Fee Simple, Dower, Heresy, Ward, Contract and In Capite.[49].

The second part of *Henry VI* culminates with the First Battle of St Albans where Richard kills the Duke of Somerset and York kills Lord Clifford. King Henry and Queen Margaret are defeated and flee to London where the victorious Yorkists pursue them. The third part of *Henry VI* continues where the second part finishes. In the first scene the Duke of York, his two sons Edward (afterwards Edward IV) and Richard (afterwards Richard III) and their followers discuss the First Battle of St Albans. In Parliament York mounts the royal throne and King Henry arrives with his Lancastrian retinue. The two rival parties the Yorkists and Lancastrian dispute at some length each other's title to the crown in a first Act crammed with law. Under the heading 'No inter-regnum, under English law' White reproduces the passage from the play below followed by the explanation given beneath it:

YORK He rose against him, being his sovereign,
And made him to resign his crown perforce.
WARWICK Suppose, my lords, he did it unconstrained-
Think you 'twere prejudicial to his crown?
EXETER No, for he could not so resign his crown
But that the next heir should succeed and reign.
[*3 Henry VI*:1:1:142-47]

This dispute over the claims of York to the crown, is based upon the constitutional principal, in English law, that because of the interest of the public in the crown and the fact that the Government could not be destroyed, the king, as such, could not create a vacancy in the official head of the Government, but as the law put it "the king never dies." This principal,

which prevented any interregnum, or vacancy in the Government, along with the rights of the direct issue from the last lawful holder, known as the law of primogeniture, is the basis of York's claim to the crown. That the claim was legally stronger than that of the house of Lancaster, is clear to those familiar with the English common law. The heir, to be entitled to take in that character, must have been the nearest male heir of the whole blood, to the person who was last actually seized. This rule has obtained from the earliest ages. It is this seisin, which makes a person the *stirps*, or stock, from which all future inheritance, by right, is derived by right of blood. Hence, if the heir, on whom the inheritance has been cast, by descent, dies before he has acquired this seisin, his ancestor not himself, is the person last seized and other claimants must make themselves his heirs. York, therefore, showing a direct descent from the last Plantagenet, Edward Third, made out a prima facie better title to the crown than *Henry VI*, as these lords decided.[50]

He further proceeds to explain the law of 'Title by confirmation' lying behind the lines 'Confirm the crown to me and mine heirs,/And thou shall reign in quiet whilst thou liv'st. I am content. Richard Plantagenet,/Enjoy the kingdom after my decease' (1:1:173-6). With the legal concept of 'Disinheriting heir' for the lines 'Why should you sigh, my lord?/Not for myself, Lord Warwick, but my son,/Whom I unnaturally shall disinherit' (1:1:192-4) along with 'Estates-tail, upon condition' for 'I here entail /The crown to thee and thine heirs fore ever,/Conditionally, that here thou take thine oath,/To cease this civil war, and whilst I live/To honour me as thy king and sovereign' (1:1:195-99).[51] Also in the first Act Sokol and Sokol point to passages and lines relating to 'equity' (1:1:124) and 'divorce' (1:1:247-51).[52]

In the second Act Warwick describes the Second Battle of St Albans which took place a short distance from the Bacon family estate at Gorhambury:

> I then in London, keeper of the King,
> Mustered my soldiers, gathered flocks of friends,
> And, very well appointed as I thought,
> Marched toward Saint Albans to intercept the Queen,
> Bearing the King in my behalf along-
> For by my scouts I was advertised
> That she was coming with a full intent
> To dash our late decree in Parliament
> Touching King Henry's oath and your succession.
> Short tale to make, we at Saint Albans met,
> Our battles joined, and both sides fiercely fought;
> But whether 'twas the coldness of the King,
> Who looked full gently on his warlike queen,
> They robbed my soldiers of their heated spleen,
> Or whether 'twas report of her success,
> Or more than common fear of Clifford's rigour-
> Who thunders to his captains blood and death-
> I cannot judge; but, to conclude with truth,
> Their weapons like to lightning came and went;
> Our soldiers', like the night-owl's lazy flight,
> Or like an idle thresher with a flail,
> Fell gently down, as if they struck their friends.
> I cheered them up with justice of our cause,
> With promise of high pay, and great rewards.
> But all in vain. They had no heart to fight,

And we in them no hope to win the day.
So that we fled-the King unto the Queen,
Lord George your brother, Norfolk, and myself
In haste, post-haste, are come to join with you.
For in the Marches here we heard you were,
Making another head t fight again.
[*3 Henry VI*: 2:1:111-41]

The play *Richard III* concludes the first Shakespeare tetralogy (with *I Henry VI*, *2 Henry VI* and *3 Henry VI*) covering the War of the Roses. The play was written in the early 1590s, with opinions ranging from as early 1590-1, several Shakespeare editors and scholars venturing for sometime in 1592, and modern opinion favouring *c*.1592-3 as the most probably date the play was written and completed. It will be recalled that in 1592-3 Bacon wrote *Certain Observations upon a Libel*, partly written in defence of his uncle Sir William Cecil, Lord Burghley, in response to certain Catholic libels published abroad and clandestinely circulating in England, libelling Cecil. The editor of the modern Arden edition of the play under the interconnected sections 'Co Texts: Invective, Satire, Libel' and '*Drunken prophecies, libels*', emphasizes in some detail that *Richard III* 'shares its language and protagonist with a vast tide of contemporary polemic and invective', the most important of it being 'Anti-Cecil', a 'discourse that peaked dramatically in 1591-2.'[53]From the outset these libels and prophecies primarily centring round Cecil, employed by its titular character Richard (who as we shall soon see was partly modelled on his son Sir Robert Cecil), sets the tone of the play:

Richard employs 'prophecies' and 'libels' (1.1.33), but no known source implicates him for the prophecy about 'G'. However, playing on a letter appears prominently in a 1592 attack on Burghley invoking a 'prophecie…that one who had two c. c. in his name should be the destruction of Ingland' (*Aduertisement*, 39). [An]other 1592 polemic accuses Burghley himself of instigating 'prophecies' and 'libells' (*Declaration*, 74-5), as if he were responsible 'for the vain and fond pamphlets and ballads of every idle fellow (Bacon, *Works*, 8.200 [i.e. *Observations upon a Libel*]). By making Richard the causer of such libels, a lofty intimate of a monarch, a hidden threat and an apparent ally of his victims, the play parallels his story with anti-Cecil conspiracy polemic.

…Bacon's 1592 defence of Burghley marvels at the sheer variety and number of libellous and defamatory books and writings (Bacon, *Works*, 8.147-8). These libels consistently attack a 'monopolistic figure' who manipulates the monarch, court factions and the nobility. Many like the 1584 *Copy of a Letter*, employ terms Richard uses to describe himself in *3 Henry VI* ….all serving Burghley, 'the *primum mobile* in every action (Bacon, *Works*, 8.198), 'who so cunningly dispos[es]..his affaires, into the handes of other principall actors…that very ofte[n] tymes, his own plottes & inuentions have seemed the practizers of others' (*Declaration*, 52). Burghley feigns piety while 'laughing at other mens simplicity' (*Aduertisement*, 61). Physical handicap enters this polemic with Robert Cecil's rise in the early 1590s.[54]

As we know the intertwined Cecil and Bacon family headed by Secretary of State Sir William Cecil and Lord Keeper Sir Nicholas Bacon the two twin pillars of the Elizabethan state were privately, socially and politically virtually indivisible. Both Sir William and Sir Nicholas were married to the two celebrated Cooke sisters Lady Mildred Cooke Cecil and Lady Anne Cooke Bacon. The Cecils and Bacons built their country estates Theobalds and Gorhambury within twenty miles of each other in the county of Hertfordshire, with the two families together with their two young children Robert Cecil (*b*.1563) and Francis Bacon (*b*.1561), regularly visiting each other. From a very young age a fierce rivalry between the two young scions continued throughout

their lifetimes characterised by Bacon's intense dislike of Cecil, who as a child born with a small misshapen body grew up with the appearance of an hunchback, and seen by his cousin as sly, spiteful, cunning, deceitful, and completely untrustworthy, whom he painted as the titular character in *Richard II* and his essay *Of Deformity*.

The target of his essay *Of Deformity* (first printed after Robert Cecil's death) was, Chamberlain writes to Carleton, easily recognizable by all and sundry 'Sir Fraunces Bacon hath set our new essayes, where in a chapter of deformitie the world takes notice that he paints out his late litle cousin to the life.'[55] A variety of anonymous libels including one with the following lines 'Here lyes little Crookbacke/Who justly was reckon'd Richard the 3rd and Judas the second',[56] made plain, writes Professor Croft, 'the public identification of Robert Cecil with Robert Gloucester, and there is a remarkable chronological relationship between Cecil's career and the popularities of the histories of King Richard III.'[57] With his bent, crooked, hunched-back appearance, dwarfish stature, his sly and treacherous character, and his never ending capacity for dissimulation and mendacity, contemporary audiences would have readily recognised in the play's titular character of Richard III a mirror figure of Cecil, the two of whom coalesce in Bacon's essay *Of Deformity*, which presents a conflated epitome of Cecil and Richard III, as seen in his Shakespeare play of the same name:

OF DEFORMITY

Deformed persons are commonly even with nature; for as nature hath done ill by them, so do they by nature; being for the most part (as the Scripture saith) *void of natural affection*; and so they have their revenge of nature. Certainly there is a consent between the body and the mind; and where nature erreth in the one, she ventureth in the other. *Ubi peccat in uno, periclitatur in altero*. But because there is in man an election touching the frame of his mind, and a necessity in the frame of his body, the stars of natural inclination are sometimes obscured by the sun of discipline and virtue. Therefore it is good to consider of deformity, not as a sign, which is more deceivable; but as a cause, which seldom faileth of the effect. Whosoever hath any thing fixed in his person that doth induce contempt, hath also a perpetual spur in himself to rescue and deliver him from scorn. Therefore all deformed persons are extreme bold. First, as in their own defence, as being exposed to scorn; but in process of time by a general habit. Also it stirreth in them industry, and especially of this kind, to watch and observe the weakness of others, that they may have somewhat to repay. Again, in their superiors, it quencheth jealousy towards them, as persons think that they think they may at pleasure despise: and it layeth their competitors and emulators asleep; as never believing they should be in possibility of advancement, till they see them in possession. So that upon the matter, in a great wit, deformity is an advantage to rising. Kings in ancient times (and at this present in some countries) were wont to put great trust in eunuchs; because they that are envious towards all are more obnoxious and officious towards one. But yet their trust towards them hath rather been as to good spials and good whisperers, than good magistrates and officers. And much like is the reason of deformed persons.[58]

> But I, that am not shaped for sportive tricks
> Nor made to court an amorous looking-glass,
> I that am rudely stamped and want love's majesty
> To strut before a wanton ambling nymph,
> I that am curtailed of this fair proportion,
> Cheated of feature by dissembling nature,
> Deformed, unfinished, sent before my time
> Into this breathing world scarce half made up-
> And that so lamely and unfashionable

That dogs bark at me as I halt by them-
Why, I in this weak piping time of peace
Have no delight to pass away the time,
Unless to spy my shadow in the sun
And descant on mine own deformity.
And therefore since I cannot prove a lover
To entertain these fair well spoken days,
I am determined to prove a villain
And hate the idle pleasures of these days.
Plots have I laid, inductions dangerous,
By drunken prophecies, libels and dreams
To set my brother Clarence and the King
In deadly hate the one against the other.
And if King Edward be as true and just
As I am subtle false and treacherous,
This day should Clarence closely be mewed up
About a prophecy which says that 'G'
Of Edward's heirs the murderer shall be.
[*Richard III*: 1:1: 14-40]

OF SEDITIONS AND TROUBLES

Shepherds of people had need know the calendars of tempests in state; which are commonly greatest when things grow to equality; as natural tempests are greatest about the *Equinoctia*. And as there are certain hollow blasts of wind and secret swellings of seas before a tempest, so there are in states:

--------Ille etiam caecos instare tumultus
Saepe monet, fraudesque et operta tumescere bella.
[Of troubles imminent and treasons dark
Thence warning comes, and wars in secret gathering]

Libels and licentious discourses against the state, when they are frequent and open; and in like sort, false news often running up and down to the disadvantage of the state, and hastily embraced; are amongst the signs of troubles.[59]

A number of those works which have taken an interest in Shakespeare and the law and in particular the law in *Richard III* have devoted no small space to the law of legal sanctuary, a particular feature of the play.[60] The legal privilege of sanctuary has a very long history in the classical world and in the Western Christian tradition of all faiths and persuasions. In the first instance the term sanctuary means a holy place, i.e., a cathedral, church or temple, a place of protection and safety. A place of shelter from persecution and those that need protection from the state, or figures claiming they are acting on behalf of the state, a safe haven for political refugees, and those who sought protection from violence, as well as a shelter for criminals and fugitives from the law, and debtors, who were afforded immunity from arrest. In 3 *Henry VI* Lady Grey (later Queen Elizabeth, wife of Edward IV) then pregnant with the future Edward V states her intention to seek legal sanctuary in a church to protect her unborn Yorkist heir to the crown from the advancing Earl of Warwick (4:5:26-35). In the next and final instalment of the tetralogy after the death of her husband Edward IV and following

the imprisonment of her brother and her son, Lord Rivers and Lord Grey, Queen Elizabeth again decides to seek sanctuary:

QUEEN ELIZABETH (*to York*)
Come, come, my boy, we will to sanctuary.
Madam, farewell.
DUCHESS OF YORK Stay, I will go with you.
QUEEN ELIZABETH You have no cause.
[CARDINAL] (*to Elizabeth*) My gracious lady, go,
And thither bear your treasure and your goods.
For my part, I'll resign unto your grace
The seal I keep, and so betide to me
As well I tender you and all of yours.
Go, I'll conduct you to the sanctuary.
[*Richard III*: 2: 4: 65-72]

In the opening scene of the next Act a reluctant Cardinal Bourchier, Archbishop of Canterbury is persuaded by Buckingham to remove from sanctuary the young Duke of York (brother to Prince Edward, afterwards King Edward V, who has just arrived in London):

PRINCE EDWARD (*to Hastings*)
Welcome, my lord. What, will our mother come?
LORD HASTINGS On what occasion God he knows, not I,
The Queen your mother, and your brother York,
Have taken sanctuary. The tender Prince
Would fain have come with me to meet your grace,
But by his mother was perforce withheld.

BUCKINGHAM Fie, what an indirect and peevish course
Is this of hers!-Lord Cardinal, will your grace
Persuade the Queen to send the Duke of York
Unto his princely brother presently?
If she deny, Lord Hastings, go with him,
And from her jealous arms pluck him perforce.

CARDINAL My lord of Buckingham, if my weak oratory
Can from his mother win the Duke of York,
Anon expect him. But if she be obdurate
To mild entreaties, God in heaven forbid
We should infringe the sacred privilege
Of blessed sanctuary. Not for all this land
Would I be guilty of so deep a sin.

BUCKINGHAM You are too senseless-obstinate, my lord,
Too ceremonious and traditional.
Weigh it not with the grossness of his age.
You break not sanctuary in seizing him.
The benefit thereof is always granted
To those whose dealings have deserved the place,

And those who have the wit to claim the place.
This prince hath neither claimed it nor deserved it,
And therefore, in my mind, he cannot have it.
Then taking him from thence that 'longs not there,
You break thereby no privilege nor charter.
Oft have I heard of 'sanctuary men',
But 'sanctuary children' ne'er till now.
[*Richard III*: 3:1:25-56]

Through the Shakespeare history plays covering the reigns of the kings of England from Richard II to Henry VIII, the reign of Henry VII is remarkably conspicuous by its absence. This striking hiatus is filled by Bacon's *The History of the Reign of King Henry the Seventh* written in prose which in an unbroken narrative follows on from the end of his *Richard III*. In his prose history which commences with the slaying of Richard III at Bosworth by the forces of the Earl of Richmond, who by divine right succeeded as Henry VII, Bacon again returns to the theme of sanctuary prominent in *Richard III* which was taken up by Henry VII, who received from the Bishop of Rome (Pope Innocent VIII), a Papal Bull restricting a number of its legal privileges:

He obtained also of the Pope a very just and honourable Bull, qualifying the privileges of sanctuary (wherewith the King had been extremely galled) in three points.

The first, that if any sanctuary-man did by night or otherwise get out of sanctuary privily and commit mischief and trespass, and then come in again, he should leese the benefit of sanctuary for ever after.

The second, that howsoever the person of the sanctuary-man was protected from his creditors, yet his goods out of sanctuary should not.

The third, that if any took sanctuary for case of treason, the King might appoint him keepers to look to him in sanctuary.[61]

During the period Bacon was writing his first Shakespeare tetralogy (*I Henry VI*, *2 Henry VI*, *3 Henry VI* and *Richard III*) he also composed his Roman history of *Titus Andronicus*. It has been said by many orthodox scholars that *Titus Andronicus* is the first of the Shakespeare plays, and whether or not it is actually the first, it is certainly one of the earliest. Its exact date of composition is unknown. Various dates have been suggested generally ranging from 1588 through to 1594, the date of the publication of its first quarto issued under the title *The Most Lamentable Romaine Tragedie of Titus Andronicus*, which according to its title page was performed by three different playing companies '*the Right Honourable the Earle of Darbie, Earl of Pembrooke, and the Earle of Sussex their Seruants*'. Only one copy of the 1594 quarto is known to exist (it was first discovered in Sweden in 1904) which now resides in the Folger Shakespeare Library in Washington. A few years later in 1909 a rare copy of the third quarto of *Titus Andronicus* was found among eight Shakespeare quartos at Gorhambury most likely transferred from Bacon's personal library in the old Gorhambury House, which were transferred for safe-keeping into the care of Bodleian Library, where they still remain to the present day.[62] Could you just imagine the headlines around the world if eight Shakespeare quartos were discovered in the house of Shakspere of Stratford or one of his relatives or descendants!

THE
MOST EX-
cellent and lamentable
Tragedie, of Romeo
and *Iuliet.*

Newly corrected, augmented, and amended:

As it hath bene ſundry times publiquely acted, by the right Honourable the Lord Chamberlaine his Seruants.

LONDON
Printed by Thomas Creede, for Cuthbert Burby, and are to be ſold at his ſhop neare the Exchange.
1599.

THE
TRAGEDIE
of King Richard
the third.

Conteining his treacherous Plots againſt his brother Clarence: the pittifull murther of his innocent Nephewes: his tyrannicall vſurpation: with the whole courſe of his deteſted life, and moſt deſerued death.

As it hath bene lately Acted by the Right Honourable the Lord Chamberlaine his ſeruants.

Newly augmented,

By *William Shakeſpeare.*

LONDON
Printed by Thomas Creede, for Andrew Wiſe, dwelling in Paules Church-yard, at the ſigne of the Angell. 1602.

THE
Tragicall Hiſtorie of
HAMLET,
Prince of Denmarke.

By William Shakeſpeare.

Newly imprinted and enlarged to almoſt as much againe as it was, according to the true and perfect Coppie.

AT LONDON,
Printed by I. R. for N. L. and are to be ſold at his ſhoppe vnder Saint Dunſtons Church in Fleetſtreet. 1605.

M. William Shak-ſpeare:

HIS
True Chronicle Hiſtorie of the life and death of King LEAR and his three Daughters.

With the vnfortunate life of Edgar, *ſonne* and heire to the Earle of Gloſter, and his ſullen and aſſumed humor of TOM of Bedlam:

As it was played before the Kings Maieſtie at Whitehall vpon S. Stephans *night in Chriſtmas Holidayes.*

By his Maieſties ſeruants playing vſually at the Gloabe on the Bancke-ſide.

LONDON,
Printed for *Nathaniel Butter*, and are to be ſold at his ſhop in *Paules* Church-yard at the ſigne of the Pide Bull neere *S. Auſtins* Gate. 1608.

Fig. 2 The Bacon Gorhambury Quartos-the title pages *Romeo and Juliet* 1599, *Richard III* 1602, *Hamlet* 1605, *King Lear* 1608

THE
MOST LAMEN-
TABLE TRAGEDIE
of Titus Andronicus.

AS IT HATH SVNDRY
times beene plaide by the Kings
Maieſties Seruants.

LONDON,
Printed for Eedward White, and are to be ſolde
at his ſhoppe, nere the little North dore of
Pauls, at the ſigne of the
Gun. 1611.

THE
First and ſecond Part o
the troubleſome Raigne of
John King of England.

With the diſcouerie of King Richard Cor
delions Baſe ſonne (vulgarly named, The Baſtard
Fawconbridge:) Alſo, the death of King *John*
at Swinſtead Abbey.

As they were (ſundry times) lately acted
the Queenes Maieſties Players.

Written by W. Sh.

Imprinted at London by *Valentine Simmes* for *John Helme*,
and are to be ſold at his ſhop in Saint Dunſtons
Churchyard in Fleeteſtreet.
1611.

THE
HISTORY OF
Henrie the fourth,

With the Battell at Shrewſburie, betweene
the King, and Lord Henrie Percy, ſur-
named *Henrie Hotſpur* of the North.

VVith the humorous conceites of Sir
John Falſtaffe.

Newly corrected by *W. Shake-ſpeare.*

LONDON,
Printed by *W. W.* for *Mathew Law*, and are to be ſold
at his ſhop in Paules Church-yard, neere vnto S.
Auguſtines Gate, at the ſigne of the Foxe.
1613.

THE
Tragedie of King
Richard the Se-
cond:

With new additions of the Parliament Scene,
and the depoſing of King
Richard.

As it hath been lately acted by the Kinges
Maieſties ſeruants, at the Globe.

By WILLIAM SHAKE-SPEARE.

At LONDON,
Printed for *Mathew Law*, and are to be ſold
at his ſhop in Paules Church-yard, at the
ſigne of the Foxe.
1615.

Fig. 4 The Bacon Gorhambury Quartos-the title pages *Titus Andronicus* 1611, *King John* 1611, *King Henry IV* 1613, *Richard II* 1615

‘Legal discourse’, says Gregg, ‘saturates *Titus Andronicus*; from the opening lines of the play, when Saturninus exclaims ‘Noble patricians, patrons of my right,/Defend the justice of my cause with arms’ (1.1.1-2), which immediately draws ‘attention to the importance of the law.’[63] The play begins with Saturninus and his brother Bassianus, sons of the Roman Emperor, both setting forth their claim to succeed their father, however Marcus Andronicus, a tribune of the people, insists that the imperial crown should be placed on the head of his noble and brave brother Titus, as reward for his military victories against the barbarous Goths.

After spending some ten years fighting the enemies of Rome Titus and his four sons (Martius, Mutius, Lucius and Quintus) return in triumph with their prisoners Tamora, Queen of the Goths, and her three sons Alarbus, Chiron, and Demetrius, as well as her Moorish lover, Aaron. His entourage enters with men bearing coffins covered with black, as Titus, who has lost twenty-one of his twenty-five sons in the recent wars, prepares to bury them in the family tomb. His eldest son Lucius declares the souls of his brothers require a human sacrifice for which Titus, ignoring the pleas of mercy from Tamora, orders that her eldest son Alarbus be killed. In accordance with Roman rites Titus’s sons ritually slaughter him and throw his entrails into the sacrificing fire prompting Tamora and her two surviving sons Chiron and Demetrius, to enter into a plan to avenge his death, setting in motion the theme of revenge, which structures the whole of the play.

His brother Marcus Andronicus offers Titus the crown which he refuses and declares in favour of the legitimate successor Saturninus, who after being crowned emperor in gratitude announces to Titus he will marry his daughter Lavinia and make her his royal empress. Titus willingly accepts, she is however already pledged to Bassianus who supported by Titus’s sons, refuses to give her up. During an ensuing scuffle Titus kills his own son Mutius, whose other son, Lucius tells Titus that Bassianus, enjoys the full support of Roman law. Saturninus seizes the opportunity to denounce his benefactor Titus and his traitorous lawless sons, and then declares his intention to marry Tamora, Queen of the Goths. In an aside to Saturninus she tells him to feign friendship toward Titus and his family and take revenge later when they can safely ‘massacre them all’ (1:1:447), sustaining a motif of revenge resulting, in the absence of law and justice, of pain, death and destruction.

Her sons Chiron and Demetrius argue which of them deserves Lavinia’s love with Aaron, a forerunner of Richard III, telling them they both could have her and proposes they both rape her the next day during the hunt. Tamora and her lover Aaron meet in the woods where their lustful intimacy is witnessed by Bassianus and Lavinia who insult Tamora. Her sons Chiron and Demetrius, acting as agents of revenge, avenge their mother by raping and mutilating Lavinia, and slaying Bassianus. The relentless mechanism of revenge is also further perpetrated through her lover Aaron who falsely incriminates Titus’s sons, Martius and Quintus, in the murder of Bassianus, both of whom are taken away by Saturninus to await execution.

The Judges, Senators and Tribunes enter with Martius and Quintus in chains heading to their place of execution. Titus Andronicus entreats the Judges to spare the lives of his condemned sons, and his third son Lucius, is banished for attempting to rescue his brothers. A duplicitous Aaron reports the emperor will spare his sons, in exchange for him, cutting off his right hand. A deceived Titus lets Aaron cut it off and take it away. The hand is returned to Titus with the heads of his sons, Martius and Quintus and he realises Aaron has viciously tricked him. In turn Titus vows revenge and despatches Lucius to raise an army of Goths against Saturninus and Tamora to wreak vengeance and unable to get redress in the law to achieve some kind of wild justice.

A mute Lavinia manages to identify her brutal assailants by turning the pages of a copy of Ovid's *Metamorphosis* until she reaches the story of the rape of Philomel and by holding a staff in her mouth she writes the names of her attackers in the sand. They all kneel and Marcus pronounces new vows of vengeance 'That we will prosecute by good advice/Mortal revenge upon these traitorous Goths,/and see their blood, or die with reproach' (4:1:91-3). In a scene describing a world after '*Terras Astraea reliquit*' (The Goddess of Justice has left the earth) littered with the words justice, revenge ('revengeful war'), and vengeance where there is 'no justice in earth nor in hell (4:3: 50) Titus seeks redress from heaven and the gods 'To send down justice for to wreak our wrongs (4:3:52). He directs his kinsman to shoot arrows into the sky and scatter them throughout Rome and into the emperor's court with the implicit message that the gods were about to send down their bolts of vengeance for divine justice and revenge.

In the company of Empress Tamora, and her two sons Chiron and Demetrius, the Emperor Saturninus bears the arrows Titus had shot sending him flying into a violent rage 'And now he writes to heaven for his redress/See, here's 'to Jove', and this 'to Mercury',/This 'to Apollo', this 'to the god of war'/Sweet scrolls to fly about the streets of Rome!/What's this but libelling against the Senate/And blazoning our injustice everywhere?' (4:4:13-18). The emperor becomes even more alarmed when he learns the Goths led by Lucius are marching towards Rome 'Who threats in course of this revenge to do/As much as ever Coriolanus did'(4:4:67-8). In fear of knowing that the common people love Lucius, who they believe was wrongly banished, the emperor fearing the worst hangs his head. A defiant Tamora reassures Saturninus that she will enchant Titus with golden promises and deceitful words and arrange a parley with Lucius at his father's house, and with all art, persuade him not to attack Rome.

The incarnation of evil Aaron, who had fled from Rome with his child, is captured by a soldier in Lucius's army. After Lucius has solemnly sworn he will not harm the child (whose mother is, of course, Empress Tamora) Aaron confesses the truth about his crimes and horrors that he was instrumental in planning and executing 'murders, rapes, and massacres,/Acts of black night, abominable deeds,/Complots of mischief, treason, villainies' (5:1:63-5). He tells Lucius it was Tamora's sons who murdered Bassianus and raped and mutilated his sister Lavinia 'I was their tutor to instruct them' (5:1:98) and 'played the cheater for thy father's hand' (5:1:111) which 'almost broke my heart with extreme laughter' (5:1:113). His only regret was, though 'I have done a thousand dreadful things/As willingly as one would kill a fly,/And nothing grieves me heartily indeed/But that I cannot do ten thousand more' (5:1:141-44). Hearing his confession Lucius is so shocked and mortified he has Aaron taken down, claiming that hanging is too sweet a death for such an evil devil, and instructs his soldiers to gag Aaron to stop him from speaking any more. The messenger from Rome Aemilius arrives with an offer from Emperor Saturninus of a parley at his father's house which Lucius accepts.

In disguise, Empress Tamora and her two sons, Chiron and Demetrius, approach Titus's house where they plan to deceive him. Tamora is disguised as Revenge, and her two sons, as her ministers, Murder and Rape:

TAMORA

Thus, in this strange and sad habiliment,
I will encounter with Andronicus
And say I am Revenge, sent from below
To join with him and right his heinous wrongs.
Knock at his study, where they say he keeps

To ruminate strange plots of dire revenge.
Tell him Revenge is come to join with him
And work confusion on his enemies.
[*Titus Andronicus*: 5:2:1-8]

Tamora believes that Titus has fallen into madness through his unbearable pain and sorrow but not being deceived he easily sees through her disguise and pretends to be taken in with it. He agrees to her request to bring Lucius to his house for a banquet to be attended by the emperor where Titus plans to wreak his vengeance. He prevails upon her to leave her two sons Chiron and Demetrius (Rape and Murder) and as soon as Tamora leaves Titus reveals his madness was feigned and has them tied up and gagged. He proceeds to unfold the long litany of their most foul crimes. With Lavinia beside him, he tells them that they killed her husband, for which her two brother were falsely condemned to death, and his hand cut off, likewise the same with Lavinia's two hands, her body mutilated and tongue ripped out, while the two of them repeatedly violated her sacred chastity. He tells them that with his remaining hand he is about to cut their miserable throats while Lavinia between her stumps holds a basin to receive their guilty blood. Following this he will grind their bones into dust, and with their blood make a paste, and two pasties of their shameful heads, to serve up to Tamora at the banquet 'For worse than Philomel you used my daughter,/And worse than Progne I will be revenged' (5:2:193-4). Thus in a scene, where the word revenge or revenged is used on more than a dozen occasions, the cycle of revenge, the theme and motif that has structured the whole of the play, continues unabated, and nor as yet by any stretch of the imagination, has it fully completed its work.

In the final scene Lucius arrives at Titus Andronicus's house for the parley with Emperor Saturninus bringing with him Aaron and his child as prisoners. Titus dressed as a cook welcomes his guests to the revenge banquet, and assisted by a disguised Lavinia decked with a veil over her face, he serves the meal, urging them to fill their stomachs, with the dishes placed before them. Titus then asks Saturninus whether it was just for Virginius to slay his daughter after she was raped. It was, Saturninus answers. On what grounds, asks Titus. It was right because she would never have survived her shame. Before murdering Lavinia, Titus says, using the language of the law and a lawyer 'A reason mighty, strong, effectual;/A pattern, precedent, and lively warrant/For me most wretched, to perform the like' (5:3:42-44). This statement points out Professor Anderson in '"What Is Written Shall Be Executed": "Nude Contracts" and "Lively Warrants" in *Titus Andronicus*' pointedly refers to the law of contract which he explains at some length and in impressive detail (too long here to be quoted in full) that was then occupying the great legal minds of the day, eventually officially adjudicated on in the ground-breaking landmark case, known as *Slade's Case*:

John Slade's case against Humphrey Morley from 1597 to 1602 redefined contract law from a debt-based to an assumpsit-based system (which extends legal obligation beyond the moment of contractual agreement, giving it a new temporal dimension).The distinction between the two forms of legal reasoning, as this essay has suggested in its attention to the intended and unintended consequences of obligatory language, helps make sense of the complex relationship between the promissory speech act and the staged violence-a relationship that has proven notoriously difficult to explain in accounts of *Titus Andronicus*.

…The promissory act assumes an interval that divides it from the performance which would make the contract whole. The incomplete condition that is constitutive of this new type of contract means that for the first time in English legal discourse the promissory speech act can be what J. L. Austin might call "infelicitous." Assumpsit makes evident in a legal context the

constitutive failure implicit in speech acts-a failure rendered as bloody violation in *Titus*. Contractual structures were beginning to be imagined in this period as attempts "to write the future, to manage the risks that come with immersion in the social world. *Titus Andronicus* stages the temporal uncertainty of assumpsit in the unintended effects of promissory speech acts as the same time that it articulates a desire for the felicitous contract in which everything is accomplished during the moment of obligation. Significantly, the argument in *Slade's Case* makes it clear that the legal development of assumpsit has the retroactive effect to redefine past debt-based obligations as well. In theory, with the advent of assumpsit logic, debt-based obligations-or what legal theorists called "nude" contracts–were already subject to collateral matter and unusual intentions.

Rome's relationship to Titus can be characterized by a promissory temporality subject to this type of collateral matter and unusual intentions….[64]

The complicated issues and future implications inherent in the *Slade v Morley Case* (1597-1602), commonly known as *Slade's Case*, an important milestone in English contract law, where the new action of assumpsit prevailed over the limited writ of debt, had long exercised the very best legal minds in Elizabethan England. It was a complex topic of discussion and debate at the four Inns of Court, and in particular, with Bacon and other senior members of Gray's Inn, at a time when he was writing and revising *Titus Andronicus* (1589-94). To further complicate matters the issues at stake in this important matter of English law had become a source of friction between the Court of Common Pleas who favoured the writ of debt system and the King's Bench that had developed a new assumpsit action. After years of legal-infighting Chief Justice Popham finally decided the conflict between the two courts needed to be resolved and settled upon choosing *Slade v Morley* to resolve the issue. It was decided the case would be argued before the senior major judges of England in the Exchequer Chamber. The Attorney-General Sir Edward Coke appeared for the plaintiff Slade and Doddridge and Bacon represented the defendant Morley. Important cases such as this one were often argued twice before a decision and so it likewise occurred in this case.[65] With all the complications and vested interests the case dragged on for five years before Chief Justice Popham in 1602 issued a judgement in favour of Slade. In his notoriously unreliable report of the case issued in 1603 Coke states the judgement was unanimous, however, modern commentators maintain it was most likely a narrow 6 to 5 victory in Slade's favour. The foundation of all discussion about *Slade's Case*, points out Professor Baker, 'has been Coke's report, which is the only full report in print', and there is no account in it 'of the learned and persuasive arguments advanced by Bacon for the defendant.'[66] More recent research however by Baker has yielded a translated record of Bacon's argument taken directly from contemporary manuscripts available for the first time,[67] whose detailed knowledge of the principles involved in the *Slade Case* are adroitly woven into the text of *Titus Andronicus*, so impressively illuminated by Professor Anderson (though he makes no mention of Bacon and his involvement in the case).

Retuning to the play when asked by Saturninus who raped Lavinia Titus identifies Chiron and Demetrius and reveals their heads baked in a pie that their mother Tamora had already eaten from. Titus then stabs Tamora whereupon Saturninus kills Titus and is himself slain by Lucius. To the assembled Romans, Marcus Andronicus and Lucius set out the crimes of Tamora, her lover Aaron, and two sons Chiron and Demetrius saying 'Now judge what cause had Titus to revenge/These wrongs unspeakable, past patience,/Or more than any living man could bear' (5:3:124-6). The joyous citizens hail Lucius as the new emperor who promises 'To heal Rome's harms and wipe away her woe' (5:3:147), in drawing to a close this legal play of law, justice, and revenge.

In his recent Arden edition of *Titus Andronicus* under the heading of '*Revenge*' Professor Jonathan Bate discusses the play in relation to Bacon's essay *Of Revenge*:

Revenge

The play's interest in political institutions is not confined to its examination of Roman government. The matter of revenge raises inevitable questions about the institutions of the law…

...The players who represent the enactment of revenge undertake the same kind of usurpation of the law as the revenger himself does. By casting revenge in the form of an elaborate public performance, the drama reveals that the public performance known as the law is also a form of revenge action….

..[The] distinction [between private revenge and legal retribution] must be made more subtly, as in fact it was by Bacon in his brief essay 'Of Revenge'. That essay begins with an apparent endorsement of the views summarized by Bowers: revenge is a kind of wild (uncultivated) justice; it puts the law out of office, so the law should weed it out; revenge is perhaps 'tolerable' if it is for a wrong which there is no law to remedy, but the method of revenge had better be one which is not punishable by law. But the conclusion is surprising: 'Public revenges are for the most part fortunate: as that for the death of Caesar; for the death of Pertinax; for the Death of Henry the Third of France; and many more. But in private revenges it is not so. Nay rather, vindictive persons live the life of witches; who, as they are mischievous, so end they infortunate' (Bacon, 73). The public revengers cited-Augustus, Severus, and Henry VI of France-proved to be, according to the official Renaissance view, good and successful rulers. If we believe that Lucius will rule Rome well, then the revenges in the final act of *Titus*, which are certainly performed very publicly, come into the category of the fortunate. Like Hieronimo and Hamlet, Titus pretends to be mad, gives the appearance of having turned his vindictiveness inward in the auto-destructive fashion of Bacon's private revengers, but in fact all along he is preparing for a public act. His revenge takes place as part of a public performance which brings about political change.

The necessity to revenge reveals the inadequacy of the law; the formulation of revenge in performance acts as a substitution for the law, simultaneously revealing the law to be itself nothing other than a performance, replete with processions, costumes, symbolic geography, dialogues, epideictic utterances, and gestures.

….*Titus Andronicus* tells the story of the failure of established legal remedies…

….Consequent upon the failure of imperial law is the revenger's establishment of an alternative procedure. Barbaric as the feast in the final scene may be, Titus still uses the language of the law: he speaks of 'precedent' and 'warrant' (5.3.43). It is as if the breakdown of established law is such that he has to create a new system of case-law, based on historical and mythological sources.[68]

This theme of revenge structures the whole of *Titus Andronicus* at every level and it is the motif that permeates its symbolism, imagery and language in a context of law and justice; whether in the absence of one or both, where one ends and the other begins, and when, where there is no law or lawful justice, a wild kind of justice, revenge:

OF REVENGE

Revenge is a kind of wild justice; which the more man's nature runs to, the more ought law to weed it out. For as for the first wrong, it doth both offend the law; but the revenge of that wrong putteth the law out of office. Certainly, in taking revenge, a man is but even with is enemy; but in passing it over, he is superior; for it is a prince's part to pardon. And Salomon, I am sure, saith, *It is the glory of a man to pass by an offence*. That which is past is gone, and irrevocable; and wise men have enough to do with things present and to come; therefore they do but trifle with themselves, that labour in past matters. There is no man doth a wrong for the

wrong's sake; but thereby to purchase himself profit, or pleasure, or honour, or the like. Therefore why should I be angry with a man for loving himself better than me? And if any man should do wrong merely out of ill-nature, why, yet it is but like the thorn or briar, which prick and scratch, because they can do no other. The most tolerable sort of revenge is for those wrongs which there is no law to remedy; but then let a man take heed the revenge be such as there is no law to punish; else a man's enemy is still before hand, and it is two for one. Some, when they take revenge, are desirous the party should know whence it cometh. This the more generous. For the delight seemeth to be not so much in doing the hurt as in making the party repent. But base and crafty cowards are like the arrow that flieth in the dark. Cosmus, duke of Florence, had a desperate saying against perfidious or neglecting friends, as if those wrongs were unpardonable; *You shall read* (saith he) *that we are commanded to forgive our enemies*; *but you never read that we are commanded to forgive our friends*. But yet the spirit of Job was in a better tune: *Shall we* (saith he) *take good at God's hands, and not be content to take evil also*? And so of friends in a proportion. This is certain, that a man that studieth revenge keeps is own wounds green, which otherwise would heal and do well. Public revenges are for the most part fortunate; as that for the death of Caesar; for the death of Pertinax; for the death of Henry the Third of France; and many more. But in private revenges it is not so. Nay rather, vindictive persons live the life of witches; who, as they are mischievous, so end they infortunate.[69]

The Roman history *Titus Andronicus* shares many affinities with the English history play *King John* and vies with it (with some others) for the earliest known Shakespeare drama. There is still considerable disagreement regarding the date of *King John* on account of its controversial relationship with the anonymous play *The Troublesome Raigne of King John of England* published in 1591. Nearly all orthodox Shakespeare editors and commentators believe *The Troublesome Raigne* was written by someone other than Shakespeare and over several centuries its authorship has been variously attributed to at least eight different dramatists: Kyd, Peele, Marlowe, Greene, Lodge, Drayton, Rowley, and Munday. On the basis *King John* preceded *The Troublesome Raigne* the likes of Professor Honigmann (editor of the Arden *King John*) argues for a date of 1590-1,[70] with others variously putting its date of composition at 1587, 1588, or 1589. On the other hand the majority of scholars think (wrongly) *The Troublesome Raigne* was used as a source by Shakespeare for his *King John* and have consequently championed a date of every year between 1591 and 1598 the year it was listed under Shakespeare by Francis Meres in his *Palladis Tamia* (1598). Even though two later quartos of *The Troublesome Raigne* credited its authorship to 'W. Sh' with the second stating it was 'Written by W. Shakespeare', virtually all modern scholars (many with an eye on the disputed authorship of the plays) refuse to accept his authorship of it. Recently, however, the prolific orthodox Shakespeare scholar Eric Sams placed his head above this wall of denial who in summarizing his position says that 'There is no objective reason to assume that Shakespeare did not write *Troublesome Reign* [which he dates at *c*. 1588] or that anyone else did. Its usual contemptuous rejection is mere personal opinion, though often presented as universal modern expertise'.[71] Even more recently still Ramon Jimenez in '*The Troublesome Raigne of John, King of England* Shakespeare's First Version of *King John*' the most comprehensive study of it to date, has emphatically shown that a single author 'Shakespeare' wrote *The Troublesome Raigne* which preceded the greatly revised and re-written *King John* first published in the First Folio.[72] If accepted it means *The Troublesome Ragine* is the earliest printed Shakespeare work antedating the printed editions of the narrative poems *Venus and Adonis (1593), The Rape of Lucrece (1594), and what is almost universally regarded as Shakespeare's first printed play Titus Andronicus (1594), by three years.*

A ℔ A ℔.

Troublesome Raigne

of *John* King of *England*, with the discouerie of King Richard Cordelions Base sonne (vulgarly named, The Bastard Fawconbridge): *also the* death of King *John* at Swinstead Abbey.

As it was (sundry times) publikely acted by the Queenes Maiesties Players, in the honourable Citie of London.

Imprinted at London for *Sampson Clarke*, and are to be solde at his shop on the backeside of the Royall Exchange.

1591.

Fig. 4 The title page of *The Troublesome Raigne of King John* 1591

The major themes of the two versions of the Shakespeare play of *King John* include various aspects of the law, inheritance, identity, legitimacy, and its antithesis bastardy. The last of these provides the pejorative nomenclature for its most important character and largest role in the play, who is given deliberate prominence on its title page *The Troublesome Raigne of Iohn King of England, with the discouerie of King Richard Cordelions Base sonne* (*vulgarly named, The Bastard Fawconbridge*).[73] The important character Philip Faulconbridge (the bastard) has more lines than any other character and is frequently described as the hero of *King John* without whom it is said, the play would not exist. The play is undoubtedly one of the less known of all the Shakespeare plays, and its central character the Bastard, unlike the characters of say Hamlet or Prospero, remains unfamiliar to the reader and theatre-goer. The play writes Professor Emrys Jones in his brilliant incisive essay 'King John: *The Self and the World*' 'is still misunderstood and absurdly underrated'.[74] Like virtually all modern critics Professor Jones too is irresistibly drawn to the complex, enigmatic and elusive key character in the play '*King John* would be nothing without the Bastard Faulconbridge. With him, however it comes within hailing distance of *Hamlet*. He is the sensitive moral agent who registers the human temperature of the places through which he moves. Through his responses the true meaning of the play is mediated to us.'[75] The world of *King John* is, he observes, 'a place of deceit and deceiving, in which the deceivers are themselves deceived', that portrays the Bastard's 'initiation into high politics-the great world-which forms a major plot line.'[76] Unlike some other characters in the play the Bastard has an 'instinct for justice' and 'justice, with its assumption of reciprocity, matters to him'.[77] The Bastard writes Professor Braunmuller (editor of the Oxford edition of *The Life and Death of King John*) fully 'erupts into the play as a sourceless, unlocated character'.[78] The curious and elusive Bastard 'virtually unhistorical, is Shakespeare's response to the problem of interpreting history. An outsider to many of the play's overt concerns,-law, family, politics,-he embodies the playwright's own practical need for an analytical consciousness and offers a focus for unifying disparate, uninterrupted events.'[79] He 'unites' declares professors Lander and Tobin, the modern Arden editors of *King John*, 'a sharp-eyed criticism of society's false pieties with a declared desire to seek advancement.'[80] He is penetrating and profound, he sees further and deeper, he knows and understands more than the self-serving mortals around and about him. He is present but impressively rises above the noise of deceivers and the deluded, at times both visible and invisible, we think we know him, but he always manages to just stay out of reach. He seems real and unreal 'an imaginary character', says Sams, 'who influences events, despite his non-existence'.[81] The Bastard is the great exemplar of the undaunted and undying spirit of England, serving under an unworthy monarch, and yet faithful to him as the figure-head of the kingdom; and even if he cannot rule himself, he is a great patriot in the very highest sense of the word, and will serve his country in any way he can. Irrespective of his status (legitimate, illegitimate, royal bastard, rightful heir to the crown), however he is recognised by an unseeing and unknowing world, he will through his play and through his concealed character speak for England now and for all the times to come:

> Of all Shakespeare's history plays, *King John* is the one that most explicitly asks what it might mean to speak for England. It explores questions about legitimacy and inheritance that were of concern to all propertied families in Tudor England, but of monumental significance to the monarchy-especially at a time when an aged childless queen was sitting on the throne …*King John* imagines a more challenging possibility: suppose that a great king dies and that his bravest, most honest and most intelligent son is an illegitimate one. In such a circumstance, inheritance on the basis of merit is not possible: if a bastard were to ascend to

the throne, the legitimacy of the entire monarchical system would be called into question. The seamless interdependence of patrilineal state, law, Church and family would begin to unravel. [82]

Yet the true parentage of the royal Bastard, as a son of Richard I, through his secret liaison with Lady Faulconbridge, theoretically provides him with a claim to the throne if the king and his mother for example were known to have married in private or secret, but denied him on the grounds of illegitimacy because he was apparently borne out of wedlock. And let us not forget the royal Bastard was raised as the son of Sir Robert Faulconbridge who it seems was aware very early that he was not his son and in effect he had raised him on behalf of the king, Richard I:

Given the political and legal importance of patrilineal descent, the Bastard's true parentage confers a metaphorical claim on the Crown, for it links him with Richard I, England's last undoubtedly legitimate king….[83]

The fictitious royal Bastard is not modelled upon any previous historical figure. His character is a dramatic invention as are the Falconbridge family and the dispute between the Faulconbridge brothers introduced into the first scene of the play. Several Shakespeare scholars have sensed something abstruse, hidden, or uncertain in the name of the Bastard, Philip Faulconbridge. Curiously, in the play he is known by a number of different names

Significantly, perhaps, we are not even clear of his name. His Christian name is Philip, though that is used only once, and after he has been dubbed 'Sir Richard Plantagenet' by the King. Only once is he called 'Sir Richard', by Salisbury in iv. iii. But later (v. iv) Salisbury calls him 'that misbegotten devil, Faulconbridge', and it is as the Bastard Faulconbridge that we usually think of him.[84]

It seems the true author of *King John* had an unusual and very particular attachment to the name of Faulconbridge. In his Arden edition of *King John* Professor Honigmann who notes the use of the name in a number of other Shakespeare plays (*I Henry VI, 3 Henry VI, Love's Labour's Lost*, and *The Merchant of Venice* whose titular character Antonio is modelled upon Bacon's brother Anthony Bacon) incisively observes:

And that Shakespeare was in fact the inventor of it all the Faulconbridge elements in his other plays may bear out. For Shakespeare frequently resorted to the name, and this may imply some personal relationship.[85]

Indeed, it does imply some kind of special personal relationship with the author of the Shakespeare plays which can now be revealed here for the first time. The man and name behind the character of the Bastard Sir Philip Faulconbridge has quite simply stared centuries of Shakespearean and Baconian scholarship in the face. The name of the person behind the character of the Bastard is concealed within the first eight letters of the surname *Fa*ul*conb*ridge, which contains an anagram of F. Bacon. He too, like Sir Philip Faulconbridge was known by different names. To open history he is known as Francis Bacon, Sir Francis Bacon, Lord Bacon, Baron Veralum and Viscount St Alban, as well as a number of other related variants-whereas to secret history, Bacon is known by various other names. Like Faulconbridge Bacon was of royal birth. He was the secret royal son of Queen Elizabeth and the favourite Sir Robert Dudley, Earl of Leicester and similar to his dramatic *nom de plume* (who was raised by only one of

his natural parents) he was raised by someone other than his two natural parents-in his case Sir Nicholas and Lady Bacon. Not unlike Faulconbridge Bacon too had a half-brother, in fact several half-brothers, Nicholas, Nathaniel and Edward Bacon, the sons of Sir Nicholas Bacon's first marriage to Jane Fernley. His second marriage to Lady Anne Cooke produced another 'brother' Anthony Bacon (whose name and character features in a number of Shakespeare plays). In addition to this, he had a secret royal brother, also the son of Elizabeth and Leicester, known to standard history as Robert Devereux, Earl of Essex (as seen below an historical person with the title of the Earl of Essex features in the opening scene of *King John* deliberately used to introduce the legitimacy dispute between the Faulconbridge brothers) whose spectral presence is also felt in several other Shakespeare plays.

During his lifetime it was known to members of the Elizabethan government, most obviously his surrogate father Sir Nicholas Bacon and his brother-in-law Secretary of State William Cecil, the head of the English Secret Service Sir Francis Walsingham, highly placed Elizabethan courtiers and the inner circle of Queen Elizabeth Ladies-in-Waiting, that Bacon was a royal bastard. Considering the enormity this potentially had for the succession and if revealed that it might very well have resulted in civil war not unlike the civil War of the Roses (explored by Bacon through *I Henry VI*, *2 Henry VI*, *3 Henry VI* and *Richard III*), to speak openly of such things was strictly forbidden.

In these rarefied circles Bacon was known as Francis Tudor, the royal Bastard son of Elizabeth, an illegitimate Prince Tudor, and possible heir to the throne of England; or, possibly a legitimate heir to the Crown, if (and there is considerable evidence to support it) Elizabeth and Leicester were in fact secretly married, and he was the royal fruit of legitimate wedlock. If their private marriage was publicly revealed Bacon may very well have been openly declared as the royal heir to the throne. We would do well also to remember that in the ever shifting world of Tudor and Elizabethan politics that Henry VIII first married his second wife Anne Boleyn in secret, and both Elizabeth and Mary from his first marriage to Catherine of Aragon, were declared illegitimate in several Acts of Parliament. In other words, history instructs us that Bastards after their royal status were re-labelled legitimate, ruled England.

Of course, Bacon was perfectly aware of the preceding royal family history and the law relating to primogeniture, bastardy, inheritance/disinheritance, and the *realpolitik* of power, which irrespective of the law and the complex rights and wrongs involved in issues of royal inheritance, that these matters were often decided on the battlefield.

It should perhaps come as very little surprise that the themes of identity, legitimacy, bastardy, inheritance/disinheritance, not to mention kingship, are explored throughout the whole Shakespeare canon beginning (if this is actually the first of his Shakespeare plays) with *The Troublesome Raigne of John King of England*/*The Life and Death of King John*:

> From its opening moments the play makes it clear that John should not by 'right' have become King of England: his majesty is 'borrowed'. And since his reign does not rest on law, it must in the nature of things stand awry. In this situation the Bastard serves as an 'illegitimate' commentator on an illegitimate reign.[86]

The theme of royal birthright and legitimacy immediately opens the play with the arrival of Chatillon, the French Ambassador to England, in his embassy to King John,

Fig. 5 Family Portraits of Queen Elizabeth, Robert Dudley Earl of Leicester and Francis Bacon Tudor by Nicholas Hilliard c. 1572-78

who asks him ‘Now say, Chatillon, what would France with us?’ (1:1:1), that without any diplomatic finesse whatsoever elicits the following blunt and very direct response ‘The borrowed majesty-of England here’ (1:1:4). Before the last syllable faded from his lips Bacon puts in the mouth of Queen Eleanor the striking line as if to emphasize the theme and its double meaning ‘A strange beginning: ‘borrowed majesty’?’ (1:1:5). Before King John invites Chatillon to deliver his royal embassy:

> Philip of France, in right and true behalf
> Of thy deceased brother Geoffrey’s son,
> Arthur Plantagenet, lays most lawful claim
> To this fair island and the territories,
> To Ireland, Poitou, Anjou, Touraine, Maine;
> Desiring thee to lay aside the sword
> Which sways usurpingly these several titles,
> And put the same into young Arthur’s hand,
> Thy nephew and right royal sovereign.
> [*The Life and Death of King John*: 1:1:7-15]

The claim of Arthur, Duke of Brittany, nephew to King John (fourth son of Henry II) to the throne of England derives through his father Geoffrey of Brittany (Henry II’s third son), now deceased. ‘What follows’, asks King John rhetorically, ‘if we disallow of this?’ fully expecting the inevitable answer ‘The proud control of fierce and bloody war,/To enforce these rights so forcibly withheld’ (1:1:17-18). In traditional fashion King John meets the declaration of war with defiance and promises in like language to defend his title and lands in a military campaign in France. In an aside, his mother Queen Eleanor (widow of Henry II) privately acknowledges to John, that his deceased elder brother’s son Arthur has the better right to the throne, insinuating that since his rule is illegal, it must be preserved through force of arms.

After dismissing Chatillon the attention of the royal court is turned to a matter which parallels and mirrors this theme of royal birthright and legitimacy. In the earliest version of the play *The Troublesome Raigne of John King of England* published in 1591 Bacon perfectly alive to the very dangerous waters of royal legitimacy and his own royal Bastard status and that of his concealed royal brother Robert Devereux, Earl of Essex, has the Earl of Salisbury introduce the Faulconbridge brothers Robert and Philip Faulconbridge. In the later revised version of *The Life and Death of King John* Bacon has Geoffrey Fitzpeter the first Earl of Essex introduce the Faulconbridge brothers. In *The Troublesome Raigne* Geoffrey Fitzpeter, first Earl of Essex appointed Chief Justice of England by Richard I, appears in four additional scenes speaking more than a hundred and twenty-lines. When King John leaves England to fight in France he places Essex in charge of the kingdom. But in the revised *Life and Death of King John*, points out Jimenez, ‘Shakespeare excised him nearly entirely, giving him a mere three lines in the first scene, and dividing his role thereafter between the Earls of Pembroke and Salisbury. No other character of his importance has been deleted. This specific and deliberate revision may have been Shakespeare’s response, political or personal, to the controversial Robert Devereux, the second Earl of Essex (second creation) during the mid-1590s, when King John is thought to have been written.’[87] In the printed 1591 edition of *Troublesome Ragine* it was probably deemed by Bacon too sensitive and dangerous to have someone with the title of the Earl of Essex introduce the subject of royal illegitimacy or bastardy whereas in the printed version of *The Life and Death of King Arthur* published thirty-two years later, with Queen Elizabeth then

long dead, he altered it to leave a subtle hint to posterity, and have Essex introduce, this ‘strangest controversy’:

ESSEX
My liege, here is the strangest controversy,
Come from the country to be judged by you,
That e’er I heard. Shall I produce the men?
[*The Life and Death of King John*: 1:1:44-6]

The Faulconbridge brothers Robert and Philip enter the royal court and what follows is an illegitimacy and bastardy dispute brought to trial before the illegitimate royal usurper King John himself-who in those days presided over such matters.[88]After being ushered in by the sheriff they are presented before their royal judge, who asks them ‘what men are you?’, which prepares the ground for the Faulconbridge brothers to state their cases, beginning with Philip the Bastard:

BASTARD
Your faithful subject I, a gentleman
Born in Northamptonshire, and eldest son,
As I suppose, to Robert Falconbridge,
A soldier, by the honour-giving hand
Of Coeur-de-lion knight in the field.
KING JOHN What art thou?
FALCONBRIDGE
The son and heir to that same Falconbridge.
KING JOHN
Is that the elder, and art thou the heir?
You came not of one mother then, its seems.
BASTARD
Most certain of one mother, mighty King-
That is well known-and, as I think, one father.
But for the certain knowledge of that truth
I put you o’er to heaven, and to my mother.
Of that I doubt as all men’s children may.
QUEEN ELEANOR
Out on thee, rude man! Thou dost shame thy mother
And wound her honour with this diffidence.
BASTARD
I, Madam? No, I have no reason for it.
That is my brother’s plea and none of mine,
The which if he can prove, a pops me out
At least from fair five hundred pound a year.
Heaven guard my mother’s honour, and my land!
KING JOHN
A good blunt fellow.-Why, being younger born,
Doth he lay claim to thine inheritance?
BASTARD
I know not why, except to get the land;
But once he slandered me with bastardy.
But whe’er I be as true begot or no,
That still I lay upon my mother’s head;
But that I am as well begot, my liege-

Fair fall the bones that took the pains for me-
Compare our faces and be judge yourself.
If old Sir Robert did beget us both
And were our father, and this son like him,
O old Sir Robert, father, on my knee
I give heaven thanks I was not like to thee.
[*The Life and Death of King John*: 1:1:50-83]

After being invited by Philip to compare his and Robert's faces and see whether they have the appearance of brothers both begot by Sir Robert Faulconbridge (and be it noted before either disputant had specifically referred to Philip's royal descent) King John and Queen Eleanor notice the strong physical resemblances between Philip and King Richard I:

QUEEN ELEANOR
He hath a trick of Coeur-de-lion's face;
The accent of his tongue affecteth him.
Do you not read some tokens of my son
In the large composition of this man?
KING JOHN
Mine eye hath well examined his parts,
And finds them perfect Richard.
(*To Robert Falconbridge*) Sirrah, speak:
What doth move you to claim your brother's land?
BASTARD
Because he hath a half-face like my father!
With half that face would he have all my land,
A half-faced groat five hundred pound a year.
[*The Life and Death of King John*: 1:1:85-94]

In the last three lines Philip Faulconbridge the royal Bastard in quick succession employs the phrases 'half-face', 'half that face', 'half-faced' in a legal trial on the law of bastardy in the pursuit of justice relating to the lands and monies of Sir Robert Faulconbridge. The same phrase is used by Bacon in his prose *History of King Henry VII* when discussing the heinous activities of Richard Empson and Edmund Dudley. By his second wife Edmund Dudley fathered three sons one of whom John afterwards became Duke of Northumberland, father of Robert Dudley, Earl of Leicester. After Edmund's death his widow Elizabeth married Arthur Plantagenet, illegitimate son of Edward IV. He studied at Gray's Inn and thereafter enjoyed a very successful legal career being appointed a judge, made a Privy Councillor, and Speaker of the House of Commons. In carrying out the Henry VII's policies Dudley is forever in the minds of posterity associated with his partner in crime Sir Richard Empson, also a lawyer and Speaker of the House of Commons, them known to history as the king's Hatchet Men.

Acting as King Henry's financial agents they ruthlessly carried out his arbitrary and extreme system of taxation and the financial exploitation of his subjects. No practice it seems was beneath them. In manipulating and abusing the law they raised and increased revenues by severely increasing rents and disallowing rebates under threat of imprisonment and swingeing fines, sold off offices of wardship, authorized pardons for treason, sedition, murder, and other serious forms of outlawry. In the account of their activities in *The History of King Henry VII* Bacon questioned the status of his parentage by repeating the story first recorded by Stow that Empson was the son of a

sieve-maker. As with the dramatic legal trial of the Faulconbridge brothers Robert and Philip the Bastard in *King John* where Bacon strikingly uses the phrases 'half-face', 'half that face', 'half-faced' in a similar context concerning matters of law and justice he again uses the term 'half-face' in the arresting phrase 'the half-face of justice':

Neither did they, towards the end, observe so much as the half-face of justice, in proceeding by indictment; but sent forth their precepts to attach men and convent them before themselves and some others at their private houses, in a court of commission; and there used to shuffle up a summary proceeding by examination, without trial of jury; assuming to themselves there to deal both in pleas of the crown and controversies civil.

Then did they also use to inthral and charge the subjects' lands with tenures *in capite*, by finding false offices, and thereby to work upon them for wardships, liveries, premier seisins, and alienations, (being the fruits of those tenures); refusing (upon divers pretexts and delays) to admit men to traverse those false offices, according to the law.

Nay the King's wards after they had accomplished their full age could not be suffered to have livery of their lands without paying excessive fines, far exceeding all reasonable rates.

They did also vex men with information of intrusion, upon scarce colourable titles.

When men were outlawed in personal actions, they would not permit them to purchase their charters of pardon, except they paid great and intolerable sums; standing upon the strict point of law, which upon utlawries giveth forfeiture of goods. Nay contrary to all law and colour, they maintained the King ought to have the half of men's land and rents, during the space of full two years, for a pain in case of utlawry. They would also ruffle with jurors and inforce them as they would direct, and (if they did not) convent them, imprison, and fine them.[89]

This was just one of the numerous uses of similar words, phrases, and peculiar and obsolete language found in *King John* and Bacon's prose *The History of Henry VII*. In 'The "History of Henry VII" compared with the play of "King John"', its author Edmund Bengough found 'much similarity between the treatment of the character and reign of John and Henry VII' comprising 'of congruity of thought and mental habit, implied in the use of the same or similar metaphors; and identical phraseology betraying the idiosyncrasy of the writer.'[90] He presented examples of twenty-five of the same metaphors or figurative illustrations in both *King John* and the *History of Henry VII*. He further noted the constant recurrence of half-a-dozen different words, numerous identical and similar phrases including 'half-face', and the parallel use of peculiar and unusual words, in what he described, as a total of fifty different items of evidence. Needless to say, any notice of his article does not appear in any of the Oxford, Cambridge and various Arden editions of *King John*, and it should be added, in any of the other modern editions of the play.

Returning to where we left off in the bastardy trial of *King John* Robert informs the king when his father Sir Robert Faulconbridge lived his brother Richard I frequently employed him in matters of state business. On one such occasion, when Sir Robert was despatched in an embassy to Germany to meet the emperor, King Richard I took advantage of his absence and lodged at Lady Faulconbridge's house at the time Philip was conceived when there were 'large lengths of seas and shores/Between my father and my mother lay/As I have heard my father speak himself,/When this same lusty gentleman was got' (1:1:105-8). And moreover, on his deathbed Sir Robert made a will bequeathing his lands to Robert and before his demise he stated that Philip 'was none of his' and that he 'came into the world' a 'full fourteen weeks before the course of time' (1:1:111-13). King John, though he accepted Philip's striking resemblance to Richard I, he points out in law that Philip was still the legitimate son of Sir Robert's on the grounds Lady Faulconbridge gave birth to him after lawful wedlock.

The judgement delivered by the king was correct in law as it stood at the time of the play which basically stated a child born to a man's wife during lawful wedlock is his legitimate offspring. The king then proceeds to give a rationale for his judgement by drawing on the analogy between a calf bred from a cow and the birth of a child ('This calf, bred from his cow, from all the world;/In sooth he might' (1:1:124-5)) echoing the same rationale given by Judge Richill in a case reported in the Year Book for 1406 'Whoever bulls my cow, the calf is mine'. With the king proceeding to reiterate that Philip was the lawful heir of Sir Robert's land: 'My mother's son did get you father's heir;/Your father's heir must have your father's land (1:1:128-9). This was, as said above, the position of the law as it stood in the reign of King John however a change to the law was effected by the Statute of Wills in 1540 (32 Henry VIII) that made possible for the first time for devising by will of land and disinheritance of an heir, an important Act of Parliament, which was of course known to Bacon:

The last of the six conveyances is a will in writing; which course of conveyance was first ordained by a statute made 32 H. VIII. before which statute no man might give land by will, except it lay in some borough town where there was a special custom that men might give their lands by will; as it is in London, and many others.

The not giving land by will was thought to be a defect at common law, that men in wars, or suddenly fallen sick, had not power to dispose their lands, except they could make a feoffment, or levy a fine, or suffer a recovery, which lack of time would not permit; and for men to do it by these means, when they could not undo it again, was hard: besides, even to the last hour of death, men's minds might alter upon further proof of their children or kindred, or increase of children, or debt, of desert of servants or friends.

For which causes it was reason that the law should permit him to reserve to the last instant the disposition of his lands, and yet then also to give him means to dispose it.[91]

To resolve the issue by other means Queen Eleanor offers her illegitimate grandson Philip the Bastard a knighthood if he renounces his lawful inheritance claim to the Faulconbridge estates to his younger half-brother Robert in order to be acknowledged as the illegitimate son of Richard I, and go to war with her and the king to France. The royal Bastard accepts the offer and the king knights him as Sir Richard Plantagenet. Left alone, in a soliloquy he muses on his new equivocal status and the reality of the new world which now awaits him:

> But this is worshipful society,
> And fits the mounting spirit like myself;
> For he is but a bastard to the time
> That doth not smack of observation;
> And so am I-whether I smack or no,
> And not alone in habit and device,
> Exterior form, outward accoutrement,
> But from the inward motion-to deliver
> Sweet, sweet, sweet poison for the age's tooth;
> Which, though I will not practise to deceive,
> Yet to avoid deceit I mean to learn;
> For it shall strew the footsteps of my rising.
> [*The Life and Death of King John*: 1:1:205-16]

In a passage packed with double meanings and arcane allusions Bacon incorporates one of his secret signatures in the first letters of the first three lines. The first line

containing the phrase 'Worshipful Society' (an allusion to the Worshipful Society of Freemasons) begins with the letter **B**, the second with the letters **AN** and the third line with the letters **FO**. The rearranged spell out **F B A O N** which is clearly only lacking the letter C for **F**. **BACON**. We do not however need to look too hard for the missing **C**. The letter **C** is of course the third letter of the alphabet which can as Bacon explains be employed to transmit ciphers 'As for Writing, it is performed either by the common alphabet (which is used by everybody) or by a secret and private one, agreed upon by particular persons; which they call *ciphers*.'[92] If we return to the first line the **C** needed to complete the anagram is the third letter in the final word 'society' giving us **F**. **BACON**; and moreover, the numerical value of the letter C in Roman numerals is 100 simple cipher for Francis Bacon.

Immediately following the soliloquy Lady Faulconbridge arrives to defend her honour and reproach her sons for accusing her of adultery. Her illegitimate son Philip the Bastard tells her he has renounced his inheritance and knowing that Sir Robert is not his biological father he has denied he is a Faulconbridge. She finally confesses that King Richard I was indeed his father by whose vehement suit she was seduced 'To make room for him in my husband's bed' before adding 'Thou art the issue of my dear offence' (1:1:254-57).With this final confirmation of his royal provenance as son of Richard I which metaphorically or literally in certain circumstances possibly made him heir to the throne (just as Bacon was the son of Queen Elizabeth and the Earl of Leicester) the royal Bastard thanked his mother with all of his heart that King Richard was his father 'Who lives and dares but say thou didst not well/When I was got, I'll send his soul to hell' (1:1:271-2).

The pointed themes of royal birth, inheritance and bastardy continues into the second Act which opens with King Philip of France and his son Lewis the Dauphin besieging Angers. Where with Geoffrey's widow Lady Constance and her son Arthur, Duke of Brittany they all warmly welcome the Duke of Austria, who wears the lion's skin to commemorate his killing of King Richard Coeur-de-Lion, to their combined forces gathered against the English. Arthur tells Austria that God will forgive him for Coeur-de-Lions death, and he in turn, kisses Arthur:

> Upon thy cheek lay I this zealous kiss
> And seal to this indenture of my love
> [*The Life and Death of King John*: 2:1:19-20]

An indenture is a legal document or sealed contract between two or more parties used for land transactions and indentured labour. When completed the legal instrument was for security reasons then torn into two or more pieces with each party receiving their part of the deed, which when later placed together confirmed its authenticity. With Arthur robustly seeking his rightful lands in France and England, the Duke of Austria promising military aid and support kisses Arthur, to metaphorically seal the indenture. [93] In his abstract for the maxim of law '*Non accipi debent verba in demonstrationem falsam, quae competunt in limitationem veram*', Bacon explains some of the aspects of the law of indenture:

> So if I grant *omnes et singulas terras meas in tenure I. D. quas perquisivi de I. N. in indentura dimissionis fact*' *I. B. specificat*: if I have land wherein some of these references are true and the rest false, and no land wherein they are all true, nothing passeth: as if I have land in the tenure of I. D. and purchased of I. N. but not specified in the indenture to I. B. or if I have land which I purchased of I. N. and specified in the indenture of demise to I. B. and not in the tenure of I. D.: but if I have some land wherein all these demonstrations are true, and some

wherein part of them are true and part false, then shall they be intended words of true limitation to pass only those lands wherein all those circumstances are true.[94]

The French Ambassador to England Chatillon brings the news a formidable English army, led by King John and his retinue, among them his mother, Queen Eleanor, the king's niece Lady Blanch, as well as the 'bastard of the king's deceased' (2:1:65), is fast approaching. King John enters with his English forces and the two sides parley by exchange insults. King Philip of France questions King John's legal legitimacy by stating he was so far from loving England that he undermined 'his lawful king', which also cut off his heirs from their rightful inheritance in posterity, by taking advantage of his infant state and raping the virtuous virgin crown. Pointing to Arthur he directs King John, to compare the boy, to his brother Geoffrey:

> Look here upon thy brother Geoffrey's face.
> These eyes, these brows, were moulded out of his;
> This little abstract doth contain that large
> Which died in Geoffrey; and the hand of time
> Shall draw this brief into as huge a volume.
> That Geoffrey was thy elder brother born,
> And this his son, England was Geoffrey's right,
> And this is Geoffrey's. In the name of God,
> How comes it then that thou art called a king,
> When living blood doth in these temples beat,
> Which owe the crown that thou o'ermasterest?
> [*The Life and Death of King John*: 2:1:99-109]

In distinctly legal language King John asks the bold Philip of France from whom has he received his 'great commission' (i.e., from which temporal government or court, or divine authority) to force him to answer 'thy articles?' (i.e., written contract, statute, or constitution) meaning these impertinent questions (2:1:110-11).Whose reply is also conveyed in the language of the law

> From that supernal judge that stirs good thoughts
> In any breast of strong authority
> To look into the blots and stains of right.
> That judge hath made me guardian to this boy,
> Under whose warrant I impeach thy wrong,
> And by whose help I mean to chastise it.
> [*The Life and Death of King John*: 2:1:112-17].

Philip accuses John of usurping the crown which prompts Queen Eleanor to interrupt by calling Arthur a 'bastard', to which his mother Constance in an ambiguous passage seems to cast doubt on Queen Eleanor's own propriety, perhaps implying that royal illegitimacy runs in the family:

> CONSTANCE
> My bed was ever to thy son as true
> As thine was to thy husband; and this boy
> Liker in feature to his father Geoffrey
> Than thou and John in manners, being as like

As rain to water, or devil to his dam.
My boy a bastard? By my soul I think
His father never was so true begot.
He cannot be, an if thou wert is mother.
[*The Life and Death of King John*: 2:1:124-31]

The hesitant citizens of Angiers refuse to commit themselves to either party until it is determined who is the rightful King of England. The two armies engage in a brief skirmish with both sides claiming victory but the citizens of Angiers again refuse to open the city gates. The Bastard who is now effectively directing events says to King John and King Philip 'Your royal presences be ruled by me' (2:1:377) to temporarily combine forces for an attack on the city (and reminiscent of Bacon's famous phrase 'wild justice' that opens his essay *Of Revenge*) he asks them 'How like you this wild counsel, mighty states?/Smacks it not something of the policy?'(2:1:395-6). As both English and French forces prepare on all sides to attack the city, a citizen of Angiers appears and proposes that instead of further bloodshed England and France should make peace through a marriage between Lewis the Dauphin and King John's niece, Lady Blanche of Spain. In an aside Queen Eleanor turns to King John and says 'Son, list to this conjunction, make this match,/Give with our niece a dowry large enough;/ For, by this knot, thou shalt so surely tie/Thy now unsured assurance to the crown' (2:1:469-72).

The proposal is accepted and as part of her dowry King John relinquishes numerous English territories in France and thirty thousand English marks to King Philip, and he in return, implicitly recognises King John's 'legitimacy' to England's royal throne. In an attempt to satisfy Lady Constance and her royal son King John creates Arthur, Duke of Brittany, as the new Earl of Richmond and makes him Lord of Angiers. The citizens of Angiers open the city gates and everyone enters the town to prepare for the royal wedding except Philip the Bastard who reflects in a soliloquy on the calculating self-interest that governs all worldly affairs which here has brought dishonour on two kings: King John for giving away part of his kingdom to save the whole and Philip of France for having cynically abandoned the supposedly sacred cause of legitimate royal inheritance, a matter on which his own crown legally rested.

Again the charade is exposed for what it is. One day legitimate, according to how the wind is currently blowing, another day illegitimate, if the powers that be deem it, and on any changing pretext that suits the purpose; royal bastard, king or queen, or on any other day, king, queen or royal bastard-take your pick. No wonder our royal Bastard, or should it be the secret legitimate heir to the throne of England, begins his soliloquy with:

Mad world, mad kings, mad composition!
[*The Life and Death of King John*: 2:1:562]

The royal wedding festivities are interrupted with the arrival of the papal legate Cardinal Pandolph from Rome who has been sent to demand King John install Pope Innocent's choice Stephen Langton as the Archbishop of Canterbury. In a remarkable passage King John responds by contemptuously asking the Cardinal what temporal authority can question the freedom and right of a king to choose his Archbishop of Canterbury in his own kingdom:

What earthly name to interrogatories
Can task the free breath of a sacred king?

[*The Life and Death of King John*: 3:1:73-4]

In law interrogatories are questions in writings for the examination of witnesses or persons giving testimony for the purposes of obtaining information from the relevant parties in a lawsuit. In other words, it denotes the legal right to question formally a witness or person to gather relevant information, something King John an anointed sovereign, denies is within the authority of the pope.[95] Through the patronage of spymaster Sir Francis Walsingham and his uncle Sir William Cecil while residing at Gray's Inn Bacon was employed from the mid-1580s as an examiner of Catholic prisoners and their testimonies. In 1587 the Privy Council consulted him on legal matters concerning examination reports of two Catholic prisoners, a date concurrent or not too long before, he wrote the first version of *King John*. In August 1588 he was appointed to a government committee examining Catholic recusants in prison and in 1589 he was asked to prepare a paper justifying Queen Elizabeth's religious policies entitled *An Advertisement Touching the Controversies of the Church of England*. This kind of legal and investigative employment on behalf of Elizabeth and her chief ministers continued all through the following decade covering the period many Shakespeare scholars incline toward for the date of composition for *King John*, at one time or another, stipulating every year from 1591 to 1598.[96] During this period one imagines Bacon would have embraced the opportunity to have prepared interrogatives for examining a Catholic pope on a range of issues and he would have doubtless baulked at the idea of an Italian priest possessing any legal right to the naming of the Archbishop of Canterbury.

In his legal treatise *Ordinances in Chancery* he devotes a section to the examination of witnesses:

> All commissions for examination of witnesses shall be *super interr*. *inclusis* only, and no return of depositions into the court shall be received, but such only as shall be either comprised in one roll subscribed with the names of the commissioners, or else in divers rolls whereof each one shall be so subscribed.
>
> If both parties join in commission, and upon warning given the defendant bring his commissioners, but produce no witness, nor minister interrogatories, but after seek a new commission, the same shall not be granted: but nevertheless upon some extraordinary excuse of the defendant's default, he may have liberty granted by special order to examine his witnesses in court upon the former interrogatories, giving the plaintiff or his attorney notice, that he may examine also if he will.
>
> The defendant is not to be examined upon interrogatories, except it be in very special cases, by express order of the court, to sift out some fraud or practice pregnantly appearing to the court, or otherwise upon offer of the plaintiff to be concluded by the answer of the defendant without any liberty to disprove such answer, or to impeach him after of perjury.[97]

After contemptuously asking Cardinal Pandolph on what authority he dare subject the King of England to earthly interrogatories King John leaves the papal legate in no doubt that he was not subject to the hollow ordinances of an Italian priest, whose very title is ridiculous to him, nor will he tax his kingdom with demands and directions:

> Thou canst not, Cardinal, devise a name
> So slight, unworthy, and ridiculous
> To charge me to an answer, as the Pope.
> Tell him this tale, and from the mouth of England
> And thus much more: that no Italian priest

Shall tithe or toll in our dominions.
[*The Life and Death of King John*: 3:1:75-80]

In *Commentaries on the Law In Shakespeare* White provides a legal definition and explanation of the law of tithes and tolls:

"Tithes," in English law, were the tolls paid by the English subjects for the support of the clergy and consisted in the right of the clergy to a tenth part of the produce of land, or the stock upon the land and the proceeds of the personal industry of the inhabitants. (Bacon, Abr).[98]

In full flight King John fully inveighs against the amoral and corrupt powers of the Catholic Church, its love of money, rank hypocrisy and juggling witchcraft, telling King Philip that of all the kings in Christendom, he alone opposed the pope, and that he counted the friends of this meddling priest, his enemies. Whereupon in a passage which repeatedly employs the term 'law' and legal concepts, the papal legate Pandolf excommunicates (a severe form of censure and exclusion under ecclesiastical law) the English king 'Then by the lawful power that I have/Thou shall stand cursed and excommunicate' (3:1:98-9). He threateningly tells King John, who he labels a heretic, that anyone who meritoriously revolts against him will be 'canonized' (an official act by the Catholic Church) 'and worshipped as a saint,/That takes away by any secret course/Thy hateful life' (3:1:100-4). Buoyed by the strong words of the papal legate Constance cries out 'O lawful let it be/That I have room with Rome to curse awhile' (3:1:105) to which exclamation Pandolf replies 'There's law and warrant, lady, for my curse' (3:1:110):

CONSTANCE
And for mine too. When law can do no right,
Let it be lawful that law bar no wrong.
Law cannot give my child his kingdom here,
For he that holds his kingdom holds the law.
Therefore, since law itself is perfect wrong,
How can the law forbid my tongue to curse?
[*The Life and Death of King John*: 3:1:111-16]

The papal legate then turns to King Philip and threatens him with excommunication if he does not raise the mighty powers of France against the arch-heretic, unless King John submits to Rome, and under pressure Philip abandons his alliance with John, and declares war on England.

In the ensuing battle the royal Bastard avenges the death of his father King Richard I by killing the Duke of Austria and King John captures Arthur whom he places in the safe custody of Hubert. King John sends the Bastard back to England to raise money from the church and as if by some pre-arranged compact Queen Eleanor takes Arthur aside, while John out of earshot conspiringly speaks with Hubert, the foul instrument by which he means to have Arthur murdered.

In the Cambridge edition of *King John* Professor Beaurline brilliantly highlights that by employing some of the stratagems set out by Bacon in his essay *Of Cunning* King John in a long passage (3:3:20-58) subtly manipulates Hubert to do his bidding:

For this purpose John's speech creates the illusion of his inner feelings while he consciously manipulates Hubert with his words. To prepare for the encounter he sends the Bastard safely

off-stage, back to England where the one honest man will be kept too busy to interfere until it is too late. Eleanor draws Arthur to one side, as if by previous agreement with her son, and she and Arthur whisper unheard by the audience, while the king and Hubert talk confidentially. This is a visual image of conspiracy that recurs in the play (1.1.40-3, 2.1.468, 4.2.68). At first John flatters 'gentle Hubert' (3.3.19) to whom he owes much-'good friend', what 'good respect I have of thee' (24, 28). The dialogue is framed by his implied promises that he will 'pay' for Hubert's love 'with advantage' (22); 'Hubert, I love thee./Well, I'll not say what I intend for thee' (67-8). Such vagueness characterises his talk, as he circles the subject insinuatingly to create what government officials now call *deniability* and Francis Bacon says was called 'The turning of the cat in the pan'-to speak so obscurely about what one wants done until one's subordinate advocates it. Bacon knew of a public official who 'when he came to have speech, he would pass over that he intended most, and go forth, and come back again and speak of it as of a thing that he had almost forgot' (p. 127). John's apparent false starts-'I had a thing to say,/But I will fit it with some better time' (25), 'I had a thing to say, but let it go' (33)-seems spontaneous, but Bacon recommends that tactic too: 'The breaking off in the midst of that one was about to say, as if [the speaker] took himself up, breeds greater appetite in him with whom you confer, to know more' (p. 127). Hubert rises to that bait willingly, with affirmations that exceed the king's tentative remarks: 'I am much beholden to your majesty' (29) and 'what you did bid me undertake,/Though that my death were adjunct to my act,/By heaven, I would do it' (56-8).[99]

The first version of the play *The Troublesome Raigne of John, King of England* and *The Life and Death of King John* broadly tells with minor variants the same story in the same sequence of events, scene by scene, in the same order, except that Bacon deleted three and shortened several others. The same characters appear in both plays except that he added one character, James Gurney, a servant to Lady Faulconbridge in *King John* and removed ten minor characters that had previously appeared in *The Troublesome Raigne*. One of the scenes in the *Raigne* 'Scene 11' (deleted in *King John*) that appears two scenes after King John has captured Arthur (Scene 9) roughly the equivalent of Act 3 Scenes 2 and 3 in the later version, where King John employs stratagems found in Bacon's essay *Of Cunning* to draw Hubert on, is wonderfully revealing.

Scene 11 in *The Troublesome Raigne* begins with the entrance of Philip the Bastard with attendants, Thomas, a Friar, followed by Friar Anthony. The farcical scene is set in a Franciscan monastery and Philip the Bastard begins by saying 'Come on, you fat Franciscans, dally no longer, but show me where the abbot's treasure lies, or die' (lines 1-3). The Franciscans being a religious order founded in 1210 by Saint Francis of Assisi who devoted himself to a simple life of poverty. In this buffoonery scene Philip the Bastard addressing Friar Thomas describes him as a 'Grey-gowned good-face' for which its editor provides the editorial gloss 'a contemptuous term implying hypocrisy. cf. the expression, 'to carry two faces under one hood'.[100] Friar Thomas responds with 'A pardon, *O parce*!/St Francis, for mercy' (lines 18-19) for which in a footnote its modern editor suggests that 'Thomas seems to have confused St Francis with St Withold'[101] (if so not dissimilar to its concealed author Francis Bacon who had more than one face under his hood, who writing anonymously or pseudonymously has been often confused with several others). The initial dialogue includes Friar Anthony (the same Christian name as Bacon's brother Anthony Bacon) whose first utterance is 'For charity I beg his life, St Francis' chiefest friar' (line 32) which continues in similar comic vein with Philip the Bastard, the friars Thomas and Lawrence, and the Nun Alice, for nearly another ninety lines. Then Peter the Prophet enters whose first utterance is as follows 'Ho, who is here? St Francis be your speed' (line 123) with a boy who says:

I thank you, Peter. There's a cheese for your labour. My
sister prays ye to come home and tell her how many
husbands she shall have, and she'll give you a rib of bacon.
[*The Troublesome Raigne of John, King of England*: Scene 11 lines 133-5]

The rib derives from Bacon, as the same play *The Troublesome Raigne of John, King of England* and *The Life and Death of King John*, derives from Francis Bacon.

Just as *King John* begins with a trial the English history play *Richard II* also opens with a trial scene in which the king acts as judge and jury in a matter of grave import wherein two of his leading noblemen accuse each other of treason. He instructs John of Gaunt, Duke of Lancaster to bring his son Henry Bolingbroke, Duke of Hereford and Thomas Mowbray, Duke of Norfolk before him:

Then call them to our presence. Face to face
And frowning brow to brow, ourselves will hear
The accuser and the accused freely speak.
[*Richard II*: 1:1:15-17]

The King's cousin, Bolingbroke (future Henry IV) accuses Mowbray of embezzling royal funds and plotting the recent death of the Duke of Gloucester, which he robustly denies, and each of them challenge one another, to a duel. After carefully listening to their accusations the king directs them be 'ruled by me', an appeal seconded by John of Gaunt, to which Mowbray replies 'My life thou shalt command, but not my shame. /The one my duty owes, but my fair name,/Despite of death that lives upon my grave, /To dark dishonour's use thou shalt not have. I am disgraced, impeached, and baffled here' (1:1:166-70). Standing on his honour Bolingbroke too rejects the accusation of impeachment. Infuriated that neither of them will see sense King Richard reluctantly decides upon a trial by combat to be held at Coventry to settle their violent dispute. A dismayed Gaunt laments that his son is entering into mortal combat over Gloucester's death, for which he is rebuked by the Duchess of Gloucester, who says her husband's death should be revenged, with the duchess praying that Bolingbroke kills Mowbray.

The duelling adversaries Bolingbroke and Mowbray prepare for the trial by combat and are ready to fight as the king arrives at Coventry. The Lord Marshall goes through the formalities which are steeped in the language of the law and with the combatants ready the king directs his royal officer 'And formally, according to our law,/Depose him in the justice of his cause' (1:3:29-30). The duel ceremoniously commences with Bolingbroke and Mowbray being presented with their lances but at the last moment the king intervenes to halt it. He orders Bolingbroke and Mowbray to withdraw and disarm. He then turns to consult with his nobles and decides 'For that our kingdom's earth should not be soiled/With that dear blood which it hath fostered' (1:3:124-5) he decrees that the combatants are to be banished-Bolingbroke for a period of ten years and Mowbray for the rest of his days. After Mowbray's departure, seeing the sadness in Gaunt's eyes, the king shortens Bolingbroke's sentence to six years in exile, though Gaunt laments that he will most probably be dead before his son returns, as they say their last emotional farewells.

The scourge of trial by combat and of duelling had been a source of grievance both morally and legally for Bacon from his early years studying law at Gray's Inn and his first task on appointment as Attorney-General was to put a stop to it. After consulting with his lawyers King James issued a proclamation to outlaw the practice and Bacon submitted a paper 'A Proposition for the Repressing of Singular Combats or Duels' to

the same effect. He hoped that the ordinance might 'not look back to any offence past' and hoped that parliament would publish a grave and severe proclamation of its own to deter this present mischief. In *Richard II* following the aborted trial by combat the punishment for Bolingbroke and Mowbray was banishment from the realm, similarly, in his proposition for suppressing singular combats and duels Bacon recommends that the combatants should be punished with perpetual banishment from the royal courts:

A Proposition For The Repressing Of Singular Combats Or Duels

For the ordinance itself: first, I consider that offence hath vogue only amongst noble persons, or persons of quality. I consider also that the greatest honour for subjects of quality in a lawful monarchy, is to have access and approach to their sovereign's sight and person, which is the fountain of honour; and though this be a comfort all persons of quality do not use; yet there is no good spirit but will think himself in darkness, if he be debarred of it. Therefore I do propound that the principal part of the punishment be, that the offender (in the cases hereafter set down) be banished perpetually from approach to the courts of the King, Queen, or Prince.[102]

A few weeks later Bacon arranged to hear a duelling case, initially placed in the hands of Sir Henry Hobart, between two obscure individuals in the Star Chamber which was soon after published with Bacon's speech and the decree of the court in *The Charge of Sir Francis Bacon Knight, his Maiesty's Attourney generall, touching Duells*; *vpon an information in the Star-chamber against Priest and Wright*:

My Lords,

I thought it fit for my place, and for these times, to bring to hearing before your Lordships, some cause touching private *Duels*, to see if this Court can do any good to tame and reclaim that evil which seems unbridled…

…Touching the causes of it; the first motive no doubt is a false and erroneous imagination of honour and credit; and therefore the King, in his last proclamation, doth most amply and excellently call them *bewitching Duels*. For, if one judge of it truly, it is no better than a sorcery, that enchanteth the spirits of young men, that bear great minds, with a false shew, *species falsa*; and a kind of satanical illusion and apparition of honour; against religion, against law, against moral virtue, and against the precedents and examples of the best times and valiantest nations, as I shall tell you by and by, when I shall shew you that the law of England is not alone on this point.[103]

Talking with his brother the Duke of York the dying Gaunt hopes the king will visit so he has the opportunity to give him some wise counsel or advice (giving advice was one of Bacon's favourites words and pastimes: see for example his written advice to Essex, Rutland and Buckingham, to name only a few). In his famous royal throne of kings speech Gaunt laments to York that 'This blessed plot, this earth, this realm, this England/..This land of such dear souls, this dear dear land' (2:1:50, 57) is now 'leased out-I die pronouncing it-/Like to a tenement or pelting farm' (2:1:59-60). Surrounded by the triumphant sea it is now bound in with shame and stained with ink blots and tainted legal documents ('rotten parchment bonds' (2:1:64)). With the king's arrival Gaunt (which means lean) begins punning on his own name as a counterpoint to the king's wasteful extravagance 'For sleeping England long time have I watched' (2:1: 77) and the two of them trade sharp exchanges. Gaunt tells Richard that he is sick and dying. 'I am in health', the king replies, I breathe, and see thee ill' (2:1:92). Giving full vent to his contempt Gaunt responds by comparing the sickness of the king with the sickness of the land of England 'Now He that made me knows I see thee ill:/Ill in

myself to see, and in thee seeing ill./Thy deathbed is no lesser than thy land,/Wherein thou liest in reputation sick' (2:1:93-96). If the king's grandfather, Edward III, Gaunt continues, could have foreseen how his grandson Richard treated his sons (Gloucester and Gaunt himself) then his ancestor would have deposed him before he possessed the kingship 'Which art possessed now to depose thyself' (2:1:107), bitterly concluding:

> Landlord of England art thou now, not king.
> Thy state of law is bondslave to the law.
> [*Richard II*: 2:1: 113-14]

For centuries the above two lines have vexed editors and commentators of *Richard II* with A P. Rossiter as recently as the middle of the twentieth century describing the passage as 'hopelessly obscure'.[104] When the passage is glossed in modern editions of the play its editors in nearly all instances suggest the second line stands in apposition, in other words, the second line repeats in different words what is said in the first line. [105] In her groundbreaking article 'The State of Law in *Richard II*' Professor Donna B. Hamilton provides the correct interpretation 'To arrive at a better reading of Gaunt's speech, it is necessary to recognize at the outset that the relationship of the lines to each other is not that of apposition. Rather, they express a paradox: a king who acts like a landlord instead of a king becomes in some sense a slave.'[106] To substantiate and illuminate this correct reading of the passage Professor Hamilton presents a number of sixteenth and seventeenth century legal writers and lawyers who took their lead from Bracton 'The most influential English legal authority to define the king in this manner was Bracton, upon whom Gower, Fortescue, and many of their successors, including Richard Hooker and Francis Bacon, relied. As Bracton had written in his thirteenth-century treatise *De Legibus et Consuetudinibus Angliae*, "law makes the king. Let him therefore bestow upon the law what the law bestows upon him, namely rule and power. For there is no *rex* where will rules rather than *lex*."[107] The legal paradoxical principle incorporated by Bacon in the passage in *Richard II* is referred to by him in his legal treatise entitled the *Case of the Post Nati of Scotland*:

> Law no doubt is the great organ by which the sovereign power doth move, and may be truly compared to the sinews in a natural body, as the sovereignty may be compared to the spirits: for if the sinews be without the spirits, they are dead and without motion; if the spirits move in weak sinews, it causeth trembling: so the laws, without the king's power, are dead; the king's power, except the laws be corroborated, will never move constantly, but be full of staggering and trepidation. But towards the king himself the law doth a double office or operation: the first is to intitle the king, or design him: and in that sense Bracton saith well, lib. 1. fol. 5 and lib. 3 fol. 107. *Lex facit quod ipse sit Rex*; that is, it defines his title…[108]

The paradoxical complexities surrounding the concept discussed by Bracton, the king is made by the law, and at the same time, under the law, and the king derives is power from God, and is under God, provides him with extraordinary powers, to ultimately protect and preserve the commonwealth. Yet despite these royal prerogatives the king was still regarded by Bacon, as under the law and limited by the law, the problem was dealing with and enforcing these paradoxical principals in the reign of Richard II and in the Elizabethan period at the time of writing *Richard II*. A legal dilemma informing the opening scenes of the play and its associated difficulties throughout the rest of it:

> It was by the law that he possessed royal prerogatives, and it was presumed that, in his use of these special powers, he would always exercise the kind of self-restraint that would keep his

rule in the interest of the commonwealth and within the intention of the law. Just a few lines after declaring the king "*non sub homine*," Bracton goes on to say that the king must will "himself to be subjected to the law" even as had Jesus Christ, "lest his power remain unbridled."

…The same point of view is conveyed by Francis Bacon in "A Brief Discourse Upon the Commission of Bridewell" (1587): "the Law is the most highest inheritance the King hath; for by the law both the King and all his subjects are ruled and directed." In the Case of the Post-Nati, Bacon reiterates this position, acknowledging that, though the king has the power to dispense with certain laws in certain circumstances, thereby making him *solutus legibus*, "yet his acts and his grants are limited by law, and we argue them every day."

A problem that could develop under such principles is the one dramatized in the three opening scenes of *Richard II*. For the royal prerogative of immunity from prosecution could result in a situation whereby a king guilty of an illegal act would be free of having to answer for it. The commonwealth had no institution or procedure to compel a king to act in conformity with the law or to punish him for violating it.[109]

The abuse of his powers by Richard in the opening scenes points to the consequence of these abuses which eventually results in the loss of his crown. A lesson clearly not learned by the Stuart king Charles I (whose reign commenced while Bacon was alive) who failed to appreciate he was under the law and limited by it, an arrogant delusion for which he lost his head, whereby the monarchy was abolished, and Cromwell ruled over a new English republican commonwealth.

The Earl of Northumberland announces Gaunt has died and Richard to fund his Irish wars illegally seizes Gaunt's entire estate and wealth. His uncle York tries to counsel him against his decision comparing it prophetically with the usurpation of the crown warning him that by disinheriting the banished Bolingbroke he undermines the very means by which he was crowned king of England. If, York reiterates, you take away Bolinbroke's rights 'Call in the letters patent that he hath' (a document or instrument issued by a monarch granting rights, lands and titles, etc) 'By his attorneys general to sue', (the legal officer who represents the crown or the state and gives legal advice to government, an office held by Bacon), 'His livery' (his legal right to possession of his property and lands by descent), 'and deny his offered homage' (his lawful allegiance to his sovereign) 'You pluck a thousand dangers on your head,/You lose a thousand well-disposed hearts' (2:1:203-7). Believing himself above and beyond the law the arrogant and deluded Richard ignores his advice and illegally seizes Bolingbroke's assets and estates, something he lives to very much rue and regret.

The remaining nobles Henry Percy, Earl of Northumberland, Lord Willoughby and Lord Ross angered by the king's unlawful misdeeds and expressing concern for their own lives, and those of their children and heirs, criticize the supposedly invulnerable and divinely appointed ruler for the declining state of the kingdom, and his unpopular taxes to fund his misguided Irish campaign:

ROSS

The commons hath he pilled with grievous taxes,
And quite lost their hearts. The nobles hath he fined
For ancient quarrels, and quite lost their hearts.

WILLOUGHBY

And daily new exactions are devised,
As blanks, benevolences, and I wot not what.

[*Richard II*: 2:1:247-51]

In his prose work *The History of the Reign of King Henry the Seventh* (which fills the gap between the Shakespeare tetralogies from *Richard II* to *Richard III* to *Henry VIII*) Bacon discusses how these benevolences (taxes) were raised by the king, here with the support of parliament, to repair the king's dishonour for the loss of Brittaine:

For as for the Parliament, it presently took fire, being affectionate (of old) to the war of France, and desirous (afresh) to repair the dishonour they thought the King sustained by the loss of Brittaine. Therefore they advised the King (with great alacrity) to undertake the war of France. And although the Parliament consisted of the first and the second nobility (together with principal citizens and townsmen), yet worthily and justly respecting more the people (whose deputies they were) than their own private persons; and finding, by the Lord Chancellor's speech, the King's inclination that way; they consented that commissioners should go forth for the gathering and levying of a Benevolence from the more able sort. This tax (called a Benevolence) was devised by Edward the Fourth, for which he sustained much envy. It was abolished by Richard the Third by act of Parliament, to ingratiate himself with the people; and it was now revived by the King; but with consent of Parliament; for so it was not in the time of King Edward the Fourth. But by this way he raised exceeding great sums. Insomuch as the city of London (in those days) contributed nine thousand pounds and better; and that chiefly levied upon the wealthier sort. There is a tradition of a *dilemma* that Bishop Morton (the Chancellor) used, to raise up the Benevolence to higher rates; and some called it his fork, and some his crotch. For he had couched an article in the instructions to the commissioners who were to levy the Benevolence, That if they met with any that were sparing, they should tell them that they must needs have, because they laid up; and if they were spenders, they must needs have, because it was seen in their port and manner of living; so neither kind came amiss.[110]

In the play Northumberland reveals that he has received secret intelligence from Port le Blanc, a bay in Brittaine, indicating that Bolingbroke is only awaiting the departure of Richard to Ireland, before returning to England with an army of 3,000 men, which Northumberland hopes will redeem the kingdom's blemished crown:

> Then thus, I have from Port le Blanc,
> A bay in Brittaine, received intelligence
> That Harry Duke of Hereford, Reinold Lord Cobham,
> Thomas son and heir to the Earl of Arundel
> That late broke from the Duke of Exeter,
> His brother, Archbishop late of Canterbury,
> Sir Thomas Erpingham, Sir Thomas Ramston,
> Sir John Norbery,
> Sir Robert Waterton, and Francis Coint,
> All these well furnished by the Duke of Brittaine
> With eight tall ships, three thousand men of war,
> Are making hither with all due expedience,
> And shortly mean to touch our northern shore.
> Perhaps they had ere this, but that they stay
> The first departing of the King for Ireland.
> If then we shall shake off our slavish yoke,
> Imp out our drooping country's broken wing,
> Redeem from broking pawn the blemished crown,
> Wipe off the dust that hides our sceptre's gilt,
> And make high majesty look like itself,
> Away with me in post to Ravenspurgh.

[*Richard II*: 2:1:278-98]

The most controversial part of the play containing the deposition scene shows the final stages of power being transferred from Richard to Bolingbroke. The king-elect, the Duke of Aumerle, Henry Percy, Earl of Northumberland, the Duke of Surrey, the Bishop of Carlisle and Abbot of Westminster all gather in parliament. Assuming the airs and graces of a king Bolingbroke presides over a trial for the murder of the Duke of Gloucester, in a deliberate echo of the opening trial scene of the play, between him and Mowbray. The Duke of York arrives and delivers the message that Richard has reluctantly yielded his royal title to Bolingbroke who ascends to the throne to the cry 'long live Henry, of that name the fourth' (4:1:103).As his status changes from that of subject to king writes Professor Hamilton it 'prompts an audience to think of yet other aspects of kingship. The central issue for Bolingbroke's rule, and one to which every play in the rest of the second tetralogy will return, is the threat to the realm when the king is not legally titled.'[111] Just as Bolingbroke is about to ascend the regal throne the Bishop of Carlisle speaks out against the deposition of God's lawful appointed ruler:

Marry, God forbid!
Worst in this royal presence may I speak,
Yet best beseeming me to speak the truth.
Would God that any in this noble presence
Were enough noble to be upright judge
Of noble Richard. Then true nobleness would
Learn him forbearance from so foul a wrong.
What subject can give sentence on his king?
And who sits here that is not Richard's subject?
Thieves are not judged but they are by to hear,
Although apparent guilt be seen in them;
And shall the figure of God's majesty,
His captain, steward, deputy elect,
Anointed, crowned, planted many years,
Be judged by subject and inferior breath,
And he himself not present? O, forfend it, God,
That in a Christian climate souls refined
Should show to heinous, black, obscene a deed!
I speak to subjects, and a subject speaks
Stirred up by God thus boldly for his king
My lord of Hereford here, whom you call king,
Is a foul traitor to proud Hereford's king.
[*Richard II*: 4:1:105-26]

Bacon, in the Case of the Post-Nati, explains that "toward the king himself the law doth a double office…the first is to intitle the king….The second is….to make the ordinary power of the king more definite and regular". Richard's transgressions are against the latter provision of the law. Bolingbroke's against the former.[112]

The Bishop of Carlisle, anticipating the future War of the Roses, warns Bolingbroke his usurpation will in the future lead to civil strife and Northumberland arrests him for treason directing Westminster to take him to custody till his day of trial. Bolingbroke summons Richard so he can abdicate in public and turns to the gathered lords and tells

them they are under arrest and need to provide sureties (legally binding guarantees of either some form of payment or the performance of a promise or duty). Richard enters bearing the crown and sceptre and York tells him he is here to resign his throne and state to Bolingbroke. Richard invites Bolingbroke to seize the crown. They both hold on to either side of the crown symbolising the transfer of power 'With my own hands I give away my crown,/With my own tongue deny my sacred state' (4:1:198-9). He then proceeds to repudiate his 'acts' (bills passed into law), 'decrees' (rules of law issued by a monarch or head of state), and 'statutes' (acts of written law passed by a legislative authority on behalf of the state). Northumberland presents Richard with a list of the grievous crimes committed by him and his followers against the state and the land in order to justify his deposition. He refuses to read the deposition article and accuses the assembled lords of treason. In a glass mirror he reflects upon the illusion, ambivalence and fragility of power before throwing it to the ground where it smashes into a 'hundred shivers' (4:1:279). He asks for permission to leave and he is conveyed to the Tower before Bolingbroke sets the following Wednesday for his coronation.

A letter written by Sir Edward Hoby on 7 December 1595 inviting Sir Robert Cecil to his house in Canon Row to see 'K. Richard present him self' is regularly adduced as confirmatory evidence for the earliest recorded performance of *Richard II*:

> Sir, findinge that you wer not convenientlie to be at London to morrow night I am bold to send to knowe whether Teusdaie may be anie more in your grace to visit poore Channon rowe where as late as it shal please you a gate for your supper shal be open: & K. Richard present him selfe to your vewe. Pardon my boldnes that ever love to be honored with your presence nether do I importune more then your occasions may willingly assent unto, in the meanetime & ever restinge At your command
>
> Edw. Hoby.[113]

This letter referred to in nearly all modern editions of *Richard II* has been treated very curiously and strangely by modern editors of the play. All serious scholars are more than aware that it is vital how evidence and information is framed and contextualised in any fair, impartial (and whenever possible) comprehensive discussion and analysis of a subject, in this case a letter, where nothing of any importance or relevance, is left out or suppressed. The accounts given by these widely respected editors (John Dover Wilson, Peter Ure, Stanley Wells/Paul Edmondson, Charles R. Forker, Andrew Gurr, Anthony B. Dawson and Paul Yachnin published under the imprints of Arden, Oxford and Cambridge University, etc) describing and discussing the letter would all seem to be very carefully presented.[114] Professor John Dover Wilson informs his readers that Sir Edward Hoby was the son of the diplomatist Sir Thomas Hoby, best known as the translator of Castiglione's *The Courtier* with the Oxford editors Professors Dawson and Yachnin pointing out that Sir Edward's wife was the daughter of Baron Hunsdon, chief patron of Shakespeare's company. In the recent Arden edition Professor Forker tells us Sir Edward Hoby and Sir Robert Cecil were first cousins and several editors feel the need to point out to their learned readers that Sir Robert Cecil was the son of Elizabeth's chief minister Sir William Cecil, Lord Burghley. It is these editions that fill the university shelves and *educate* the ordinary schoolmen and degree students.

Astonishingly, in not one of these standard editions of *Richard II* published around the English speaking world does any of the above editors of the play once mention the name of Francis Bacon in connection to the letter from Sir Edward Hoby to Sir Robert Cecil. The sender of it Sir Edward Hoby was the eldest son of Sir Thomas Hoby and his wife Lady Elizabeth Cooke Hoby, younger sister of Bacon's mother Lady Anne Cooke Bacon and his and Bacon's first cousin its recipient Sir Robert Cecil, the son of

Sir William (brother-in-law of Sir Nicholas Bacon) and Lady Mildred Cooke Cecil, elder sister of Lady Bacon. All of whom shared lifelong relationships with Bacon who all the editors were perfectly aware is (correctly) thought by many to be the secret author of the Shakespeare canon.

Lest I forget there is incredibly one other thing that each and every one of the above editors of *Richard II* did not draw to the attention of their readers. A manuscript copy of the Shakespeare play *Richard II* was originally part of Bacon's collection of MSS known as the Northumberland Manuscript that contained many of his acknowledged writings and dramatic devices *Of Tribute, or giving what is due* and Of Love and *Self-Love*. Scribbled on the outside cover of the Northumberland Manuscript are numerous variants of the names Bacon, Francis Bacon, Shakespeare and William Shakespeare with special attention called to the telling line written above the entry for '*Rychard the Second*' '*By Mr. ffrauncis William Shakespeare*' and further down the page the word '*Your*' is written twice across the name '*William Shakespeare*' reading '*Your William Shakespeare'*.[115] As we are here examining and discussing the law in the Shakespeare plays it is profoundly regrettable that this kind of systematic suppression is itself not illegal.

The Northumberland Manuscript also originally contained a copy of the '*Orations at Graie's Inne revells*', the speeches of six councillors addressed to the Prince of Purple at the Gray's Inn Revels, that presented a series of entertainments over the Christmas period of 1594-5, most notably, the first known performance of Bacon's Shakespeare legal play *The Comedy of Errors*.[116] A groundbreaking historical background to these entertainments at Gray's Inn has recently been set out for the first time by Professor Virginia Lee Strain in her long introduction to *Legal Reform in English Renaissance Literature* which served as an illuminating preface to the first chapter of Part I entitled 'Snaring Statutes and the General Pardon in the *Gesta Grayorum*'. In her introduction Professor Strain states that the complex process of legal reform found representation in the Gray's Inn Revels of 1594-5 (and the Shakespeare plays *Measure for Measure* and *The Winter's Tale* which constituted Part II) which began in the Elizabethan reign with Sir Nicholas Bacon and was continued by his son Francis Bacon, whose writings shaped the historical development of English law and ethos of legal reform at the end of the sixteenth century through the early part of the seventeenth century, and beyond:

> As a primary instrument of the state's self-regulation, legal reform entailed in Nicholas Bacon's words, the 'perfection' and 'execution' of the law…
>
> ...I have adopted Bacon's division of legal reform into the 'perfection' and 'execution' of the law for the structure of this book.[117]

The phenomenon of legal reform in early modern England, writes Professor Strain, has been overlooked because of modern disciplinary boundaries (the scourge of most modern scholarship-none more so than Baconian scholarship) in the division between legal and political history. This has resulted in the neglect of parliamentary speeches, and the discourse on legal reform contained within them, been passed over unnoticed:

> The next section of this chapter modestly amends this picture through a close reading of the extensive comments on legal reform that were voiced in the numerous eloquent and influential parliamentary speeches of Nicholas Bacon.[118]

An examination of Lord Keeper Nicholas Bacon's various parliamentary speeches made throughout his legal and political career revealed that he repeatedly stated and reiterated the need for extensive legal reform concerning the well making of laws and

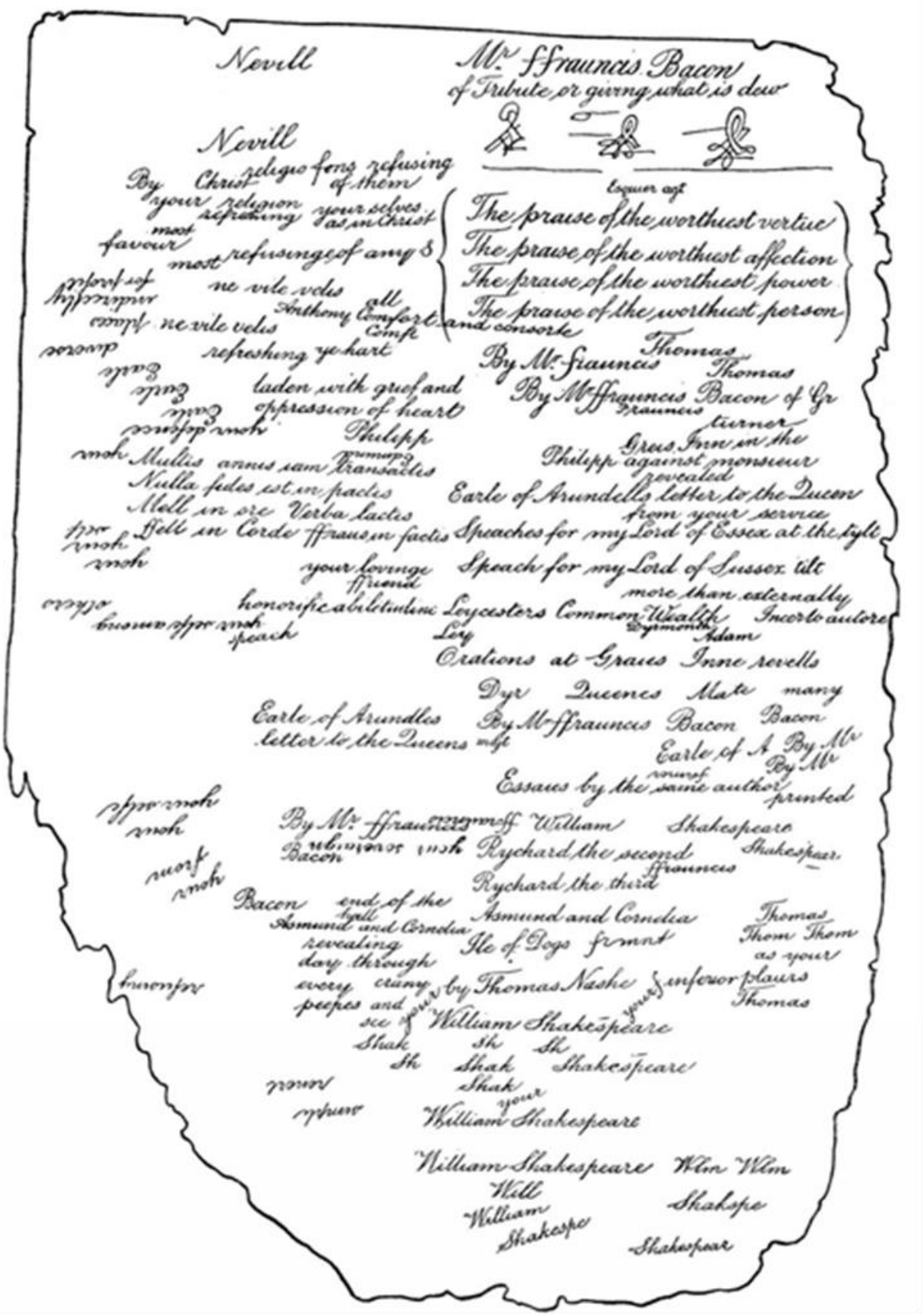

Fig. 6 The Outer-Cover of Bacon's Northumberland Manuscript originally containing his Shakespeare Plays *Richard II* and *Richard III*

the removing of all unnecessary and mischievous laws that hinder and harm the policy and civil order of the country. He directed parliament to consider the ethical character of the law 'whether any lawes be to severe and to sharpe or to softe and to gentle' and in particular he directed them 'to consider all other imperfeccions of lawes made and all the wantes of lawes to be made, and thereupon to provide their meetest remedyes respecting the nature and qualitie of the disorder and offence, the inclination and disposition of the people, and the manner of the tyme.'[119] The future perfection of the law which pre-occupied Sir Nicholas Bacon throughout his legal career as the senior law officer in the first part of the Elizabethan reign formed the central premise of the writings of his son Francis from his early years to his last:

> Nicholas and Francis Bacon described the future perfection of the law as the responsibility of the present sovereign, statesmen, legislators, judges, and magistrates, which could be achieved through processes that looked 'not to the matter of the laws, but to the manner'.[120]

In his dramatic device *Of Tribute*; *or giving that which is due* (a copy of which is found in the Northumberland originally containing his Shakespeare plays *Richard II and Richard III*, and the six speeches for the Gray's Inn Revels where *The Comedy of Errors* was premiered) in one of its speeches entitled 'Praise of his Sovereign' Bacon expressed his admiration for Elizabeth's policies of eschewing excessive penalties and snaring statutes: 'There shall you find…no extremities taken of forfeitures and penal laws, a means used by some kings for the gathering of great treasures…Yea further, there have been…a course taken by her own direction for the repeal of all heavy and snaring laws.'[121] The next year in the 1593 parliament Bacon in the earliest surviving fragment from his parliamentary speeches again echoes the parliamentary speeches of his father Sir Nicholas Bacon:

> I did take great contentment in her Majesty's speeches the other day delivered by the Lord Keeper, how that it was [fitting an abridgement were made of the laws and statutes of the realm]: a thing not to be done suddenly nor at one Parliament; nor scarce a whole year would suffice, to purge the statute-book nor lessen the volume of laws; being so many in number that neither common people can half practise them, nor the lawyer sufficiently understand them; than the which nothing should tend more to the eternal praise of her Majesty.
>
> The Romans appointed ten men who were to correct and recall all former laws, and set forth their Twelve Tables, so much of all men to be commended. The Athenienses likewise appointed six to that purpose. And Lewis IX of France did the like in reforming of laws.[122]

Drawing to a close her innovative introduction defining the historical background to Elizabethan legal reform, largely through the policy speeches of the Lord Keeper Sir Nicholas Bacon, to emphasize its continuation through the second half of the reign, Professor Strain provides a linking narrative and contextual nexus leading to Bacon's *Gesta Grayorum* and *The Comedy of Errors*:

> Part I then focuses on literary representations of the laws imperfections and their corrections by writers on the inside of the legal profession and close to the culture of the royal court. [It] examines the *Gesta Grayorum*, an account of the 1594-5 Christmas revels at Gray's Inn… The Christmas revelers mounted a large mock court and the elaborate entertainments for their fictional Prince of Purpoole were performed by and before a community of Inn members and associates that included common-law students, legal professionals, courtiers, parliamentarians and statesmen. In their abridged parliament, they mock the general pardon that compensated for the snaring statutes that had accrued over the course of the sixteenth century. These kinds of statutes, which turned subjects into unintentional lawbreakers, found their way into

Shakespeare's comedies....In parodying the terms and structure of the Elizabethan general pardon, the revelers target a significant legal-political device that publicly forgave select statutory infractions and broadcasted the sovereign's merciful character….Francis Bacon's subsequent orations on government redirect the course of the entertainments away from the comical errors of lawmakers and legal representatives toward the industrious, systematic reform of the fictional state.[123]

The only known description of these Christmas Gray's Inn Revels did not find print for nearly a century later when an intriguing account of it was mysteriously published in 1688 under the title of *Gesta Grayorum*: *Or, The History of the High and mighty Prince*, *Henry Prince of Purpoole*.[124] The anonymous edition is based on a manuscript (which is no longer extant) apparently written by an unknown member of Gray's Inn who personally witnessed the events. The introduction to the curious volume provides no details of how the manuscript came into the hands of its unknown printer, which according to its title-page was printed for W. Canning with a dedication by 'W. C.' to Matthew Smyth, Esq., Comptroller of the Inner Temple. The anonymous author of the volume names no author for any of part of the Christmas Gray's Inn Revels which are the only source for Bacon's speeches for the six councillors addressed to the Prince of Purple (a manuscript copy of which were originally part of his Northumberland MSS with his Shakespeare plays *Richard II* and *Richard III*) and a record for the premier of his Shakespeare play *The Comedy of Errors*.

The magnificent Christmas Gray's Inn Revels or *Gesta Grayorum* (affairs of Gray's Inn) after detailed consultations the week before commenced on 20 December 1594 with the election of one Henry Holmes as the Prince of Purple who had assigned to him a Privy Council, to advise him in matters of state and government, together with other officers of State and Law, a large household, Gentlemen Pensioners to attend on him, and a royal guard to protect his sacred person. For the provision of his treasury, the support of his state and dignity, several letters in the form of Privy Seals were sent to members of his court requesting they contribute to the defraying of the enormous cost involved for the intended performances of their planned entertainments, masques and plays. By this means, states its anonymous author, the Prince of Purple's coffers were increased and bolstered 'by the great Bounty of divers honourable Favourers of our State, that imparted their Liberality, to the setting forward of our intended Pass-times.'[125] Its anonymous author proceeds to name just one of the benefactors, namely Bacon's uncle Sir William Cecil, the brother-in-law of Sir Nicholas Bacon (married to the Cooke sisters Lady Mildred Cooke Cecil and Lady Anne Cooke Bacon) 'Amongst the rest, the Right Honourable Sir *William Cecill*, Kt. Lord Treasurer of *England*, being of our Society, deserved honourable Remembrance, for his liberal and noble Mindfulness of us, and our State; who, undesired, sent to the Prince, as a Token of his Lordship's Favour, 10*l*. and a Purse of fine rich Needle-work.'[126] One wonders if the token of Cecil's favour was collected or delivered to Bacon whose residence at Gray's Inn was only a short distance from Cecil House on the Strand, his uncle's principal residence during law terms, in the most active periods of government business.

The inauguration of the Prince of Purple (a cipher for Bacon himself-a Tudor Prince who was later married dressed head to toe in purple-the colour of royalty) took place before his enormous entourage of about one hundred and forty officers and attendants. The anonymous author of the *Gesta Grayorum* script named no fewer than eighty-one individuals involved in the proceedings part of a total of around one hundred and forty when those here stipulated by title and description are added.[127] His government was a mirror-image of Queen Elizabeth's government with among others a Lord Chancellor (the office jointly held by Lord Keeper Sir Nicholas Bacon), a Secretary of State and

Lord Treasurer (both positions held by Sir William Cecil), a Captain of the Pensioners named 'Cooke' (surname of Bacon's mother Lady Anne Cooke Bacon), a Master of the Ordnance named 'Fitz-Williams', (Fitzwilliam being the maiden name of Bacon's grandmother, Anne, wife of Sir Anthony Cooke), one Baron of the Grand Port named 'Dudley' (the surname of Bacon's biological father Robert Dudley, Earl or Leicester), and included in the names of the twelve couples of Gentlemen Pensioners one named 'Devereux' (the surname of the other concealed son of Elizabeth and Dudley, Robert Devereux, secret younger brother of Bacon, who at the time of the Gray's Inn Revels acted as his special adviser). The retinue of the Prince of Purple also boasted, after the Lord Chancellor, a phalanx of the highest legal officers in the kingdom with a Master of the Rolls, Lord Chief Baron of the Exchequer, Lord Chief Baron of the Common Pleas, Lord Chief Justice of the Bench and Master of Requests, and senior members of the royal household Lord Keeper of the Privy Seal, Lord Chamberlain, Treasurer of the Household and Master of the Revels.[128] At the head of this royal government stood the Prince of Purple, a fictitious persona utilised by the organiser and director of the *Gesta Grayorum*, who on the passing of his mother Queen Elizabeth, often imagined that one day, he might be anointed head of the royal government of England.

On 20 December the Prince of Purple with the royal train marched from his lodgings to the great hall of Gray's Inn and took his place on the throne under a cloth of state. With his counsellors and great Lords placed around him and his Council and lawyers seated at the table the trumpets sound thrice to signal the commencing of the Revels. In front of his court the Prince of Purple '*beareth his Shield of the highest* Jupiter. In Point, a Sacred Imperial Diadem, safely guarded by the Helmet of the great Goddess Pallas' the symbol '*of the most heroical Order of the Knighthood of the Helmet*',[129] which rendered its wearer invisible, as with the Order of the Brotherhood of the Rosy Cross (secretly founded by Bacon) otherwise known as the invisibles. The Prince's attorney made a speech in praise of his nobility, virtue and singular perfection, imploring that his subjects all perform Obedience to their sovereign. His solicitor then announced an amnesty 'We therefore, hoping for better Obedience and Observation of our said Laws and Customs, do grant and publish this our general and free Pardon of all Dangers, Pains, Penalties, Forfeitures, or Offences' for all public individuals 'whether they be Strangers or Naturals, within Our Dominions be by virtue hereof excused, suspended and discharged from all, and all manner of Treasons, Contempts, Offences, Trespasses...and all manner of Errors, Misprisions, Mistakings…and all manner of Sorceries, Inchantments, Conjurations, Spells, or Charms'.[130] The Grand Pardon being read by the solicitor the Prince of Purple made a short speech to his subjects stating that although he pardoned all offences and forgave 'all Errors and Misdemeanours' he 'would hereafter severely and strictly reform the same,'[131] an aim that represented one of the central tenets of Bacon's lifelong ambition for legal reform.

The Prince of Purple then called for his Master of the Revels and instructed him to oversee the evening dances whereupon his Gentlemen Pensioners and royal attendants 'very gallantly appointed, thirty Couples', who danced and revelled well into the night until the Prince retired to his Lodgings:

> There was the Conclusion of the first grand Night, the Performance whereof increased the Expectation of those things that were to ensue; insomuch that the common Report amongst all Strangers was so great, and the Expectation of our Proceedings so extraordinary, that it urged us to take upon a greater State than was at first intended: And therefore, besides all the stately and sumptuous Service that was continually done the Prince, in very Princely manner; and

besides the daily Revels, and such like Sports, which were usual, there was intended divers grand Nights, for the Entertainment of Strangers to our Pass-times and Sport.[132]

The next Grand Night on 28 December a 'great Presence of Lords, Ladies, and worshipful Personages, that did expect some notable Performance' made their way into the hall. The Ambassador from the Inner Temple arrived with a large retinue of gentlemen and in a speech addressing the Prince of Purple declared 'how his excellent Renown and Fame was known throughout all the whole World'.[133] With the Inner Temple Ambassador sat next to the Prince for the planned events 'there arose such a disordered Tumult and Crowd upon the Stage, that there was no Opportunity to effect that which was intended: There came so great a number of worshipful Personages upon the Stage, that might not be displaced'.[134] The Ambassador and his train being not kindly entertained as expected 'would not stay any longer at that time.' After their departure 'the Throngs and Tumults did somewhat cease, although so much of them continued, as was able to disorder and confound any good Inventions whatsoever. In regard whereof, as also for that the Sports intended were especially for the gracing of the *Templarians*, it was thought good not to offer any thing of Account, save Dancing and Revelling with Gentlewomen':

after such sports, a Comedy of Errors (like to *Plautus* his *Menaechmus*) was played by the Players. So that Night was begun, and continued to the end, in nothing but Confusion and Errors; whereupon it was ever afterwards called, *The Night of Errors*.[135]

In what was on this remarkable Grand Night at the Gray's Inn Revels organised, directed and presided over by Bacon, its *de facto* Master of the Revels, that his great play on the themes of errors and confusions was premiered to an audience of lawyers. 'There is', as Professor Dorsch correctly observes in the recent Cambridge edition of the *Comedy of Errors* 'considerable correspondence between the language and themes of the *Gesta* and those of Shakespeare's play. This indicates that, far from being a last-minute substitution, the play was chosen, and the words of the *Gesta* devised, to complement each other.'[136] The *Gesta Grayorum* with its central themes of errors and confusion and its centre-piece play *The Comedy of Errors* based upon the themes of errors and confusion were devised by one directing mind or Grand Sorcerer of Gray's Inn, the Grand Master of these illusions, Lord Bacon.

The events of the evening prompted an investigation by the lawyers on the Prince of Purple's Council the next night to constitute a court of *Oyer* and *Terminer* (a court where judges inquire into treasons, felonies and misdemeanours) into the disorders 'especially by Sorceries and Inchantments; and namely, of great Witchcraft used the Night before, whereby there were great Disorders and Misdemeanours, by Hurly-burlies, Crowds, Errors, Confusions, vain Representations and Shews, to the utter Discredit of our State and Policy.'[137] The following night the mock court delivered its findings:

we preferred Judgments…being all against a Sorcerer or Conjurer that was supposed to be the Cause of that confused Inconvenience. Therein was contained, How he had caused the Stage to be built, and Scaffolds to be reared to the top of the House, to increase Expectation. And how he had caused divers Ladies and Gentlemen, and others of good Condition, to be invited to our Sports; also our dearest Friend, the State of *Templaria*, to be disgraced and disappointed of their kind Entertainment, deserved and intended. Also that he caused Throngs and Tumults, Crowds and Outrages, to disturb our whole Proceedings. And Lastly, that he foisted a Company of base and common Fellows, to make up our Disorders with a Play of

Errors and Confusions; and that that Night had gained us Discredit, and it self a Nickname of Errors.[138]

Underneath the above quotation from the *Gesta Grayorum* the modern Arden editor of *The Comedy of Errors* Professor Cartwright points to how the events of this Night of Errors which saw the premier of the Shakespeare play of errors and confusions was organised and directed by a powerful Sorcerer who was responsible for arranging the company of actors (whether professional players or lawyer-actors from Gray's Inn):

That account suggests the power of the witchcraft motif in *The Comedy of Errors*, as if the enchantment felt in Ephesus had registered strongly enough upon the play's beholders that, like Adriana's mist, it beclouded the imagined principality of 'Graya'. In a delightful bit of spontaneous, high-handed humour and comic fantasy, all the events and mishaps of the Night of Errors are reconceived as wrought by a powerful 'Sorcerer or Conjurer', his diabolical work including the foisting of 'a Company of base and common Fellows (i.e. the professional players) to complete and mirror the night's 'Disorders' and 'Confusions'. The Prince and his court behaved as did the confused and disordered characters in [*The Comedy of*] *Errors*.[139]

In the mock legal proceedings that follows described by Spedding as a 'broad parody upon the administration of justice by the Crown in Council',[140] which the anonymous author of *Gesta Grayorum* writes 'laid open to the View, all the Causes of note that were committed by our chiefest States-men in the Government of our Principality; and every Officer in any great Place [Bacon afterwards composed an essay entitled *Of Great Place*], that had not performed his Duty in that Service, was taxed hereby'.[141] In the mock trial for organising the Night of Errors the Sorcerer Bacon was arraigned at the Bar before a jury of twenty-four gentlemen.[142] The Sorcerer appealed to the Prince of Purple for justice through a prepared petition presented to the Master of Requests wherein the Sorcerer insisted that the fault lay with 'the Knavery and Juggling of the Attorney and Sollicitor, which had brought all this Law-stuff on purpose to blind the eyes of his Excellency, and all the honourable Court' trying to make them think 'those things which they all saw and perceived sensibly to be in very deed done, and actually performed, were nothing else but vain illusions, Fancies, Dreams and Enchantments.' [143] The 'Sorcerer or Conjuror' was thereupon freed and pardoned and the attorney, solicitor, and the Master of the Requests were all commanded to the Tower 'And this was the End of our Law-sports, concerning the Night of Errors.'[144] In his *Hamlet and Purgatory* Professor Greenblatt reveals that he originally intended writing a work on Shakespeare as a conjurer:

I began with the notion of writing a book about Shakespeare as a Renaissance conjurer. By the term "conjurer" I simply mean someone who has the power to call forth or make contact through language with those things–voices, faces, bodies, and spirits-that are absent. Shakespeare possessed this power to an extraordinary degree, and I wanted to explore some of its sources….[145]

The figure of the sorcerer or conjurer (Master of Illusions) is on many different levels central to the concealed authorship and writing of the Shakespeare plays-Shakespeare is a conjurer, the conjurer is Shakespeare. The sorcerer Bacon the concealed dramatist Shakespeare conjured up *The Comedy of Errors* a play which dramatizes the complex notions of error and mistaken identity that bedevil the human mind and has proved the cause of endless delusions throughout history and Bacon-Shakespeare scholarship.

Once the lawyers of Gray's Inn (led by their Grand Sorcerer Bacon) 'were wearied with mocking thus at our own Follies, at length there was a great Consultation had for the Recovery of our lost Honour', where it was concluded that the Prince of Purple's Council should be reformed 'and some graver Conceipts should have their places', thus 'upon better Consideration, there were divers plots and Devices intended against the *Friday* after *New-years-day*, being the 3*d*. of *January*.'[146] These entertainments organised and directed ('*A device for the Gray's Inn Revels*)' by Bacon were designed for the purpose of bringing about a reconciliation between Gray's Inn and the Temple that had been disturbed by the Night of Errors, a device for which Bacon wrote six speeches for six councillors advising the Prince of Purple: on the *Exercise of War*, the *Study of Philosophy*, the *Eternizement and Fame by Buildings and Foundations*, the *Absoluteness of State and Treasure*, *Virtue and a gracious Government*, and finally, *persuading Pastimes and Sports*. To this Baconian device performed at the Christmas Gray's Inn Revels we shall soon return, but first it is necessary for us to examine the Baconian legal play *The Comedy of Errors*, which there preceded it.

In the modern edition of *The Comedy of Errors* its editor Professor Cartwright under the heading 'Error and Identity: *The idea of error*: '*What error drives our eyes and ears amiss*?', informs his readers that the idea of error fascinated Renaissance thinkers 'The humanist movement attacked what it perceived as empirical, philological and epistemological errors' from Lorenza Valla and Erasmus 'to Francis Bacon's critique of erroneous methods of proof.'[147] These words scarcely scratch the surface. In fact Bacon's whole philosophical system and scientific empirical methodological inquiry to which he devoted his entire lifetime and wrote several large treatises departed from the premise that mankind had for thousands of years wandered through error upon error (and a case could be made out that the word error/errors was his favourite word) in what might very well be described as a veritable comedy of errors. It was this very foundation on which Bacon built his first major philosophical treatise which he aptly titled *The Advancement of Learning* wherein in some instances he actually began page after page with the word error in describing the phenomenon of historical and human error (the first two paragraphs of which given below can be applied to his authorship of the Shakespeare plays including, of course, *The Comedy of Errors* presently under discussion):

Another error, induced by the former, is a distrust that any thing should be now to be found out, which the world should have missed and passed over so long time….

Another error, that hath also some affinity with the former, is a conceit that of former opinions or sects, after a variety and examination, the best hath still prevailed; and suppressed the rest; so as if a man should begin the labour of a new search, he were but like to light upon somewhat formerly rejected; and by rejection, brought into oblivion: as if the multitude, or the wisest for the multitude's sake, were not ready to give passage rather to that which is popular and superficial, than to that which is substantial and profound. For the truth is, that time seemeth to be of the nature of a river, or stream, which carrieth down to us that which is light and blown up; and sinketh and drowneth that which is weighty and solid.

Another error of a diverse nature from all the former, is the over-early and peremptory reduction of knowledge into arts and methods; from which time commonly sciences receive small or no augmentation….

Another error, which doth succeed that which we last mentioned, is that after the distribution of particular arts and sciences, men have abandoned universality, or '*philosophia prima*'; which cannot but cease, and stop all progression….

Another error hath proceeded from too great a reverence, and a kind of adoration of the mind and understanding of man….

Another error that hath some connexion with this latter is, that men have used to infect their meditations, opinions, and doctrines, with some conceits which they have most admired, or some sciences which they have most applied; and given all things else a tincture according to them, utterly untrue and unproper…

Another error is an impatience of doubt, and haste to assertion without due and mature suspension of judgement. For the two ways of contemplation are not unlike the two ways of action commonly spoken of by the ancients; the one plain and smooth in the beginning, and in the end impassable; the other rough and troublesome in the entrance, but after a while fair and even. So it is in contemplation; if a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties.

Another error is the manner of the tradition and delivery of knowledge, which is for the most part magistral and peremptory; and not ingenuous and faithful, in a sort as may be soonest believed; and not easiliest examined….

Other errors there are in the scope that men propound to themselves, whereunto they bend their endeavours; for whereas the more constant and devote kind of professors of any science ought to propound to themselves, to make some additions to their science; they convert their labours to aspire to certain second prizes….

But the greatest error of all the rest is the mistaking or misplacing of the last or furthest end of knowledge. For men have entered into a desire of learning and knowledge, sometimes upon a natural curiosity, and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; and sometimes to enable them to victory of wit and contradiction, and most times for lucre and profession, and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men….[148]

Later in Book II of *Advancement of Learning* Bacon directly alludes to Terence and Plautus the Roman playwright whose Latin play *Menaechmi The Comedy of Errors* is based upon:

It decideth also the controversies between Zeno and Socrates, and their schools and successions on the one side, who placed felicity in virtue simply or attended; the actions and exercises whereof do chiefly embrace and concern society; and on the other side, the Cyrenaics and Epicureans, who placed it in pleasure, and made virtue, (as it is used in some comedies of errors, wherein the mistress and the maid change habits), to be but as a servant, without which pleasure cannot be served and attended …[149]

Going beyond his source Plautus's *Menaechmi* (involving one set of twins) Bacon complicates and greatly increases the possibilities of confusion and error by giving the twin brothers, both called Antipholus (of Ephesus and Syracuse) servants, both named Dromio, who are themselves also identical twin brothers. The play set in the Greek city of Ephesus tells the story of these two sets of identical twins separated at birth in a play which serves as dramatic vehicle for the error, confusion and excess of the law. In her groundbreaking and revealing chapter 'Snaring Statutes and the General Pardon in the *Gesta Grayorum*' under the specific sub-heading 'Snaring Statutes' Professor Strain explained the expansion of statute law, included laws largely forgotten through disuse, laws that were arbitrarily or inappropriately misapplied, and laws excessive in their punishment, and in need of legal reform 'many of Francis Bacon's parliamentary speeches and legal reform writings shed light on the reality of these' snaring penalties. To which she adds that 'Shakespeare adopts the snaring statute as a plot device to no fewer than four comedies', *A Midsummer Night's Dream*, *The Merchant of Venice*, *Measure for Measure*, and *Comedy of Errors* which begins with a 'snaring statute'.[150]

It will be recalled that in his dramatic device *Of Tribute*; *or giving that which is due* (1592) written about the same time or shortly before *Comedy of Errors* Bacon praises Queen Elizabeth for the protection she had provided from excessive penalties and

snaring laws 'There shall you find…no extremities taken of forfeitures and penal laws, a means used by some kings for the gathering of great treasures…Yea further, there have been…a course taken by her own direction for the repeal of all heavy and snaring laws.'[151] The Merchant of Syracuse Egeon (father of the Antipholuses) arrives in Ephesus where he is arrested and condemned to death under a newly enforced law conjured up as a tit for tat manoeuvre against the decision of the Duke of Syracuse to enforce an old decree directed against Ephesian merchants. The Duke of Ephesus tells Egeon 'Merchant of Syracusa, plead no more./I am not partial to infringe our laws./ The enmity and discord which of late/Sprung from the rancorous outrage of your Duke/To merchants, our well-dealing countrymen,/Who, wanting guilders to redeem their lives,/Have sealed his rigorous statutes with their bloods' (1:1:3-9). On account of these rigorous snaring statutes some of the Ephesian merchants have already paid with their lives. In both these hostile states 'It hath in solemn synods been decreed' to outlaw any travel and trade between them and unless old Egeon can raise 'a thousand marks' in ransom, all his possessions which do not even amount to 'a hundred marks', will be confiscated, 'and by law thou art condemned to die' (1:1:13-25). As all serious Shakespeare scholars-and most certainly Baconians-are aware, the use of numbers in the Shakespeare plays, are frequently significant and meaningful. As seen above in the opening passage of the play the numbers 1,000 and 100 are chosen to denote the level of ransom demanded of Egeon and the value of his possessions. If the null '0' is dropped from 1,000 it leaves the number 100 the numerical value of Francis Bacon in simple cipher, the very number (100) given underneath it, reiterating Francis Bacon in simple cipher. This is no coincidence and finds confirmation in the last act of the play when the Abbess, wife to Egeon, says 'Thirty-three years have I but gone in travail/Of you, my sons, and till this present hour/My heavy burden ne'er delivered' (5:1:403-5): the number 33 being Bacon in simple cipher.

These kinds of rigorous snaring statutes which Bacon adopted as a plot device in *The Comedy of Errors* (as well as *A Midsummer Night's Dream, The Merchant of Venice*, and *Measure for Measure*) he addressed and criticised in his numerous parliamentary speeches and legal writings (none of which were published during his lifetime). In the *Maxims of the Law* written in 1596 (first printed in 1630), just as he had in his device *Of Tribute*; *or giving that which is due,* in the dedicatory epistle to his treatise (after noting the multiplication of statutes and abuse of unjust laws) Bacon tactfully praises Elizabeth for entering 'into a general amendment of the state of your laws, and to reduce them to more brevity and certainty; that the great hollowness and unsafety in assurances of lands and goods may be strengthened; the snaring penalties that lie upon many subjects removed.'[152] In the preface to the work Bacon states that he wished 'to visit and strengthen the roots and foundation of the science itself' by 'collecting the rules and grounds dispersed throughout the body of the same laws…and reducing the same to a more sound and substantial sense of the law; in reclaiming vulgar errors, and generally in the amendment in some measure of the very nature and complexion of the whole law.'[153] In a 'Speech for Repealing Superfluous Laws' to the House of Commons in 1601 Bacon advises that every parliament should select a committee 'for the repeal of divers statutes, and of divers superfluous branches of statutes…The more laws we make the more snares we lay to entrap ourselves.'[154] And again, in a speech given to the House of Commons in 1607 'Concerning the Union of Laws' Bacon says 'this continual heaping up of laws without digesting them, maketh but a chaos and confusion, and turneth the laws many times to become but snares for the people.'[155] In his essay *Of Judicature* Bacon warns judges against 'hard constructions and strained inferences; for there is no worse torture than the torture of laws. Specially in case of

laws penal, they ought to have care that that which was meant for terror be not turned into rigour; and that they bring not upon the people that shower whereof the Scripture speaketh, *Pluet super eos laqueos*; for penal laws pressed are a *shower of snares upon the people*.'[156] Later in *A Proposition to His Majesty...Touching the Compiling and Amendments of the Laws of England* Bacon imagines the potential of dormant statutes during times of crisis could be awakened and used to oppress unsuspecting persons 'there are a number of ensnaring penal laws, which lie upon the subject; and if in bad times they should be awaked and put into execution, would grind them to powder',[157] like of course Egeon, the Merchant of Syracuse, and others, in *The Comedy of Errors*.

In addition to the snaring statutes which frames the whole play the central motif of the gold chain which runs throughout *Comedy of Errors* has recently been identified by several modern authorities on Shakespeare and the law as a complex metaphor for the developing law of contract between the action of debt and action of assumpsit being fought out between the Court of Common Pleas and the King's Bench.[158] The controversial and complicated legal issue had occupied Bacon's mind for many years at Gray's Inn during the 1580s and 1590s and had long been a source of infighting between the two courts which led Chief Justice Popham to select *Slade v Morley* as a test case to finally settle the issue. The case which was argued before all the major judges of England with Attorney-General Sir Edward Coke appearing for the plaintiff Slade and Doddridge and Bacon appearing for the defendant Morley ran from 1596 to 1602.[159] In his essay 'Consideration, Contract and the End of *The Comedy of Errors*' Zurcher explains that the common law of contract 'was changing rapidly at precisely the time that *The Comedy of Errors* was written and first performed. *Slade's Case* was still a few years off when Shakespeare penned [it]…but the tensions…that finally led Chief Justice Popham to convoke the judges of the realm in consultation on *Slade v Morley* were certainly active in 1594.'[160] The structure and central plot and mirroring relationships in the play are predicated on the tension between the action of debt and action of assumpsit:

> The twinning narrative structure of *The Comedy of Errors* comes to imitate (that is to say, anticipate) the quandary in which the common law judges would find themselves during the arguments over *Slade's Case* in 1598. Antipholus of Ephesus has made Angelo a promise, but has not received consideration for it; whereas Antipholus of Syracuse has received the consideration, but made no promise. The twinning of the play thus divides the *consideratio* that imports the promise to pay from the original contract, and from the promise itself. Insofar as he would compel payment, Angelo ought to have action of debt against Antipholus of Ephesus (for the original contract), but assumpsit against his brother (because of the forbearance, an established form of *consideratio*). A single contract made between the parities in the third act thus, in a loose way, leads to two distinct forms of action, as represented in the twinning of the brothers Antipholus. What Shakespeare has effectively allegorised in the brothers was one of the chief points of contention during *Slade's Case*: in Baker's words, 'whether a contract and a contemporaneous promise to perform it could give rise simultaneously to two distinct forms of action to achieve the same end'.[161]

In his chapter '*The Comedy of Errors* and the Meaning of Contract', appearing in his full-length work *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* Professor Raffield explains to his learned readers that the history of contract law in Elizabethan England is a history of conflict between the rival courts of common law which was eventually resolved in *Slade's Case*. Under the heading of 'The Chain: Symbol of Commerce, Love and Law' Professor Raffield points out that the peculiar language of sorcery in *Comedy of Errors* is similar 'to the legal language

of testament and proof, which is instanced throughout the last two acts of the play as claim and counter-claim are repeatedly made, concerning payment for the purchase of the gold chain.'[162] He adds 'the various characters who have become involved in the contractual dispute act as compurgators or oath-takers, swearing as to the veracity of their testimony',[163] which he supports by quoting several passages in the play:

> The above oaths and testaments bear a strong if exaggerated resemblance to the juridical procedure of wager of law, which was available to the defendant in an action for debt but not in an action for assumpsit, the facts of which were tried by jury. This was another major source of contention in *Slade's Case*….[164]

In 'Playing the Law for Lawyers: Witnessing, Evidence and the Law of Contract in *The Comedy of Errors*' Professor Kreps immediately identifies the chain as the 'key metaphor' that provides 'the impetus for almost every plot turn'.[165] In the essay Kreps provides a brief but detailed account of the history of the action of debt and the action of assumpsit which she points out was eventually decided in *Slade v Morley* (*Slade's Case*).[166] Our author Shakespeare, writes Professor Kreps, demonstrates,

> some precise knowledge of law, since the play shows (through Angelo's decision as to how to proceed at law against his defaulting client) the author's understanding of the two options open to litigants seeking relief for unhonoured debt in the 1590s. As Dromios of Ephesus briefly reminds us, by writing in and calling attention to the damage to Angelo's credit, Shakespeare carefully qualifies the merchant for the surer satisfaction to be obtained at law by an action on the case.
>
> In the legal world itself the dualities-and the uncertainties plaintiffs were obliged to evaluate in consequence of competing legal proceedings-continued; but the appropriate course of litigation was decided at last, almost a decade after the Gray's Inn performance. As was indicated earlier, *Slade's case* was the suit that would eventually determine the victory for the assumpsit; it was first heard at nisi prius in the Exeter assizes in the spring of 1596, was removed to the Exchequer Chamber in Michaelmas Terms 1597 and would not be decided until 1602. Indeed, the disputed grain (the field of wheat and rye) that was to lead to the landmark decision was only sown in November 1594, so that is was literally growing in the field when *The Comedy of Errors* was performed on 28 December 1594.[167]

Neither Zurcher, Raffield or Kreps (even though they were all demonstrably aware of the critically important fact through their sources) informed their learned readers that Bacon in defending Morley played a key and very prominent role in *Slade v Morley* (*Slade's Case*) in their long essays about *Gesta Grayorum* (for which Bacon was the prime mover) and the Shakespeare play *The Comedy of Errors* (while all three were of course perfectly familiar with the notion it was secretly written by Bacon).

In the section 'The Chain: Symbol of Commerce, Love and Law' Professor Raffield observes that the 'symbolism of the chain is multifaceted', the linking thread which weaves itself through the whole play and is fundamental to the relationships of its key characters; acting as a bond adds Professor Kreps, 'an image appropriate indeed to the close connections the plot draws between love, money and truth.'[168]. Furthermore states Professor Cartwright in the modern Arden edition of *The Comedy of Errors* 'the chain becomes 'mystif[ied]' by Syracusan Antipholus' treatment of it as a golden gift, associated with Ephesian witchcraft and sorcery…it is a figure *in* the play and *of* the play.'[169] The golden chain that runs through *The Comedy of Errors* represents and symbolises the endless chain of human existence which traces all the way back to the beginning of time and the mysteries of the heavens and the universe (esoteric secrets which are withheld and hidden from us). The divine fable of the golden chain (alluded

to in Homer's *Iliad*, viii. 18 ff. and Plato's *Theaetetus*, 153 c-d) is referred to twice by Bacon in *Advancement of Learning* (not highlighted by the above) 'for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause; but when a man passeth on farther, and seeth the dependence of causes and the works of Providence, then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs be tied to the foot of Jupiter's chair.'[170] This Great Golden Chain of Being is more explicitly referred to by Bacon in Book II during the course of a discussion on Divine Philosophy:

> Out of the contemplation of nature, or ground of human knowledges, to induce any verity or persuasion concerning the points of faith, is in my judgment not safe: 'Da fidei quae fidei sunt' ('Give unto faith the things that are faith's': Matt. 22:21). For the Heathen themselves conclude as much in that excellent and divine fable of the golden chain: that 'men and gods were not able to draw Jupiter down to earth; but contrariwise, Jupiter was able to draw them up to heaven.' So as we ought not to attempt to draw down or submit the mysteries of God to our reason; but contrariwise to raise and advance our reason to the divine truth.[171]

Following the Night of Errors at the Gray's Inn Revels the occasion for the premier of *The Comedy of Errors* for which the Sorcerer or Conjurer (Bacon) was arraigned in a mock trial for having the stage built and organising the players to perform the play of errors and confusion, when they finally wearied of mocking their own follies, they held a great consultation for the recovery of their lost honour. It was concluded upon better 'Consideration' that on the 3rd of January the members of Gray's Inn would put on an elaborate masque written and presented by their *de facto* Master of the Revels Bacon known as *The Masque of Amity* in which the allegorical figures of *Grayus* and *Templarius* at the mystical altar of the Goddess of Amity reaffirmed their bonds of mutual friendship and perpetual love. *The Comedy of Errors* and *Masque of Amity* writes Zurcher both turn 'on the word 'consideration' and as in the play the theme of contract and promise, as played out in honour, credit and performance, dominates.'[172] In atonement for the Night of Errors (contrived for the performance of *The Comedy of Errors*) for the next Grand Night at the Gray's Inn Revels Bacon invited a number of great and noble personages among them his uncle and cousin Sir William Cecil, Lord Burghley and his son Sir Robert Cecil, the favourite Robert Devereux, Earl of Essex, Henry Wriothesley, the Earl of Southampton (at Gray's Inn with Bacon from 1589) to whom Bacon had dedicated his Shakespeare poems *Venus and Adonis* and *The Rape of Lucrece* the year before, and Henry Percy, Earl of Northumberland, where at the residence of his descendant (the Earl Percy) Bacon's Northumberland Manuscript was later discovered which once contained his Shakespeare plays *Richard II* and *Richard III*. In front of these distinguished guests in echoing *The Comedy of Errors* at the end of the (Rosicrucian-Freemasonic) masque the Prince of Purple placed around the neck of the Inner Temple's ambassador a carcanet or bejewelled collar the Golden Chain of Being, the symbol of 'the Knighthood of the Helmet, an Order of his own Institution', and twenty-four of his retinue all vowed to observe and practice the Constitutions and Ordinances of the Honourable Order.[173]

When the King-at-Arms had read the Articles of the Order of the Knighthood and concluded all its ceremonies the Knights of the Order brought into the hall a banquet for the Prince of Purple and the Lords in imitation of the Feast celebrated at all such honourable institutions. Then a table was set on the stage before the Prince and six Lords of his Privy Council all delivered speeches written by Bacon: The first *Advising the Exercise of War*; the second *Advising the Study of Philosophy*; the third *Advising*

Eternizement and Fame by Buildings and Foundations; the fourth *Advising Absoluteness of State and Treasure*; the fifth *Advising Virtue and a Gracious Government*; and the sixth *Persuading Pastimes and Sports*.[174] These six speeches are framed as a response to the Prince's request for the best directions on the happiness of the state. In the fifth counsellor's speech on government Bacon presents a plea for the reform of the existing machinery of the law and the state which he says is 'the making of golden times' and the 'only and worthy Ends of Your Grace's vertuous Reign'. He advises the Prince that the first law of any state is security. To 'assure your self of an inward Peace, that the Storms without do not disturb any of your Repairers of State within', the Prince should 'visit all the parts of your State', and take especial care of your 'Intelligence, which is the Light of the State':[175] Bacon proceeds to advise him:

> Then look into the State of your Laws and Justice of your Land; purge out multiplicity of Laws, clear the incertainty of them, repeal those that are snaring, and prize [press] the execution of those that are wholesome and necessary; define the Jurisdiction of your Courts, reprise [repress] all Suits and Vexations, all causeless Delays and fraudulent Shifts and Devices, and reform all such Abuses of Right and Justice; assist the Ministers thereof, punish severely all Extortions and Exactions of Officers, all Corruptions in Trials and Sentences of Judgment.[176]

To frame and direct *The Comedy of Errors* Bacon adopted the snaring statute as a plot device and he again returned to snaring statutes and various other legal abuses in his above arguments for extensive legal reform in the fifth speech of his counsellor in the last of the Grand Nights in the great hall at Gray's Inn. Performed in the presence of 'Great and Noble Personages' including Lord Keeper Puckering, the office held by his father Lord Keeper Sir Nicholas Bacon (and afterwards held by Bacon himself on his way to becoming Lord Chancellor the highest legal authority in the real kingdom), his uncle and cousin Sir William and Sir Robert Cecil, the lords Buckhurst, Mountjoy and Compton, and the earls of Shrewsbury, Cumberland, Northumberland, Essex and Southampton, his masque and orations restored the honour of the Gray's Inn revellers:

> The Performance of which Nights work being very carefully and orderly handled, did so delight and please the Nobles, and the other Auditory, that thereby *Grays-Inn* did not only recover their lost Credit, and quite take away all the Disgrace that the former Night of Errors had incurred; but got instead thereof, so great Honour and Applause, as either the good Reports of our honourable Friends that were present could yield, or we our selves desire.[177]

Thus ended the last of the magnificent Grand Nights directed by Bacon at the Gray's Inn Christmas Revels of 1594-5 which had witnessed the premier of his Shakespeare play *The Comedy of Errors.*

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95. For some of the law/legal concepts in the play see Edward J. White, *Commentaries on the Law In Shakespeare With Explanations of the Legal Terms used in the Plays, Poems and Sonnets and Consideration of the Criminal Types Presented. Also a Full Discussion Of The Bacon-Shakespeare Controversy* (Honolulu, Hawaii: University Press of the Pacific, 1913, reprinted 2002), pp. 305-28. See also B. J. Sokol and Mary Sokol, *Shakespeare's Legal Language A Dictionary* (London and New York: Continuum, 2004), p. 162.
96. For this kind of employment in the 1580s and 1590s see Julian Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy* (Cambridge University Press, 1992), pp. 97, 102.
97. Spedding, *Works*, VII, pp. 768-9.
98. Edward J. White, *Commentaries on the Law In Shakespeare With Explanations of the Legal Terms used in the Plays, Poems and Sonnets and Consideration of the Criminal Types Presented. Also a Full Discussion Of The Bacon- Shakespeare Controversy* (Honolulu, Hawaii: University Press of the Pacific, 1913, reprinted 2002), p. 223 &n6. I wish to express my gratitude to Christina G. Waldman for pointing out a series of errors mistaking the reference (Bacon, Abr) for Francis Bacon, when it in fact refers to Matthew Bacon.
99. L. A. Beaurline, ed., *King John* (Cambridge University Press, 1990), pp. 26-8; John Pitcher, ed., *The Essays* (Penguin Books, 1987), pp. 127-8.
100. Charles R. Forker, ed., *The Troublesome Reign Of John, King Of England* (Manchester University Press, 2011), p. 186n14.
101. Ibid., p. 187n20-21.
102. Spedding, *Letters and Life*, IV, p. 397 and Lisa Jardine and Alan Stewart, *Hostage to Fortune The Troubled Life of Francis Bacon* (London: Victor Gollancz, 1998), pp. 341-2.
103. Spedding, *Letters and Life*, IV, pp. 399, 401.
104. A. P. Rossiter, ed., *Woodstock*: *A Moral History* (London: Chatto and Windus, 1946), p. 48.
105. Donna B. Hamilton, 'The State of Law in *Richard II*', *Shakespeare Quarterly*, 34 (1983), pp. 5-17, at pp. 5-6.
106. Ibid., p. 6.
107. Ibid., p. 11. For other discussions on this passage and its related issues see Dennis R. Klinck, 'Shakespeare's Richard II as Landlord and Wasting Tenant', *Law, Literature, and Interdisciplinarity*, 25 (1998), pp. 21-34; William O. Scott, '"Like to a Tenement": Landholding, Leasing, and Inheritance in *Richard II'*, in *The Law in Shakespeare*, eds., Constance Jordan and Karen Cunningham (Hampshire: Palsgrave Macmillan, 2010), pp. 58-72; Ian Ward, *Shakespeare and the Legal Imagination* (London: Butterworths, 1999),

p. 34; Paul Raffield, *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* (Oxford and Portland, Oregon: Hart Publishing, 2010), p. 107.
108. Spedding, *Works*, VII, p. 646.
109. Donna B. Hamilton, 'The State of Law in *Richard II*', *Shakespeare Quarterly*, 34 (1983), p. 13.
110. Spedding, *Works*, VI, pp. 120-1.
111. Donna B. Hamilton, 'The State of Law in *Richard II*', *Shakespeare Quarterly*, 34 (1983), p. 115.
112. Ibid., p. 115; Spedding, *Works*, VII, p. 646.
113. E. K. Chambers, *William Shakespeare A Study Of Facts And Problems* (Oxford Clarendon Press, 1930), II, pp. 320-1.
114. John Dover Wilson, ed., *King Richard II* (Cambridge University Press, 1939, 1971), pp. viii-ix; Peter Ure, ed., *King Richard II* (London: Arden Shakespeare, 1961, 1970), pp. xxix-xxx; Stanley Wells, ed., with an Introduction by Paul Edmondson, *Richard II* Penguin Books, 1969, 2015), p. liv; Charles, R. Forker, ed., *King Richard II* (The Arden Shakespeare, 2002, 2005), pp. 114-5; Andrew Gurr, ed., *King Richard II* (Cambridge University Press, 2003, 2015), pp. 1-3; Anthony B. Dawson and Paul Yachnin, eds., *Richard II* (Oxford University Press, 2011), pp. 9n1, 78-9.
115. James Spedding, ed., *A Conference Of Pleasure*, *Composed For Some Festive Occasion About The Year 1592 By Francis Bacon*. *Edited, From A Manuscript Belonging to The Duke of Northumberland* (London: printed by Whittingham and Wilkins, 1870), pp. xxi-xxii; Frank J. Burgoyne, ed., *Collotype Facsimile & Type Transcript Of An Elizabethan Manuscript Preserved at Alnwick Castle*, *Northumberland* (London: Longmans, Green, and Co., 1904), pp. xiii, xv, xx.
116. James Spedding, ed., *A Conference Of Pleasure*, *Composed For Some Festive Occasion About The Year 1592 By Francis Bacon*. *Edited, From A Manuscript Belonging to The Duke of Northumberland* (London: printed by Whittingham and Wilkins, 1870), pp. xix, xxi; Frank J. Burgoyne, ed., *Collotype Facsimile & Type Transcript Of An Elizabethan Manuscript Preserved at Alnwick Castle*, *Northumberland* (London: Longmans, Green, and Co., 1904), p. xiii.
117. Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), pp. 3, 10. Professor Strain also examined Book V of the *Faerie Queene* and Donne's 'Satyr V'.
118. Ibid., p. 9.
119. Ibid., pp. 11-12.
120. Ibid., p. 13.
121. Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), p. 40; Alan Stewart with Harriet Knight, eds., *Early Writings 1584-1596* (Oxford Clarendon Press, 2012), p. 271. As quoted by Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), p. 82.
122. Spedding, *Letters and Life*, I, p. 214; Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), p. 14.
123. Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), p. 21.
124. Anon., *Gesta Grayorum*: *Or, The History of the High and mighty Prince, Henry Prince of Purpoole, Arch-Duke of Stapulia and Bernardia, Duke of High and Nether Holborn, Marquis of St. Giles and Tottenham, Count Palatine of Bloomsbury and Clerkenwell, Great Lord of the Cantons of Islington, Kentish-Town, Paddington and Knights-bridge, Knight of the most Heroical Order of the Helmet, and Sovereign of the Same*; *Who*

Reigned and Died, A. D. 1594. Together With A Masque, as it was presented (*by His Highness's Command*) *for the Entertainment of Q. Elizabeth*; *who, with the Nobles of both Courts, was present thereat* (London: printed for W. Canning, 1688).

125. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), p. 8.
126. Ibid., p. 8.
127. Ibid., p. xiv.
128. For a list and the names given to these officers of state and the royal household see Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), pp. 10-13.
129. Ibid., pp. 14-5.
130. Ibid., pp. 21-2.
131. Ibid., p. 27.
132. Ibid., pp. 28-9.
133. Ibid., p. 30.
134. Ibid., p. 31.
135. Ibid., pp. 31-2.
136. T. S. Dorsch, ed., *The Comedy Of Errors* (Cambridge University Press, 2004), p. 33.
137. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), p. 32.
138. Ibid., p. 33.
139. Kent Cartwright, ed., *The Comedy Of Errors* (Bloomsbury Arden Shakespeare, 2017), p. 109.
140. Spedding, *Letters and Life*, I, p. 328.
141. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), p. 33.
142. Several orthodox Shakespeare scholars and Baconians have suggested that Bacon was the Sorcerer. See Edgar I. Fripp, *Shakespeare Man And Artist* (Oxford University Press, 1938), p. 406; N. B. Cockburn, *The Bacon-Shakespeare Question*: *The Baconian theory made sane* (Guildford and Kings Lynn: 1998), p. 114; Charles Whitworth, ed., *The Comedy of Errors* (Oxford University Press, 2008), p. 4.
143. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), p. 33.
144. Ibid., p. 34.
145. Stephen Greenblatt, *Hamlet in Purgatory* (Princeton University Press, 2013), p. 3. See also Charles Whitworth, ed., *The Comedy of Errors* (Oxford University Press, 2008), pp. 4, 41-2.
146. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), p. 34.
147. Kent Cartwright, ed., *The Comedy Of Errors* (Bloomsbury Arden Shakespeare, 2017), p. 9.
148. Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), pp. 145-7; Michael Kiernan, ed., *The Advancement of Learning* (Oxford Clarendon Press, 2000), pp. 29-31.
149. Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), pp. 247/651; Michael Kiernan, ed., *The Advancement of Learning* (Oxford Clarendon Press, 2000), pp. 137/329.
150. Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), pp. 69-71.

151. Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), p. 40; Alan Stewart with Harriet Knight, eds., *Early Writings 1584-1596* (Oxford Clarendon Press, 2012), p. 271. As quoted by Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), p. 82.
152. Spedding, *Works*, VII, pp. 315-6.
153. Ibid., *Works*, VII, pp. 319-20.
154. Ibid., *Letters and Life*, III, p. 19.
155. Ibid., *Letters and Life*, III, p. 336.
156. Ibid., *Works*, VI, p. 507.
157. Ibid., *Letters and Life*, VI, p. 65. For this and the above see Virginia Lee Strain, *Legal Reform in English Renaissance Literature* (Edinburgh University Press, 2019), p. 69 to which I am greatly indebted.
158. Andrew Zurcher, 'Consideration, Contract and the End of *The Comedy of Errors*' in *Shakespeare and the Law*, eds., Paul Raffield and Gary Watt (Oxford and Portland, Oregon: Hart Publishing, 2008), pp. 19-37; Paul Raffield, *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* (Oxford and Portland, Oregon: Hart Publishing, 2010), '*The Comedy of Errors* and the Meaning of Contract', pp. 51-81; Barbara Kreps, 'Playing The Law For Lawyers: Witnessing, Evidence And The Law Of Contract In *The Comedy of Errors*', *Shakespeare Survey*, 63 (2010), pp. 261-71.
159. J. H. Baker, 'New Light on Slade's Case, *The Cambridge Law Journal*, 29 (1971), pp. 51-67; J. H. Baker, *The Legal Profession And The Common Law Historical Essays* (London: The Hambledon Press, 1986), 'New Light On Slade's Case', pp. 393-432, at pp. 394-5, 396, 401-2, 402-8, 421; J. H. Baker and S. F. C. Milsom, *Sources of English Legal History Private Law to 1750* (London: Butterworths, 1986), pp. 420-41, at pp. 431-39; Daniel R. Coquillette, *Francis Bacon* (Edinburgh University Press, 1992), pp. 136-43.
160. Andrew Zurcher, 'Consideration, Contract and the End of *The Comedy of Errors*' in *Shakespeare and the Law*, eds., Paul Raffield and Gary Watt (Oxford and Portland, Oregon: Hart Publishing, 2008), p. 27.
161. Ibid., p. 30.
162. Paul Raffield, *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* (Oxford and Portland, Oregon: Hart Publishing, 2010), p. 60.
163. Ibid., p. 60.
164. Ibid., pp. 60-1.
165. Barbara Kreps, 'Playing The Law For Lawyers: Witnessing, Evidence And The Law Of Contract In *The Comedy of Errors*', *Shakespeare Survey*, 63 (2010), p. 262.
166. Ibid., pp. 267-9.
167. Ibid., pp. 270-1. For discussions of various other aspects of the law in *The Comedy of Errors* see John Lord Campbell, *Shakespeare's Legal Acquirements Considered* (London: John Murray, 1859); pp. 38-40; Franklin Fiske Heard, *Shakespeare As A Lawyer* (Boston: Little, Brown, and Company, 1883), pp. 41-4, 84; W. Nicholas Knight, *Shakespeare's Hidden Life*: *Shakespeare at the Law 1585-1595* (New York: Mason and Lipscomb Publishers, 1973), pp. 170-8; N. B. Cockburn, *The Bacon-Shakespeare Question*: *The Baconian theory made sane* (Guildford and Kings Lynn: 1998), pp. 105-28; Ian Ward, *Shakespeare and the Legal Imagination* (London: Butterworths, 1999), pp. 136-7; Daniel J. Kornstein, *Something Else More Shakespeare And The Law* (Bloomsbury, Indiana: Author House, 2012), pp. 109-13. For more broad discussions of *Gesta Grayorum* and *The Comedy of Errors* not cited above see Sidney

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168. Paul Raffield, *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* (Oxford and Portland, Oregon: Hart Publishing, 2010), p. 63; Barbara Kreps, 'Playing The Law For Lawyers: Witnessing, Evidence And The Law Of Contract In *The Comedy of Errors*', *Shakespeare Survey*, 63 (2010), p. 265.
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171. Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), pp. 192/620 and Michael Kiernan, ed., *The Advancement of Learning* (Oxford Clarendon Press, 2000), pp. 79/279.
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173. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), pp. 36-8; Paul Raffield, *Shakespeare's Imaginary Constitution Late-Elizabethan Politics and the Theatre of Law* (Oxford and Portland, Oregon: Hart Publishing, 2010), p. 72; Barbara Kreps, 'Playing The Law For Lawyers: Witnessing, Evidence And The Law Of Contract In *The Comedy of Errors*', *Shakespeare Survey*, 63 (2010), p. 265n7; R. A. Foakes, ed., *The Comedy of Errors* (London: Arden Shakespeare, 2004), p. 40n4; T. S. Dorsch, ed. *The Comedy of Errors* (Cambridge University Press, 2004), p. 82; Charles Whitworth, ed., *The Comedy of Errors* (Oxford University Press, 2008), p. 120; Kent Cartwright, ed., *The Comedy Of Errors* (Bloomsbury Arden Shakespeare, 2017), p. 197. That Bacon's *Masque of Amity* was based on Rosicrucian-Freemasonic ceremonial rites see Alfred Dodd, *Francis Bacon's Personal Life-Story* (London: Rider and Company,

1986), pp. 156-8.

174. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), pp. 44-55. These six speeches by Bacon are reprinted by Spedding, *Letters and Life*, I, pp. 332-41; Brian Vickers, ed., *Francis Bacon A Critical Edition Of The Major Works* (Oxford University Press, 1996), pp. 51-60; Alan Stewart with Harriet Knight, eds., *Early Writings 1584-1596* (Oxford Clarendon Press, 2012), pp. 595-605.
175. Desmond Bland, ed., *Gesta Grayorum Or The History Of The High and Mighty Prince Henry Prince of Purpoole Anno Domini 1594* (Liverpool University Press, 1968), pp. 52-3.
176. Ibid., p. 56.
177. Ibid, pp. 70, 76.