

**WAS SHAKESPEARE A LAWYER?
BEING A SELECTION OF
PASSAGES FROM "MEASURE FOR
MEASURE" AND "ALL'S WELL
THAT ENDS WELL"**

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Was Shakespeare a lawyer? Being a selection of passages from "Measure for measure" and "All's well that ends well" by Hull Terrell

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HULL TERRELL

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WAS SHAKESPEARE A LAWYER?

BEING A SELECTION OF PASSAGES FROM

“MEASURE FOR MEASURE”

AND

“ALL’S WELL THAT ENDS WELL:”

WHICH POINT TO THE CONCLUSION THAT THEIR AUTHOR MUST HAVE BEEN A PRACTICAL
LAWYER; AND IN WHICH MANY OBSCURITIES ARE MADE CLEAR, AND SOME APPA-
RENT CORRUPTIONS IN THE TEXT ARE ATTEMPTED TO BE RESTORED BY AN
APPLICATION OF A KNOWLEDGE OF ENGLISH LAW.

By H. T.

LONDON:

LONGMANS, GREEN, READER, AND DYER.

1871.

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TO

THE RIGHT HONOURABLE LORD HATHERLEY,

LORD HIGH CHANCELLOR OF GREAT BRITAIN,

ETC., ETC., ETC.,

THIS LITTLE BOOK OF LEGAL COMMENTS ON

SHAKESPEARE

IS RESPECTFULLY DEDICATED

BY

HIS LORDSHIP'S OBEDIENT AND HUMBLE SERVANT

THE AUTHOR.

London, January, 1871.

WAS SHAKESPEARE A LAWYER?

THE pages of Shakespeare's Plays are allowed to be strewed with references to English laws; but, on a careful examination, we have found that such references are far more numerous than has been usually supposed. In fact, the Poet's memory appears to have been full to overflowing of the principles and practice of Law, and of the quibbles and technicalities of the legal profession. Hence an interesting question has been raised as to whether Shakespeare had ever been engaged in the study or practice of English law. A little book on this subject was published by the late Lord Chancellor Campbell. In it his Lordship gave the results of his examination of twenty-three, out of the thirty-seven, Plays which have been ascribed to our Great Dramatist. His judgment, delivered with the proverbial caution of a Scotchman, was, that no positive answer could be given to the question. We venture to think, however, that the trial was not satisfactorily conducted, in that the investigation was too cursorily made. His Lordship noted only such passages as, without study, would have suggested themselves even to a non-legal mind; whilst others were passed by. He has not condescended to point out the minuter phenomena—in the colouring which narrations take during their passage through a legal mind, in the constant verbal wrangling begotten by legal logic, and in the practice of splitting words into double or treble senses. Indeed, his Lordship states that

his object was, rather to throw out *hints* which might be useful to others who should pursue the same line of inquiry, than fully to work out his problem. There is, therefore, a demand for a new trial, which, we think, may be carried on more searchingly by a fuller examination of the evidence.

There are seven years in the early life of Shakespeare, being a part of the period of his presumed residence at Stratford, which have not been accounted for by his biographers. Nothing has been hitherto produced to show how these years were employed. It is probable, from the depressed state of his father's pecuniary affairs, that his son William was earning his own livelihood; and no reason can be shown against his having been employed as a clerk in an attorney's office: and it does not seem to be probable that such an occupation would have been distasteful to his mental constitution. The practice of a lawyer's chambers would have admitted him behind the scenes in many worldly proceedings, and have enabled him to see the distinction between motive and pretence, and between law and justice. From "Hudibras" we perceive how a drama may be acted in an advising lawyer's presence. From such a limited stage Shakespeare may have learnt how great results often spring from mere misunderstandings, in which both the parties interested are innocent of evil intentions; and how, under the overruling influence of circumstances, wrong may, for a period, prevail against the right, and vice might often strangle virtue. Supposing that Shakespeare was ever a clerk to an attorney, the whole of the legal lore which may be gathered from his Plays can be accounted for satisfactorily.

In opposition to this hypothesis are two others. The one is, that Shakespeare, after he came to London, might have been more than ordinarily addicted to the attending of courts of justice, where he might have picked up his legal notions, and have learnt the use of legal jargon. The supreme courts were arranged, in his time, around the inner walls of Westminster Hall, and in the neighbourhood of petty stalls of traffickers, so that the Hall became attractive to the public, and detained the idle loungee by the hour.

A second is that which is stated by Dr. Bucknill, in his elegant

inquiry into "the Medical Knowledge of Shakespeare." The Doctor deems that the Poet's father having been engaged in legal transactions, the son might have gleaned many technicalities, which his infallible memory would afterwards have reproduced.

To both objections there is one reply: that any practising lawyer, who had *attentively* studied the Plays, would feel satisfied that neither of such supposed sources of professional knowledge would be sufficient to account for the perpetual and abundant crop of legal lore which bristles over the productions of Shakespeare's mind. But to this it may be answered, that the introduction of so much law into a play would imply that an equal acquaintance with the niceties of law was common to all people; for otherwise the actors would have been unintelligible to the popular part of their audience. Now this objection to our hypothesis would seem to be unanswerable, unless we considered—first, that authors often introduce words and matters into their compositions with which they themselves are most familiar; and also, secondly, in reference to Shakespeare, this special circumstance—that the lawyers of the day were his great patrons. Some of his Plays even read as if they had been composed to have been acted before a legal audience; and, as the Poet would desire to please his hearers on the floor by throwing to them low, and often the coarsest bits of buffonery; so he might be allowed to try to delight his legal hearers in the balcony, by some scrapes on their professional fiddle.

A sensible observation was made by one of our greatest literary critics applicable to the case of Shakespeare; and confirmatory of the hypothesis, that our Dramatist was early initiated into the mysteries of English law. S. T. Coleridge remarked, that an author's observations of life would be drawn from the immediate employments of his youth, and from the character and images most deeply impressed on his mind, and the situation in which these employments had placed him. He gave two illustrations, viz., Ben Jonson the soldier, who introduced soldiers and their peculiarities into his plays; and Lessing the university-man, who has made us familiar with the scenes of academic life. What was true of Ben Jonson and of Lessing, was probably equally true of Shakespeare. Anyhow,

it is characteristic of human nature that the apprentice should carry about with him in after life a vivid remembrance of the shop.

Two other general observations may be made on the internal evidence of Shakespeare's connection with the legal profession. The first shows that he was well acquainted with law, inasmuch as that, when he allows any of his characters to speak law, they not being professional lawyers, he makes them talk nonsense. In this he evinces a professional pride—a sentiment which is common to men of all professions; hence non-professionals are allowed to lay down bad law and to misuse legal words. On the contrary, when his lawyers speak, their doctrine is always sound, and their technical terms are correct; so that the Dramas of the Poet might find their place on the shelves of a library by the side of my Lord Coke.

The second peculiarity indicates that Shakespeare had been in an attorney's office. The Poet often speaks disparagingly of judges; he makes fun of Justices of the Peace (the Lucys); and he held in low respect all the officers connected with courts of justice. This being the case, it is to be noted that he is ever careful of the character of attorneys. We think that he was no naughty bird. And yet the class of attorneys have long been the butt of wits and wittlings. Had Shakespeare lived in our day, he might even have praised them, and have joined in the reported words of a Vice-Chancellor concerning solicitors: "I am bound to say of the great body of solicitors that a more honourable set of men does not exist." Yet we do not remember that any Act of Parliament has been ever passed, conferring substantial advantages on attorneys or solicitors; nor have they any honorary steps in their profession—not even the military sham of the coveted brevet rank.

We now propose to make a critical examination of two of Shakespeare's Plays, viz., "Measure for Measure" and "All's Well that Ends Well," for the purpose of ascertaining whether their author had studied law, and been a practical lawyer; at the same time to notice how many obscure passages can be made clear, and how many corruptions of the text may be restored, by an application of a knowledge of that system of law with which we have supposed that our Poet had become well acquainted.

It is to be remarked, concerning the quotations to be presented in illustration of the hypothesis that Shakespeare was a lawyer—

1. That some of them point to a special acquaintance with English law and its technicalities, such as could be expected only from an intelligent legal practitioner.
2. That others suggest an unusual familiarity with legal notions and customs, the reference to which is as a second nature with Lawyers, as texts of Scripture are with Divines.
3. That many passages show an ignorance of law terms in the printers; and these it is proposed to correct by substituting sense for nonsense.
4. That in some of the passages which *prima facie* show corruption, we have ventured to suggest what was their original condition, in confirmation of the admitted presumption that the MSS. used by the first printers were often unintelligible to them, whereby the printed texts were so defaced as to invite to a friendly though respectful correction of them.

“MEASURE FOR MEASURE.”

This Play is especially suited to our purpose; for it exhibits even to detail, judges, parties, pleaders, witnesses, jailers, and executioners, as they appeared and acted in Shakespeare's time. It is scarcely probable that any writer, who was not intimately acquainted with English legal proceedings, would have ventured to tread upon such ground. Until within a few years past, writers of fiction usually abstained from the misty labyrinths of the law, lest they should be in danger of overhearing a laugh. Miss Edgworth once ventured on this sacred domain, and, as a result, her plaintiffs and defendants dance in glorious confusion on her pages.

In this play of “Measure for Measure,” Lord Campbell noted only *four* passages as indicating Shakespeare's knowledge of law: