

**FALSTAFF AND
EQUITY: AN
INTERPRETATION**

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Falstaff and Equity: An Interpretation by Charles E. Phelps

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CHARLES E. PHELPS

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FALSTAFF AND EQUITY

An Interpretation

BY

CHARLES E. PHELPS

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Falstaff: . . . "An the Prince and Poins be not two arrant cowards,
there's no equity stirring."

1 HENRY IV., Act II. Scene 2.



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"I have much to say in the behalf of that Falstaff."

1 Henry IV, Act II. Scene 4.

"... the purpose of playing ... to hold, as 'twere, the mirror up to nature; to show ... the very age and body of the time, his form and pressure." *Hamlet, Act III. Scene 2.*

"A jest's prosperity lies in the ear of him that hears it, never in the tongue of him that makes it."

Love's Labour's Lost, Act V. Scene 2.

"On sait bien que les comédies ne sont faites que pour être jouées, et je ne conseille de lire celle-ci qu'aux personnes qui ont des yeux pour découvrir, dans la lecture, tout le jeu du théâtre."

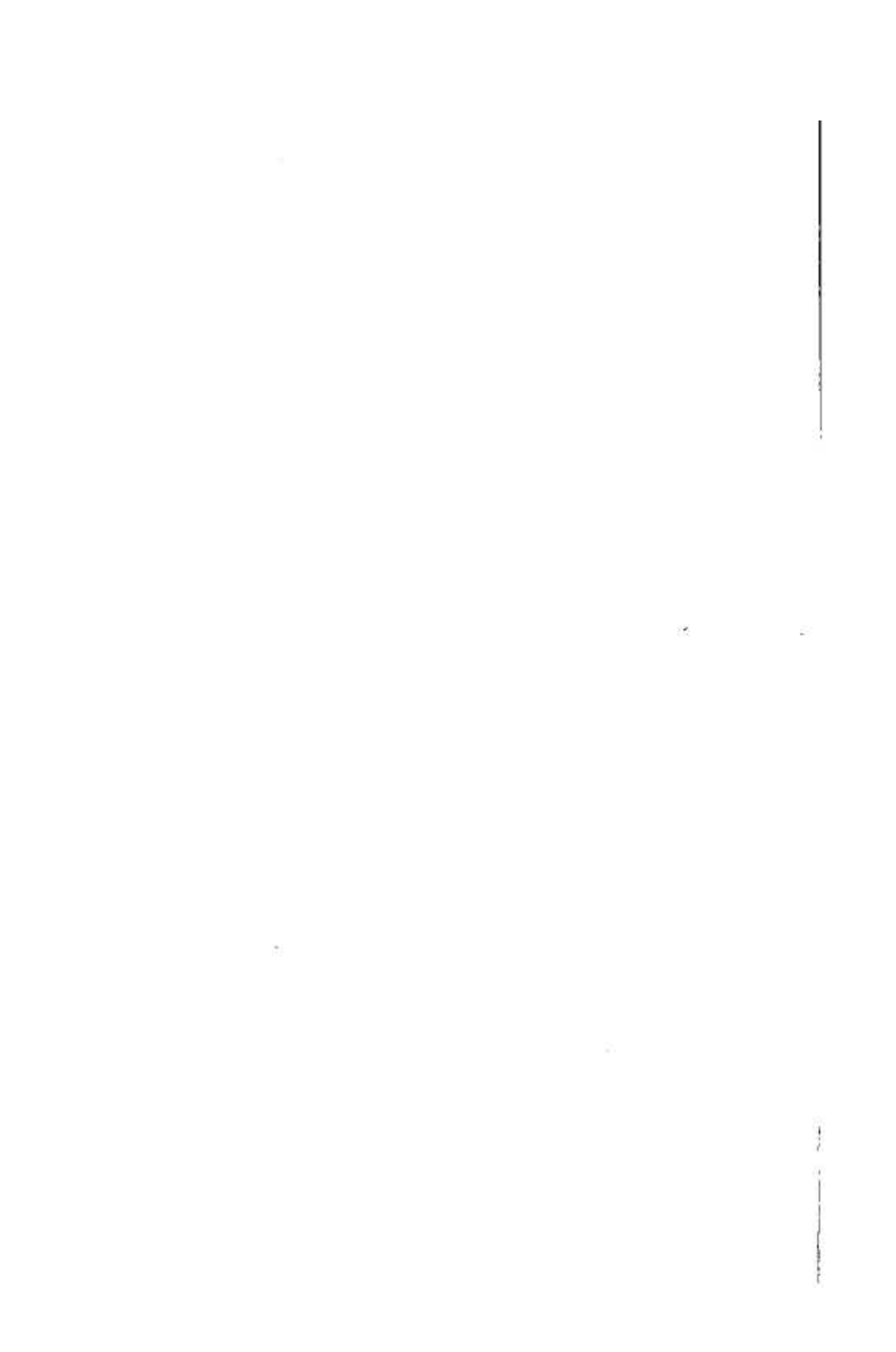
Molière, L'Amour Médecin, Au Lecteur.

"... wherein fat Falstaff

Hath a great scene: the image of the jest

I'll show you here at large."

Merry Wives of Windsor, Act IV. Scene 6.



PREFACE

WITH the exception of the short digression on Shakespeare's "School of Insanity" (chapter xiv.), not heretofore published, this commentary is substantially a reproduction of a series of articles contributed to "Shakespeariana," N. Y., in 1892 and 1893, and of a course of lectures at the Peabody Institute, Baltimore, in 1894.

Several years since, the writer challenged the London Notes and Queries, its correspondents and readers, to produce a single reference in print, by way of explanation or comment, to Falstaff's much neglected expression, "There 's no equity stirring."

No answer to the challenge ever appeared in the columns of that journal; but in due time there came a letter from its Shakespearian specialist admitting that no such allusion was anywhere to be found. The writer then forwarded to his English correspondent, Mr. Sam Timmins, F. S. A. (the well-known "Este" of the N. & Q., a Life Trustee of the Shakespeare Birth-place, and one of the Governors and Council of

the Shakespeare Memorial), the closing number of the series, summing up the results of the investigation, to which "Este" or S. T. was good enough to reply, and the writer is now modest enough to quote: "Your paper is original. You seem to have the field to yourself, and you have scored many good points."

Special acknowledgments are due to Dr. Horace Howard Furness of Philadelphia, author of the New Variorum edition; to Appleton Morgan, Esq., President of the New York Shakespeare Society; to Prof. John Ordranax of New York; to the cherished memory of the late Richard Malcolm Johnston of Baltimore, and to Henry Austin Clapp, Esq., of Boston (who is only mentioned last because he is here to speak for himself) for their early and appreciative recognition of the leading idea of this commentary, when presented in its first and tentative form. To Richard Savage, Esq., Librarian at the Shakespeare Birthplace, and to W. Salt Brassington, F. S. A., Librarian of the Shakespeare Memorial, and to their assistants, the writer is indebted for courteous attentions in the inspection of records at Stratford-on-Avon.

The conclusions of the investigation herein traced are all drawn from authentic record evi-

dence, and from actual reported cases, both civil and criminal. These old records and cases, and the new lessons they teach, when placed in natural relations with each other and with Falstaff, will be found of especial interest to all English-speaking judges, lawyers, and law-students, to all students of the Elizabethan era, and to all interested in Shakespeare's personal biography.

There will be found in *Appendix A* a chronology of the "war between the courts" from the first collision between the laws of England and Rome in the twelfth century down to the final triumph of equity in sixteen hundred and sixteen.

There will be found collected in *Appendix B* the original documents of the cases of Shakespeare *v.* Lambert in the court of common pleas, in the court of queen's bench, and in the high court of chancery. *Appendix C*, "Shakespeare a Party to the Lambert Compromise," will be found "caviare to the general," and will be judiciously skipped by all but the elect.

The references to the *Outlines of the Life of Shakespeare* by J. O. Halliwell-Phillips are to the *ninth edition*, except where otherwise noted.

C. E. P.

BALTIMORE, February, 1901.