

**SIR SIDNEY LEE'S NEW
EDITION OF A LIFE OF
WILLIAM SHAKESPEARE:
SOME WORDS OF CRITICISM**

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Sir Sidney Lee's new edition of a life of William Shakespeare: some words of criticism by Sir George Greenwood

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SIR GEORGE GREENWOOD

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Sir Sidney Lee's New Edition of
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: SOME WORDS OF CRITICISM :
BY SIR GEORGE GREENWOOD, M.P.



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Sir Sidney Lee's New Edition of A Life of William Shakespeare*

SOME WORDS OF CRITICISM

SIR SIDNEY LEE'S new edition of *A Life of William Shakespeare* has been received with a chorus of praise; and deservedly so, for it is, as the *Times* reviewer has called it, a veritable "Shakespeare Compendium" (*Literary Supplement*, December 2, 1915), which no Shakespearean student can afford to do without, as, indeed, a glance at its comprehensive Table of Contents will amply demonstrate.

But mere indiscriminating eulogy is helpful neither to an author nor to his readers. The astronomer who devotes his time to observing the spots on the sun may haply be found to be doing work as useful as one that directs our attention to the more brilliant phenomena of that "glorious lamp of heaven"; and in that spirit I venture to offer some criticism of this valuable work which I think I may claim to be perfectly legitimate, and, perhaps, not altogether unworthy the attention of its distinguished author. It shall be expressed in a manner to which, I trust, no exception can be taken even by the most delicately susceptible of Shakespearean scholars and critics. I put forward no heretical arguments and make no unorthodox insinuations. I merely offer some observations and suggestions which I am bold enough to think ought not to be left out of consideration by the reader of this indispensable "Shakespeare Compendium."

I may, however, be allowed to make one remark, before passing on, with reference to those "recent English sceptics" to whom Sir Sidney Lee has alluded as having questioned the received hypothesis with regard to the authorship of the "Shakespearean"

* *A Life of William Shakespeare*. By Sir Sidney Lee. New Edition, Rewritten and Enlarged. Smith, Elder & Co., 1915.

poems and plays. "These writers," says Sir Sidney (p. 655), "have for the most part been lawyers who lack the required literary training to give their work on the subject any genuine authority." Whereunto I would crave leave to suggest, in the first place, that any question of this kind, if such there be, must be decided not by "authority" but by evidence and argument. But, secondly, may not the "sceptics" fairly retort that there are certain "literary" writers who, though they undertake to instruct us concerning Shakespeare's knowledge of law, "lack the required" *legal* "training to give their work on the subject any genuine authority"? Upon this latter point I would ask permission to say a few words.

"Lord Campbell," writes Sir Sidney Lee, "who greatly exaggerated Shakespeare's legal knowledge in his *Shakespeare's Legal Acquirements* (1859), was the first writer to insist on Shakespeare's personal connection with the law."* Now Lord Campbell, as everybody knows, was Lord Chief Justice of the Queen's Bench, and, subsequently, Lord Chancellor. Whether or not he "greatly exaggerated Shakespeare's legal knowledge" is, I venture to suggest, a question which can hardly be decided with "any genuine authority" by a literary man without legal training. Moreover, I would remark in passing that Sir Sidney Lee's statement that Lord Campbell was "the first writer to insist on Shakespeare's personal connection with the law" must be interpreted with considerable latitude, for not only did Malone, himself a lawyer, express his opinion that "his (Shakespeare's) knowledge of legal terms is not merely such as might be acquired by the casual observation of even his all-comprehending mind," seeing that it "has the appearance of technical skill," † which surely can only be attained by personal application to the study of law, but Lord Campbell's book was written in answer to

* P. 43, note. In earlier editions Sir Sidney spoke of "Shakespeare's accurate use of legal terms, which deserves all the attention that has been paid it." Edn. 1899, p. 30.

† See Malone's *Shakespeare* by Boswell (1821), vol. ii., p. 108. Malone's opinion in this matter was followed by Steevens and Ritson.

SOME WORDS OF CRITICISM

a question put to him by Payne Collier, who, as his Lordship observes, had expressed his "opinion that Shakespeare had been bred to the profession of the law in an attorney's office," and requests the Lord Chancellor's advice thereon.* Furthermore, Mr. W. L. Rushton, a well-known barrister in his day, published a book called *Shakespeare a Lawyer* (in which he adduced strong arguments in support of "Shakespeare's personal connection with the law"), in 1858, a year before Lord Campbell's book saw the light.

But, whether or not Lord Campbell's book merits all the sneers and contumely that have of late been showered upon it by laymen to whom the proposition that Shakespeare displays in his work exceptionally accurate legal knowledge has proved a stumbling-block, there is at least one statement made by his Lordship, the truth of which cannot be disputed. "There is nothing so dangerous," he says, "as for one not of the craft to tamper with our freemasonry." The justice of this observation has been illustrated over and over again in recent times. One not "of the craft" who ventures to write on matters of legal learning is sure to make some ingenuous non-technical remark betraying the fact that he is not a lawyer. Thus Dr. Abbott—a Doctor of Divinity, not of Laws—informs us that, "In our days Parliament can at once rectify, by a new Act, an injury arising from a judicial interpretation of statutes or from the overriding of statutes by common law." † Now statutes can, and frequently do, override the common law, but the common law cannot override a statute of the realm. ‡ No lawyer, therefore, would have written the above sentence. Again, several very instructive examples can be found in Mr. J. M. Robertson's "Shakespearean" writings.

* Lord Campbell's book is in the form of a letter to Mr. Payne Collier, who had asked his "opinion upon the question keenly agitated in late years, whether Shakespeare was a clerk in an attorney's office at Stratford before he joined the players in London?"

† *Life of Bacon*, p. 145.

‡ If there be any case in which it appears to have done so, it will be found to have reference to a statute which the judges held to be "time-expired" and virtually repealed by non-user.

SIR SIDNEY LEE'S NEW EDITION

In his book on *Titus Andronicus*, e.g., we read, "Let us formulate all the tests that the problem admits of, first putting a few necessary caveats." * Now no lawyer would speak of "putting a caveat." The legal term is to "enter a caveat." But the most striking illustration of the danger against which Lord Campbell warns those "not of the craft" is furnished by this writer when, in order to provide us with instances in the works of non-lawyer Elizabethan dramatists illustrative of the use of the legal expression, "fine and recovery," he cites from Dekker and Porter passages where those writers employ the word "fine," not as meaning a collusive lawsuit (as in the supposed parallel passage in *The Comedy of Errors*), but in the very ordinary signification of a premium on the grant of a lease! †

But, returning to Sir Sidney Lee, we find that this learned layman himself supplies us with an illustration of the truth of Lord Campbell's proposition, for in his *Life of Shakespeare* (1915, p. 322), he tells us that "on February 15, 1609, the dramatist . . . obtained judgment from a jury against Addenbroke for the payment of £6, with £1 5s. costs." Now a lawyer would never have spoken of obtaining "judgment from a jury," for it is the function of a jury not to deliver judgment (which is the prerogative of the court), but to find a verdict on the facts.

And now, having said so much by way of preface, let me refer to a concrete instance where a little knowledge of law would have preserved Sir Sidney Lee's valuable work from some regrettable mistakes.

At page 34 of the new edition of *A Life of Shakespeare* there is told once more the old story of Shakespeare's deer-stealing at Charlecote, and we are informed that "the law of Shakespeare's day (5 Eliz., cap. 21) punished deer-stealers with three months imprisonment and the payment of thrice the amount of damage

* *Did Shakespeare write "Titus Andronicus"?* p. 59.

† *The Baconian Heresy*, p. 46. A fine, as used in the expression "fine and recovery" has, of course, nothing to do with a money payment; it means a peculiar mode of assurance of land designed to be "*fnis et consummatio omnium placitorum*." See an old record of 18 Edward I.