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By Mrs. J. V. NOEL.

SHAKESPEARE AN ATTORNEY'S CLERK.

BY AN ATTORNEY.

PSHAW! what an idea! what nonsense! to fancy that the bewitching author of *Romeo and Juliet*, of *Hamlet*, of *Macbeth*, was an attorney's clerk: one whose business it was to deal with old musty parchments and folios, to talk and write of fee-simple and fee-tail, of tenures in frankalmoin and of eleemosynary corporations; to compose pleas puis darrein continuance and replications de injuria, in some dingy, becobwebbed office, in some out of the way corner, of the antiquated town of Stratford-on-Avon." Thus, no doubt, many a fair creature, who has laughed at the adventures of *Falstaff*, slundered at the deeds of *Macbeth*, and sighed and cried over the misfortunes of *Hamlet* and *Ophelia* and the loves of *Romeo* and *Juliet*,—will pooch-pooch the idea suggested in the title of this article. But not so fast, my dear friend; stop a moment, and let us see if law and poetry are so utterly incompatible, that a student of the one cannot be a writer of the other. Was not the soul-stirring *Milton* once a student of law? Was not the meek and gentle *Cowper* a barrister, and did he not for eleven long years live in the Middle Temple, surrounded on all sides with law and lawyers? Did *Bailey*, the author of *Festus* find the cultivation of the poetic art inconsistent with the active duties of the legal profession? Was not *Sir Walter Scott*—The Wizard of the North—a Writer to the Signet, a Scotch advocate? The dusty documents in the Courts of Edinburgh did not damp his poetic fire, nor prevent his fancy from soaring high in the regions of poetry. And *Lord Erskine*, one of the most famous members of the English bar, was so well posted in the works of this same Shakespeare, that for hour after hour he could carry on a conversation in the *ipsissima verba* of this illustrious bard.

No, my fair friend, poetry and law may be followed and beloved by the same man: while we acknowledge the goddess *Justitia* to be our queen, we may bend the knee in worship and adoration to the *Muses*.

The practice of the law calls into play some of the faculties of the mind, which are the most exercised in the cultivation of poetry. The poet's most essential qualification—invention—is also necessary for the lawyer; he employs it in preparing his cases and pleadings, while in his speeches he gives full swing to his imagination and fancy. Eloquence is near akin to poetry—in fact, it is poetry in prose—and in every age and country the gentlemen of the

long robe have numbered among their ranks the most eloquent orators of the day.

We trust we have now satisfied the reader that Poetry and Law may go hand in hand, and that it is not absolutely impossible that *William Shakespeare* was an attorney's clerk.

Stevens says, "all that we know with certainty of Shakespeare is, that he was born in Stratford-upon-Avon, married and had children there; went to London, where he became an actor, and wrote poems and plays; returned to Stratford, made his will, and died." It is strange that we should know so very little of one of the greatest ornaments and men of genius of our father-land; we scarce know more of him than we do of the old Blind Poet of Greece, who lived thousands of years ago. Yet, perhaps, it is an advantage that our knowledge of him is so limited, for thus a vast field for speculation to revel in is opened up, and we may indulge our fancies with pleasing ideas as to what this great man did, and how he lived, knowing only what he thought and what he wrote.

Literary men are much at variance as to the way in which he passed his time between his leaving school and his going to seek his fortune in London, i. e. between the years 1579 and 1586. By some, he is supposed to have been a schoolmaster; by others, a butcher: while a third party claim him as an attorney's clerk. There is no positive or direct evidence as to what he was during this period; therefore we will have to resort to negative evidence to prove that he was neither a schoolmaster, supplying food for the minds of the youthful generation of Stratford—nor yet a butcher, supplying food for the bodies of the inhabitants of his native town.

At that time there was but one school in Stratford, and that an endowed grammar school, there is at the present day a record of all the masters of this school, and the name of Shakespeare does not figure in this list of pedagogues: nor is there the slightest trace of his ever having been an under-master or an usher there. Before this he had attended the school as a pupil, and that is the only connection he seems to have had with it.

As to the butcher theory, it seems to have originated in the excited fancy of some of those imaginative creatures who are ever seeking after the marvellous, and delight in the improbable; for what agreement is there between this trade and the writing of the love ditties of *Julia* and *Silvia*; besides as his father was an alderman of the town, and rather well to do, it is not likely that he would have suffered his son to engage in such a business.

As to the evidence which tends to prove that Shakespeare was in an attorney's office, it is internal,—consisting of the descriptions of law proceedings, the legal phraseology, and the reference to legal principles, which lie thickly scattered through all his productions, and of his will, drawn by himself, in a very professional style.

It would fill pages to quote all the instances in which Shakespeare shows his knowledge of legal terms and practice; we can only refer to a few of the most striking.

Take that passage in *Hamlet*, where the Prince of Denmark speaks as follows: "Why may not that be the skull of a lawyer? where he his quiddets (subtilities) now, his quilletts (frivolous distinctions), his tenures and his tricks? why does he suffer this rade knave (i. e. the grave-digger) now to knock him about the scones with a dirty shovel, and will not tell him of his action of battery? Humph! This fellow might be in's time a great buyer of land, with his statutes, his recognizances, his fines, his double vouchers, his recoveries. Is this the fine of his

"fines, and the recovery of his recoveries, to have his fine pate filled with fine dirt? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures? The very conveyance of his land will hardly lie in this box; and must the inventor himself have no more? ha?"

Surely one who was so familiar with the technical terms of real estate law, with the processes by which lands were conveyed and estates in fee-tail barred, must have had something to do practically with such things. Although "nature hath formed strange fellows in her time," yet she never, we think, formed such a strange fellow as a butcher who, after the labours of the day, would solely and purely, for his own amusement, sit down and study the law of real property, which in those days was even more involved and obscured by the quiddets and the quilletts of the feudal law, than it is now: he would, we are sure, find it more indigestible and more unpalatable than the good people of Stratford his beef-steaks and mutton-chops. The study of some branches of the law, such as the criminal law and the law of evidence, is attractive, and a person fond of reading, although not in any way connected with the profession, might acquire a slight knowledge of them; but who, for the gratification of his own fancy would read about and learn about *formuleon in descender, remainder or reverter*, or about *writs of aiel, besaiel tresaiel*? Not even one—

"of such vinegar aspect,
That he'll not show his teeth by way of smile,
Tho' Nestor swore the jest be laughable."

Shakespeare is so imbued with the technicalities of the law of Realty, that he occasionally makes his female characters speak like an old conveyancer; for example: *Mistress Ford*, in "The Merry Wives of Windsor," thus speaks of her naughty admirer, *Falstaff*, "If the devil have him not in fee-simple, with fine and recovery, he will never, I think, in the way of waste, attempt us again." And in "As you Like It," he puts into the mouth of the fair *Rosalind* the phrase, "Be it known to all men by these presents," which is the ordinary form, even in the present day, of commencing a deed poll.

In *King Henry IV.* occurs the passage,

"And our indentures tripartite are drawn,
Which being sealed interchangeably, &c."

Here the use of the word *interchangeably* shows that Shakespeare understood the nature of a deed tripartite, i. e. an instrument where each party is both grantee and grantor.

Although our Bard was so much more familiar with real property law, as to lead one to suppose that he was engaged chiefly in the conveying part of his master's business, still he makes many references to the other branches of the profession. In the fourth act of the *Comedy of Errors*, he gives a vivid description of the bailiff of that day. And in one of his sonnets he describes a trial by jury of a case brought by the Heart against the Eye to decide which had a right to a certain beautiful young lady.

Notwithstanding he is so well versed in the meaning and use of legal terminology, Shakespeare often makes great mistakes in regard to the fundamental principles of Jurisprudence. Of these blunders space will allow us to mention but one, in "The Merchant of Venice," Antonio, the Merchant, gives a bond, to the Jew, *Slylock*, with a condition that if he does not repay the money lent by the Jew, "on such a day, in such a place," then the forfeit or penalty is to be a pound of flesh to be cut and taken from whatever part of the body of the Merchant the Jew might desire. The money is not paid and judgment is given that