

fact that he did not do so, and committed such gross errors, shows his lack of knowledge of legal procedure. It does not seem that this scene deserves all the eulogium of commentators (1) who have cited it in attempting to show Shakespeare's technical knowledge of the law, for it was an everyday occurrence for debtors to be arrested and confined in jail before judgment, unless bail was furnished, and this procedure was not confined to the knowledge of lawyers, but was quite well known to all classes of average intelligence.

Commentators have tried to show that Shakespeare's use of "common" and "several" proved his deep learning:

"My lips are no common, though several they be." (2)

and

"What's here?" (Reads) "'Gainst the

"Duke of Suffolk for enclosing the commons of Melford." (3)

In every community in England, under the feudal system, certain lands were set apart from that held individually, for the common use of the peasants. The encroachment of the Lord of the Manor on these commons and the disposition of the landlord to enclose them away from common use and appropriate them as the private property of the landlords, has, from feudal times down almost to our present day, been a source of serious disputes. The respective rights of the Lord of the Manor and the tenants were, in the time of Shakespeare, quite well known to the man of average intelligence, and therefore required no technical knowledge of the law on

(1) Lord Campbell: "Shakespeare's Legal Acquirements," 46.

(2) "Love's Labour's Lost," Act II., Scene 1.

(3) "King Henry VI.," Part II., Act I., Scene 3.