

## Shakespeare and the Essex Rebellion: Why Wasn't He Arrested in 1601?<sup>1</sup>

Michael Egan

**A**mong the more controversial elements of the movie *Anonymous*,<sup>2</sup> even for Oxfordians, was the decision to represent the play performed prior to Essex's 1601 rebellion as *Richard III*, not *Richard II*. The change was made precisely because as soon as one begins to visualize it, that is, imagine Elizabethan power politics in reality, staging *Richard II* the evening before simply doesn't make any kind of sense, historically, politically or strategically.

The first improbable thing is that the performance took place at all. It seems unlikely that experienced military officers involved in so desperate a measure as an attempted coup, with all its obvious risks and dangers, would fritter away the prior afternoon and evening by hiring a wherry to cross the Thames, way out of town, to attend an entertainment of whatever tangential relationship to the enterprise. What if there were a last-minute hitch? Professionals would be going over the details again and again, checking and rechecking the arrangements, making sure that key individuals understood their roles and were confident, prepared, and equipped to undertake them.

The second thing that makes no sense about this performance of *Richard II*, given that it portrays the deposition and murder of a king, is that requesting it foolishly and needlessly tips the conspirators' hand. It announces their intentions, of course long suspected and investigated by the government, and even gives a full week's notice of the coup's likeliest date.

Whatever else, Essex was no fool and had he really known about the play (as the prosecutor, Sir Edward Coke, repeatedly alleged at his trial), would more than likely have stopped the whole thing in its tracks. Yet his full knowledge and approval were clearly established and even used in evidence against him.

It has of course been suggested that the purpose of this command performance by some of the highest nobles in the land was to prepare public opinion for the uprising, or at least screw the conspirators' courage to the sticking place, since 11 of them reportedly attended.

These points again were noted at the trial, though without observing that the endeavor failed miserably in both objectives. Public attendance apparently was light, as The Lord Chamberlain's Men reportedly foresaw—the play was “old and long out of use,” as they tried explaining to the conspirators. The following Sunday morning a bewildered London populace gave the uprising no support whatever. As for the conspirators' resolution, it too collapsed within a few hours. They were all quickly rounded up, attainted and sequestered in the Tower.

During Essex's trial, Augustine Phillips, one of the principal actors in Shakespeare's company, gave this account of the original transaction:

He [Phillips] saith that on Friday last was sennight [a week] or Thursday, Sir Charles Percy, Sir

---

<sup>1</sup> Michael Egan: Shakespeare's Hand in *The Troublesome Raigne of John King of England / And Why He Wasn't Arrested in 1601* (Westshore Press) 2021, pp 47-66

<sup>2</sup>*Anonymous* (2011), directed by Roland Emmerich, portrays Edward de Vere, the seventeenth earl of Oxford, as the actual author of Shakespeare's plays.

Jocelyne Percy and the Lord Montague with some three more, spake to some of the players in the presence of this examinee, to have the play of the deposing and killing of King Richard the Second to be played the Saturday next promising to get them xls. [forty shillings] more then their ordinary to play it.

Phillips had more to say in testimony, including the players' warning that the requested drama was old and long out of use and thus unlikely to attract much of an audience. The two pounds extra that the conspirators paid showed how revealingly eager they were to see "the play of the deposing and killing of King Richard the Second."

This noted, let's now turn to the next insubstantial element in the story, that the work solicited was Shakespeare's *The Tragedy of Richard II*. The almost universal assumption among literary critics and historians alike, including Chambers, is that this was indeed the drama performed. They argue that the company involved was Shakespeare's and that he had of course written a well-known and popular History under that name. *Richard II* was first staged in 1595-7 and then published in several editions between 1597 and 1601, clearly because there was a demand for it.

*Richard II* may not be our favorite Shakespeare play, but in the late 1590s it was one of his most popular and successful, not least because it is the exordium to the exciting *1* and *2 Henry IV* and *Henry V*, climaxing in Agincourt and the conquest of France.

But this is where the debate intensifies. Was the play so excessively paid for and performed in fact Shakespeare's? Actually, it was never so named. Sir Gilly Merrick, one of the conspirators afterwards hanged, testified only that the play "was of King Harry the iiiij<sup>th</sup>" and—the key point insisted upon by the prosecution—that it included "the kylling of Kyng Richard the second." (Chambers, *William Shakespeare II*, p. 324.)

Together with Phillips' testimony, this is generally taken to conclusively identify the drama as Shakespeare's *Richard II*. However, given the play's nature and stage history, this also seems quite unlikely.

The most obvious objection is that a four- or five-year-old dramatic history, one enjoying several recent printings because it was so popular, hardly merits description as old and long out of use. Successful dramas were never published while they enjoyed their runs on stage, so we can assume that *Richard II* was in repertory for at least two years, until 1597. Then it was repeatedly published under Shakespeare's name and more than likely often revived. Dismissing it in 1601 as stale, forgotten and unlikely to get much of an audience is a stretch, and a big one.

There's another, often overlooked objection, and that's Queen Elizabeth's famous remark to William Lambarde, that the *Richard II* play performed at the behest of Essex's followers "was played 40<sup>th</sup> times in open streets and houses."

First, there is no record of this, not even a hint. Second, it's unlikely to be true because of the drama's complex staging demands, which require quite a bit of physical ascending and descending—"Down, down I come, like glist'ring Phaeton," etc. Shakespeare clearly wrote his play with The Globe in mind and, as always, made full use of its architectural possibilities.

Among examples are the voice of King Hamlet resonating creepily *hic et ubique* from the cellarage, the line of kings rising from the cauldron in *Macbeth* and, perhaps most famously, the balcony scene in *Romeo and Juliet*.

It's not impossible, of course, that *Richard II* was staged privately, but Elizabeth's observation makes more sense if she was talking about a genuinely stale play, 10 or 20 years forgotten, one designed for the old days when crude stories were played in courtyards and manor houses; or a work prepared specifically for the provincial tour where there were no Globes or Theatres, only market squares and dining halls. Her remark also sounds second-hand, as though she were referencing someone else. It strikes me as the kind of information communicated by a trusted advisor, like Walsingham or Bacon, during the trial preparation: "Yes, your Majesty, this play was played forty times in houses and the open streets." Hands-on monarch though she was, Elizabeth surely had more to worry about, and recall in such detail, than the frequency with which stale and long-forgotten dramas had been played in the streets or in private.

But let's grant for a moment that Shakespeare's *Richard II* was indeed long-forgotten and out of use by February, 1601, that is, no longer in repertory. If we are to believe Augustine Phillips, the Lord Chamberlain's Men were nonetheless able to mount a production within a few days. This means they could locate the long-out-of-use play script (with all its parts intact, because of course each player had only his own lines with cues), re-cast some roles, have the actors freshly learn or re-remember all their lines, re-block the action, find time to rehearse at least once (don't forget they were still an active company) and successfully perform the entire thing to an almost empty wooden O. Yes, they were professionals, but even they could not have thrown together a production as complex as *Richard II* overnight. Some of the actors will inevitably have been new to it, especially the prepubescent boys who played the queen and other female parts. Others will have moved on, and thus replaced by unrehearsed actors, etc. Indeed, as soon as one begins to visualize it, the difficulties posed by a quick performance become insurmountable.

The second objection to the play's having been *Richard II* is that it *is* a tragedy. For most of the action the declining monarch is an extremely sympathetic figure, especially after his return from Ireland. As he says pathetically in some famous lines:

For God's sake, let us sit upon the ground  
And tell sad stories of the death of kings!  
How some have been deposed, some slain in war,  
Some haunted by the ghosts they have deposed,  
Some poisoned by their wives, some sleeping killed—  
All murdered; for within the hollow crown  
That rounds the mortal temples of a king  
Keeps Death his court, and there the antic sits,  
Scoffing his state and grinning at his pomp,  
Allowing him a breath, a little scene,  
To monarchize, be feared, and kill with looks,  
Infusing him with self and vain conceit,  
As if this flesh which walls about our life  
Were brass impregnable; and humored thus,  
Comes at the last and with a little pin  
Bores through his castle wall, and—farewell, king.  
(*Richard II*, III.i.155-170.)

He also repeatedly articulates the classic Tudor version of monarchical authority, the Divine Right of Kings. Its memorable imagery would do little to support an assault upon that authority in the person of Queen Elizabeth:

Not all the water in the rough rude sea  
Can wash the balm off from an anointed king;  
The breath of worldly men cannot depose

The deputy elected by the Lord.  
(*Richard II*, III.ii.54-7.)

It's well known too that the famous deposition scene was banned during Elizabeth's reign, both from publication and performance. For these reasons it was unlikely to have been in the company's repertoire production of *The Tragedy of Richard II*. Editors have thus suggested that the scene was quickly written up to be included specifically for this showing, which strikes me as even more improbable from every point of view: timing, of course, but also because it was illegal and so clearly announces the conspiratorial intent. Since it's a big scene, arguably the play's biggest, including it at Essex's behest would have meant blocking and integrating a major new scene, adding to the complexity of preparation.

But even assuming its special inclusion in the Essex performance, the king is still depicted with the greatest sympathy, smashing the mirror and so forth, while Bullingbrook emerges almost immediately as a tyrant. The scene concludes with opposition to the new monarch already in embryonic formation, so analogies with that Henry IV would be just the thing Essex would want to avoid.

Some modern commentators, most recently in the online 'ShakespeareAtCU listserv' and the movie *Anonymous*, have proposed that the play could have been, must have been, not *Richard II* but *Richard III*. Emmerich and Orloff even have Oxford penning the drama specifically for the occasion. Unfortunately there is zero evidence to support such a speculation with all its political and personal ramifications.

Queen Elizabeth herself recognized that the historical analogy was with the second Richard, not the third: "I am Richard II, know ye not that?" she famously remarked in the same exchange with William Lambarde referred to earlier. She felt vulnerable, deposable in Richard II's way. I think *Richard III* can be safely excluded.

It is of course true that *Richard II* depicts the killing of the king in its penultimate scene, but again in a manner of the utmost sympathy and horror. He is set upon by Sir Pierce of Exton and brutally murdered, climaxing thus:

*Richard*: That hand shall burn in never quenching fire  
That staggers thus my person. Exton, thy fierce hand  
Hath with the king's blood stain'd the king's own land.  
Mount, mount, my soul! Thy seat is up on high,  
Whilst my gross flesh sinks downward, here to die. [*Dies*]  
(*Richard II*, V.v.106-12.)

And Exton is immediately given a speech regretting the assassination.

Once again, this is hardly the kind of thing likely to encourage an attack on the crown or win the support of the queen's subjects for such a venture. On the contrary, the reverse was far more probable, especially as the least of England's citizens knew what had followed Richard's deposition: the national disaster of the Wars of the Roses. In the play, even the triumphant Bullingbrook, now Henry IV, immediately condemns his predecessor's assassination. The image of the usurper spattered with royal blood also would not help. He tells Exton, in the drama's concluding words, which will have resonated ominously in the skulls of Essex's co-conspirators, assuming this was the play they saw:

They love not poison that do poison need,

Nor do I thee: though I did wish him dead,  
I hate the murderer, love him murdered.  
The guilt of conscience take thou for thy labor,  
But neither my good word nor princely favor:  
With Cain go wander through shades of night,  
And never show thy head by day nor light.  
Lords, I protest, my soul is full of woe,  
That blood should sprinkle me to make me grow.  
(*Richard II*, V.v. 106-12.)

### Other Candidates

The Essex play was thus most unlikely to have been Shakespeare's *Richard II*. It doesn't make sense from any perspective.

However, there are other candidates, in fact quite a few. At least two and perhaps three other *Richard II* dramas were available when Shakespeare's tragical history was first staged in 1595. All possessed varying emphases, episodes and visions of the king. Among them was *Jack Straw* (1594), which however portrays the boy-monarch quite favorably and deals neither with his deposition nor murder.

There was also the unidentified *Richard II* Simon Forman recorded seeing at the Globe on 30 April, 1611, and *Pierce of Exton* by Chettle, Dekker, Drayton and Wilson, performed by the Admiral's Men at the *Rose* in 1598.\*

Other important literary treatments included Samuel Daniel's *The Civil Wars* and the influential political poems of John Gower, a major source for Shakespeare's canonical play, and indeed for his work generally. There is however no evidence, direct or indirect, to identify any of these as the historical drama in question.

Evelyn May Albright, Blair Worden and others have suggested that John Hayward's *The First part of the Life and Raigne of King Henrie the Fourth* (1599), presented in dramatized format, may have been the play. This prose history notoriously drew parallels between Elizabeth and Richard II, declared the king's deposition to have been lawful, and was provocatively dedicated to the Earl of Essex in language suggesting a kingly future for him: '*magnus...et presenti iudicio et futuri temporis expectatione*,' i.e., 'great thou art in hope, greater in expectation of a future time'

Sounds quite like Macbeth's witches, doesn't it? I've often wondered whether Shakespeare had Hayward's dedication in mind when he wrote his Scottish play, and if so how he ever heard of it, assuming he was the Stratford lad. As an Essex juror, Oxford of course would have had it called to his attention.

Hayward was tortured almost to death for his words, and then imprisoned. Nevertheless, there is no credible evidence to support the speculation that his *Life and Raigne of King Henrie the Fourth* was somehow Essex's play, nor is there any dramatic rendering extant. The suggestion has been put forward only because, as we've seen, the case against Shakespeare's *Richard II* appears so overwhelming.

---

\* Forker, *Richard II*, p. 5n., and "Early Modern Plays Presented in London" (<http://www.columbia.edu/~tdk3/company.html>).

### ***Woodstock/1 Richard II***

Readers may be expecting me to make a case for *The Tragedy of Woodstock* or *Richard II, Part One*, the anonymous Elizabethan manuscript play in the British Library that I have identified as a forgotten work of Shakespeare's. The evidence for his authorship is set out elsewhere on this website, together with a fresh edition of the text based on a digitized copy of the handwritten manuscript.

And *Woodstock/1 Richard II* does fit the bill in some interesting ways. It is a Shakespeare play and so was plausibly in his company's repertoire; it does deal with almost the whole of Richard II's reign, and even portrays his first brief deposition in December, 1387—because Richard II was deposed not once but twice. On that first and now almost forgotten occasion the young king was out of office for about three days around Christmas, and only restored to the throne when the triumphant nobles were unable to agree on a successor. One of the leading candidates to replace him was Thomas of Woodstock, Duke of Gloucester, who in *1 Richard II* is unhistorically made into the country's Lord Protector, but whose historical assassination by Richard provokes the uprising that is the drama's period.

So an attractive case for *1 Richard II* as the Essex play can be made, at least superficially. From time to time this possibility has been proposed by mainstream Shakespeare scholars, among them Matthew Black and Emma Smith.

There are also strong political reasons supporting the proposition. First, Thomas of Woodstock, the drama's heroic central figure, was in fact a distant ancestor of Robert Devereux, the Earl of Essex in Elizabeth's reign. Indeed, among Woodstock's titles—he was one of King Edward III's seven sons—was that of Earl of Essex, though Devereux did not inherit his earldom via this line.

Another strong political argument is that *1 Richard II* sympathetically dramatizes what might be called a loyal rebellion led by disaffected nobility, their righteous anger directed more at the king's greedy and inept counselors than the monarch himself. This is of course precisely what Essex insisted in his own defense—that he had sought only to remove members of the queen's government, not Elizabeth herself. As we'll see, this plea and its counter, that he actually planned to both depose and murder the queen, just as Bullingbrook had deposed and assassinated Richard, takes us close to resolving the historical mystery we've posed: which *Richard II* was performed and why wasn't its playwright arrested (whether he was Shakespeare or not)?

Corollary to the foregoing is the likelihood, though it is no stronger than this, that *1 Richard II* concluded with the establishment of what in Elizabethan times would have been a highly revolutionary arrangement, what we now call Constitutional Monarchy. This political system declaws the ruler's absolute power by imposing severe legal restraints upon its exercise, and of course sets parliamentary authority over the Divine Right of Kings. England did eventually become a constitutional monarchy after the Bloodless Revolution of 1688, but advocating such limitations in 1592, when *1 Richard II* was probably written, makes it a truly prophetic drama, nearly a century ahead of its time, and thus fully worthy of the author I propose.

However, we can go no further than imagine the probable conclusion for this play because most of its final scene is in fact missing, excised precisely, as in the canonical history, because it dealt with the king's deposition. My reluctant conclusion, therefore, is that *Woodstock/Richard II, Part One* cannot have been the history performed the night before Essex's uprising. The trial testimony is quite unequivocal: the play in question portrayed not only Richard's deposition but his killing too.

So the drama staged 7 February 1601 was not the first part of Shakespeare's tragedy. And while *Part Two* technically fits, as we've seen, its actual content and the bearing of its message place it beyond credibility as a realistic candidate. All the other possibilities are equally disqualified for the reasons we've reviewed.

We are thus returned once again to the conundrum with which we started: which play, and by whom?

### **It Never Happened**

My answer, as readers may have anticipated, is none of the above. I don't believe there ever was a play, and the story of its solicitation and performance an evidentiary fraud introduced by the prosecution to establish so far as possible what it asserted were the Earl of Essex's true motives. Cecil and the government of course wanted Devereux's head, literally. The queen herself hesitated on this point, for reasons both personal and political, just as she had over the execution of Mary, Queen of Scots. The charismatic Essex was a former lover, a capable general and high-ranking court official. We recall too that the earl's defense—since he could hardly deny the failed rebellion—was that he had sought only to remove the queen's dishonest counselors, not harm Her Majesty herself. Essex claimed his words and actions proved it. Soon after the Sunday sermon at St Paul's Cross he had led 300 armed followers through Ludgate and into the City, shouting, "Murder, murder, God Save the Queen!" and "For the Queen, For the Queen!" His intention, he said, was to storm the Palace, arrest his political enemies and proclaim, "Long live the Queen and after her, long live King James of Scotland, only legitimate heir to the English throne!"<sup>3</sup>

In other words, his target was the Cecil faction, as he was theirs. To clinch the demand for his execution, Sir Edward Coke, Elizabeth's Attorney General and the chief prosecutor, had to establish that Essex also harbored a murderous intent directed at the queen's most sacred person. But how to establish this? The play about Richard II's killing and deposition went to the heart of the matter. Speaking directly to the accused, Coke said in his summation, after again citing the performance of the imaginary play:

I protest upon my soul and conscience I doe believe she [the queen] should not have long lived after she had been in your power. Note but the precedents of former ages, how long lived Richard the Second after he was surprised in the same manner? The pretence was alike for the removing of certain counsellors, but yet shortly after it cost him his life. (Chambers, II, p. 325).

Actually, as we know, and as Coke must also have known, there was no pretence at all involved in the deposition of Richard II, nor had he been surprised in the same manner, nor was the issue Bullingbrook's removal of certain counselors. Interestingly enough, this is the story of his first deposition, as told in *1 Richard II*. The king's downfall begins in that play when he attacks the property and inheritance rights of the old nobility, powerfully dramatized again in the canonical *Richard II* when he seizes the Duchy of Lancaster literally over John of Gaunt's dead body.

These were real issues for Richard's nobles, and Shakespeare understands them. They are spelled out very clearly at the scene by Gaunt's shocked brother, the Duke of York. Whose rights are safe, he demands, if Bullingbrook's are not? Is not the king himself king by right of true succession?

History starkly answers him. The first article of the final indictment against Richard was that he had transferred ownership of crown lands to 'men unworthie,' what we might call the petty aristo-

---

<sup>3</sup> Chambrun, *Shakespeare: A Portrait Restored*, 1957, 229.

cracy. These ‘upstarts,’ as the old nobility contemptuously described them, were the new breed of small land-owners like Bushy, Green and Scroope, whose rise is portrayed with such vigor in *Woodstock/1 Richard II*. In a central episode, the king distributes his kingdom among them in return for a monthly stipend of £7000. He even signs one of those new-fangled legal contracts affirming the deal—the rotten parchment bonds and inky blots that Gaunt laments on his death-bed. In the opinion of the old aristocracy, as Shakespeare has it, the king had turned his kingdom into a “pelting farm,” a rented property, and himself into a “landlord,” a mere businessman.

Richard was additionally found guilty of creating a political and economic counterweight to the old nobility—precisely his purpose, of course. No one, least of all himself, had forgotten 1387.

So in his case it was class warfare, pure and simple, not a matter of court politics as in the Essex rebellion. Richard was a revolutionary, Essex an adventurer.

### **Drama and Politics**

The evidence concerning the Essex play thus turned out to be critical, which makes it even more remarkable that the testimony about its title, content, authorship and solicitation was so equivocal and imprecise, except on certain points.

We’ve already seen that the work itself was never directly named or identified, and are told only that it dealt with “Harry the iiiij.” It was old and long out of use—studiedly vague. Nobody could say for sure who wrote it or what it contained other than the deposing and murder of a seated king. The conspirators were so eager to have it performed that they paid the substantial amount of 40 shillings above the usual fee. This of course emphasized their true murderous intent.

There are further aspects about this part of the story that just don’t add up or, to put it another way, add up to a rather different narrative.

First, Augustine Phillips testified that the Lord Chamberlain’s Men were approached by Sir Charles Percy, Sir Josclyne Percy and the Lord Monteaule (Montague) and some three others. Then Essex’s steward, Sir Gilly Merrick, testified that at dinner the Saturday afternoon before the uprising, Sir Charles Percy suddenly proposed that they all journey together to

the Globe over the water where the L. Chamberlain’s Men vse to play and were there somewhat before the play began, Sr Charles telling that the play would be about Harry the iiiijth...[Merrick] can not tell who procured that play to be played at that time except yt were Sr Charles Percye but as he thynketh yt was Sr Charles Percye. Thenne he was at the same play and Cam in somewhat after yt was begon, and the play was of Kyng Harry the iiiijth, and of the kylling of Kyng Richard the second played by the L. Chamberlen’s players.<sup>4</sup>

Yet Sir Francis Bacon, one of the trial’s lead attorneys, oddly gives a rather different account in his subsequently published history. He insists upon the main points: the play was about Richard’s deposition and murder and—the detail always included—how the conspirators over-rode the players’ hesitations by paying excessively for it.

But also according to Bacon it was Merrick who procured the performance: ‘Neither was it casual,’ Bacon writes, ‘but a play bespoken by Merrick.’ It was Merrick, he says, who silenced the players’ objections, and Merrick who promised them the extra forty shillings. As Essex’s steward Merrick was implicitly acting in his name, a point Bacon stresses:

---

<sup>4</sup> Chambers, *William Shakespeare II* p. 324



So earnest he was to satisfie his eyes with the sight of that tragedie which he thought soone after his lord [i.e., Essex] should bring from the stage to the state, but that God turned it vpon their own heads.<sup>5</sup>

But this is flat against Phillips' testimony and indeed Merrick's own, who actually said that he could not tell 'who procured that play to be played at that time except yt were Sr Charles Percye but as he thynketh yt was Sr Charles Percye.'

Bacon, one of great minds of his age and a participant in Essex's trial, cannot be said to have spoken out of ignorance or stupidity. On the contrary, the whole thing reeks of a *post hoc* frame-up justifying Merrick's execution. I suspect he was induced to testify against his fellow conspirators with some sort of promise to go lightly on himself or others. When he was brought to trial in March, about a month after Essex, he repeatedly declined to admit his guilt. He was hanged at Tyburn anyway. In a short speech at the gallows, he rather curiously expressed the hope that by his death unspecified others might yet receive a pardon.

### **Eloquent Silence**

There's a final element in this contradictory mix that I think clarifies everything. The Cecil government, as we've seen, ruthlessly seized upon the rebellion to destroy its enemies at court and everywhere else. There's a direct analogy with the Kirov assassination in Stalin's Russia, which the Red Czar used to execute everyone and anyone he feared or disliked at the time. In Elizabeth's police state, which it was, anyone remotely associated with Essex was rounded up, interrogated, tortured and the necessary evidence extracted.

And yet—this is the strangest part, like the dog in the Sherlock Holmes story that failed to bark—neither Shakespeare nor any of the Lord Chamberlain's Men were so much as interviewed, Augustine Phillips aside. Neither was he nor any of them harmed, despite the fact that 'at their [the conspirators] request,' as Phillips' testimony concluded, 'this Examine and his fellows were Content to play it [the requested drama] the Saturday and had their xls. more than their ordinary for it and so played it accordingly.'

This is worth pondering: the author of the very play performed, the one in which Richard II is deposed and murdered and taken for inspiration by the traitors, was not even brought in for questioning, and the company itself let off scot free. Compare this to the fate of Sir John Hayward, tortured almost to death and imprisoned.

Not only that—not only that—Shakespeare was as much a public Essex supporter as Hayward. Readers will remember his famous eulogy to the earl in *Henry V* (1599), comparing him to victorious Caesar greeted by Rome's plebians:

Were now the general of our gracious empress,  
As in good time he may, from Ireland coming,  
Bringing rebellion broached on his sword,  
How many would the peaceful city quit,  
To welcome him!  
(*Henry V*, V, Chorus, 31-35.)

We should not forget either Shakespeare's well-known association with the Earl of Southampton, to whom he had dedicated two famous poems, and who was deeply implicated in Essex's plot.

---

<sup>5</sup>Chambers, *William Shakespeare II*, p. 326

Southampton's skin was saved only by Robert Cecil's personal intervention, though he was still sentenced to life in the Tower, where he remained until the accession of James I.

By comparison, Sir John Hayward was an innocent, and had even been found guiltless by Bacon himself. He was still imprisoned.

### **The Payoff**

There's a telling final detail. The Lord Chamberlain's Men, including Phillips and, one has to suppose, Shakespeare himself, played before Elizabeth at Whitehall on 24 February 1601, Shrove Tuesday, the very night before Essex was executed. That very night, and before the Queen herself—the moment could hardly speak more eloquently. Again we don't know the play performed, but *The Tragedy of Richard II* might have struck some as fittingly ironic.

Either way, it just smells of a pay off. In fact, it stinks of one. The Lord Chamberlain's Men, in the person of Augustine Phillips, provided the clinching piece of evidence that sent my lord of Essex to the devil, and were rewarded by Cecil and Co. with a performance before Her Majesty herself, a tremendous honor. The payoff doubtless included a generous purse. Forty shillings would have seemed appropriate to all concerned.

My conclusion is that there was no Richard II play performed at the Globe on 7 February, 1601. And this is why Shakespeare and his fellows were never arrested. They had committed no offense. If they had, even in the tangential way the critics and historians so gullibly maintain, we can be sure they would all have been rounded up, tortured to the point of death and their company disbanded. Instead they were honored by the court and rewarded generously by the government; indeed, after James succeeded to the throne, they became The King's Men.

For 400 years the world has taken the prosecution's evidence at its dishonest face value. Like the jury, and indeed Elizabeth herself, we have all been gulled.