

## Passages of Life

Yes, I remember Adlestrop. Not because my train pulled up there 'unwontedly', but because I played cricket on its idyllic ground in Adlestrop Park in the mid to late 1960s. It has a large tree within the playing area at deep extra cover if one was bowling from the pavilion end. A batsman was credited with four runs if the ball struck the tree at any level.

But let me rewind a little. I was born in Stratford-upon-Avon. From an early age I knew it was Shakespeare's town, but I took little interest until 1964. In addition to a small part in the school production of *Much Ado about Nothing*, that was the year of extensive celebrations to mark the 400th anniversary of his birth. The town was spruced up for the Royal visit. Some brand new public conveniences were created along the route that Her Majesty's car would take – but no stop, even just to declare them open. Imagine the headlines and social media comments for any such contemporary extravagance.

That year I started standing at the back of the stalls of what was then the Shakespeare Memorial Theatre to watch some of the finest actors of their generation. I saw each play of the trilogy of *Henry IV (Parts 1 and 2)* and *Henry V*. My introduction to Sir John Falstaff, played by that fine actor Paul Rogers, was a theatrical revelation: a spitting image of the statue of Falstaff that I would pass on my way to the cricket nets at the Stratford Cricket Club ground.

Over the next few years I saw, to name but a few, David Warner's Hamlet, Ian Richardson's Coriolanus, Paul Scofield's Timon and Macbeth, Janet Suzman's Portia, Eric Porter's Shylock, Diana Rigg's Viola and everyone involved in Peter Brook's celebrated 'Dream', replete as it was with trapeze and, for some characters, 'flower power' costumes: another theatrical revelation. I embraced with unaccustomed enthusiasm the compulsory Shakespeare text in my GCE 'O' level. *The Merchant of Venice* has uncomfortable aspects, but is a compelling play with relevant contemporary messages.

Now to early 1967. The train journey was from Leamington Spa to Paddington. No unwonted stops. The ultimate destination was the Strand and my interview for a place to read Law at King's College

London. Unknown to me then, King's was but a stone's throw from where Sir Francis Bacon was born. I had probably never heard of him. I had heard of Gray's Inn because I had read a biography of F.E. Smith. I had also heard of Lord Denning. After the interview, I spent an hour or so in the public gallery of his court in the Royal Courts of Justice. Little could I imagine that 40 or so years later I would from time to time sit where he sat.

Another member of the court was Lord Justice Harman. Sir Eustace Harman's eyepatch made him a particularly forbidding figure, leaving aside his propensity for the occasional acerbic comment. He was apparently usually to be seen going to lunch in Lincoln's Inn Hall in top hat and morning suit. But he had a sense of humour too. He was familiar with Falstaff. With the kind of literary allusion in a judgment of which I approve (see *Graya* No 118), he either quoted or referred to Falstaff on three separate occasions in reported judgments. I will return to them after a brief fast forward.

By 1975 I had completed my time at King's (during which I met Lord Denning), had been called to the Bar by Gray's Inn in 1972 and had been 'on my feet' for a couple of years. Our wedding album contains a youthful photograph of me and my best man shaking hands under the statue of Sir Francis Bacon in South Square.

Harman LJ's appetite for apposite literary allusion was evidenced, according to Megarry's Second *Miscellany-at-Law*, when as Harman J he recited 'Let Dogs Delight To Bark And Bite' by Isaac Watts in a judgment in 1956. The case concerned the National Canine Defence League. The



first reference to Falstaff was in 1961 in a case concerning the valuation for rating purposes of various areas of land. Quoting from *Henry IV, Part 1*, he commenced his judgment thus: 'This matter, like Sir John Falstaff, has fallen away vilely since the last action. That was before the Lands Tribunal where there were ten appeals and a cross-appeal. Now they have dwindled to one appeal.' The second reference (from the same play) is an accurate allusion to the passage where the words 'discretion' and

*Statute of Falstaff in Stratford-upon-Avon.*

‘valour’ are frequently transposed. Referring to the decision of the Chief Land Registrar to refer a particular decision to the court he said this:

‘No doubt the system [of land registration] has worked very well since 1925 ... but the present case shows that there are difficulties and pitfalls in the way of comparatively simple transactions which would not have arisen with unregistered land and which have caused the Chief Land Registrar to decline the power of decision vested in him [under] the Land Registration Rules, 1925, comforting himself no doubt with Falstaff’s dictum that “the better part of valour is discretion”, and to transfer his difficulties ... to the Chancery Court ...’

The final reference (from *Henry IV, Part 2*) is to Mistress Quickly’s rebuke to Falstaff for failing to honour his promise of marriage, the context for the quotation being whether the public at large had a right at common law to take sea-coal from the shoreline. Harman LJ said this:

‘A proclamation was issued by Edward I against burning this sea-coal, but it had become a common fuel by the time of Elizabeth I, and it will be remembered that, according to Mistress Quickly, when Falstaff promised to marry her he was “Sitting in my Dolphin-chamber, at the round table, by a sea-coal fire, when the prince broke thy head for liking his father to a singing-man of Windsor”.’

Sir Eustace and a criminal court would have been strange bedfellows. He would rarely need to refer to something as dishonourable as theft. Falstaff’s admission of the offence in *Henry IV, Part 1*, was not something he would have found occasion to quote:

‘There’s but a shirt and a half in all my company; and the half shirt is two napkins tacked together and thrown over the shoulders like an herald’s coat without sleeves; and the shirt, to say the truth, stolen from my host at Saint Alban’s, or the red-nose innkeeper of Daventry.’

The scene was a ‘public road near Coventry’. In *A Chapter in the Early Life of Shakespeare: Polesworth in Arden* (1926), Arthur Gray (Master of Jesus College, Cambridge) cited this as one piece of evidence that

Shakespeare had spent much of his formative period elsewhere than Stratford. At Polesworth Hall in the Forest of Arden some 38 miles to the north of Stratford, the home of Sir Henry Goodere, was Gray's suggestion. This was 'a very remarkable hive of literary activity', the youthful Shakespeare's exposure to which (it is inferred as a page boy) would explain, it was said, the erudition and breadth of his works not otherwise explained by the interrupted education he received in Stratford. Gray's argument was that Falstaff had been despatched urgently from London to Shrewsbury and that the quickest route was directly through Stratford, not Coventry. Such a geographical inaccuracy would not, he asserted, have been perpetrated by a true Stratford man and the theatrical opportunity for localised encounters with Falstaff would not have been missed by Shakespeare had he put Falstaff on the correct route.

To say that this is speculative is an under-statement. However, Gray's analysis of Shakespeare's plays showed, he said, that Shakespeare had no 'acquaintance with places on the Stratford-London road', but did show 'a decided familiarity with the road between North Warwickshire and London', a proposition that supported the Polesworth connection. He says, for example, that St Albans was 'many times mentioned'. His preoccupation with these geographical references could, as Jean Overton Fuller's biography of Sir Francis Bacon (1994) suggests, have given support for the Baconian theory of Shakespearean authorship to which Gray evidently did not subscribe. The Bacon family association with St Albans was close. Sir Nicholas Bacon had built there Old Gorhambury House by 1568 and it was a major feature of Francis Bacon's life. He inherited the estate on his father's death.

Whether those references have seriously been relied on in support of the Baconian theory is unclear, but Bill Bryson, in his book *Shakespeare*, says that the 15 references to St Albans 'are in nearly every case references to the Battle of St Albans – a historical event crucial to the plot of the second and third parts of Henry VI ...'.

The Baconian theory has an interesting history and some reliance is placed by its supporters on the circumstances in which *The Comedy of Errors*, first performed in Gray's Inn on 28th December 1594, took place. Recent research (in the form of Dr Barry R Clarke's PhD thesis at Brunel University) is said to suggest that Francis Bacon was a contributor to the writing of this play as performed in the Inn. I am singularly unqualified to express any view on this issue. In any event, as a Stratfordian, I should

recuse myself from venturing an opinion on this or the credentials of any other candidate for Shakespearean authorship.

Reflecting, however, on the geometry of my life thus far, an uncanny symmetry arises from the fact that I 'discovered' Shakespeare during the 400th anniversary year of his birth, have written this piece during the 400th anniversary year of his death and, barring the unforeseen, will be Treasurer of the Inn in the year of the 400th anniversary of the appointment of Francis Bacon to the position of Lord Chancellor. Divided loyalties? I think not. I can, however, offer one incontrovertible literary opinion: neither William Shakespeare nor Francis Bacon played any part in the composition of that wonderful poem, 'Adlestrop'.

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