

MARY POLITO AND JEAN-SÉBASTIEN WINDLE

‘You see the times are dangerous’: The Political and Theatrical Situation of *The Humorous Magistrate*

Polito and Windle: ‘This is part of my Cronicle, which I will haue preserued In manuscript.’¹

In the early 1970s, the then new University of Calgary began to develop its library holdings by purchasing a collection of rare books and manuscripts from an English antiquarian named Edgar Osborne. Among them was an early dramatic manuscript in folio with no title, date, or named author. Osborne notes on the flyleaf that he purchased the manuscript in 1947 at a sale at Watnall Hall, Nottinghamshire, home of the Rolleston family from the late sixteenth century. In 2004, an interdisciplinary group of librarians, faculty, undergraduate and graduate students undertook to transcribe, study and perform the play, a five act ‘country comedy’. Set in an unnamed country shire, the play satirizes the incompetent and corrupt Justice of the Peace, Thrifty. The play’s main romantic plotline follows Thrifty’s daughter Constance and her suitor Christopher Spruce who, when Thrifty rejects Spruce’s suit, escape to the countryside. When he discovers that his daughter has fled, Thrifty tries and punishes Constance’s ‘drynurse’ Jennet (Peter’s wife) by having her pull a cart across the stage, making a play on her name (which means ‘small Spanish horse’²) and of course in an allusion to the shaming ritual of carting convicts for display. Meanwhile, the young lovers are separated by thieves and Constance is sheltered by the King of the Shepherds, a lord of misrule in a pastoral setting with a full complement of singing shepherds and shepherdesses. The comedy resolves back in Thrifty’s realm with three marriages and one renewal of wedding vows. The final scene is both a celebration of these marriages and a representation of a shire court in session, where Thrifty’s corrupt judgements are the object of satire — he trades chickens for a decision in the plaintiff’s favour. It must be Saturday because the case con-

The Names of the Actors.

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| <p>Mr Thrifty a Justice of Peace Mr Christopher Spruce son to Mrs Mumble. Mr Wild his companion. Mr welcome brother to Mrs Mumble. Strife a Lawyer</p> <p style="text-align: center;"><i>women</i></p> <p>Mrs Mumble a deale rich widow Sophia her daughter Mrs well come. Constance Thriftes daughter. Jennet Parichin's wife Thriftes house keep. Croucher wife</p> <p style="text-align: center;"><i>Sheepheards Constable, & officers Country men & women</i></p> | <p>Dick Crisp a barke Spruce's man. Jony wilds man. Peter Parichin Thriftes Clerk. Will Catch Tom Snap 2 theeves Ned Careles Jack Killman Hodge Dointhrift 3 other theeves. Golfray. Cruch an old country man</p> |
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Prologue

Sad frowns are the ground most tragick
 In world of griefe a well weft eye
 See how the fall of a tragedian
 Doth profers particulars how fare
 His imitation can be regular
 And where it beaust the bookes authority.
 So stant a method to be colomity
 Of this day doth displaine to be free
 From confus to be such spacious liberty
 It will not be subject to sense
 Of any but a strong intelligence.
 An in a modit nigromity
 Paymes shars of fauour, tis humility
 To herogite & shall enge. Doe but reform
 Dmigt to thow apt relations shall enge
 Discomt a vandusht prisoners & the man
 That was & was, humbled, shall triumph againe
 Upon conable confus. The fate
 In playd byp thow not yet unfortunate
 Do us some talk dislide the publick stage
 Address to all, but ominous please
 Dild from iudgment with an only be
 Dbe also cleard disformer of abilitye.

Fig. 2: Dramatis personae, the first folio of *The Humorous Magistrate* as found in the Arbury Hall miscellany, catalogued at the Warwickshire Records Office as A414. The dramatis personae page appears on folio 104v of the miscellany. Printed with permission of Lord Davenry of Arbury Hall, Warwickshire.

cerns an unwed mother and Thrifty has informed us that his almanac dictates that he is to devote Saturdays to bastard children.

Our earliest investigations established that the play had never been published and that the mixed italic and secretary hand was of seventeenth-century origin.³ Allusions, such as to coins, helped us to establish a *terminus a quo* for the play. For example, when Spruce begs the thieves to leave him with at least some coinage, one replies:

Giue him a Iack for thou knowest
None but Spankers, & Lawrells will pass in *our* companye.
fare ye well *Sir*.⁴

The 'jack,' common slang for the *Jacobus*, was issued by James I in 1604. The workshop performance by a Department of Drama class drew out the pre-Restoration nature of the comedy and demonstrated both the dramaturgical difficulties and the nevertheless playability of the work. The performance coincided with a one-day symposium on our findings, on 9 April 2005, where keynote speaker Margaret Jane Kidnie made the link between the Calgary manuscript and another anonymous manuscript version of the same drama held at Arbury Hall, Warwickshire. She herself had transcribed the manuscript in the 1990s. The also untitled Arbury version of the play with Justice Thrifty is bound with three others in a miscellany and in the 1980s Trevor Howard-Hill named it *The Humorous Magistrate* and attributed all the Arbury Hall dramas to John Newdigate III (1600–1642).⁵

A first look at the two manuscripts might tempt one to give them W.W. Greg's attribution 'foul papers' (the Arbury) and 'fair copy' (the Osborne) (See figures 1 and 2). The Arbury manuscript in quarto is clearly a draft, but it is too crowded with amendment and marginal notes towards another draft to represent Greg's notion of foul papers as 'the text of a play substantially in its final form'.⁶ While the Osborne manuscript is beautifully presented, it has no dedication or indication that it was prepared for a printer or patron. Kidnie in fact argues convincingly that the Arbury and Osborne manuscripts, taken together, provide evidence of a version of the play prior to the Arbury and at least one if not two intermediary versions between the Arbury and the Osborne.⁷ The Osborne manuscript, at 18,000 words has been reduced from the Arbury at approximately 29,000. The material in the Arbury not found in the Osborne provides a more prominent role for Strife who is a second suitor to Spruce's mother, Mistress Mumble, who marries Thrifty in the end. One

character has been cut from the Arbury version: Scottish Jony, a horseman. The Arbury version of *The Humorous Magistrate* contains a prologue and epilogue, neither of which is found in the Osborne and although the Osborne represents a clean and completed work, a small number of revisions still suggest an ongoing compositional process. The hands in the two manuscripts, Kidnie concludes, however, are not identical, though similar enough ‘to suggest two writers whose habits were perhaps shaped by a common exemplar’.⁸ These Midland manuscripts seem to represent what Paul Werstine calls ‘the fierce particularities of the extant manuscripts’ of the period.⁹

While authorship is of course of interest to our ongoing research, the existence of two versions of the play in different hands has opened up a very wide range of questions about provenance. We are, for example, investigating a possible Midland coterie of amateur producers of dramatic texts and performances.¹⁰ In this essay, however, we present further evidence for dating the production of each of the extant manuscripts. We find the play highly topical and argue that in both versions, it refers to contentious legal imperatives issued by the Crown in the 1630s and early 1640s. The topical references presented in Windle’s section suggest that the drama is responding to contemporary tensions between country and crown during the turbulent period of Charles I’s personal rule and he argues that it must have been composed after 1632. His thesis is corroborated by Kidnie’s paleological and codicological study: ‘the combination of hands and watermarks found in the Arbury miscellany and Watnall Hall copy serves to date an outer limit for the composition of *The Humorous Magistrate* to near or shortly after 1637’.¹¹ Polito will present recent findings which suggest that the revision represented in the Osborne version was undertaken after May 1640. She will argue that *The Humorous Magistrate* can be linked to the themes taken up by several late Caroline plays for the public stage and specifically to the last play professionally performed in London before the closing of the theatres in September 1642: Richard Brome’s *A Jovial Crew*.¹²

Windle: ‘Country Business’: The Legal Context of *The Humorous Magistrate*¹³

Through its satire, *The Humorous Magistrate* condemns the legal corruption in country jurisdictions in the Caroline period and refers to some strategies, employed by Charles I during his personal rule (1629–1640), aimed at correcting the problem. The imperatives of two legal documents — the Book of

Orders,¹⁴ which was issued in 1631, and a proclamation to the gentry issued in January 1632¹⁵ — reveal these strategies. Both documents uncover the activities of justices of the peace in provincial England, and touch on the problem of how best to govern these magistrates and increase their accountability to the king. Allusions to the Book of Orders and to the proclamation of 1632 not only suggest a date of composition after 1632, but also reveal the play's engagement with and response to discussions surrounding the issue of efficient governance. *The Humorous Magistrate* invokes these edicts simultaneously in order to establish their necessity and to decry their ineffectiveness.

The allusion to the Book of Orders occurs in the first act when Thrifty, reading from his 'Almanac', rehearses his weekly schedule: 'thus stands the appointment, Munday the ouerseers account, Tuesday the Sessions, Wensday high wayes, Thursday bridges, friday alehouses, & Saturday | bastard children'.¹⁶ While he does not explicitly mention the Book of Orders or name Charles himself, Thrifty's duties are highly reminiscent of those outlined in the Book, which was concerned with poor relief and the reinvigoration of local government. The Book aims to revise the nation's 'divers good laws and statutes', and describe how England's laws have improved poor relief, managed vagabonds, as well as suppressed 'drunkenness' and 'idleness'.¹⁷ The *Book* also rehearses the typical duties of an overseer, commenting on the importance of '[setting] poor children [and] idle persons to work', ensuring the 'maintenance, government, and well ordering of Houses of Correction', and punishing 'Rogues and Vagabonds'.¹⁸ Justices of the peace are also reminded that they must police inns and alehouses more closely, certifying that they are 'Licensed' and 'well-order[ed]'.¹⁹ A final directive stipulates that justices of the peace must 'monthly ... by their own view ... inform themselves' as to the status of the 'High-ways' which are in 'great decay'.²⁰ While Thrifty's 'Almanac' does not include all of these duties, it certainly recalls many of them, including the maintenance of highways and the regulation of alehouses.

Our play's allusion is provocative in light of the Book of Orders' meticulous rendering of the ills currently plaguing the commission of the peace. While it is not an overt attack on the justices of the peace and other county magistrates, such as Thrifty, one finds, alongside pleas to ensure that laws are executed with due care and diligence, accusations of 'defect,' 'neglect', and 'idleness'.²¹ Accusations of corruption and idleness among the magistracy were not uncommon in this period; for instance, as Anthony Fletcher has shown, Sir Thomas Egerton's 1608 charge to the circuit judges advises them to come down hard on the 'drones of the county benches' some of

whom were more interested in ‘hunting’ and ‘hawking’. These justices of the peace, Fletcher remarks, used their position on the county bench ‘for private ends’ and did not shy away from taking the occasional bribe for an alehouse license.²² The portrayal of Thrifty is certainly reminiscent of this depiction, as the text describes him as an adulterer and as an unlearned, unlettered, and corrupt justice of the peace. Divided into orders and directions, the *Book of Orders* was intended to curb such idleness and defectiveness by increasing the accountability of local justices of the peace, including demanding that former quarterly petty sessions be held monthly and requiring justices of the peace to submit written reports regarding their implementation of laws.²³ The increased attention to the activities of the justices of the peace, in combination with the accusations of negligence and ineptitude, may have prompted a negative reaction among some justices of the peace. Such a reaction could have inspired Thrifty’s exhausting enumeration of his daily duties, a complaint shockingly similar to that expressed by William Capell in 1626: ‘I am weary of the burden and charge of it already, especially now there is none in the division but myself. It is sessions every day all the day long here, that I have no time for my own occasions hardly to put meat into my mouth’.²⁴ Clearly, Capell found some of the *Book’s* directives both arduous and imposing.²⁵

By alluding to a 1632 proclamation to the gentry, the play also raises the issue of local autonomy and the central government’s attempts to restrict it. In the play’s final act, Thrifty expresses his dissatisfaction with what he considers to be a forced move to the country: ‘my noble freinds, let not I beseech you my life be had in contempt, who am thus forced to descend to keep order in a Country’.²⁶ The phrase ‘forced to descend’ draws into relief Thrifty’s forced submission to a higher, centralized authority. The obligatory return to the country suggests that Thrifty, as a result of his absence, has been negligent in his duty to maintain order in his country shire. The directive to return to his provincial community is reminiscent of Charles’s January 1632 proclamation, in which the king commanded all members of the gentry who did not have legitimate business in London and Westminster to quit those towns and return to their country estates.²⁷

Much like the *Book of Orders*, the proclamation addresses poor relief, but identifies the absence of the gentry in the peripheries as a major factor in the impoverishment of the nation.²⁸ The text also harkens back to the traditional role of the gentry; that is, to properly aid the king, defend the nation, and direct its poor. In order to fulfil their traditional duties, members of the gentry

are directed to keep residence in the various parts of the nation and 'attend their services ... as their Callings, Degrees and Abilities shall extend'.²⁹ As in the Book of Orders, the proclamation calls to task certain negligent magistrates regarding their due diligence, and threatens them with various punishments, including decommission. Although this type of proclamation was not uncommon during Charles' reign,³⁰ the order of 1632 was notable because of the severe punishments that were inscribed for those who violated it: remaining in London without permission was punishable with fines of up to £1,000 and imprisonment.³¹

As is the case with the Book of Orders, critics continue to debate the motivations behind, and the reception of, this proclamation. Sharpe views the order positively as a sincere attempt to curtail 'the decay of hospitality' and revitalize provincial government, which 'depended upon the presence of powerful local men'.³² For Sharpe, it is evidence of Charles' aggressive social strategy, intended to relieve the poor, maintain highways and keep the peace. The proclamation of 1632, however, has also been considered as another assault upon the gentry's autonomy in the provinces. David L. Smith claims that the document 'generated considerable ill will, and in so far as it did achieve its desired effect it only served to make the Court even more isolated from the wider world'.³³ Martin Butler reiterates this negative interpretation of the proclamation, suggesting it may have been issued in order to remove a wealthy and politically motivated opposition from London and Westminster. Butler theorizes that this forced move to the country would have been extremely unpopular for a burgeoning social group for whom London, and the playhouse, had become an alternate social milieu and a haven for debate.³⁴ If the presence of a large number of gentry, in London, was a significant danger to Charles, then the forced move to the country would have been understandable from his perspective, and frustrating from theirs.

The question remains, how do the allusions to these documents function in *The Humorous Magistrate* and how do they contribute to the satire of our inept public official, Thrifty? I argue that the directives represented in these documents have exerted some influence on Thrifty; he knows and understands his duties in terms that are outlined in the Book of Orders, and he appears to have returned to the country against his will in response to an imperative that reflects the proclamation of 1632. While both documents show a marked concern for the efficiency and conscientiousness of justices of the peace, Thrifty seems willing to pay these directives only lip service. Shortly after complaining about his return to the country, Thrifty rails against

an unnamed aggressor who has judged his 'proceedings', or judicial methods, to be 'preposterous [or corrupt]'. He insists in his own defence that 'mine own abilityes tell me they are regular, & immaculat'.³⁵ The audience, however, knows of Thrifty's limitations and recognizes that his methods are in fact both preposterous and corrupt: in the final act, Thrifty exchanges chickens for favourable decisions. We learn furthermore that he has committed adultery with his own clerk's wife, Jennet, and we are constantly reminded of his ineptitude: Thrifty admits himself that he will not 'meddle wth learning, nor wth learned men';³⁶ Spruce accuses him of not being able to 'read English but in his clerks hand' and claims that he has never written 'superscription, but to the Constable, or his deputye, & that vpon cap paper'.³⁷ Jennet also tells us that 'no man makes suit to him, but he cryes Peter shall I grant it'.³⁸ Thrifty is the perfectly corrupt and inept governor that the Book of Orders and the proclamation of 1632 attempt to manage; unfortunately, neither directive can reform him. While Thrifty's corruption highlights the need for reform, *The Humorous Magistrate* suggests that such measures were not always effective.

Although the allusions to these documents seemingly indict the king's intervention in local affairs, the centralized government is not the object of satire. Rather, this play interrogates the corrupt arm of monarchical power in the provinces by pointing to the justice's own ineptitude and corruption, and revealing the need for reform. This play demonstrates, moreover, how such legal measures can backfire and further entrench corrupt officials. Thrifty legitimizes his questionable actions using the Book of Orders, the very document intended to reform the corrupt official and increase his accountability: 'Is not this booke the true directer of affaires!' he asks Peter in act 1.³⁹ He implies that his past and subsequent actions have been sanctioned by the state and are beyond reproach. The very government initiatives that should have forced Thrifty out of the commission are the ones that further validate his authority. Thrifty's marriage to the rich widow, Mistress Mumble, in the final act confirms his power in this provincial community and thus provides him with the wealth to execute his will. Indeed, the play's conclusion leaves us with a sense that Thrifty's corrupt government will continue unhindered.

Nevertheless, the King of Shepherds and his pastoral government interrogate the efficacy of Charles' directives. The King of Shepherds proclaims in the fourth act, 'Pan was neuer a more absolute king, nor is there a better gouerned common wealth in Arcadia then oures'.⁴⁰ Although the King of Shepherds occupies the position of authority and priority in the country community, the language of his speech recalls Thrifty's absolute government and definitive

power over the country residents who, in the final act, find themselves ultimately reduced to petitioners in Thrifty's court. In his speech on authority, the King of Shepherds explains that a monarch's freedom from reproach is of the utmost importance: 'when *your* king speaks, you must neuer say any thing, but good, or well spoken, or admirable or so, neuer disturb him; but crye, king goe on, or bless *our* gouerner'.⁴¹ This benign description of absolute power and submission to authority becomes more exaggerated as the scene progresses:

Then subjects be content, when you are required, to put *your* cambrells quietlye into the hooke of restraint; struggle not, when *your* kings dog catcheth by the eare, though he pinch it quite thorough, or make the blood come; be not vnwilling to receaue the pitch brand of distinction, though the iron be so hot, it make *your* buttocks blister; are yee content? ⁴²

The language of the speech suggests subjects should submit passively to authority, even when the imposition of this authority is excessive and violent. The King of Shepherds likens subjects to mere beasts of burden, who should 'quietlye' accept their 'restraint{s}'. Proper subjection is equated with forced submission and is, paradoxically, demonstrative of true reverence. The increasing violence of the speech and his otherwise benevolent and jolly nature render the King's final rhetorical question, 'are ye content', ironic and offers a final condemnation of absolute power. The audience would recognize these descriptions of abusive government in Thrifty's corrupt rule and recall the scene in which Jennet pulls a cart across the stage in accordance with Thrifty's judgment. The King of Shepherds' speech further emphasizes Thrifty's misgovernance and misuse of power.

If we continue to allow the King of the Shepherds an ironic voice on the fate of royal directives in the provinces, then *The Humorous Magistrate* does provide an (albeit temporary) alternative to Thrifty's corrupt rule in the pastoral domain. The King's encounter with wandering musicians establishes his community as a benign and liberal society. Following the arrival of the travelling musicians, the King rebukes the performers: 'How dare you trauell that are rogues by th' statute!' When the musician offers to play a tune, the King remarks that 'we i'the countrye take songs to be parlous things, they say such as you haue bene whipt for songs'.⁴³ Here, the King of Shepherds refers to an unspecified statue reminiscent of actual statutes enacted between 1572 and 1625 that were meant to regulate the activities of travelling performers,

including both minstrels and players. These statutes often deemed masterless players and travelling minstrels to be ‘Roges Vacaboundes and Sturdy Beggars’ recalling the King of Shepherds’ description of the performers.⁴⁴ Although this description could be interpreted as evidence of country aversion to travelling players, the play’s evocation of the statute is significant in the King of Shepherds’ eventual rejection of the decree.⁴⁵ Rather than force the musicians to leave, he allows them to perform at his feast, implying that this community is a safe place for such performers.

When asked to defend why some performers have ‘bene whipt for songs’, one of the musicians answers that such whippings were for ‘singing the cleane contrarye way’.⁴⁶ This is likely an allusion to the censored ballad, ‘Come Heare, Lady Muses and Help Mee to Sing’, which libelled George Villiers, Duke of Buckingham, and includes the refrain, ‘The cleane contrary way / O the cleane contrary way’.⁴⁷ The reference to this libellous ballad would certainly have been significant for a Caroline audience; for many, the Duke of Buckingham stood for what had gone wrong with the monarchy. The circumstances surrounding the performance of the ballad would also have been meaningful: three fiddlers were convicted of seditious libel in Buckinghamshire for performing it in the summer of 1627,⁴⁸ and it was subsequently censured in the court of Star Chamber.⁴⁹ The allusion to the ballad recalls the historical attempts to regulate performance and performers in the peripheries. Neither the statute nor censorship hold sway in the King of Shepherds’ community. Although the musicians do not go on to perform ‘Come Heare, Lady Muses and Help Mee to Sing’, opting instead for a tune concerning the quality of the country and its women, the acceptance of the musicians who are potentially subversive further demonstrates that this country community is a safe place for unpopular ideas; that is, free from censorship.⁵⁰

Although the King of Shepherds’ government represents a political alternative to Thrifty’s rule, this benign, pastoral community is short-lived. The King of Shepherds receives no mention in the final act, and the country revellers themselves are ultimately reduced to lowly petitioners who bribe Thrifty and are thus implicated in his corrupt regime. The play’s contrast between Thrifty’s misgovernance and the King’s pastoral rule throws into relief the problem of how best to govern the country and regulate its officials. Our play’s portrayal of Justice Thrifty and his ineptitude reveals the need for reform, but indicts the inadequacy of the measures in place. The play’s preoccupation with the topical issues of governance and censorship as well as the allusions to royal imperatives issued during the personal rule of Charles I suggest a date of

composition after 1632, and elucidate the historical and political context in which the Arbury version of the play was composed and the Osborne version was revised.

Polito: Drama on Edge

A rich and ever more specific social and political context for this play is emerging from Jean-Sébastien Windle's research and that of our other collaborators. The play's broad theatrical influences are easily gleaned. In the corrupt Justice Thrifty and the dim but desirable wealthy widow Mistress Mumble, the play employs stock characters of Stuart city comedy. In flavour and setting, however, the play is reminiscent of *As You Like It* and indeed the young lover Constance is clearly thinking about Rosalind and Orlando when she and Spruce part in the forest to try to escape the thieves and she tells him that she will

write my sad complaintes
Vpon some heauy tree that stands alone,
And in a hand that none can read but you.⁵¹

This promise is one of many indirect allusions to Shakespeare in the play. Kidnie has written on the overt reference to *Hamlet* in the Arbury manuscript.⁵² Spruce (sometimes 'Spruse' in the Arbury) offers a long soliloquy on thwarted love and his friend Wild accuses him of acting like a 'randing⁵³ player' with gestures that might suggest he 'were acting Hamlet'.⁵⁴ In the Osborne, 'acting Hamlet' is replaced with 'acting to *your* glass' in a speech otherwise the same: 'you think 'tis very commendable to guarb *your* selfe to a posture as if you were acting to *your* glass, & are of opinion you profane loue to name it, except *your* hand keepe time on *your* breast; & not looke downward, but of necessitye then twist *your* band string, or pull *your* hat down thus'.⁵⁵ In the Osborne manuscript, an addition to the same dialogue also suggests an allusion to the inky-cloaked Hamlet. Wild declares that he himself

will not goe in black,
Except in lent to be a formall courtier.⁵⁶

Spruce's speeches throughout the play provide more indirect allusions to Hamlet which appear in both versions. Spruce wonders how it is that the

‘compassionat spectator’ might feel more than the ‘thousand hipocrites’ who ‘shed Their teares’ while he himself needs ‘not a cue to prompt me’,⁵⁷ and he considers in a soliloquy what to do and not to do about his situation:

if I die
By mine own hand, the action is ignoble.⁵⁸

Thrifty, like Wild, accuses Spruce of carefully performing the role of the young suitor; he charges after Spruce declares his love for Constance, ‘did you not pen that speech, con it, & then deliuer it?’⁵⁹ This satire of the way in which exemplars from popular culture, and in particular Shakespeare, might be influencing the decorum and self-fashioning of real young lovers suggests a date rather late in the playhouse period.

Through the pairing of Thrifty and Peter we find a satirical barb that becomes, over the period, a trope in the dramatic characterization of the minor judiciary: the magistrate’s pride in being or anxiety about not being of the status of a ‘justice of the peace of the quorum’. *The Merry Wives of Windsor*, Shakespeare’s only English ‘country comedy’, opens with the joke, in an exchange between the pompous Justice Shallow and his obsequious cousin Abraham Slender about the insults levelled at Shallow by John Falstaff:

Shal. [I]f he were twenty Sir John Falstaffs, he shall not abuse Robert Shallow, esquire.
Slen. In the county of Gloucester, justice of peace and ‘Coram’.
Shal. Ay, cousin Slender, and Custa-lorum.
Slen. Ay, and Rato-lorum too; and a gentleman born. (1.1.2–9)⁶⁰

Jonson’s Justice Overdo in *Bartholmew Fair* is ‘of the quorum’ as well; he declares his bravado in the face of the ‘enormities’ with which he will contend (in disguise) at Bartholmew Fair: ‘Fain would I meet the Lynceus now, that eagle’s eye, that piercing *Epidaurian* serpent, as my *Quintus Horace* calls him, that could discover a Justice of Peace, and lately of the *Quorum* under this covering’ (2.1.3–7).⁶¹ In the Osborne/Arbury play, Peter Parchment is clearly the bureaucratic engine of the administration of shire business and he tells us in an aside that ‘though my *Master* be not yet I am a clerk of the quorum’.⁶² When Thomas Nabbes sets out to write his satire *Covent Garden: a Pleasant Comedie*, played in 1632, he declares in his Prologue that he will refuse to

exploit the trope of the incompetent justice of the peace. He will not 'brand' his play 'with a Satyres marke; / But makes a Justice wiser then his Clerke'.⁶³

Clearly, *The Humorous Magistrate* reflects a familiarity with plays for the Elizabethan and Jacobean public stage. As Windle argues above, however, the play specifically focuses its satire on Caroline legal and political concerns. *The Humorous Magistrate* also shares much in its setting, plot elements, themes, and tone with dramatic works of the 1630s and early 1640s. As Martin Butler observes in his field-changing revisionary book on the drama of 1632–1642: 'Caroline comedy is not simply a comedy of social life, interested only in the finer niceties of manners in a prescribed environment, but a comedy of political life too, interested as much in the relationships between society's various parts as those within only one of those parts'.⁶⁴ *The Humorous Magistrate* shares the interests that Butler describes. Like a number of Caroline dramas, this play explores the rural/provincial concerns about local governors and their modes of governing.⁶⁵ The play also shares in the renewed interest in pastoral drama, which was certainly an aspect of masque-making, most perfectly in Milton's *Comus*, but which was also employed in school plays such as John Tatham's *Love Crowns the End* and in Jonson's unfinished *The Sad Shepherd*.

The Humorous Magistrate contributes to the revival of the pastoral as a means to dramatize the idealization of the English countryside as commonwealth and fears about its corruption. The Osborne/Arbury play resonates particularly, however, with Richard Brome's *A Jovial Crew*, the last professional drama to be staged before the closing of the theatres in September 1642. Julie Sanders has convincingly illustrated the 'topical energy' of this play. Sanders suggests that in Brome's play the community of vagabonds, to which the provincial patriarch Oldrents' daughters are attracted, offers not a realist representation of the true life of English vagabonds and beggars, but, as Windle argues above about the King of the Shepherds in *The Humorous Magistrate*, an alternative 'commonwealth' that 'contains the very freedoms and liberties that critics of the personal rule felt were under threat'.⁶⁶

The similarities between the plays, however, are more explicit than this shared political outlook. In *A Jovial Crew*, we find another corrupt country justice, Justice Clack, whose pompous rhetoric mirrors Thrifty's. Thrifty tirelessly repeats the phrase 'as I told you before' to illustrate how very tiresome he finds his interlocutors. To the complaint by his daughter's suitor that Thrifty indeed had not explained to him the ordering of Thrifty's household before, Thrifty replies:

As I told you before *Sir*, is my word, I am affected to the phrase, *Sir*, & fault me not, if I lace my discourse with as I told you, or as I told you before; for men in my place haue their words by themselues, & I thought good to make choice of as I told you, before any other sentence [*Sir*], therefore vnder-stand as I told you, & be satisfied as I told you before.⁶⁷

Though Brome's Justice Clack is a minor character who first appears in Act 5, his pomposity is satirized by the repetition eleven times of a similar catchphrase. Here, he interrupts his ward and niece Amie's suitor Martin, who has told Clack that Amie is with the vagabonds:

Nay, if we both speak together, how shall we hear one another? You believe her Vertue is Armour of proof, without your Councill or your Guard; and therefore you left her in the hands of Rogues and Vagabonds, to make your Peace with me. You have it. Provided, I say (as I said before) that she be safe, that is to say, uncorrupted, undefiled; that is to say — as I said before.⁶⁸

Thrifty and Clack also make a strikingly similar claim about their approach to judicial process. When Thrifty's daughter runs off with her suitor, he sets out to punish her 'dry nurse'. When Jennet appeals her innocence, Thrifty declares, 'Ile first punish the fact & then examine the busines'.⁶⁹ Clack is similarly enraged that Amie ran off with Martin, to whom he declares, by 'mine own Rule ... [I] punish before I examine'. He repeats the claim after threatening to put a group of players in the stocks for 'act[ing], justices'. The character Sentwell appeals to his mercy and Clack declares, 'But you know my way of *Iustice* (and that's a sure way) is to punish 'em first, and be compassionate afterwards, as I finde 'em upon their Examination'.⁷⁰ In both plays the alternative communities welcome musicians into their company and both plays make mention of the recent conviction of musicians for 'singing libellous Songs'.⁷¹

Further, and importantly for the dating question on which this article has been focusing, one keen-eyed team member, Jacqueline Jenkins, has recently discovered another topical reference that appears only in the Osborne revision of *The Humorous Magistrate*. The allusion allows us to date the production of the Osborne version quite precisely in the early 1640s and thus also very close in time to Brome's composition and then the playing of *A Jovial Crew*. Jenkins, co-editor of the edition of the Osborne manuscript we are preparing for the Malone Society, has identified an allusion to an order issued by King

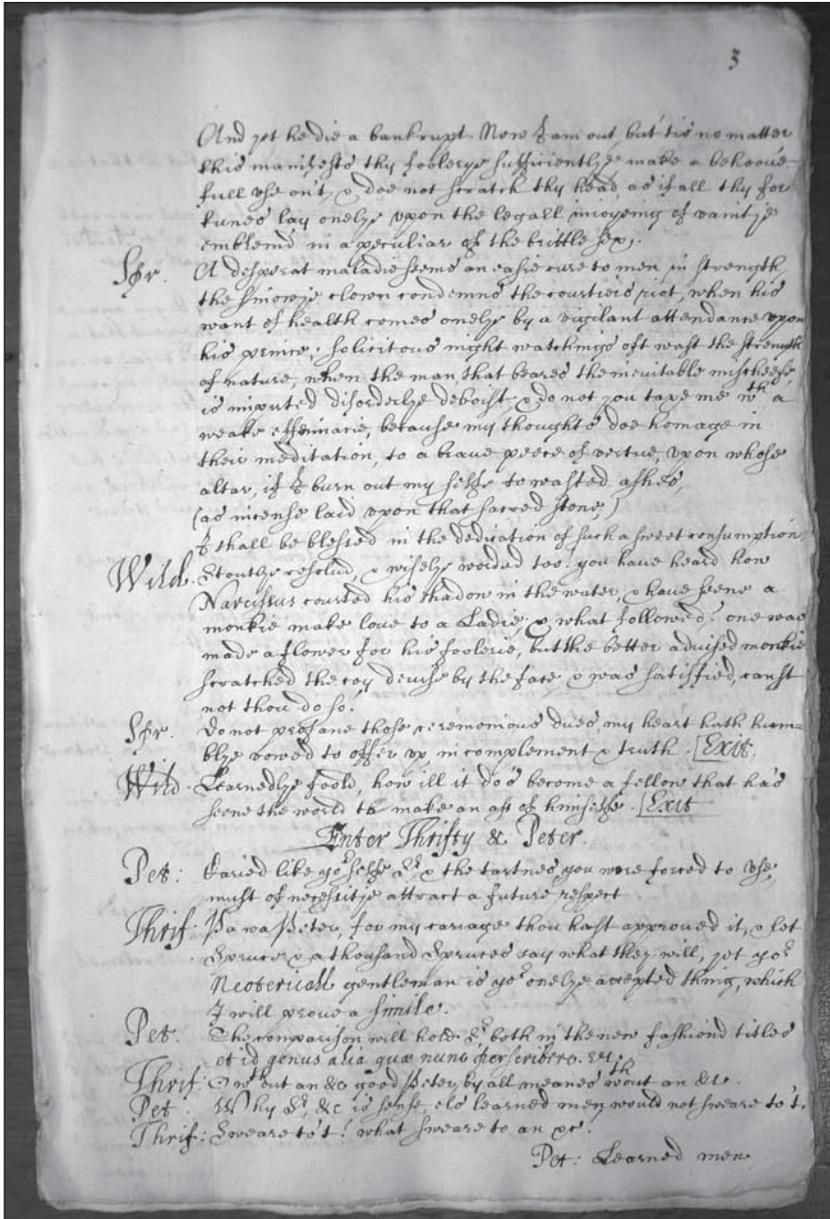


Fig. 3: The dialogue about 'the etc. oath', folio 3v of the Osborne version of *The Humorous Magistrate*. Printed with permission of the University of Calgary Library, Special Collections.

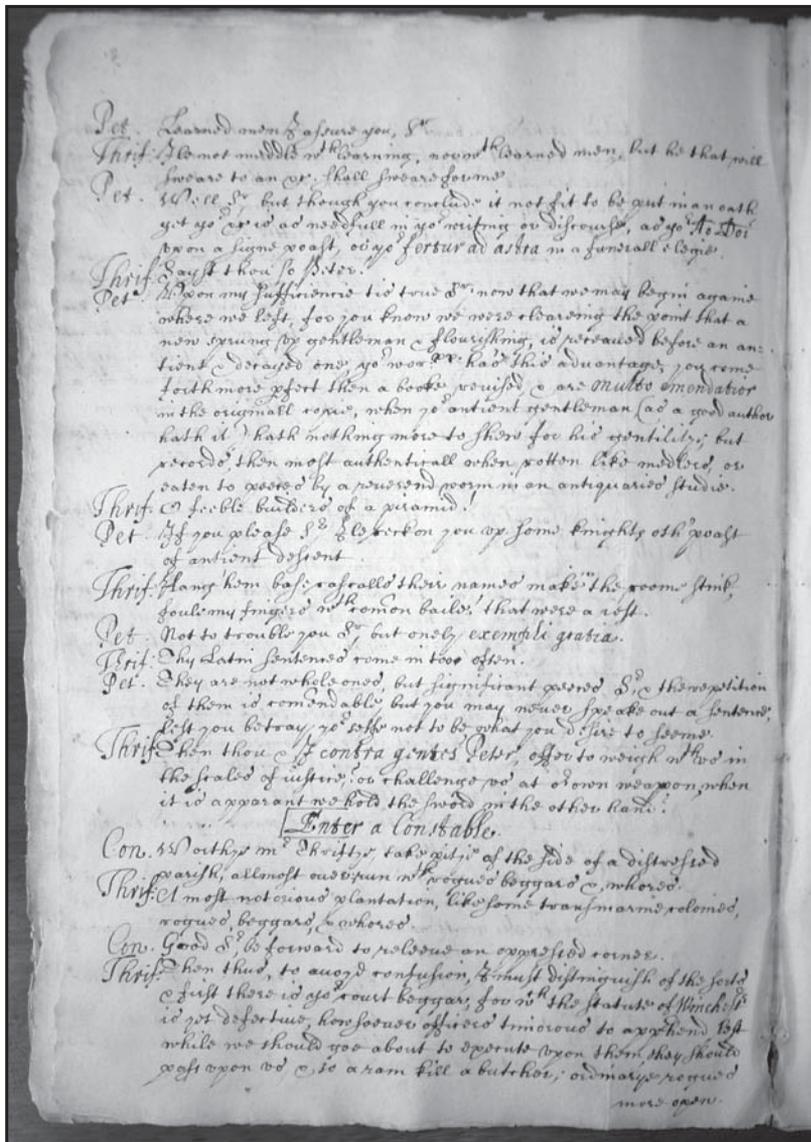


Fig. 4: The dialogue about 'the etc. oath', folio 3 of the Osborne version of *The Humorous Magistrate*. Printed with permission of the University of Calgary Library, Special Collections.

Charles and Archbishop Laud in May 1640. Known colloquially as 'the Etc. Oath', the order was Canon 6 of 'seventeen canons' directed at all governors, secular and clerical, in the realm. Each was to 'swear that I do approve the doctrine, and discipline, or government established in the Church of England ... by archbishops, bishops, deans, and archdeacons, &c'.⁷² The '&c.' in the oath was instantly suspect.

The allusion appears as Thrifty and Peter are discussing the relative merits of old versus new money:

Thrif: ... *your* Neoterically gentleman is *your* onely accepted thing, which I will proue a simile.

Pet. The comparison will hold *Sir*, both in the new fashion'd titles et id genus alia quae nunc perscribero. Etc

Thrif: O without an &c good Peter, by all meanes without an &c.

Pet. Why *Sir*, &c is sense, els learned men would not swears to't.

Thrif: Swears to't! what swears to an &c!⁷³ (See figures 3 and 4)

Thrifty's reluctance reflects the reality of the response to the canons in general, which, David Cressy notes in his recent *England on Edge: Crisis and Revolution 1640–1642*, were 'vastly unpopular', and to the oath in particular.⁷⁴ Cressy finds among diaries, letters, and manuscripts a wide array of reports on how 'none' would take it, that it was "a strange mis-shapen monster", and a 'filthy execrable oath' from 'those monstrous, Babylonish, menstruous canons'.⁷⁵ The king bowed to pressure from all sides and dropped the initiative to have all sworn by 2 November. A first order of business when the long parliament met on 3 November was not only to reject all of the canons, but also to impeach twelve bishops for their role in making them.⁷⁶ As new critical events mounted, commanding the attention of both governors and subjects, we would speculate that the revision of *The Humorous Magistrate* that is represented in the Osborne version of the play must have been created after May 1640, but perhaps not too long after November of that year.

Matthew Steggle has argued convincingly that *A Jovial Crew* was performed in March 1642.⁷⁷ If we agree that the similarities between the plays are too great to be coincidental, even if they both were directing their satire at an actual justice of the peace, then it would seem that Brome must have had some kind of knowledge of this play. Did Brome see an amateur performance of the drama? Did he have a hand in its composition? Or is it possible that Brome read the play? Was the tidy Osborne manuscript in circulation with

other works of satire in the early 1640s:⁷⁸ Thrifty himself suggests in one of his closing speeches, found only in the Osborne version, that what we have just been witness to, the dramatic narrative,

is part of my Cronicle, which I will haue præserued
In manuscript, till the printers be at more lesure.⁷⁹

In any case, the play represented in the Arbury and Osborne manuscripts offers more evidence that Caroline drama was the site of public opinion about the government. As Butler suggests, political commentary as a function of the theatre arts was perhaps even more important during the personal rule, when other avenues for complaint and debate were shut down, than it had been under Elizabeth and James. This revisionist view of drama to 1642 squares with Cressy's engagement with historical contentions about if, whether and when the civil wars and their aftermath could be called revolutionary. After several decades of debate on this topic, Cressy notes, much work in the 1980s viewed the adjective as excessive. Nevertheless, 'the historiographical undead the English Revolution keeps getting up and pulling the stake from its heart'.⁸⁰ To those scholars who conjure its resurrection, Cressy argues that '[m]uch of England's world turned upside down *before* the outbreak of the war'.⁸¹ Among the many material manifestations of public voice that Cressy explores for the period 1640–42, we do not find theatrical performance or dramatic works. Yet the work of literary scholars over the last twenty years points to a Caroline theatre that also reflects, not a country anticipating war and regicide, but certainly both an England and a drama 'on edge' and a public engaging with politics and fear in a myriad of ways. As the character Jennet counsels the young in *The Humorous Magistrate*, 'you see the times are dangerous'.⁸² However one wants to understand the nature and cause of change in human history, debate was certainly alive and thriving when the play of Justice Thrifty, Peter his clerk, Mistress Mumble, the young lovers and the King of the Shepherds was conceived and busily revised.

Notes

We wish to thank the Social Science and Humanities Research Council for funding our research on this collaborative article. This funding also allowed us to present an early version of this paper at the Rights, Ethics, Law and Literature International Colloquium, Swansea University School of Law, July 2007. We also thank our many faculty and graduate student collaborators; special mention for their help on this paper goes to co-investigator Dr. Jacqueline Jenkins and graduate student research assistant Boyda Johnstone. We are very grateful to the *Early Theatre* readers for their invaluable comments and advice. We thank as well Lord Daventry for allowing us to publish an image from the Arbury miscellany and the University of Calgary Library Special Collections for permission to publish three images from Osborne 132.27

- 1 Justice of the Peace Thrifty, f 25v in the manuscript play found in the University of Calgary Osborne Collection and catalogued as 132.27. In REED style, we use italics for letters supplied in expansion; square brackets to enclose cancellations; upper half brackets for material written above the line (and also carets, where they appear); REED style does not permit editorial additions, and original italics are presented silently as roman.
- 2 *OED online*. 18 August 2008.
- 3 Early investigators at the University of Calgary included faculty members Jacqueline Jenkins, Murray McGillivray, Mary Polito (English) and Louis Knafla (History); Special Collections librarian Apollonia Steele; and graduate assistants Amy Britton, Andrew Bretz and Sebastien Windle. Barry Yzereef (Drama) directed the workshop production of the play at the symposium. Windle investigated many of the internal references in the play and went on to devote his MA thesis to dating the composition of the Osborne manuscript. The first section of this essay is collaboratively written by Windle and Polito. The second is a revised version of Windle's work on topical allusion which first appeared in his thesis. The final section, by Polito, locates the play temporally by way of its direct references to and generic links with other plays circa 1600–1642. Polito also provides further evidence for dating the production of the Osborne manuscript by way of direct topical reference.
- 4 Osborne, *The Humorous Magistrate*, f 16v.
- 5 T.H. Howard-Hill, 'Another Warwickshire Playwright: John Newdigate of Arbury', *Renaissance Papers* (1988), 51–62. Our investigations make Howard-Hill's case for the involvement of John Newdigate compelling.
- 6 W.W. Greg, *The Editorial Problems in Shakespeare: a Survey of the Foundations of the Text* (Oxford, 1954), 31.

- 7 Margaret Jane Kidnie, 'Near Neighbours: Another Early Seventeenth-Century Manuscript Copy of *The Humorous Magistrate*', *English Manuscript Drama, 1100–1700* (London, 2007), 187–211.
- 8 Ibid, 7.
- 9 Paul Werstine, 'Plays in Manuscript', in John D. Cox and David Scott Kastan (eds), *A New History of Early English Drama* (New York, 1997), 492.
- 10 Kidnie speculates about the 'near neighbours' represented by the Rollestons of Watnall, the Newdigates of Arbury Hall and their midland associates. Particularly intriguing is the figure Lady Jane Burdett, a woman whose published funeral tributes suggest she was a patron of dramatic arts and poetry among a social set that certainly included the Newdigates of Arbury.
- 11 Kidnie, 'Near Neighbours', 5, 7.
- 12 Henceforth we will indicate whether citations from the play are found in one or both manuscript versions. If the citation appears in both versions, we will provide the second citation in a note.
- 13 For evidence on dating from allusions to material culture and vocabulary, see Windle's Master's thesis: *Dating Osborne 132.27*, (Calgary 2006).
- 14 *A Commission to the Lords, and Other of the Privy Council, for Putting in Execution of the Laws and Statutes for Relief of the Poor, Punishment or Rogues, and Imployment of Gifts to Charitable Uses* can be found in John Rushworth, *Historical Collections. Containing the Principal Matters which Happened from the Dissolution of the Parliament on the 10th of March, 4 Car. I. 1628/9 until the Summoning of Another Parliament, which Met at Westminster, April 13, 1640* (London, 1686) EEBO, 696–9.
- 15 'A Proclamation Commanding the Gentry to Keepe Their Residence at Their Mansions in the Countrey and Forbidding Them to Make Their Habitations in London, and Places Adjoyning' is reproduced in James F. Larkin (ed), *Stuart Royal Proclamations. Volume II, Royal Proclamations of King Charles I, 1625–1646* (Oxford, 1983).
- 16 Osborne, ff 1–IV.
- Pet. How an like *your worship*. Thrif: Looke there. Tuesday high wayes
 Thrif. Tues[day highways, Thursday, Alehouses,]
 Pet. [No sure *Sir* friday Alehouses euer, & though the recogni-]
 Pet. no *Sir*. *your booke* is false. Thriftye. Then prithee mend it. | [sauce be
 forfeit for dressing meat |flesh|on a friday, yet it is no matter, the goodwife
 dos but offend the king |law|to please the right *worshipfull*, but fridaye's the
 day] I [assure you] *Sir*.
 Thrif [Then my booke is false here mend it, well then][so now thus
 stands the *apointment*, munday we meet about ye ouer][thus stands
 the *apointment* |munday & we sit o the |wensday Peter thou][sers ac-

counts, Tuesday sessions [knowest is my ordareng, Tuesday] [subsidy the sessions < ... >] [wensday] high wayes Thursday [bridges] [alehouses], friday [alehouses] [bridges], & Saturday bastard children

(Arbury, ff105–5v)

- 17 Rushworth, *Historical Collections*, 696. For more on the making of the Book of Orders see B.W. Quintrell, 'The Making of Charles I's Book of Orders', *English Historical Review* 95 (1980), 553–72.
- 18 Ibid, 697.
- 19 Ibid, 697.
- 20 Ibid, 699.
- 21 Ibid, 696.
- 22 Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England* (New Haven, 1986), 40.
- 23 Rushworth, *Historical Collections*, 698.
- 24 T.G. Barnes, *Somerset 1625–1640: A County's Government During the Personal Rule* (London, 1961), 302–3.
- 25 The nature of the reception by justices of the peace, the degree and effectiveness of enforcement and thus the influence of the Book of Orders is still a matter of debate among scholars. See, for example, Fletcher, *Reform in the Provinces*, and Henrik Langelüddecke, "Patchy and Spasmodic?": The Response of Justices of the Peace to Charles I's Book of Orders', *English Historical Review* 113 (1998), 1231. Fletcher and Langelüddecke provide evidence of the kind of tension between the King and local justices that I find reflected in the characterization of Justice Thrifty. Kevin Sharpe, in his monumental study of the personal rule, more positively suggests that the measures 'led most JPs to some greater sense of their duty and accountability'. See Sharpe's *The Personal Rule of Charles I* (New Haven, 1992), 463.
- 26 Osborne, f 25v.
- Thrif: my noble freinds, let not I beseech *you* the life of a Iustice of peace be had in contempt, who is thus forct to descend to keepe order in a county.
- (Arbury, f 142)
- 27 The text concludes that it is not Charles's 'purport to restraine the necessary access ... to the said Cities' but to allow his subjects with 'necessary business' free access to London and Westminster while maintaining peace and order in the counties of the Realm (Larkin 352).
- 28 In the document it is claimed that the migration of England's noble sort towards London and Westminster has led to the financial depletion of the country estates, and that looseness, idleness and the 'excessive use of Forraigne Commodities' has contributed to the 'unnecessary consumption of ... the treasure of the realm' (Larkin, *Stuart Royal*

Proclamations, 351). Further, the proclamation complains that this absence has led to the increase of ‘Beggery ... Contagion and Infection’ among the poor and idle (351).

29 Larkin, *Stuart Royal Proclamations*, 352.

30 According to Larkin and to David L. Smith, in *A History of the Modern British Isles, 1603–1707: The Double Crown* (Oxford, 1998), similar proclamations recurred regularly after 1596, and Charles issued such orders in 1626, 1627 and 1630 and 1639 (Larkin, *Stuart Royal Proclamations*, 648; Smith, 88).

31 In *Theatre and Crisis, 1632–1642* (Cambridge 1984), Martin Butler writes ‘Charles followed [the proclamation of 1632] up with a series of vigorous show trials of offenders’ (118); also, Larkin notes that ‘in Feb 1633 ‘a great number of lords and gentlemen are called into question, and like to be troubled for having sojourned here in the city contrary to his Majesty’s proclamation’ (Larkin, *Stuart Royal Proclamations*, 352 n2).

32 Sharpe, *The Personal Rule of Charles I*, 417.

33 Smith, *A History of the Modern British Isles*, 88.

34 See Butler, *Theatre and Crisis*, chapter 3 ‘Theatre and Audience’.

35 Osborne, f 25v.

Thrif: ... nor do you think erroneously my proceedings are preposterous,
when my own abilities tell me they are regular & immaculate ...

(Arbury, f 142)

36 Osborne, f 3v. This speech does not appear in the Arbury Manuscript; in fact this entire scene involving Spruce, Thrifty and, later, the Constable does not appear in that version of the play.

37 Osborne, f 1v.

Sp: ... How miserably plagud is my deare *Constance* to haue such a thing
to her father as cannot read English but in his Clerks hand nor euer writ
[‘once when Peter hand was out oth’ way vpon cap paper’] superscription but
to the Constable & his deputy & that vpon cap paper. (Arbury, f 106)

38 Osborne, f 22.

Jen: ... I aduanced [‘you’] to be your *masters* Clerk, nay you are come to
this height, that neuer any man makes suit to him but he cries Peter shall I
grant it ...

(Arbury, f 136)

39 Osborne, f 1v. This line does not appear in the Arbury version.

40 Osborne, f 17v.

King: For my yeare & in *our* sheepwalks, [there is not] [‘Pan was neuer’] a more absolute king, nor [‘is’] there a better gouerned *common-wealth* in [‘Christendome then *ours*’] [‘Christendome then *oures*’] [‘Arcadia it selfe’].

(Arbury, f 130)

41 Osborne, f 18.

King: I but when *your* king speakes, *you* must neuer cry any thing but good, or well spoken, or admirable or so, neuer disturb him, but cry king goe on, or bless *our* *gouernour*. (Arbury, f 130)

42 Osborne, f 18.

King: Then *subiectes* be content, when you are required without running away, [to] put your cambrells quietly into the hooke of [gouernment] [restraint], struggle not when *your* kinges dog catches you by th' eare, though he pinch it quite through [till] [or make] the blood come, be not vnwilling to receaue the pitchbrand of [distinguishment] [distinction,] though ye iron be so hot it make *your* buttockes blister, are you content? (Arbury, f 130)

43 Osborne, f 18.

King: How dare you trauell that are rogues by th' statute & Iustices dwell at euery town *yat* [want fellowes] [dare meddle with] [to shew their authority vpon]. [nothing but whipping of beggers.] (Arbury, f 130v).

44 *The Statutes of the Realm*, 11 Vols, 1810–1828 (London, 1963).4.591–2.

45 In *Travelling Players in Shakespeare's England* (New York, 2002), Siobhan Keenan explores the notion that there was a country aversion to travelling players in the 1630s in order to consider whether this led to the sharp decline in touring one sees during that decade.

46 Osborne, f 18. Interestingly, the subtle allusion to 'Come Heare, Lady Muses and Help Mee to Sing' does not appear in the Arbury Manuscript. While the King of the Shepherds in the Arbury version similarly finds 'songes to be parills things' and has heard that 'such as you have bene whipt for songes', the musician accuses his detractors simply of being 'Foolles', and makes no reference to any specific song or tune he and the musicians might perform (Arbury, f.130v).

47 The ballad is first mentioned in modern scholarship in Edward F. Rimbault's 'Satirical Song Upon George Villiers, Duke of Buckingham' *Notes and Queries* 49.2 (1850), 291.

48 Alastair Bellany and Andrew McRae, editors of *Early Stuart Libels: an Edition of Poetry from Manuscript Sources. Early Modern Literary Studies. Text Series I* (2005) write, 'Three fiddlers were tried and convicted of seditious libel after performing this song at Ware, Buckinghamshire, and at Staines, Middlesex, in the late spring and early summer of 1627' (Notes par.1).

49 Bodleian Library MS Add C.302. Bodleian Library, University of Oxford, Oxford f.18. In this document 'Come Heare, Lady Muses and Help Mee to Sing' is described as a 'Libell censured in starr chamber on Oct. 17, 1627 On the Duke of Buckingham'.

- 62 Osborne, f iv. This speech does not appear in the Arbury version.
- 63 *Early English Books Online*, (London, 1638) document image 3. Nabbes' representation of the corrupt clerk Warrant and Ralph's comment that finding an honest scrivener is 'an impossibility, unlesse the Pillory were more terrible' squares closely with Peter Beal's selection of prose characterizations of clerks and scribes in the period, most of which were biting critical. They seem to betray a fear of that figure's skill with a quill and insider knowledge. See Beal's *In Praise of Scribes: Manuscripts and their Makers in Seventeenth-Century England* (Oxford, 1998).
- 64 Butler, *Theatre and Crisis*, 142.
- 65 See Butler, *ibid*, chapter 9, 'Concepts of the Country in Drama' 251–79; Julie Sanders, *Caroline Drama: The Plays of Massinger, Ford, Shirley and Brome* (Plymouth, 1999), especially the chapter 'Country and Community'.
- 66 Julie Sanders, 'Beggars' Commonwealths and the Pre-Civil War Stage: Suckling's 'The Goblins,' Brome's 'A Jovial Crew,' and Shirley's 'The Sisters', *The Modern Language Review* 97.1 (January 2002), 6. I wish to thank Gabriel Egan, co-seminar leader for the session 'Sa[ll]vaging the New Bibliography' at the International Shakespeare Association conference in Brisbane in 2006. On reading my paper for that session, 'Thrifty's 'Cronicle': Genre, Revision and the Scrivener's Art in Two Dramatic Manuscripts', he suggested that what he had heard cited from the play reminded him of the work of Richard Brome.
- 67 Osborne, f 8.
 Thrif: As I told you before *Sir* is my word I am affected to the phrase *Sir*, & fault me not [thou] [if] I lace my discourse with as I told *you* or as I told you before, for men in my place euer haue their words by themselues, & when I was put in commision I made choice of as [I] told you *Sir*, therefore vnderstand as I told *you* & be satisfied as I told you before. (Arbury, f 115)
- 68 *Early English Books Online*, (London, 1638) document image 49.
- 69 Osborne, f 21.
 Thrif: After ye sentence is past there is no reuocation, Ile punish the fact & then examine the busines. (Arbury, f 135)
- 70 *EEBO*, document image 50. Thanks to Osborne project research assistant Paul Faber for pointing out the first of the quotations that reflect Clack's Thrifty-like jurisprudence.
- 71 One of Brome's beggars declares, 'We have *Musicians* too among us: true *merry Beggars* indeed, that being within the reach of the Lash for singing libellous Songs at *London*, were fain to flie into our Covie, and here they sing all our Poet's Ditties', document image 14. Windle notes above the Osborne and the Arbury iterations of the allusion to the punishment of musicians.

