

BACONIANA

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SHAKE-SPEARES

S O N N E T S.

Neuer before Imprinted.

AT LONDON

By *G. Eld* for *T. T.* and are
to be solde by *John Wright*, dwelling
at Christi Church gate.

1609.

TO. THE. ONLIE. BEGETTER. OF.
THESE. INSVING. SONNETS.
Mr. W. H. ALL. HAPPINESSE.
AND. THAT. ETERNITIE.
PROMISED.

BY.

OVR. EVER-LIVING. POET.
WISHETH.

THE. WELL-WISHING.
ADVENTVRER. IN.
SETTING.
FORTH.

T. T.

It should be clearly understood that BACONIANA is a medium for the discussion of subjects connected with the Objects of the Society, but the Council does not necessarily endorse opinions expressed by contributors or correspondents.

EDITORIAL

Once in a while ideas and discoveries do more than just fire the electrical circuits in our brains, they really light up the metaphorical lightbulb. Moreover, certain books seem to knock our skulls into a new mould to hold the old grey matter. Such a book has been written by Penn Leary and is reviewed in this issue. He has provided a rock-solid solution to the peculiar dedication to *Shake-Speares Sonnets* and which reads:

TO.THE.ONLIE.BEGETTER.OF.
 THESE.INSVING.SONNETS.
 Mr.W.H. ALL.HAPPINESSE.
 AND.THAT.ETERNITIE.
 PROMISED.
 BY.
 OVR.EVER-LIVING.POET.
 WISHETH.
 THE.WELL-WISHING.
 ADVENTVRER.IN.
 SETTING.
 FORTH.
 T.T.

It has aroused much speculation from literary experts but the only logical solution is provided by cryptography. This gives a water-tight answer to the odd wording and spelling, without which a clear message could not be obtained. Penn Leary had to use a very rare edition of the *Sonnets*, not the well-known one sold by John Wright. The message reveals the true author and the person to whom publication of the *Sonnets* was dedicated - someone quite unsuspected.

How did our Baconian do it? The dedication itself tells how. Mr Leary took its last word as a numerical indicator for applying a transposition cipher to the last letter of each word. It is especially exciting that the penultimate letters too yield a valid and clear cipher message. The messages from both lots of letters are, as one would expect, mutually related. The odds against this happening by chance are astronomical. Therefore, the dedication is a deliberately devised cryptogram.

The system was employed not only in the *Sonnets* but also in other contemporary works after its inclusion in the publication of the complete works of Abbot Trithemius in 1606. As with Selenus' squaring method, this system is a considerable advance upon our predecessors' attempts at deciphering the Shakespeare works. Their efforts were seriously criticised thirty years ago by America's leading cryptanalysts, the Friedmans. However, by using these experts' own recommendations Penn Leary demonstrates how his discovery thoroughly meets their criteria for a true cipher. So, in addition to the squaring system we now have another straightforward, accurate and scientific method. Another breakthrough.

Lavish recommendation cannot do adequate justice to Penn Leary's work. *The Cryptographic Shakespeare* is recommended to all Baconians. It is so remarkable that it should be in every free-thinker's library.

Now that our Society's case for Francis Bacon's involvement in the Shakespeare corpus has been soundly proven it behoves us to recall and apply ourselves to his objective - the improvement and ascent of inner consciousness for the benefit of society.

Richard Barker

Apologia.

Mr Clifford Hall's article about Francis Bacon and law reform in the last issue of *Baconiana* first appeared in *Graya* 90 (1986-87) and we are grateful to the editor for permission to reprint it. Mr Hall is the founder and Staff Editor of the *Denning Law Journal*.

An Australian member, Mr Allan Campbell, has kindly corrected the previous Editorial. He advises that the Rosicrucian Dr Harvey Spencer Lewis was the Vice-President of the Society and not of an American Bacon Society.

OUR NEW PRESIDENT

The Council are privileged to welcome Master Francis Cowper of Gray's Inn as our new President. He is the Editor of the Gray's Inn Journal *Graya* and it will be remembered that he represented the Inn at our Centenary celebrations at St Albans in June 1986. The Francis Bacon Society also welcomes this further contact with Gray's Inn who, in their 1986 edition of *Graya*, printed an appreciation of the Centenary celebrations and also an informed article by our Mr Clifford Hall, M.A. LL.M., entitled "Francis Bacon and Law Reform" which is of great interest.

OBITUARY

The Council much regrets to announce the sad death, on the 1st October 1988, of our President, James Maconochie, at the age of fifty-five.

Jamie had been a member of the Society for over thirty years and, in 1963, became one of the Trustees of the Stuart Francis Bacon Endowment Fund which was formed from a generous bequest by his grandmother, the late Mrs Arnold Stuart, who had been one of the founder members of the Francis Bacon Society. The objects of this Fund is identical to that of the Society and its income is to be used, at the discretion of the Trustees, to supplement our work.

In 1964, Jamie was elected a member of the Council and we are grateful for his advice and support given during this time. In 1980, he became a patron and a Trustee of the newly formed Francis Bacon Research Trust which is, of course, closely affiliated with the Francis Bacon Society. In 1983, Jamie was elected our Honorary President and until his serious illness he invariably attended our social and Council meetings.

A few days before his passing I was invited to lunch with him at his lovely home in Hampshire with its beautiful grounds which were his joy, and which, from time to time, he opened to the public in aid of various charities which he supported. I returned with a number of Baconian books and pamphlets he wished to donate to the Society.

Jamie was a reserved and modest man, though capable of expressing strong views when occasion demanded. His friendship and courtesy to those who knew him will be sorely missed.

T. D. Bokenham
Chairman

A RENAISSANCE PHILANTHROPIST

by Mary Brameld

I contend that one of Francis Bacon's strongly-felt convictions was that he should regard the exercise of philanthropy as the great vocation of his life. He did, in fact, make such a statement when he was quite a young man by saying: "I was born for philanthopia: it is so fixed in my mind as it cannot be removed."

This declaration of the young Francis that he wished to be a philanthropist must have presented him with many a challenge and problem at a personal level for he was an aristocrat who moved in Court circles. He worked for the monarch as well as his country and in his day and age it was not customary to bother about the rights or the opinion or feelings of the lower classes. And yet to take on the mission of becoming a philanthropist in its true sense, and do it full justice, would necessitate the trial at least of exerting his energies and thought to helping all and sundry, irrespective of their class and upbringing; and sheer love of goodness and charity being the motivation of his actions, whenever he was free to do so. He believed in the Biblical statement that Man was made in the image of God and was convinced that he should endeavour to follow the divine pattern and to emulate the character of the Deity. In his Essay 'Of Goodness and Goodness of Nature' Bacon discusses the nature of goodness and ascribes it to the character of the Deity:

I take Goodness in this sense, the affecting of the weal of men which is that which the Grecians call Philanthopia; and the word Humanity (as it is used) is a little too light to express it. Goodness I call the habit, and Goodness of Nature the inclination. This of all virtues and divinities of the mind is the greatest, being the character of the Deity: and without it man is a busy, mischievous, wretched thing, no better than a kind of vermin. Goodness answers to the theological virtue Charity, and admits no excess but error. The desire of power in excess caused the angels to fall; the desire of knowledge in excess caused man to fall; but in Charity there is no excess, neither can angel or man come in danger by it..... The parts and signs of goodness are many. If a man be gracious and

courteous to strangers it shews he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them. If he be compassionate towards the afflictions of others, it shews that his heart is like the noble tree that is wounded itself when it gives the balm. If he easily pardons and remits offences it shews that his mind is planted above injuries: so that he cannot be shot. If he be thankful for small benefits, it shews that he weighs men's minds, and not their trash. But above all, if he have St. Paul's perfection, that he would wish to be an anathema from Christ for salvation of his brethren, it shews much of a kind of conformity with Christ himself.

I think it is important to bear in mind that in this Essay he was using the connotation used by the Greeks not only of the word 'Philanthropia' but also of the word 'anathema' meaning 'a thing devoted', for this slant throws new light on the interpretation of this last sentence. It shows us that Francis was hinting that he, like any sincere seeker after truth and virtue, wished to practise philanthropy and aimed at assuming a kind of conformity with Christ himself. I am in agreement with Richard Barker's statement (in *Baconiana* 187) that "Francis Bacon's Essay 'Of Goodness and Goodness in Nature' virtually stands as an epitome of his life."

Although Francis so often assumed the role of a philosopher in his writings this was not, I'm sure, for the sake of being clever but because he was genuinely interested in many things and truly wished to follow the pursuit of wisdom. And it came naturally to him to analyse and perceive the causes and principles underlying the actions and behaviour of men, or the nature of Divinity. In the same way, the practice of philanthropy was not a grandiose or ostentatious gesture on his part; far from it. I believe he really did wish to express charity and goodness in his life because of sincerely-felt ethical and spiritual motivations. Therefore, just as in this essay Francis analysed and described the parts and signs of goodness let us, in turn, see if we can recognise parts and signs of philanthropy, or charity and goodness, being exercised in some of Bacon's actions or expressed in his character.

In 1631, only five years after Bacon's death, Pierre Amboise published in Paris his *Histoire Naturelle* and prefixed to this work was a discourse on the life of Francis Bacon. In it Amboise tells us that Francis had many virtues

and that in his opinion there was no man who loved equity or so enthusiastically worked for the public good as he did. Here, surely, is a good description of a philanthropist; one who, as the dictionary explains, "exerts himself for the well-being of his fellow men" and is a "lover of mankind". This is how Amboise described Francis:

Among so many virtues that made this man commendable, prudence, as the first of all the moral virtues and that most necessary to those of his profession, was that which shone in him the most brightly. His profound wisdom can be most readily seen in his books, and his matchless fidelity in the signal services that he continually rendered to his Prince. Never was there a man who so loved equity, or so enthusiastically worked for the public good as he: so that I may aver that he would have been much better suited to a Republic than to a Monarchy, where frequently the convenience of the Prince is more thought of than that of his people. And I do not doubt that had he lived in a Republic he would have acquired as much glory from the citizens as formerly did Aristides and Cato, the one in Athens, the other in Rome....

Vanity, avarice, and ambition, vices that too often attach themselves to great honours, were to him quite unknown, and if he did a good action it was not from the desire of fame, but simply because he could not do otherwise. His good qualities were entirely pure, without being clouded by the admixture of any imperfections, and the passions that form usually the defects in great men in him only served to bring out his virtues; If he felt hatred and rage it was only against evil-doers, to shew his detestation of their crimes, and success or failure in the affairs of his country brought to him the greater part of his joys or his sorrows."

From this part of the quotation under discussion we can see that although Amboise was aware that most men in high places often were vain, or became so, pleased with their own achievements and ambitious to go from strength to strength, thoroughly enjoying fame and honours, he observed that Francis was the exception and did a good action for altruistic reasons; the good qualities within his nature urging him to do so, and also the genuine love of his country and all who dwelt therein, from the highest to the lowest, being a further motivating power. And although Francis did experience the emotions of anger and hatred these were roused, we are told, from a reaction of righteous indignation and because of

suffering caused by wrong-doers, detesting the crime itself, as well as feeling compassion for the suffering inflicted upon another. Amboise continues with his assessment of Bacon's character as follows:

He was truly a good man as he was an upright judge, and by the example of his life corrected vice and bad living as much as by pains and penalties. And, in a word, it seemed that nature had exempted from the ordinary frailties of men him whom she had marked out to deal with their crimes.

At this point I would like to refer to Bacon's Essay 'Of Judicature' on some of the qualities judges ought to possess:

Above all things integrity is their portion and proper virtue....In causes of life and death, judges ought (as far as the law permitteth) in justice to remember mercy; and to cast a severe eye upon the example, but a merciful eye upon the person.

In his legal work, we can ask the question "Did Francis Bacon act upon his own conclusions, putting into practice that which he wrote about?" Dr William Rawley, Bacon's Chaplain, answers this question for us in his own work on the *Life of the Rt. Hon Francis, Lord Bacon*. Here is what he wrote:

When his Office called him, as he was of the King's Council learned, to charge any offenders, either in criminals or capitols, he was never of an insulting and domineering nature over them but always tenderhearted, and carrying himself decently towards the Parties (though it was his duty to charge them home), but yet as one that looked upon the example with the eye of severity, but upon the person with the eye of pity and compassion.

This is most true, he was free from malice, which (as he said himself) he never bred nor fed. He was no Revenger of Injuries; which, if he had minded, he had both opportunity and place high enough to have done it. He was no heaver of men out of their places, as delighting in their ruin and undoing.

Among many valuable remarks which Rawley made about Francis Bacon's behaviour in his legal work I think it is important to note that these were instances where either the

law or else the monarch did not allow him to cast a merciful eye upon the person. The Trial of Essex was one such instance and in the light of Rawley's assessment of Bacon's character I am sure it must have grieved him greatly that he did not have a free hand in this case but was obliged to obey the Queen's command to pronounce the sentence which he did.

There were, however, other occasions where he did have freedom of choice in the exercise of his legal work which reflect his charity and goodness of nature. Referring again to 'Of Judicature' I quote: "Injustice maketh it (judgment) bitter, and delays maketh it sour."

When he became Lord Chancellor. Francis found very many cases which had not been finished even after several years, and because of his ability to imagine the thoughts and feelings of others, coupled with his firm sense of justice and guided by philanthropia and Christian charity, he decided to take a course of action which was unique in his day but entirely characteristic of his warm heart and goodness of nature. It had been customary, hitherto, for Chancellors to work only in the mornings, as well as to take long vacations. But Francis was most anxious to clear the backlog of cases as soon as possible and so he decided to provide an exception to the usual custom by returning to his Court in the afternoons. He also shortened his vacation periods in order to speed up justice. This he achieved in an amazingly short time. Thus it was that in his first four terms he made 8,798 orders and decrees and freed 35,000 suitors in his own Court. Remembering that legal work had never been the love of his life and that he much preferred to turn his thoughts towards creative work like drama, poetry, or philosophy, this action of self-imposed extra legal work was, I think, highly commendable and a clear example of philanthropy. One final point whilst on this subject. It is of importance to remember, in view of Bacon's subsequent fall from power, that there is no record of any of his judgments ever having been rescinded at any time. Also, that this work was done by him voluntarily. He did not take the easy way and blindly follow the customs of his predecessors in the legal profession but ever strove to take what he considered to be the right course of action ethically, whenever he had the freedom to do so.

The fact that certain counsel which he gave or advice he offered on State matters was either disregarded or opposed, whereby unpleasant consequences occurred, was no fault of his and blame should not be placed on his shoulders as an automatic, customary reaction.

Another example of Bacon's exceptional integrity, fairmindedness, his desire to help and give service to his fellows, especially the poor, oppressed and defenceless, was in his parliamentary career. As one would expect, the electorate loved him and sought to have him nominated on many committees. In contrast to this Queen Elizabeth was not always in agreement with his deliberations in the House of Commons. When Francis Bacon opposed the Bill on Enclosures she was furious with him and asked for his reasons on this. He replied: "I am against all enclosures and especially against enclosed justice." This was characteristic of his fairmindedness and adherence to truth, justice and integrity, and it resulted in winning him a double return in Parliament although it spoilt his relationship with the Queen for a long time afterwards, so great was her anger.

Another incident occurred in 1613 when the constituencies of Ipswich, St. Albans and Cambridge all elected Francis Bacon. This election caused a problem, for by now Francis had become Attorney General and no-one holding that office had ever remained a Member of the House of Commons; it was against the rules. The Commons, however, knowing Francis to be absolutely scrupulous, honest and discreet, waved aside their right and their customary objection to such a privilege, and they allowed Francis to remain a Member of the House. However, as a safe-guard, they made a record that "this tribute paid to personal merit and public service must not be drawn into a precedent dangerous to their franchise, and the case shall stand alone."

Being a gifted philosopher with the ability and desire to research into the principles of human action and conduct; being far-sighted, and wise enough to foresee possible dangers in relation to the affairs of his country and wishing to forestall these, but probably meeting with opposition among his colleagues in Parliament or in the Law, if they were too far removed from usual procedures and customs, it seems to

me that Francis must often have felt frustrated by the contrasts between his own views and breadth of vision and those of his colleagues which did not match up to his own elevated level of thought. Similarly, his great desire to exercise his philanthropic ideals, suggesting reforms in many departments of human life which he thought would be for the betterment of mankind, must also have presented him with many difficulties and called for patience, forbearance and tact on his part to pour oil on troubled waters, coupled with forgiveness in the face of great opposition or even animosity. Often to work in secret was the only alternative. And indeed, time and effort was spent openly by Francis Bacon in his dual careers as a politician and a lawyer, in which his gifts of speech, rhetoric, wisdom, and statesmanship were used with skill. Nevertheless, at the same time, still greater labour was expended by him secretly in the initial stages of the outworking of his vast scheme for the proficience and advancement of learning eventually known as 'The Great Instauration'. Once again the inner motive for this great plan was, I venture to suggest, fundamentally philanthropic in intent, a real desire to affect the weal of mankind. It is interesting to note that although there have been many other reformers and philanthropists after Francis Bacon, quite a few in the eighteenth and nineteenth centuries as well as in our own century - men and women such as William Wilberforce, Florence Nightingale, Elizabeth Fry, Dr Barnado, to name a few - each of these have sought to right a wrong or alleviate suffering in one particular category of human life, ie slaves, wounded soldiers, prisoners, children, particularly waifs and strays; and in our own times, the aged, the blind, and many other categories of suffering people, Francis Bacon was, once again, the exception to the norm for he was a philanthropist who had both the vision, the desire, and the opportunity to affect the betterment of mankind in many differing ways and areas of activity, some of which have already been discussed.

Further, time and labour was spent by Francis as a writer but here again he offered several new ideas, or shall I say new in his era, but as many of these concepts were part of the Ancient Wisdom they were not really new, merely resuscitated. These were presented, I maintain, not for the sake of ostentation (something he disliked and often

mentioned in his writings) but because he wanted to lead people away from creeds, dogmas, disputations, theories and practices which were unprofitable in his estimation, towards different concepts which he felt could enlarge their understanding of true values and lead them to discover ultimate happiness by means of enlightenment. The statement he made under his pseudonym of Shakespeare, "Ignorance is the curse of God; knowledge the wing by which we fly to heaven" was, I am sure, a firm belief of his and it implies a theory which is an important one towards the understanding and interpretation of what he was trying to do for mankind, particularly in relation to his philosophy and his philanthropic ideals.

In the phrase "ignorance is the curse of god" the word 'curse' is a key word, used carefully as an ideograph. Remembering that Francis Bacon was such a deeply-thinking Christian and Bible scholar I feel inclined to think that Francis used the words 'curse of God' in order to lead us obliquely to the concept of the Fall of Man and of Paradise Lost. The phrase "knowledge is the wing by which we fly to heaven" leads us from the first part of the premise, referring to the fall, to the conclusion which must therefore refer to The Way of Return or Paradise Regained.

In Peter Dawkins's Commentary on 'The Great Instauration' where he outlines Bacon's scheme of the Great Plan there is, on page 17, a passage which bears relevance to the interpretation which I offer and is beautifully expressed:

....Francis Bacon considered that man was able to and should endeavour to return to the moral purity or virginity of the Garden of Eden state, and regain his original sovereignty over nature given to Adam by God, by striving to know and understand all things, particularly himself. Francis taught that the true purpose of acquiring knowledge and understanding of truth was so that mankind could better serve God and all life, in true love or charity.

In more than one instance in his writings did Francis discuss what he considered should be the rightful goal of man's search for knowledge, his reason for reading books and using his intellect and reasoning mind. Always did he end his reflections with conclusions such as the following:

It should be for the glory of the Creator and the relief of man's estate.

But as both heaven and earth do conspire and contribute to the use and benefit of man; so the end ought to be from both philosophies, to separate and reject vain speculations, and whatsoever is empty and void, and to preserve and augment whatsoever is solid and fruitful....

Lastly, I would address one general admonition to all; that they consider what are the true ends of knowledge, and that they seek it not either for pleasure of the mind, or for contention, or for superiority to others, or for profit, or fame, or power, or any of those inferior things; but for the benefit and use of life; and that they perfect and govern in charity.

Praefatis Generalis.
De Dignitate and Augmentis Scientiarum. 1623

All these conclusions of Francis Bacon's which I have quoted seem to me to be a key to his personal goal too, in relation to his own writings, his entire scheme and his actions, and these reflect his altruistic aims. This is why he exerted so much time and labour in his youth in attempting (along with a few colleagues whom he called his Knights of the Helmet) the immense task of enlarging the English language; translating books of the classics or manuals of instruction into English which few were at that time, gradually creating thereby a reading public, setting into motion the English Renaissance in the wake of the French Renaissance, and the great flowering of the arts in which he himself took an active part secretly a concealed poet and dramatist. All this work he felt was most needful and the results, he judged, would be a truly beneficial gift to his countrymen and also to future generations.

These were enormous and painstaking labours which were done secretly and voluntarily, without recognition and without financial gain. This in itself is, surely, an instance of philanthropia, and I think we all owe the Knights of the Helmet, his other Orders and Francis Bacon, the leader and instigator of these altruistic labours our very grateful thanks.

Further passages in Bacon's works which might at first seem strange deliberations to us, especially to the materialists of our world, are those which he called 'The Georgics of the Mind'. As a lead-in to this subject I would like to mention

two short quotations which are relevant. The first comes from a letter to Casaubon in 1609 in which Francis made the remark:

To write at leisure does not interest me! My concern is with life and human affairs and all their troubles and difficulties. It is these I wish to improve by true and wholesome thoughts.

The second is from Book 2 of *The Advancement of Learning*:

.....and surely if the purpose be in good earnest not to write at leisure, that which may be read at leisure, but really, to instruct and suborn actions and active life, these 'Georgics of the Mind' concerning the husbandry and tillage thereof, are no less worthy the heroical descriptions of virtue, duty, and felicity, wherefore the main and primitive division of moral knowledge seemeth to be into the exemplar or platform of good, and the regimen or culture of the mind the one describing the nature of good, the other prescribing rules how to subdue, apply and accommodate the will of man thereunto.

In my view Francis is hinting that, in order to achieve the goal he suggests, an individual has to patiently and persistently try to subdue selfwill and cultivate divine will. The latter is always present to a degree within the heart of every man and woman but it is often so deeply embedded as to be unrecognised and it has to be slowly uncovered and then helped to grow and develop.

The desires, emotions and feelings are closely inter-related with the will. Francis obviously recognised that any person who acquired the inclination to try out what he was advocating must first become aware of the various parts of his personality and judge whether some of his thoughts, desires, emotions were either self-centred or in some way expressing negativity and would need to be modified or altered in order that the latent divine will could be awakened and nurtured to full development and expression. This attitude is comparable to a gardener having the will and inclination to go into his garden and start to tackle the weeds and sweep up the untidy debris of old leaves and twigs before the garden can express its full potential of order and comeliness and show off the flowers to the best effect.

Understandably, microcosmic weeding can be most

irksome, arduous and disagreeable and yet whoever tries to do so, patiently, gently, persistently, will find the attempt so worthwhile, and progress will become more noticeable with the passage of time and repeated efforts. Perhaps I may be permitted to add that I, myself, have tried out Francis's suggestions on my own weak points of nature and have found the results to be entirely beneficial and worthwhile!¹

This is my interpretation of this quotation which I humbly offer and which, unorthodox as it may seem to many, has been arrived at by way of the key words used by Francis Bacon himself, phrases such as "the regimen or culture of the mind", "the nature of good", "rules how to subdue, apply, and accommodate the will of man thereunto." Also in book 2 of *The Advancement and Proficiency of Learning* is another passage which is, I think, a companion to the one I have quoted, and it goes hand in hand with the idea of the culture of the personality.

....there is impressed upon all things a triple desire or appetite proceeding from love to themselves; one of preserving or continuing their form; another of advancing and perfecting their form; and a third of multiplying and extending their form upon other things: whereof the multiplying or signature of it upon other things, is that which we have handled by the name of active good, so as there remaineth the conserving of it and perfecting or raising of it; which latter is the highest degree of passive good. For to preserve in state is the less, to preserve with advancement is the greater. Man's approach or assumption to divine or angelical nature is the perfection of his form; the error or false imitation of which good is that which is the tempest of human life.

In keeping with Francis Bacon's views on the importance of combining contemplation with action, and also his desire to affect the betterment of men who would, without doubt, have tried to put these two theories, relating to the culture of the mind and personality, into a practical and tangible form

¹ Readers interested in Francis Bacon as a Rosicrucian leader may wish to learn that these essentials are not overlooked by modern Rosicrucians. According to their Grand Master Raymund Andrea (in the *Technique of the Disciple*) self-analysis and the application of personality make vital demands. He elaborates upon their importance for the advanced student who aspires to go beyond self-development and to serve humanity. — Ed.

and this he did, I suggest, through drama and poetry.

In his *Novum Organum* he drops this hint by stating:

We construct a History and Tables of Discovery as much of Anger, Fear, Modesty, and the like; or of the examples of civil affairs; and no less of the mental emotions of memory, of Composition and division, Judgment and the rest; as of Cold and heat, Light, Vegetation or the like. But however, since our method of interpretation, after due preparation and arrangement of History, looks not only into the motions and processes of the Mind (as does common logic) but also into the Nature of Things; so we regulate the mind that it may be able to apply itself to the Nature of Things, by methods apt in all cases.

The Tables of Anger, Fear, etc. are presented before the eyes as the Shakespeare Plays, as a contribution towards the fourth part of the Great Instauration. Apart from the outward element of entertainment, at another level the Plays, written under the pseudonym of William Shakespeare, could be said to be manuals of instruction in which Francis Bacon demonstrated the need for the 'Georgics of the Mind'. The 'herbs and weeds' of men's natures were clearly shown forth in the 'types and models' which were 'set before the eyes' by being enacted upon a stage: dramas which were constructed in such a manner whereby the thoughts and feelings and the inner motives of speech and action could be perceived by the audience. Nevertheless, these dramas do not deal merely with elementary questions of conduct; they also reveal symbolically great principles fundamental to life itself. Surely it is this factor which has rendered them immortal.

Theodore Heline, in his penetrating interpretation of *The Merchant of Venice* tells us that there is always to be found an inward idea beneath the drama's outward action. "We shall observe how that idea becomes a magnet around which characters and circumstances gather and form a pattern that develops along certain necessary lines, determined by the dominant idea itself, even, as the atoms of a chemical element arrange themselves invariably after the single archetypal pattern to which they are obedient." I venture to suggest that this principle is applicable to the construction of all the Shakespeare Dramas.

Theodore Heline points out that in his opinion the central

theme of *The Merchant of Venice* around which the play revolves is that of the true nature of judgment, ie the judgment of the head versus the judgment of the heart. Shakespeare presents characters who are governed by either one or other principle and develops situations that bring out the relative worth of the two kinds of judgment. "In the Trial Scene the heart judgment is presented in the aspect of mercy; in the Casket Scenes as discrimination; in the Lorenzo-Jessica episode as Unity; and in Launcelot Gobbo's perplexities as conscience." Even the religious features are included by contrasting the Law of Moses with the Law of Christ, finally demonstrating that the judgment of the heart is superior to that of the head.

In the Shakespeare dramas the types and models of human beings clearly show forth the varying stages of mental and psychological development from the unenlightened state to that of the 'Advanced Man' or from "the level of the brute to the divine or angelical nature", in Baconian terminology.

I believe it was because Francis considered the concept of the transformation of the nature from one state to the highest degree possible, allied to the cultivation or 'Georgics of the Mind', possessed such potential for good in the world for the betterment of mankind, that he exerted himself to express his philosophy of life in various ways as a means of philanthropia.

I would like to round off this discussion with a testimony from Tobie Mathew, but before presenting it may I make one further comment by way of a lead-in to it. In view of the religious intolerance and persecution which prevailed in his era, I think we have another example of Francis Bacon's nobility of character demonstrated by the fact that instead of shunning his friend Tobie after he had become such a fervent and outspoken Roman Catholic he was willing to uphold him even to the point of standing surety for him and inviting him to stay with him in his house thereby shielding him from persecution. Surely a charitable gesture indeed! So Tobie Mathew of all people would have had the opportunity of testing his friendship and philanthropy to the uttermost, and the ensuing remarks by Tobie reflect, you will note, his own admiration, love and esteem for Francis Bacon.

"A friend unalterable to his friends."

"A man most sweet in his conversation and ways."

"It is not his greatness that I admire, but his virtue; it is not the favours I have received from him (infinite though they be) that have thus enthralled me and enchained my heart, but his whole life and character."

FRANCIS BACON'S IMPEACHMENT

by Thomas Bokenham

With regard to Mr Gwynne's reply to my article, both published in *Baconiana* No 187, the suggestion that my statement that the Francis Bacon Society was a man "with clean hands and a clean heart" implied that one of the duties of the Society was to accumulate evidence in support of this belief against those who oppose it, is manifestly absurd. Its duty was, and is, to expose the errors of those who oppose this belief on sufficient or one-sided evidence. A "belief" is one thing, but it does not constitute a duty or an official policy.

The study of Bacon's character, however, is most certainly one of the Society's objects and the vital evidence of eminent Lawyers, such as William Hepworth Dixon and others mentioned in my article, have been and should be taken into account. Mr Gwynne refers to "any new facts or new interpretations which might emerge". This is precisely what Hepworth Dixon produced in 1862 and which profoundly influenced the founder members of this Society. Dixon was the first of Bacon's biographers who was given access to the official State Papers which revealed that though there can be no question of Bacon accepting bribes to pervert justice, he admitted to the receipt of gifts, fines and fees given to his officers and to himself and, as Dixon put it, "if the receipt of fees and gifts is held by the Peers to be proof of corruption, he confesses to the offence".

In my article, I added that the fee-system was a corrupt one. Perhaps I should have clarified this by saying that, though the giving of gifts to a Judge or other high official for his services is not corrupt in itself, a system whereby such a person is dependent on these gifts for his livelihood is manifestly corrupt and lends itself to criminal abuses. The only way to have reformed this system was to have provided these officials with adequate salaries, which was virtually impossible in those days when higher taxation would have been resisted by the Commons.

We are later asked by Mr Gwynne whether Bacon was the sort of man who could have been corrupt and he pointed out, as Macaulay and others have done, that evidence that a seemingly virtuous man and a man of towering brilliance is irrelevant to the question of whether that man is morally perfect. Of course he is right, though in Bacon's case we have the evidence of contemporary opinions of his virtue and his integrity. Ben Jonson wrote concerning Bacon's so-called trial:

In his adversity I ever prayed that God would give him strength; for greatness he could not want. Neither could I condone in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest.

Discoveries.

Mr Gwynne then brings up the question of Bacon's complicity in "the torturing of an elderly clergyman called Peacham". He quotes the *Encyclopaedia Britannica* as stating "Peacham was examined by Bacon before torture, in torture and after torture." He did not add, however, that the *Encyclopaedia* states in a footnote that these words were obtained from Dalrymple's *Memoirs and Letters of James I* and Macaulay's *Essay on Bacon*.

We are also told that torture was never recognised in English Law. Be that as it may, had he been more thorough in his investigations and less anxious to secure points in an argument, Mr Gwynne would have found that the questioning of Peacham in the Tower was carried out by a commission of seven officials headed by Sir Ralph Winwood, Secretary of State and Sir Julius Caesar, Master of the Rolls, sent down with orders from the Privy Council on instructions from the Crown. These orders were quite specific and contained the sentence:

to call before you the said Peacham, and to examine him strictly upon such interrogations concerning the said book as you shall think fit and necessary for the manifestation of truth; and if you find him obstinate and perverse, and not otherwise willing or ready to tell the truth, then put him to the manacles as in your discretion you shall see occasion; for which this shall be to you and every of you sufficient warrant.

It is possible that Sir Francis Bacon, as Attorney-General, may have been the chief prosecutor on this occasion but the order to use the manacles would have come from the Secretary of State as instructed by the Council. Hepworth Dixon waxes eloquent on this subject;

Such commissions were of every year, and the most eminent men of the age had served on them in turn. The names of Ellesmere, Dorset, Winwood, Coke - religious men, enlightened judges, the friends of poets and philosophers - constantly occur in these Tower commissions. A man of gentle heart may regret that commands so futile should have proceeded from the English Crown, but while grieving that our ancestors were either less wise or less compassionate than ourselves, no candid mind will assess the act of an entire generation on the character of a single man. A belief that truth must be wrought by the help of the cord, the maiden and the wheel was, in the opening years of the seventeenth century, universal. It had come down with the codes and usages of antiquity, sustained by the practice of every people on the civilised globe, most of all by the practice of those wealthy and illustrious communities which kept most pure the traditions of Imperial Roman Law. Men who agreed in nothing else, agreed to seeking truth through pain. There were torture chambers at Osnaburgh and Ratisbon no less hideous than those of Valladolid and Rome; hot bars and racks were found in the Piombi and the Bastille, in the Bargello and the Tower. Nor were the Church more gentle or enlightened than the civil power. Cardinals searched out heresy in the flames of the Quemadero, as the Council of Ten tracked treason in the waves of the Lagune. Bacon was as much responsible for the universal practice as for the particular act. To have set himself against the spirit of the time, he must have mounted St Simeon Stylite's column, or shrunk into St Anthony's cave. An Attorney-General, let his private thoughts be what they may, is not at liberty to oppose the Crown. Coke who, in his writings, said that torture was unknown to the law and expressly contrary to Magna Carta, served again on commissions which put prisoners to the rack. He was present at such scenes both before and after this Peacham case, present at the torture of Peacock as he had been at that of Fawkes. His opinions were his own, his services were the King's. If the Attorney-General were present at the questioning of Peacham, he was there as one of a commission acting under special orders from the Privy Council. It is silly to say he was responsible for what was done. He was not chief of the commissioners, he was not even a member of the high body in whose name they went to the Tower; his official superiors, Winwood and Caesar were on the spot. Will anyone say he should have declined to act with them, thrown up his commission and refused to obey the Crown?

Later we are told that Peacham was taken down to the assize at Taunton and was tried in the ordinary manner:

The false accuser found swift justice from his neighbours, the jury finding him guilty and the judges sentencing him to death. Then, but not till then, he offered to tell the whole truth, if the King would only spare his life. This was what Bacon wanted; and a promise being given that his life should be spared, he made the long confession of his guilt which remains in the Record Office.

It will perhaps be asked why the Crown should authorise the use of torture for this "elderly clergyman", whose libellous "book" had not, as yet, been published. Edmond Peacham was a Puritan preacher who had been presented with the living of Hinton St George in Somerset. He was charged by a Church commission for writing a defamatory libel against his Bishop and against the laws and customs of the Church and was subsequently cast out of the Church. Among the papers seized at his home were many political writings sewn together to make a book, seemingly ready for publication. These writings included attacks on the Court, the Government, the Prince of Wales and the King, the latter being described as "a man unfit to reign, unworthy to bear the name of Christian or of man, a thing too abject to crawl on earth or be redeemed in heavens." During his defence, Peacham had lied and tried to implicate John Paulett, who owned the living at Hinton, and Sir John Sydenham, who live nearby, as partaking in some of those writings. One cannot, therefore, be surprised that King James was somewhat aggrieved about this troublesome man.

As it happens, Spedding, in his *Letters and Life of Francis Bacon*, printed a letter from Bacon, the Lord Chancellor, to the King in which he actually suggests the fitness of the use of torture. His words are;

I make no judgement yet, but will go on with diligence; and if it may not be done otherwise, it is fit Peacock be put to torture. He deserveth it as well as Peacham did.

Before making any hasty assessment of these words, we should listen to Spedding's remarks on them,

It is regretted that we do not know more about this case of

Peacock - The power (of the use of torture) was experienced under certain limitations. It could be used only in cases of treason, and then only in examinations by the Council preparatory to arraignment; nor could it be used for "evidence" but only for "discovery", that is, in order to obtain information which might lead to the discovery of evidence. - With these limitations the right to examine prisoners with torture had been assumed and occasionally exercised by the Crown without contradiction for the last century and a half, at least. That both Bacon and Coke thought it legal therefore, is not surprising.

The Peacham case, apart from the attempt to show that Bacon was responsible for the torturing of this man, has nothing to do with Bacon's lying to the Lords while admitting corruption, which was the main point of Mr Gwynne's original letter in *Baconiana* No. 186.

BACON
and
THE LEGALITY OF TORTURE

by Clifford Hall*

By 'torture' we understand the infliction of bodily pain as a punishment or means of interrogation and persuasion. In England it is condemned on two principal grounds. First, it may serve unjust result by securing a confession from the innocent. Secondly, even if the victim of torture be guilty its use is morally repugnant since, though the end be just, this particular means to achieve it cannot be justified. There are borderline cases where torture as a punishment *may* be socially and morally permissible, e.g. flogging (corporal punishment). But, generally, torture is *mala in se* though we know that in some countries it is practiced as routinely as it was centuries ago in England. Now it is self-evident that what is perceived as morally unjustifiable to the extent that legislators and judges should intervene has differed over the centuries and that the dictates of morality change with political, social and religious perceptions, theories and conditions, juristic concepts of personality and, not least, the ways in which the law distils the relative value of human lives.¹ This paper attempts to place the use of torture in its various forms in appropriate perspective in Bacon's time.

By way of preamble, let it be noted that if the use of torture be accounted unenlightened, prejudicial and immoral then these characteristics were shared, *inter alia*, by the laws of the Greeks and, more significantly for European codes, the Romans. In Athens, though a freeman might not be tortured to extract evidence save in times of emergency, the evidence of slaves could not be given in court *unless* it had been deposed under torture. The testimony of tortured slaves was considered almost irrefutable. For example, where a contract was to be reduced into writing, it would usually be written by a slave so that his later oral evidence under torture could not be impeached. In time, however, it seems that even such

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evidence was subject to the formalisation of pleading and the slave's alleged responses under torture possessed so many family resemblances that appear to have been taken from the equivalent of an encyclopaedia of forms and precedents.² Much the same pattern is found in Roman Law. Save in the case of *summa supplicia* (crucifixion, burning, the sack for the parricide, the walling up of vestal virgins, casting to the beasts), torture was not a penalty but was used to obtain evidence from witnesses. As in Greece, the evidence of slaves was inadmissible save after torture though Augustus ruled that process could not begin with torture but only after the production of *prima facie* evidence which the evidence of the tortured slave could be used to corroborate or refute, though in the late Republic citizens could not be tortured for evidential purposes, under the Principate they might be tortured in trials for treason and other grave crimes.³

To say that torture "was never recognised by English law"⁴ is simply untrue. In its principal incident it was at least as old as 1275 and in theory it survived until the reign of George III.⁵ It was used to compel a man to stand trial. It was known as the penance or sentence *peine forte et dure*. When a man was criminally arraigned he might confess or stand mute or plead to the indictment. *Inter alia*, he was held to stand mute if he obstinately made no answer⁶ or refused jury trial. In cases of treason, petty treason and misdemeanours this standing mute was held the equivalent of a confession and the case proceeded to judgement and execution. But for felonies the Law followed a different, horrific course for men and women of whatever degree.⁷ Here the terrible sentence of penance was pronounced. To quote an ancient book, the sentence was that the prisoner "be sent to the prison from whence he came, and put into a dark, lower room, and there to be laid naked upon his back without any clothes or rushes under him or to cover him except his privy members, his legs and arms drawn and extended with cords to the four corners of the room, and upon his body laid as great a weight of iron, as he can bear, and more. And the first day he shall have three morsels of barley bread without drink, and the second day he shall have three draughts of water of standing water next the door of the prison, without bread, and this to be his diet till he die."⁸ The penance was

thus a sentence given for obstinate contempt of the legal process.⁹ Usually it was not required; but there were real advantages in it for those with sufficient resolution. A verdict of guilty of felony led to forfeiture of goods and 'corruption of blood' and the heirs could not inherit. But if a man had not been found guilty by a jury of his peers, only his goods were forfeit. There was no corruption and the heirs could succeed. The penance was not hastily imposed. The prisoner was admonished to consider the consequences of silence. He was given time to reflect. Endeavours were made to make him plead by tying his thumbs together with whipcord.¹⁰ Opinions differ as to whether the penance pre-dated the Statute of Westminster I (1275), being an invention of the common law, or whether it was first introduced by that Statute. Coke took the former view;¹¹ later writers like Hale¹² and Blackstone¹³, the latter. It was not until 1772 that it was enacted that from henceforth a prisoner who stood mute was deemed to have pleaded guilty. A further 55 years were to pass before the legislature sensibly enacted that a plea of NOT Guilty was to be entered for one who remained silent.¹⁴

Sir Edward Coke was no stranger to the penance. Richard Weston, Under-Keeper of the Tower, on trial for the murder of Sir Thomas Overbury in October 1615 at the Guildhall, suffered it at the Lord Chief Justice's command.¹⁵ Weston stubbornly refused to plead and placed himself in God's hands. An hour of entreaty by the Court served no purpose and so Coke concluded that Weston "had been dealt withal by some great ones, guilty of the same fact."¹⁶ By his silence, Coke said, he was clearly bent on his own destruction. The "torment" of the penance was outlined to him, Coke adding only "that as life left him, so judgement should find him."

Weston suffered his torture because he stood mute but his motive was thought to be to shield confederates. The penance here thus served a dual purpose; to exact a severe penalty for contempt of due process and to discover further evidence. It was not used to test veracity. By the standards of those times it was not an especially horrendous torturing to death. The law exacted at least equally horrific penalties upon convicted felons and traitors, the incidents of which were

similarly justified by reference to reason and abstract political and legal theory. The case of *John Owen* (1615), for example, is reported in the same volume of the *State Trials* as are *Peacham* and *Weston*.¹⁷ Owen had declared that "The King, being excommunicate by the Pope, may be lawfully deposed, and killed by any whatsoever, which killing is not murder" and other similar things. He was indicted for treason before the Court of King's Bench and convicted. Coke C.J. pronounced this sentence:

The judgement upon a traitor is, that (1) he shall be drawn to execution, forasmuch as he is not worthy to walk upon the earth: (2) his privy members cut off; (3) his bowels burned, because in them he hatched the treason; (4) beheaded: (5) dismembered. And in this judgement are included five punishments: (1) all his goods are forfeited; (2) life and limb; (3) his honours; (4) his members cut off, which shows that his issue is disinherited with corruption of blood; (5) the dower of his wife is forfeited: (1) because he is a traitor to God; (2) to the King who is God's viceregent upon earth; (3) to the King and Realm; (4) to the law; and (5) to his own allegiance.

The possibility, raised in *Owen*, that the penance might serve to discover accomplices neatly bridges the gap between judicial and extra-judicial (not necessarily extra-legal) process. In the case of accused or suspected persons not yet brought to trial, the use of threats and force to the body is a wild-card potentially fulfilling a variety of purposes and applications. It might be used to discover evidence, to test veracity or to extort a confession. It might be used generally or in relation to specific crimes such as treason. It might serve in all climates and conditions or in times of emergency only and then justified by necessity. Historically, it has usually taken the form of the rack, which stretched the limbs by the use of rollers, or the irons, which compressed the body. In November 1628, in *Felton's Case*, it was declared by all the judges assembled at Serjeants' Inn in Fleet Street that no such punishment as the rack was known or allowed by the law.¹⁸ The arguments are not reported but their opinion has been widely interpreted as outlawing torture in general. As has been seen, this is misconceived since the penance survived for a further 150 years. Moreover, the 'report' relates to the position at common law (and presumably statute) and not to any other source of authority, and speaks of the

punishment of the rack and not the illegality of all forms of torture for discovery. Felton had plainly confessed his assassination of Buckingham. Brought before the Council, he was interrogated upon his supposed accomplices and whether the puritans had conspired in the killing. Laud, now Bishop of London, threatened the rack but Felton boldly responded that he could not tell whom he might name in the extremities of torture. It was conceivable, he said, that he might even name Laud and other Councillors! The question was then raised whether it was lawful to use torture and the King, being present, proposed that the judges be consulted, the question being "whether by the Law he might not be racked, and whether there were any Law against it, for (said the King), if it might be done by Law, he would not use his Prerogative in this point." Before the final opinion of the judges was delivered, those earlier assembled in Chancery Lane had agreed "that the King may not *in this case* put the party to the rack"; not that the rack might *never* be used. Doubtless they had been fortified by Coke's contemporary view, published in his *Institutes* in the same year, that "There is no law to warrant tortures in this land, nor can they be justified by any prescription, being so lately brought in."¹⁹

All this clearly requires further analysis. First, there is the obvious point that what the common law acknowledged as lawful was, prior to 1628, uncertain. Had the position been otherwise the judges opinion would never have been sought. Secondly, the opinion was not directed to that which was appropriately within the King's prerogative power in times of emergency and necessity - for which no statutory authority was required or expected. The limits of prerogative in theory and practice lie beyond the present purpose. Suffice it to say that the medieval conception that the law was the touchstone by which to judge the powers, prerogatives, titles and properties of the King was accepted by Coke, Bacon²⁰ and others at the heart of the successive constitutional crises of the period.²¹ By this yardstick, the protection of the realm from imminent dangers within and without was recognised as a matter for prerogative. The critical question, raised nine years after *Felton in Hampden's Case*,²² was whether by this prerogative "the King may dispense with any law in case of necessity."²³ We know the answer the judges there gave to

this question but it was not one which was even relevant in *Felton* since the issue was not the boundaries of prerogative but what the common law allowed. Of course, *had* that issue been raised the judges might still have concluded that the rack was not permissible. As the opinions in *Felton* seem to indicate, there were acknowledged limitations on the use of extra-judicial torture whatever its legal authority. We shall return to this again, but suffice it to say now that Hallam records that Bacon's opinion in 1603 was that "In the highest cases of treason, torture is used for discovery and not for evidence."²⁴ The statement is ambiguous, but the implication is that torture was lawful in treason cases to obtain information, usually of the involvement of accomplices, which might lead to further charges being brought against persons as yet undiscovered. It was unlawful, however, to use it to obtain confessions of guilt. Typically, the torture was applied upon interrogatories by a commission of the King in Council charged, as in *Peacham*, to act in its discretion - though the sovereign might explicitly order that torture should not be used (as in *Essex's Case*.) The rack, then, could not have been used in *Felton* since, as things were, the murder of Buckingham was a felony not a treason. Its use was only considered because it was thought that Felton had been incited to kill as part of a plot, probably puritan inspired, against the Crown. But unless treason could have been pinned on Felton, the only way to justify its use was to assert either that the Crown was the sole arbiter of prerogative power or, co-extensively, that the sovereign could dispense with the law in time of emergency including that law which defined his ordinary prerogative.

Coke had not always subscribed to the view he represented in the *Institutes*, which again suggests the uncertainty of the legal position prior to *Felton*. He had long been aware of the use of torture and there is seemingly no record that he spoke against it. His objections in *Peacham* (1615), where it was used, related only to the "auricular taking of opinions" from individual judges as to whether Peacham's sermon was treasonable. Certainly, as Attorney-General he had prepared documents authorising its use.²⁵ In *Essex's Case* he had complained that Her Majesty had exhibited undue clemency in ordering that no man should be

"racked, tortured, or pressed to speak anything farther, than of their own accord."²⁶ He did not complain, though others did, that one Kemish had been threatened with the rack in *Raleigh's Case*²⁷ and he knew also of its use during the trial of the gunpowder conspirators.²⁸ Six years on, in the *Countess of Shrewsbury's Case* (1612) he impliedly acknowledged the legality of torture for ordinary mortals: "For the Honour and Reverance which the Law gives to Nobility, *their* Bodies are not subject to torture in *Causa criminis laesae Majestatis*."²⁹

Whatever he may have said in the *Institutes* on the novelty of torture, its pedigree, though not unbroken, was well rooted being at least as old as the penance. In 1178, Henry II gave a licence for its use³⁰. In the reign of Henry VI (1422-1461), the Dukes of Exeter and Suffolk and other ministers proposed to introduce the Roman Civil Law into England and had a rack erected in the Tower derisively termed "the Duke of Exeter's daughter". Extensive use was made of it in Edward IV's reign (1461-1483). It became "one of our political institutions"³¹. In the jurisdictions of France, Germany and Italy canonical methods to extort evidence by torture were resorted to in the civil law, both canonists and civilians having adopted and justified its use by reference to the *Digest* and the opinions of the great Roman juriconsults who witnessed its use every day. It was this system which was proposed for adoption in England. Certainly its influence was profound. The indications are that when torture was used in England it was regulated in part by rules not dissimilar to those under continental criminal law procedures. For example, there was an acknowledged distinction between bringing a man to the rack to put him in fear of it and its actual use, one which was observed in practice well into the reign of Charles II, and which corresponded to the Civilians' concepts of *terrotio* and *tortura*.³² Again, in the earlier cases in England it seems to have been thought necessary that one of the Masters of the Court of Requests, a minor court of equity exercising the civil jurisdiction of King in Council and abolished in 1642, should be present upon examination by torture to ensure that the rules prescribed by the civil law should be observed. Moreover, the civil law was not, as might be supposed, foreign to our shores. William the

Conqueror, to ensure papal approval for his invasion, had separated the ecclesiastical and temporal jurisdictions and the former embraced crucial matters affecting the laity, in particular matrimonial, nullity, legitimacy and probate disputes. This jurisdiction lasted until 1857.³³ It was only after the Reformation that the doctors of civil law replaced the canonists in the administration of ecclesiastical law, the influence of which was still considerable in testamentary matters in Bacon's time when the Court of Conscience began to assert a jurisdiction over wills generally. The ecclesiastical courts continued also to exert a penal jurisdiction in respect of clerical offences and acts contrary to religion and morals. Church discipline was controlled by the Court of High Commission (abolished in 1641), whose procedures were based upon the canon law. It is hardly surprising, therefore, that torture, which was recognised by that law, should have found its way into English conciliar practice. Originally, its use in the civil law was justified as "a tenderness to the lives of men", for "the laws cannot endure that any man should die upon the evidence of a false, or even a single witness; and therefore contrived this method that innocence should manifest itself by a stout denial, or guilt by a plain confession."³⁴ The same concern was not felt by the common law, as *Raleigh's Case* demonstrates.³⁵

None of this is intended to suggest that the common law (excluding prerogative) permitted torture other than penance. Indeed, its general use would arguably have been misplaced anyway in an accusatorial system. But as an extraordinary procedural device, justifiable by prerogative right and condoned by lawyers such as Fortescue and Coke, separated by the Reformation, it clearly served a useful administrative function during times of endemic emergency. In a system where judges were administrators, and administrators judges, the task of balancing appropriately the apparently competing claims of the rule of law and convenience and necessity could not have assumed the easy proportions which might be assumed so readily in a system where the doctrine of the separation of powers is entrenched. History abounds with examples of dilemmas spiralling from the effort. How much history has turned on Pilate's judicious, if not judicial, decision to abandon Christ to appease Caiaphas. And though

Paradise Lost reminds us that the Fiend used "necessity, the tyrant's plea" to excuse "his devilish deed"³⁶ there are those, even in our own time, who have authorised and practised 'necessary evils' to serve a perceived greater good - as a security of the state could, without perversion, appear to be. That notorious catch-all, S.2 of the Official Secrets Act 1911, is still with us, despite recent government proposals for reform³⁷ and so many men and women might still contravene its provisions by revealing the menu of a Ministry of Defence canteen. Again, alleged fugitive offenders may still be deported at executive whim under the guise of the 'public good' in contravention of the spirit, if not also the terms, of the Extradition Acts.³⁸ And many will remember the draconian Regulation 1813 of the Defence Regulations 1939 under which, *inter alios*, British subjects of allegedly hostile origin might be detained without trial no matter whether they were bruisers, barrow boys or beefeaters.³⁹

The evils which devices such as these have been intended to confound, however much he confounding might appear to strike at the rule of law, are small beer compared with the daily plottings of states, nobles and priests to overthrow the Crown of England in Bacon's time. Spanish invasions, within eight years, of Ireland and England and the inspiration of men like Bellarmine and Suarez led a succession of traitors - Lopez, the gunpowder conspirators, Campinn, Babington, Ogilvie, Cobham, even Raleigh it was said - to act upon the Jesuit view that the King, being excommunicate by the Pope, and his wife, children, nobles and clergy were heretics, and so accursed that it was both lawful and meritorious to kill them. The words of Peacham the protestant, though less didactic, were no less emphatic in their implications: the people, he said, would rise against the King and his heir; the King's officers should be put to the sword. It is these fanatical doctrines which Hallam, in his *Constitutional History* expressing his horror of torture, refers to as merely "bare expressions of opinion"⁴⁰ The problem for government was to discover how far the expression of these opinions, treasonable in themselves, indicated a level of organised opposition capable of fulfilling what was incited and threatened. It is clear from Burleigh's two papers, *The Execution of Justice* and *A Declaration*,⁴¹ that the rack was

but one measure to tackle this problem, that it had no sense of novelty about it and, significantly in view of the discussion above, that its use was, to an extent, rule-defined. Thus: torture should not so incapacitate a man that he could neither walk nor write; interrogations should not relate to points of doctrine but to plots and conspiracies; the rack should not be used unless the evidence of treason was strong; no man should be racked at random nor unless he had remained silent in face of the Queen's command that he should tell the truth. Hallam denounces all these as "miserable excuses" which "serve only to mingle contempt with our detestation."⁴² Doubtless by the normal mores of our 'civilised' world he is right. But this is beside the point if the importance of Burleigh's papers is set in historical perspective. For then we see that their significance lies mainly in their implicit recognition that the use of torture was rule-defined and so a device of prerogative power under the law. They are also noteworthy in remarking something of the nature of the administrative function - namely that expedience, the ends justifying the means, should on occasion take priority over abstract justice. As Professor Potter once said,⁴³ administrators as a class are generally concerned to preserve the *status quo*, the community at large, against disruptive elements even though on occasion this causes some injustice to individuals. There is, however, a further dimension the truth values of which, if sustainable, raise questions beyond the limits of this paper but cast doubt upon conventional responses to the use of torture. For even today there are imaginable circumstances when torture might prove not only expedient but also morally justifiable. For example, suppose A has secreted an atomic bomb in London. A has been captured and has confessed. The location of the bomb is unknown but A has admitted that it is due to detonate in six hours. It would be expedient to torture A. But would it not also be morally justifiable to exert pressures, however intolerable in normal circumstances, to determine the location of the bomb? Surely, the moral law cannot dictate that the infliction of a transient pain is less desirable than the deaths of more than a million souls.

What of Bacon? No-one can sensibly pretend that he did not subscribe to the use or extra-judicial torture in appropriate

cases. *Felton* was not decided until two years after his supposed death and, doubtless, torture was to Bacon at the least a lawful exercise of prerogative power which, as a law officer of the Crown, he felt bound to uphold. However, there are indications that he personally disapproved of it. In his letter to the King of 21st January 1615 respecting *Peacham*, he wrote: "we are driven to make our way through questions, *which I wish were otherwise*."⁴⁴ Given that the authorisation to use torture was derived from an order of the King in Council, this disclaimer must surely be taken at its face value. Bacon's name was subscribed to Secretary Winwood's report that *Peacham* had been examined "before torture, in torture, between torture and after torture"⁴⁵, a document which was signed also by Julius Caesar, and Henry Montagu, Recorder of London. In a second letter to the King of 26th January, Bacon again acknowledged his formal role but insisted that he was not responsible for the order that torture be used: "for the regularity which your majesty as a matter of business of estate, doth prudently prescribe in examining and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner."⁴⁶ The implication is, then, that Bacon regarded torture under prerogative as lawful though he found its actual use distasteful. There is no compelling evidence that he regarded it as quintessentially immoral, however;⁴⁷ nor, given its pedigree, why at that time he should have done. To this extent, there is no need to defend him. More perplexing, not least because the evidence is wanting, is his view to the King in *Peacock* (1620),⁴⁸ who, it was alleged, had sought to "infatuate" the King's mind by sorcery, that if all else failed it was fitting that torture be used. Both he, as Lord Chancellor, and Montagu, Chief Justice of the King's Bench, with other members of the Council including Coke, issued a warrant authorising its use - which, again, demonstrates its putative legality. Some will say that this is irrelevant, that at the end of the day the legalities are unimportant, and that Bacon's "virtue" was sullied because he countenanced a procedure *by our standards* redolent with "barbarous cruelty".⁴⁹ Leaving aside the obvious point that the rack was rather less barbarous than the atrocities of so many judicially sanctioned penalties, including the penance, the argument is fallacious for, in

particular, *our standards* cannot be accounted the sole metwand either in the pursuit of historical truth or in the delineation of moral rectitude. Doubtless the sceptic will remain unconvinced, for he has his 'idols' too. Besides, for the present the principal concern has been with legal not moral justification. The present writer would claim no special expertise on the latter. He would agree, however, that through these pages Baconian debates have taken a new and refreshing turn and that even within the Society it is permissible to pluck a red or a white rose as they did once in the gardens of the Temple.

Notes.

1. Cf., e.g., *Dudley & Stephens* (1884) 14 Q.B.D. 273 (no defence of necessity on a charge of murder however dire the circumstances) and *U.S. v. Holmes* (1842) 26 Fed. Cas. 360 (defence of necessity available on a charge of homicide provided those contractually bound to serve and safeguard are sacrificed first and if their utilitarian value is low; those in this category to be sacrificed to be determined by lot).
2. See J.W. Jones, *Law and Legal Theory of the Greeks* (1956), pp.141-143.
3. See J.A. Crook, *Law and Life of Rome* (1967), pp.271-275. See also, on the early English and European Codes, A.S. Diamond, *Primitive Law, Past and Present* (1971), Ch. 5 and generally *Encyclopaedia Britannica* 9th Ed. (1888), "Torture" (James Williams).
4. See N.M. Gwynne, "A Man of Clean Hands and a Clean Heart?", *LXX Baconiana* (1987), p.23. Mr Gwynne relies heavily and, with respect, most selectively on *Britannica* 13th Ed..
5. 12 Geo.III, C.20.
6. E.g. where a prisoner wilfully cut out his tongue: Coke 2 Inst.178.
7. *Ibid.*, p.177.
8. Stamford, *Pleas of the Crown* quoted in Hale, *Pleas of the Crown*, 2, Ch.43, p.319.
9. Hale, *ibid.*.
10. *Thorely's Case* Kel.27, cited Hale, *loc. cit.*, n.(e).
11. 2 Inst.179.
12. *Pleas of the Crown*, 2, Ch.43, p.322.
13. IV *Commentaries*, pp.327-328.
14. 7 & 8 Geo. IV, C.28.
15. 2 St. Trials, Case 103, p.914.
16. *Ibid.*, where it is noted that Coke had secret intelligence that Yelverton, Solicitor-General and "an obligated servant to the house of the Howards", had advised Weston's silence to stifle further prosecutions.
17. 2 St. Trials, Case 100, p.880.
18. John Rushworth, *Historical Collections* (1659), i, pp.638-639.
19. 3 Inst. 35.
20. See, e.g., *A Preparation Toward the Union of the Laws of England and*

Scotland, Montagu, *Works*, 2; p.166.

21. See, e.g., *Case of Proclamations* (1610) 12 Co. Rep.74: "The King hath no prerogative but that which the law of the land allows him."

22. (1637) 3 St. Trials, Case 147, p.826.

23. *Ibid.*, per Vernon J. at p.1125 and Weston B. at p.1075.

24. From Hallam, *Constitutional History of England* 6th Ed. (1850), i, p.427n seemingly quoting from David Mallet, *Works*, i, p.393 (1753 Ed.). After strenuous attempts to find this edition the writer was frustrated to find that there is no reference to torture at that reference. But cf. the language of Spedding, *Letters and Life*, VII, p.79 which, in discussing *Peacocks Case* (*infra*), closely resembles the remarks attributed to Bacon By Hallam.

25. Spedding, *op. cit.*, V, p.93n.; VII, pp.78-79.

26. (1600) 1 St. Trials, Case 70, at p.1338.

27. (1603) 2 St. Trials, Case 74, at p.22.

28. (1606) 2 St. Trials, Case 80, p.218.

29. 2 St. Trials, Case 94, at p.773; 7 Co. Rep. (4th Ed., 1738), at p.96.

30. Holdsworth, *History of English Law*, V, p.185n.1; for other early cases, including that of the Templars in 1310, see *Britannica*, *supra* n.3.

31. F.W. Maitland, *Constitutional History* (1909), p.221; but still, it is argued, one the resort to which was rule-defined (contra *Britannica*, *supra* n.3.).

32. See Jardine, *Reading on the Use of Torture in the Criminal Law of England* (1837), pp.64,65.

33. Matrimonial Causes Act; Court of Probate Act.

34. Blackstone, *IV Commentaries* 21st Ed. (1884), pp.325-326, to which Blackstone adds: "...thus rating a man's virtue by the hardness of his constitution, and his guilt by the sensibility of his nerves!"

35. *Supra* n.27. Raleigh had argued that the evidence of a single witness, his co-accused Lord Cobham, was insufficient to convict him but the argument was rejected. Poor Raleigh: "everything that doth make for me is cunning, and everything that maketh against me is probable" (at p.27.)

36. Relied on per Bennett J. in *Andrea v. Selfridge & Co.*: [1938] Ch. 1 (C.A.); but cf., e.g., Lord Pearce (dissenting) in *Madzimbamuto v. Lardner-Burke* [1968] 3 All E.R. 561, at p.578 (P.C.).

37. Announced 29th June 1988.

38. See, e.g., *R. v. Home Secretary, ex p. Duc de Chateau Thierry* [1917] 1 K.R. 922; *R. v. Home Secretary, ex p. Soblen* [1962] 3 All E.R. 373.

39. See A.W.B. Simpson "Rhetoric, Reality and Regulation 18B", [1988] *Denning L.J.* (forthcoming).

40. *Supra* n.24.

41. *The Execution of Justice in England for Maintenance of public and private Peace; A declaration of the favourable dealing of her Majesty's Commissioners, appointed for the examination of certain traitors, and of tortures unjustly reported to be done upon them for the matter of religion both seemingly published in 1583; see Hallam, supra n. 24, at pp.149-151.*

42. Hallam, *supra* n. 24, p.151.

43. *Historical Introduction to English Law* 4th Ed. (1962), p.137.

44. 2 St. Trials, Case 99, at p.871 (italics mine).

45. *Ibid.*

46. *Ibid.*

47. But see the implication in the *Essay on Judicature* (Montagu, *Works*, 1, p.58.); "there is no worse torture than the torture of laws"; *cf.*, however, Bacon's insight into human emotion and the manner in which truth is revealed in *Aph.* 98, Book 1, *Novum Organum* (Montagu, *Works*, 3, p.363.): "For as in ordinary life every persons disposition, and the concealed feelings of the mind and passions are most drawn out when they are disturbed; so the secrets of nature betray themselves more readily when tormented by art, than when left to their own course."

48. See Spedding, *Life and Letters*, VII, p.76 *et seq.*

49. See Gwynne, *supra* n.4, p.22. (*italics mine*).



THE ESSEX TRIAL

by T.D. Bokenham

From time to time, the subject of Francis Bacon's part in this tragic event, which took place in 1601, comes under review and Bacon's critics and biographers have expressed widely different opinions on this subject since Macaulay wrote his famous essay in criticism of Basil Montagu's biography of Bacon in his *Works of Francis Bacon* of 1825-34. It is remarkable that, with almost the same facts to guide them, a man may be represented either as an errant knave or as a man who did his best for an erring friend.

I say "almost the same facts" advisedly because in 1837, when Macaulay's essay was written, the State Papers were not available. In 1862, when Hepworth Dixon wrote his *Story of Lord Bacon's Life*, he was granted access to them and was able to discover further details of the case. All the same, Macaulay seems to have deliberately ignored some known facts which would have considerably damped the dramatic effect of his captivating style.

Having summed up Robert Essex's character with reasonable fairness, Macaulay tells us that "his administration in Ireland was unfortunate, and in many respects highly blamable." This is, perhaps, not quite how Robert Cecil would have represented it to the Queen. He continues:

Though eloquent and accomplished, he was in no sense a statesman. The multitude indeed still continued to regard even his faults with fondness. But the Court had ceased to give him credit, even for the merit which he truly possessed. The person on whom, during his decline of his influence, he chiefly depended, to whom he confided his perplexities, whose advice he solicited, whose intercession he employed, was his friend Bacon. The lamentable truth must be told. This friend, so loved, so trusted, bore a principal part in ruining the Earl's fortunes, in shedding his blood, and in blackening his memory.

But let us be just to Bacon. We believe that, to the last, he had no wish to injure Essex. Nay, we believe that he sincerely exerted himself to serve Essex, as long as he thought that he could serve Essex without injuring himself. The advice which he gave to his noble benefactor was generally most judicious. He did all in his power to dissuade the Earl from

accepting the Government of Ireland, 'For' says he, "I did as plainly see his overthrow chained as it were by destiny to that journey, as it is possible for a man to ground a judgement upon future contingents". The prediction was accomplished. Essex returned in disgrace. Bacon attempted to mediate between his friend and the Queen; and, we believe, honestly employed all his address for that purpose. But the task which he had undertaken was too difficult, delicate, and perilous, even for so wary and dexterous an agent.

But a darker scene was behind. The unhappy young nobleman, made reckless by despair, ventured on a rash and criminal enterprise, which rendered him liable to the highest penalties of the law. What course was Bacon to take? This was one of those conjectures which show what men are. To the high-minded man, wealth, power, court-favour, even personal safety, would have appeared of no account, when opposed to friendship, gratitude, and honour. Such a man would have stood by the side of Essex at the trial, would have 'spent all his power, might, authority and amity' in soliciting a mitigation of the sentence, would have been a daily visitor to the cell, would have received the last injunctions and the last embrace on the scaffold, would have employed all powers of his intellect to guard from insult the fame of his generous erring friend. An ordinary man would neither have incurred the danger of succouring Essex, nor the disgrace of assailing him. Bacon did not even preserve neutrality. He appeared as counsel for the prosecution. In that situation, he did not confine himself to what would have been sufficient to procure a verdict. He employed all his wit, his rhetoric, and his learning, not to insure a conviction - for the circumstances were such that a conviction was inevitable - but to deprive the unhappy prisoner of all excuses which, though legally of no value, yet tended to diminish the moral guilt of the crime, and which, therefore, though they could not justify the peers in pronouncing an acquittal, might incline the Queen to grant a pardon.

As it happens, those excuses which Bacon dismissed with all his wit, rhetoric and learning were the very things which would have made the Queen less inclined to grant Essex a pardon. But let us now study Hepworth Dixon's version of this trial in his chapter entitled "The Papist Insurrection". Having innumeraled a list of some of the crimes committed by the friends of Essex, many of whom were disloyal Catholics who wished to remove Elizabeth from her throne, he writes:

Two days after Lea's execution, Essex and Southampton came up for trial; the venerable Buckhurst - poet, soldier,

philanthropist - sitting as Lord High Steward of England; Raleigh in command of the Guard; all the peers in their places; all the judges and crown lawyers at their posts; the two Chief Justices, Popham and Anderson; the four Justices, Guady, Fenner, Walmsley and Kingsmill; the baron Clerke, the Queens serjeant Yelverton, the Attorney-General Coke, the Solicitor Fleming, and the Learned Counsel Bacon - each with his duty for the day. Bacon had not sought the employment; neither had he shrunk from it when pressed upon him. Called to his duty by an order from the Council, he could no more shirk it than Raleigh could have thrown up his commission at Charing Cross, or Nottingham have refused to act against Essex House.

The evidence against the prisoners was overwhelming. Essex pretended that the gathering of armed men, the refusal to disperse on the Queen's command, the imprisonment of the Lord Keeper and Lord Chief Justice, the rush to the City, the resistance offered to the royal troops, were but the incidents of a private quarrel. Bacon, who followed Yelverton and Coke, felt surprised at the Earl's assertion; yet he envenged nothing; and, while condemning the offence, abstained from any needless condemnation of the offender. 'My Lord' he said, 'I expected not that the matter of defence would have been excused this day; to defend is lawful, but to rebel in defence is not lawful; therefore what my Lord of Essex hath here delivered, in my conceit, seemeth to be *simile prodigio*. Even so your Lordship gave out in the streets that your life was sought by the Lord Cobham and Sir Walter Raleigh, by this means persuading yourselves, if the City had undertaken your cause, all would have gone well on your side. But the imprisoning the Queens counsellor's, what reference had that fact to my Lord Cobham. Sir Walter Raleigh or the rest? You allege the matter to have been resolved on a sudden. No, you were three months in the deliberation thereof. Oh! my Lord, strive with yourself, and strip off all excuses; the persons whom you aimed at, if you rightly understand it, are your best friends. All that you have said, or can say, in answer to these matters, are but shadows. It were your best course to confess and not to justify".

This is exactly what Bacon knew was what the Queen wanted. He had been told by her that she did not seek to destroy Essex but to tame him, and he knew that these excuses would convince her that he was defiant as ever. Dixon later has this to say about Francis Bacon;

That the lofty and gentle course which Bacon pursued through these memorable events commanded the admiration of all his contemporaries save a fraction of the defeated band, is a fact of which proofs are incontestable.

While the spirits of men were yet warm with remembrance of the scenes at Tyburn and on Tower Hill, writs for a new Parliament travelled down into the shires. Now, therefore, came the test how far he had fallen. If he were thought of with aversion, here were the means, the opportunities, and the scenery for a condign revenge. Did the friends of Lord Essex rise on his adversaries? Was the drum beaten against Raleigh, or the stone flung at Bacon? Just the reverse. The world had not been with the rebellious Earl, either in his treason at Temple Bar or in his suffering at Tower Hill; and those who had struck down the Papist plot had been chosen to represent Ipswich, and the chief town of Suffolk again ratified its choice. But his public acts had won for him a second constituency in St Albans. Such a double return - always rare in the House of Commons - was the highest compliment that could be paid to the purity of his political life.

We have not, as yet, spoken of the story of the ring which many people believe is true, though Hepworth Dixon pronounced it to be a girlish romance. Alfred Dodd, in his *'Francis Bacon's Personal Life Story'* wrote;

When Francis Bacon appeared in Court against Essex he did so with an easy mind. He knew that he would be found guilty on technical grounds of High Treason and that he would be condemned to death, but he never believed the sentence would be carried out. The Queen had sworn to him that she intended to exert the Royal Perogative and to save his brother. She had vowed it to him more than once. It was on this understanding that he had watched the Queen's interest. The hell of agony he suffered when he learned to his horror that the Queen had apparently played him false and that Robert had been executed, he told to his own soul in his own private sonnets.

Dodd then Quotes the tragic lines from Sonnet 152 and adds;

Those lines were written on the same day as the execution.

He then tells of the ring which the Queen had given to Robert "with the intimation that if he ever forfeited her favour, if he sent it back to her, the sight of it would ensure her forgiveness." He adds that Bacon knew that Essex had sent it and that up to the day of the Queen's death, he believed that she had received it, but the Queen never received the ring because it was delivered, in error to Lady Nottingham whose husband was a friend of Cecil. It was

intended for Lady Nottingham's sister, Lady Scrope.

Many historians have dismissed this story as a myth, but Dodd noticed that Alexander Grosart, who edited Robert Chester's *'Love's Martyr'* in 1898, wrote in his introduction;

I know of nothing more heart-shatteringly tragic - for pathetic
is too weak a word - than the great Queen's death-cushion
moanings and mutterings over her dead Essex. I, for one,
believe in that story of the Ring as John Webster has put it,

'Let me die

In the distraction of the worthy Princess,

Who loathed food, and sleep, and ceremony,

For thought of losing that brave gentleman

She would fain have saved, had not a false conveyance

Expressed him stubborn-hearted; let me sink

Where neither man nor memory may e're find me'

This was from Webster's *The Devil's Law Case* which was first published in 1623, and if based on fact, would throw a considerable light on Francis Bacon's plea to Essex "to confess and not to justify."

Dodd, in his *Secret Sonnet Diary* tells us that Sonnet 152 concerns this ring and so I decided to "square" this sonnet to see if it contained a cryptic message to confirm this. Two adjoining symmetrical groups of letters were found which produced the message THE RING GIVEN AS A TROTH TO ROBERT. This sonnet is written as though addressed to the Queen, and the group giving words "to Robert" is contained by columns 15-18 whose initial letters add to 57, which is the reverse count of ESSEX. The numbers 15-18 add to 66 which happens to be the reverse count of the words THY SON. This surely proves that Francis Bacon knew of the Queen's pledge and of the ring, but it also proves that the story is true.



ALEXANDER POPE

by T D Bokenham

Last year we celebrated the quater-centenary of the Armada victory, the tercentenary of the Glorious Revolution and the tercentenary of the birth of the poet and satirist, Alexander Pope, whose early works were dismissed by the critics as full of promise but of no special quality which would commend him to posterity. In 1711, however, his *Essay on Criticism* was highly praised by Addison in *The Spectator* while Steele sought contributions from this young man to fill its pages.

In 1712, Pope's friend, John Caryll, suggested that he wrote an amusing poem to soothe the ruffled tempers of the families concerned with the lock of hair cut from the tresses of the beautiful Arabella Fermor who, in *The Rape of the Lock*, was immortalised as Belinda.

It may be of interest that young Lord Petre who perpetrated this dastardly deed was a cousin of John Caryll's goddaughter. John Caryll had inherited estates in Sussex from his father Richard and from his Uncle John Caryll who had become Secretary to James II's Queen Mary and had gone into exile with the royal family to St Germain where he had been granted the empty title of Baron Caryll of Durford. He died in Paris in 1711 and though Pope never met him, he wrote a beautiful epitaph on him, which started;

A manly form; a bold yet modest mind;
Sincere, though prudent; constant, yet resigned;

Pope and John Gray were frequent visitors to young Caryll's lovely house near Uppark, called "Ladyholt" and to his mansion in West Grinstead Park where the incident which so infuriated Madam Fermor is thought to have taken place.

Pope's *Windsor Forest* of 1713 endeared him to the Tories and won him the friendship of Jonathan Swift and his circle which included Gay, Arbuthnot, Atterbury and Lord Oxford, that is, Robert Harley whose great manuscript collections, known as the Harleian MSS are now safely in the British Library. I think that it is true to say that it was from

these men and from these manuscripts, which included Bacon's *Promus* and the collection of Latin tributes to Bacon known as the *Manes Verulamiani*, that Pope's great admiration for Francis Bacon grew. We have recently been reminded by Richard Barker in his little booklet, *How to Crack the Secret of Westminster Abbey*, that Pope was instrumental in enciphering the name FRANCIS BACON on the scroll which is of equal importance, but this must remain untold for the present.

In 1741 also, Pope prepares a new edition of his *The Dunciad* which was a withering attack on the dullness of some of the Augustan poets, known as "the Grub Street Poets". At the end of his "Book the Third", Pope altered the wording of his previous editions which told us cynically;

Beneath his reign shall Eusden wear the bays,
Cibber preside Lord Chancellor of Plays,
Benson sole Judge of Architecture sit,
And Namby Pamby be prefer'd for Wit!

In this edition he wrote,

See! the dull stars roll round and re-appear,
See, see, our own true Phoebus wears the bays!
Our Midas sits Lord Chancellor of Plays!
On Poets Tombs see Benson's titles writ!

Critics have naturally concluded that the Benson mentioned in this new version was the "sole Judge of Architecture" mentioned in the earlier editions. This was William Benson who succeeded Christopher Wren as Surveyor of Works and who had erected a monument to Milton in Westminster Abbey whose epitaph Pope disliked. In fact, Pope's new lines refer to another William Benson who is commemorated, with others, on a ledger stone in the Abbey which lies immediately below the Shakespeare monument in Poets Corner. This stone appears to be an early eighteenth century stone which replaced those of three former officials of the Abbey whose stones had long since become defaced, and it seems that these epitaphs were compiled for a definite purpose. Benson's epitaph reads,

"William Benson Last Abbot and First Dean of Westminster 1549"

Squared in lines of thirteen letters to each line, as was done with the Shakespeare inscription, we now have a cross-shaped group of letters, based on the T of the word "Last", which spell ST ALBAN, while, interwoven with this cross are the letters I A S D and M which spell MIDAS. In order to make this group symmetrical, the second T of "Westminster" must be added and this provides letters which, when shared, can spell MIDAS SITS. Midas, like the author of the plays, was given the gift of turning everything he touched into pure gold.

	1	2	3	4	5	6	7	8	9	10	11	12	13
1	W	I	L	L	I	A	M	B	E	N	S	O	N
2	L	A	S	T	A	B	B	O	T	A	N	D	F
3	I	R	S	T	D	E	A	N	O	F	W	E	S
4	T	M	I	N	S	T	E	R	I	S	4	9	

The first epitaph on this ledger stone reads "Near this spot in the ancient Chapel of St Blaize are interred Nicholas Littlington Abbot of Westminster 1386" followed, of course, by the other two epitaphs. Squared in lines of thirteen letters, this epitaph produces a symmetrical FRANCIS ST ALBAN group of letters contained by lines and columns whose numbers add to 51 the reverse count of TUDOR.

	1	2	3	4	5	6	7	8	9	10	11	12	13
1	N	E	A	R	T	H	I	S	S	P	O	T	I
2	N	T	H	E	A	N	C	I	E	N	T	C	H
3	A	P	E	L	O	F	S	T	B	L	A	I	Z
4	E	A	R	E	I	N	T	E	R	R	E	D	N
5	I	C	H	O	L	A	S	L	I	T	T	L	I
6	N	G	T	O	N	A	B	B	O	T	O	F	W
7	E	S	T	M	I	N	S	T	E	R	1386		

One can only guess from the wording of this epitaph that "near this spot", in addition to the three mentioned officials, had also been interred the remains of Viscount St Alban.

This stone and the allusion to it by Pope, was first noticed by A.B. Cornwall of Yale University, in his book *Francis The First* in which he gave a photograph of the three epitaphs. Cornwall believed that he had found Francis Bacon's burial place in the Church in Utrecht and that the date of death was 1667, which would make Bacon aged 106

when he died. He also believed that some of the Rosicrucian initiates were later able to bring Bacon's remains back to this country and to re-bury them where they rightly belonged. Cornwall, who justified his evidence with very long anagrams, found in these epitaphs an anagram consisting of a sentence of 180 letters which tells of Bacon's royal birth and of his authorship of the Shakespeare works. The above squarings and that of the Shakespeare monument above certainly seem to confirm Francis St Alban's connection with the Shakespeare works and of his final resting place nearby.

It should be noted that the *Manes Verulamiani*, with which Pope must have been familiar, referred to Bacon as being a supreme poet, and such phrases as "the Tenth Muse" and "Leader of the Muses Choir" occur in these tributes which have now been translated. One of them, signed R.P. contains these remarkable words;

As Euridice, wandering in the shades of Dis, longed to embrace Orpheus, so did Philosophy, entangled in the subtleties of schoolmen, seek Bacon as a deliverer and, as Orpheus with winged hand lightly touched the lyre's strings, so he with like hand stroked Philosophy, raised high her crest and renovated her, walking lowly in the shoes of Comedy. After that more elaborately he rises on the loftier tragic buskin, and the Stagirite, like Virbius, comes to life again in *Novum Organum*.

It will be remembered that Pope, in conversation with Joseph Spence, is reported to have declared, "Lord Bacon was the greatest genius that England, or perhaps any country, ever produced."

These words should be compared with the lines which Pope wrote of Shakespeare in his *Imitations of Horace*;

Shakespeare (whom you and ev'ry Play-house Bill
Style the divine, the matchless, what you will),
For gain, not glory, wing'd his roving flight,
And grew immortal in his own despite.

Biographers have tried to persuade the world that, because of Pope's description of Bacon as "the wisest, brightest, meanest of mankind", Bacon's character was not as noble as some people think. In fact, the word "mean" in those days meant "humble" or even "self effacing". In his *Universal*

Prayer Pope wrote:

Mean though I am, not wholly so
Since quickened by Thy Breath....

He also used the word in reference to Dryden whom he admired.

It may well be asked how it was that Pope and his associates, who were responsible for the Shakespeare monument, became acquainted with Bacon's secrets and with his cipher system which they used. Two of these men, Richard Boyle, Earl of Burlington and Dr Richard Meade, were certainly important officers of The Royal Society and the encipherment proves that all were high initiates of Bacon's literary Fraternity to whom these secrets had been imparted. I believe that the reason why these things were reburied in 1741 and again in 1748 when the Shakespeare monument at Stratford, with its enciphered inscription, was radically altered, may have been due to an original directive that the truth should be eventually discovered by "laymen" through an inductive method of reasoning, whereby scholars, after studying the plays and poems more closely, would begin to have doubts about their reputed author. It seems also that strong hints were given out by the Brotherhood from time to time which would assist this process. Amusing books like *The Story of the Learned Pig* of 1786 are clear examples of this and I have now discovered, by a similar cipher system used by Francis Bacon, that this book was originally written by him, though additions were made in the eighteenth century to disguise this fact.



THE STORY OF THE LEARNED PIG

by T.D.Bokenham

Some years ago, I gave a talk to members of the Francis Bacon Society on this little book which was published anonymously in 1786 and which is now considered to be one of the first books which openly questioned the Shakespeare authorship of the plays.

In his *New Views For Old* (1932), Roderick Eagle gave us some account of this book which he attributed to the Rev. James Wilmot D.D, who was Rector of Barton-on-the-Heath in Warwickshire. It has been claimed, that Wilmot was also the author of the famous *Letters of Junius*. He was a student of Bacon's works and was struck by similarities of thought, diction and even errors in both Bacon's and Shakespeare's works and he came to the conclusion, after years of study, that one author was responsible for both sets of writings.

This book was also noticed by W.H.Prescott in the first number of *American Baconiana* of February 1923. In discussing it Prescott referred to the first incarnation which the pig could remember, which was in the person of Romulus, the mythical founder of Rome. He then turned to the last of the Latin elegaic praises to Bacon appearing in the *Manes Verulamiani* which contains the lines:

Crescere Pegaseas docuit, velut Hasta Quirini
Creuit, et exiguo tempore Laurus erat.

These have been translated as "He taught the Pegasean arts to grow, as grew the spear of Quirinus swiftly into a laurel tree." This poem was written by Thomas Randolph of Trinity College Cambridge and the word "Quirinus", etymologically, means the Spear Shaker and later became the name for Romulus who threw a spear into the Quirinal.

Prescott also pointed out that this book was signed "Transmigratus" which means one who has passed into a different body. This aptly describes the Learned Pig whose story concerns the many incarnations through which he passed during his long existence. Some of these episodes are

very amusing. Prescott tells us that, in simple cipher, the word "Transmigratus" adds to 171 which is the K count of FRANCIS. For those who dispute this K count, it will be found that 171 is also the combined counts of 100 = FRANCIS BACON and 71 the reverse count of AUTHOR. It is also the reverse count of BACON (92) + the simple count of AUTHOR (79).

Like other humorous and allegorical stories thought to have been written by Bacon, some of the episodes in this book are obviously there merely for the fun of the thing, but some seem to be capable of deeper meaning. If, indeed, Bacon had a hand in the authorship, it is evident that parts were added by an eighteenth century writer in order to disguise its original source. For example, we are told that, after Romulus was killed by Numa his body was buried secretly, but was later re-buried where the Capitol was later erected by Tarquin the Proud. One may wonder whether this is a subtle hint concerning the removal of a certain body to the Capital where was later erected a curious monument in Westminster Abbey. On the other hand, it could be a reference to one who resurrected the ancient Roman (and Greek) wisdom and who revised and replanted it in this country. Numa Pompilius is said to have been the founder of all the ancient institutions of Rome. He built the Temple of Janus and instituted the Flamens, or sacred priests of Jupiter, Mars and Quirinus, and other fraternities. Janus was one of the principal Roman deities. He was originally the God of Light and Day and later became God of the beginning and origin of all things and was therefore the spirit of the opening; the double head was connected with the Temple arch or gate that opened both ways, east and west.

Livy tells a curious story of some stone chests, bearing inscriptions in Greek and Latin, which were found at the foot of the Janiculum in 181 B.C. One was supposed to contain the body of Numa and the other his books. The story was referred to by Francis Bacon:

I remember Livy doth relate that there were found at a time, two coffins of lead in a tomb, whereof the one contained the body of King Numa, it being some four hundred years after his death; and the other his Books of Sacred Rites and Ceremonies and the discipline of the Pontiffs. And in the

coffin that had the body, there was nothing at all to be seen but a little light Cinders about the sides, but in the coffin that had the books, they were found as fresh as if they had been but newly written, being written on parchment and covered over with Watch-candles of wax three or four-fold.

It is not suprising that Francis Bacon Was interested in Numa but to describe this story in such detail, with special mention of the method of preserving manuscripts for long periods against damp reminds us of that coffin which John Aubrey told us was removed in 1681 from the vault under the altar of St Michael's Church in Gorhambury.

Our Learned Pig's next incarnation was in the body of a horse which was eventually killed in a battle with the Sabines. He then "successfully passed through a jack-ass, a monkey, a bear and a boar-cat" which was an old name for a Tom-cat. Our friend's next incarnation was that of Brutus, in which episode he denies that his stabbing Caesar had a patriotic motive. But we must pass on:

From the illustrious body of Brutus I was quickly impelled into that of a dog belonging to a Roman Citizen; and so I became the fawning attendant of the man I had vainly hoped to have made my abject slave. I endeavoured, however, to make a virtue of necessity and reconcile myself to my fate; but one day, having unfortunately bit his only son who had pulled me a little roughly by the tail, I was sentenced to be hanged; and so received that death as a dog, I had most richly deserved as a man.

I was now doomed to inhabit the bodies of small, short-lived animals 'till a certain period at the beginning of the 16th century, and during that long interval, may truly be said to have lived and died the prey of anxiety, disappointment, grief, pain, despair and whatever can contribute to fill up the measure of perfect misery. In short, I had passed through scorpions, lizards, ants, worms and almost every species of insect and small reptile in all parts of the terraqueous globe. Where I give you a circumstantial account of my connections, deaths, fatigues, escapes and various incidents of so many ages passed in that minute part of creation, I could, no doubt, find matter for the entertainment of many days, but I should only consider this an abuse of your patience, though I might be warranted by many great examples.

After further adventures, deaths and incarnations, we now come to an important reference to Ben Jonson which should not pass without notice:

I am now come to a period in which, to my great joy, I once more got possession of a human body. My parents, indeed, were of low extraction; my mother sold fish about the streets of this metropolis and my father was a water-carrier; even that same water-carrier celebrated by Ben Jonson in his comedy of *Every Man in his Humour*.

This play, like its predecessor, *Every Man Out of his Humour*, was aimed at those who attempt to pass themselves off as someone else. In the latter play is included the wellknown attack on Shakespeare and his newly aquired Coat of Arms, while *Every Man in his Humour* presents us with a student called Ovid Junior who was neglecting his law studies and writing poetry and plays. Jonson's water-carrier was Oliver Cob who tells us that his ancestor was "the first red herring that was broiled in Adam and Eve's kitchen, I smell his ghost ever and anon." A cob was a young herring. Asked about his unsavoury jest, he replied, "Why not the ghost of a herring cob as well as the ghost of rasher-bacon, they were both broiled on the coals, and a man may smell broiled meat, I hope? You are a scholar, upsolve me that now." Shall we try and "upsolve" the words "broiled meat"? These words add, in simple cipher, to 111, the count of THE AUTHOR. In reverse cipher they add to 176, the count of FR TUDOR.

The reference to "rasher-bacon" was obviously dragged in for a purpose as was a similar reference in *The Merchant of Venice* which was written at about the same time. Who borrowed from whom is not clear but in the *Merchant* the clown, while speaking of the conversion of the Jews, says, "this making of Christians will raise the price of Hogs, if wee all grow to be porke-eaters, wee shall not shortly have a rasher on the coals for money."

Our Learned Pig continues:

I was early in life initiated in the profession of horse-holder to those who came to visit the play house where I was well-known by the name of Pimping Billy.---- I soon after contracted a friendship with that great man and first of geniuses, the immortal Shakespeare, and am happy in now having it in my power to refute the prevailing opinion of his having run his country for deer-stealing, which is as false as it is disgracing. The fact is, sir, that he had contracted an intimacy with the wife of a country Justice near Stratford, from his having extolled her beauty in common ballad; and was unfortunately, by his worship himself, detected in a very

awkward situation with her. Shakespeare, to avoid the consequences of this discovery, thought it most prudent to decamp. This I had from his own mouth. With equal falsehood has he been father'd with many spurious dramatic pieces, "Hamlet", "Othello", "As You Like It", "The Tempest" and "Midsummer's Night Dream" for five; all of which I confess myself to be the author. And that I should turn poet is not to be wondered at, since nothing is more natural than to contract the ways and manners of those with whom we live in habits of strict intimacy."

This episode ends with a sly thrust at our modern critics:

You will of course expect me to say something of the comments that have been made by various hands on these works of mine and his: but the fact is, they all run so wide of the real sense that it would be hard to say who erred most. In this condition I for some time enjoyed an uninterrupted happiness, living at my ease on the profits of my stage-plays, and what I got by horse-holding. But alas! how transient is all human felicity! The preference given to Shakespeare over me, and the great countenance shewn him by the first crowned head in the world, and all people of taste and quality, threw me into so violent a fit of spleen that it soon put a period to my existence.

The book ends with a long and moving plea for officers of the Navy whose livelihood, when discharged after a long war, was reduced to penury. This scene was witnessed by the Learned Pig who, before the ex-officer arrived, was to take part in an "exhibition" to be presented by the master of the house:

A triple alphabet was placed on the floor and, the spectators being seated, the word "Sovereignty" was called for. Scarcely had I picked out the first letter, when a servant entered in great consternation, and acquainted the lord of the house that a young man with one arm and of mean appearance was at the door.

After this unfortunate man left, the Pig informs the lord that he had become the slave of a passion for a lady who rejected him. He ends by saying:

In fine, Sir, judge how great must be my mortification at being rejected by a woman in so humble a sphere! I, who have conquered and planted empires, given laws to the greatest nations in the world, and on whose smiles the most illustrious and beautiful of the sex have lived, and thought themselves happy.

The reference to a triple alphabet and to the first letter of the word "Sovereignty" which was picked out, seems to smack of cipher and, perhaps, refers to the triple alphabet discovered by Ewen MacDuff in Bacon's *Abececlariun Naturae* which was first published in 1679. In this alphabet, "Triple S" = 66, just as "Triple T" or "Triple TAU" = 67 or FRANCIS. By selecting the first letter of the word "SOVEREIGNTY", our Learned Pig may have intended us to convert the remaining letters of this word into triple cipher numbers. In doing this, what do we find?

The initial S = 66 which is the count of ROYAL;

then comes an O = 62 which is the count of PRINCE.

We also have an R = 65 which is the count of ST ALBAN;

a T = 67 which is the count of FRANCIS;

and a Y = 71 which is the R count of AUTHOR.

This seems to be all that we need, but we should account for the remaining letters of the word "Sovereignty". These are V(68), E(53), E (53), I(57), G(55) and N(61). If we take the V and I together, they add to 125 which is the count of FRANCIS HANG HOG, a most apt pseudonym for use in this particular book. We are now left with a total of 222. It has frequently been found that when Francis St Alban enciphers a claim that he was a royal prince he included the title TUDOR, the reverse count of which is 51. This leaves us with a total of 171 which, as W.M.Prescott discovered, is the count of the author's pseudonym TRANSMIGRATUS.

We have found that 66 is the count of ROYAL, but which word is not now necessary. It is also the reverse count of the words IS THE, so that the triple count of the letters of the word "Sovereignty" give us the cryptic message, FRANCIS ST ALBAN, FRANCIS HANG HOG, TUDOR PRINCE, IS THE AUTHOR, TRANSMIGRATUS.

All of these cipher counts have been used on previous occasions and this message confirms that this *Story of the Learned Pig* originated from the pen of Francis Bacon and was published in an eighteenth century wrapping. The book typifies Bacon's method of concealing truths while, at the same time, leaving an interesting trail for a later generation to discover. It is sad that it took a further hundred years before the Francis Bacon Society was founded, and it is now a hundred years since that time that the truth is beginning to be

accepted by a reluctant world. Maybe by AD2086, someone will have unearthed a hidden manuscript which will redeem the world from its primitive idol worship, or as some say, Bardolatry.



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THE.CRYPTOGRAPHIC.SHAKESPEARE.

by
PENN LEARY

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THE COMPTE DE SAINT GERMAIN

By Jean Overton Fuller

This Biography is mainly a factual account of the life, as far as is known, of the Compte de Saint Germain in which the many extravagant stories of this remarkable man have been discarded. However, Jean Overton Fuller quotes a number of comments from letters by his admirers which credit Saint Germain with abnormal and mystical powers. Though not professing to be a Theosophist, her last chapter entitled "Saint Germain: The Master Rakoczy" refers to the "Adepts or Masters of Wisdom" and to Madame Blavatsky and her beliefs.

The book starts with a lengthy review of the life and activities of the Transylvanian hero, Prince Francis Rakoczy (1676-1735) who, with his countrymen, often armed only with pitchforks and other farm implements, sought to rid their country from the Austrians who had annexed Hungary and Transylvania after driving out the Turks in 1683.

Prince Francis was married in September 1694 to Princess Charlotte Amalia von Hesse-Rheinfels when he was nineteen and she sixteen years of age and the wedding took place in Cologne Cathedral. Their first child, Leopold Louis George, was born in 1696 and in November 1700 another son, Joseph, was born to them. A number of writers have believed that the so-called Compte de Saint Germain was another of their sons, while some even believe that the Compte was actually Prince Francis himself who, by some secret recipe, never grew old.

Miss Overton Fuller is of the opinion that these theories are highly speculative and suggests that Saint Germain was, in fact, an illegitimate son of Prince Francis, conceived when he was in Florence in 1693 at the age of seventeen. She writes:

Saint Germain's reply to King Frederick's sister, Princess Amelia, that his country of origin was one that had never known foreign rule, has been taken to mean that he must have been a Wittelsbach, Bavaria being about the only European country, apart from France, of which that could be said. (The Wittelsbach family had ruled Bavaria and the Palatinate for many years.) He could

not have been a bastard of Queen Maria Anna of Spain who was born a Wittelsbach, but there was another Wittelsbach lady, Princess Violante of Bavaria, wife of Prince Ferdinando dei Medici (son of Duke Cosimo III) neglected and miserable in Florence when Rakoczy arrived there in May 1693 and stayed four months.

This Princess was married to Prince Ferdinando in 1685 at the age of thirteen and, according to Miss Overton Fuller, he like his brother Giovanni Gastone was probably a "boy-lover" who took no interest in his wife. Our author continues:

If one looks at the portraits of Rakoczy, Violante and Saint Germain (all reproduced in this book) one sees that his face seems to combine features from theirs. It would give a reason for the Medicis to have brought him up, for why should they bring up a bastard of Francis Rakoczy unless the mother was one of their own family?

On page 283 Miss Overton Fuller writes:

It ceases to be surprising Saint Germain should possess a Raphael and other treasures in the form of paintings and rare and ancient books if he had in his background the Medici library and collections of old masters, the greatest in the world. The Medician dynasty ended with the two boy-loving, unhappily married brothers, Ferdinando and Gian or Giovanni Gastone.

We first hear of the Compte de Saint Germain in November 1735 when he sent a rare and ancient book from The Hague to Sir Hans Sloane in England. In 1743 he arrived in Edinburgh and in 1745 he was arrested in London on suspicion of being an agent of the Young Pretender. He was soon released and it is known that at this time he was delighting London audiences with his brilliant violin playing and with his musical compositions. Gluck and Prince Lobkowitz were also in London and attending his concerts. In 1755 Saint Germain was denounced as a spy and in 1756 he was again at The Hague. In 1757 he entered France and was received at the Court of Louis XV where he became a trusted friend of Madame de Pompadour. In 1760 he returned to London but it seems that he was not welcome by the Government and left. He was later to be found in a number of European countries where he appears to have been extremely wealthy and to have devoted his time in producing numerous chemical products, including a cheap method of dyeing cheap materials such as calico and hides which he

hoped would be marketed, not for his own profit, but which would benefit the poorer classes and so redress the appalling imbalance between the rich and poor. In this he was swindled by the merchants who secured his secret methods while confiscating his valuable collection of pictures and other valuables left on deposit. He finally died in extreme poverty in the little port of Eckernforde in Schleswid-Holstein at the age of ninety in 1784. A painting by Jean Overton Fuller of the cottage where he died is produced in this book.

It is a curious fact, though not so curious to the Theosophists, that, whereas Francis St Alban had taught the world how to discover the secrets of Nature through the inductive method of reasoning, which is the method now used by the scientists, while Saint Germain actually discovered by this method the way to produce the very goods which he hoped would provide the poorer people with goods which they could afford.

It is advisable to have a pre-1914 map of Europe handy when reading this absorbing book.

T.D.B.



THE.CRYPTOGRAPHIC. SHAKESPEARE.

By Penn Leary

The first part of this book gives a comprehensive and convincing review of the evidence concerning Francis Bacon's authorship of the Shakespeare works. This includes many quotations from Mark Twain's amusing book *Is Shakespeare Dead?* and this review alone makes Penn Leary's book a worthy contributor to the Bacon cause. It is well written and very easy to read because his conversational style conveys all the drama of investigation and the excitement of making a major find. The reader does not become lost in a maze of explanations because Penn Leary often summarises important points.

Not only does Mr Leary provide an excellent outline of and introduction to cryptology but he also uses the requirements laid down by modern experts (William Friedman and David Kahn) to analyse the system he has found. Thus, he thoroughly demonstrates how the cipher system in the *Sonnets* meets all the strict criteria for being a true cipher. His discovery therefore seems irrefutable. Also, he shows how its authenticity can be confirmed by its consistent employment in contemporary works (eg William Basse's *Epitaph on Shakespeare*, a couple of Bacon's open works and in several places within the Shakespeare *Sonnets* and *First Folio*). They all hold the same cryptic 'signature'.

Also, the author explains the legitimate use of phonetic variations for spelling words and names: eg Beakin, Baikehn, Boycean for Bacon and Napper, Nepair for Napier. In fact, Penn Leary devotes a whole chapter to John Napier's vital contribution to mathematics through the invention of logarithms (whereby the integer 1 is considered as zero and 10 as unity). This greatly simplified difficult calculations, especially in astronomy, by converting them into ordinary arithmetical operations. Napier also introduced the use of decimal points so that the then newly developed decimal system could be used effectively. Penn Leary contends that Francis Bacon would have been keenly interested in Napier's

work. His decipherment of the title-page and peculiar dedication of the *Sonnets* (as sold by William Aspley* not John Wright) proves that their publication was really dedicated to John Napier by Francis Bacon. The decipherment yields:

OONYPIRCYPHRSEBEKAANBACON.

That is, "Zero, zero - Napier's ciphers beacon (or beckon) Bacon". And with the thirty superfluous decimal points at the end of every word in the dedication, this makes a fitting tribute to the mathematician. Mr Leary adds that "...number one is reckon'd none" in Sonnet 136 refers to logarithmic value.

The system used is an adaptation of what the author describes as the "Caesar" cipher which was used by Trithemius in the sixteenth century and published in 1606. It was also demonstrated in the Selenus cipher manual *Cryptomenytices et Cryptographiae* (1624). The system is based on the transposition of letters of an open text a certain number of places to the right. A becomes E, B becomes F, etc. After some trial and error with a computer, Leary discovered that, by using a twenty one letter alphabet which does not include J, U, W, X and Z, a phonetic spelling of the name BACON was produced with a meaningful message in certain texts.

The decipherment reported above was found by selecting the last letter of each word and alphabetically transposing it exactly as instructed in the plain dedication. But the incredible thing is that the next-to-last letters also produce a message. This confirms the secret author:

PARENT FS BEAKYNN IS (A) BAIKEHN FRA (A)

Here are two phonetic spellings of the name BACON with A PARENT plus his two usual abbreviations for Francis. In the lines opposite the portrait in the 1623 Folio were found by this method:

BYBAKINBOYCEAN

By the same means, the real author of the plays is announced in the very first spoken word in the Folio of plays. That is

'BOTE-SWAINE' in *The Tempest* yields:

FSBAICCENRI

It has often been said that Bacon used nine or ten different cipher systems, presumably because he hoped that someone who had studied one of these systems would unearth his secrets. It is not surprising then that unambiguous authorship claims have been found by the squaring system both in the dedication to the *Sonnets* and in the lines opposite the portrait in the Shakespeare Folio. Another authorship claim has also been found in the epilogue to *The Tempest* spoken by Prospero and in a great number of other places including the *Sonnets* themselves. The rules which govern this squaring system have been found by the author of this review to be that the group of letters found must be of a symmetrical shape and that this group must be contained by columns and lines whose initial letters, or whose numbers, add to a number which is the 'count' of a significant word or words. Confirmation of some of these finds by Penn Leary's somewhat intricate system is therefore most welcome and, it is suggested, proves beyond any doubt that Francis Bacon was the author of the Shakespeare works.

T. D. B. / R.J.B.

*He became one of the four who published the 1623 Folio of plays.

CORRESPONDENCE

The Editor,
Baconiana.

Dear Sir,

My first reaction on reading Mr N M Gwynne's article in your issue no 187 was to reach for my own book, *Sir Francis Bacon* (East-West, 1981) to refresh my memory of what I had said there of the Peacham affair, before writing to you. I was puzzled not to find Peacham, Edmund, in the Index. Then it came back to me. I had written a chapter "Peacham", but when my publisher asked me to reduce the typescript by so many thousand words in order to lower the costs of production, this was one of the sections sacrificed. I cannot immediately lay my hands on the discarded pages, and my memory of the details is not as fresh as it was since, in the intervening ten years, I have been writing other books - amongst which *The Comptes de Saint-Germain, Last Scion of the House of Rakoczy*, just out, from the same publisher, may be of interest to those members of the Society who believe him Bacon's reincarnation. With regard to Peacham however, I do remember pointing out that Bacon was not the prime mover in his interrogation. The use of torture in such cases was in that day routine; Bacon merely had to attend in routine circumstances. More remarkable is that in some earlier cases of the same sort in which the interrogations were under his own control, torture was not used. In any case, since Peacham was eventually allowed to retire to the country, without any confession having been obtained from him, the tortures can hardly have been of the cruelest degree.

With regard to Bacon's alleged "corruption", I do not think there was any. This is a matter I have certainly entered into in some detail in my book. Briefly: Judges were not paid salaries they could live upon, and the understanding was that after a case had been heard, a gift was made to the Judge by the party in whose favour he had judged. As Bacon understood it, this was normal practice. Only if the gift was received before the judgement was given - *pendente lite* - might it be considered as a bribe. There was, he admitted, an awkward area, where one litigious person had a number of

cases coming to court in succession. One might accept a gift from such a person on the supposition it was tendered as a thanks for the judgement in a case just heard, not realising the same litigant had another one coming up. Bacon, who had put aside his prepared defence at the request of the King - to protect the latter from involvement in a scandal that might have brought down the monarchy right away - tendered the possibility he could have failed to get his clerk to check that the donor of some gift had not another case coming up before, in which case it might be wiser not to receive it. But there is a most important point which Mr N M Gwynne, like all vilifiers of Bacon, fails to make. His denunciation was made by two men whose complaint was not that he had received their gifts but that, having received their gifts, he had entered judgement against them.

That is the proof his judgement had not been corrupted.

I do not quite understand why Mr N M Gwynne wants the name and addresses of all members of the Society, but my feeling is that if these are supplied to one member, they should be supplied to all. May I, please also have such a list? Some Societies, for instance the British Butterfly Conservation Society, publish from time to time lists of their members' names, with their addresses, and send it out with their bulletin.

I am, Sir, yours faithfully,

Jean Overton Fuller

PUBLICATIONS

(for sale)

All the following publications are available from the Francis Bacon Society except those so marked. Enquiries should be made to the Hon. Treasurer, T. D. Bokenham, at 56 Westbury Road, New Malden, Surrey KT3 5AX, from whom an up-to-date price list may be obtained.

Baker, H. Kendra

The Persecution of Francis Bacon

A story of great wrong. This important book presents lucidly the events and intrigue leading up to the impeachment of Francis Bacon, Lord Chancellor. (Paperback - 1978).

Barker, Richard

How to Crack the Secret of Westminster Abbey

A step by step guide to one of the key ciphers concealed in the Shakespeare Monument, and a signpost of what it implies.

Bokenham, T. D.

A Brief History of the Bacon-Shakespeare Controversy

A concise and clear summary, concluding with some new cipher evidence. Illustrated. (Paperback - 1982).

The "Original" Shakespeare Monument at Stratford-on-Avon

A history of the repairs and alterations made to the monument in 1749. Illustrated. (Booklet - 1968).

Dawkins, A. P.

Faithful Sayings and Ancient Wisdom

A personal selection of Francis Bacon's Essays and Fables from the Wisdom of the Ancients, chosen for the teachings that Bacon gives in these concerning the fundamental laws of Creation and Redemption. Illustrated. (Paperback - 1982).

Journal 3: Dedication to the Light

The Bardic Mysteries. The secret marriage of Elizabeth I and Leicester: the birth, adoption and upbringing of Francis Bacon in Bardic and Platonic fashion. (Bacon's life: 1561-2).

Journal 5: Arcadia

The Egyptian Mysteries and Hemiticism. The mystery of Arcadia. The secret Arcadian Academy of English alchemical poets & beginnings of modern Freemasonry. (Bacon's life: 1579-85).

Francis Bacon - Herald of the New Age

An introductory essay to the genius and hidden nature of Sir Francis Bacon, and to the nature of his vast philanthropic work for mankind.

Bacon, Shakespeare & Fra. Christian Rose Cross

Three essays: Francis Bacon, Father of the Rosicrucians / Celestial

Timing - The Virgin Queen and the Rose Cross Knight / Shakespeare: The Sons of the Virgin.

Dodd, Alfred

Francis Bacon's Personal Life-Story

A revealing account of Bacon's secret as well as public life, revealing his genius and role as poet, author, playwright and director of the English Renaissance, as 'Shakespeare', as 'Solomon' of English Freemasonry, and as Francis Tudor, son of Queen Elizabeth I.

Eagle, R. L.

The Secrets of Shakespeare Sonnets

A scholarly and spiritual interpretation of these most beautiful poems, with a facsimile reproduction of the 1609 edition of the Sonnets and "A Lover's Complaint". (Hardback - 1965).

Available from The Mitre Press, 52 Lincoln's Inn Fields, London WC2.

Gundry, W.G.C.

Francis Bacon - a Guide to his Homes and Haunts

Although inaccurate in parts this little book includes some interesting information and many illustrations. (Hardback - 1946).

Manes Verulamiani

A facsimile of the 1626 edition of the elegiac tributes to Francis Bacon by the scholars and poets of his day, showing Francis Bacon to have been considered a scholar and a poet of the very highest calibre although "concealed". With translations and commentary, this is a most valuable book. (Hardback 1950).

Johnson, Edward D.

Francis Bacon's Maze

Francis Bacon's Cipher Signatures

The Bilateral Cipher of Francis Bacon

Durning-Lawrence, Sir Edwin

Bacon is Shakespeare

With Bacon's Promus.

Macduff, Ewen

The Sixty-Seventh Inquisition

The Dancing Horse Will Tell You

These two books demonstrate by means of diagrams and photofacsimiles that a cipher, brilliantly conceived, but simple in execution, exists in the 1623 Shakespeare Folio. The messages, revealed, and the method of finding them, form a fascinating study and an unanswerable challenge to disbelievers. The books are the result of many years' careful research. Hardbacks - 1972 & 1973.

Melsome, W. S.

Bacon-Shakespeare Anatomy

Dr. Melsome anatomises the "mind" of Shakespeare, showing its exact counterpart in the mind of Francis Bacon. (Hardback 1945).

Pares, Martin

Mortuary Marbles

A collection of six essays in which the author pays tribute to the greatness of Francis Bacon. (Paperback).

A Pioneer

A tribute to Delia Bacon. (Hardback - 1958).

Knights of the Helmet

Useful notes on the Baconian background. (Paperback - 1964).

Sennett, Mabel

His Erring Pilgrimage

An interpretation of "As You Like It". (Paperback - 1949).

Theobald, B. G.

Exit Shakespeare

A concise and carefully reasoned presentation of the case against the Stratford man, Shakespeare, as an author of the Shakespeare works. (Card cover - 1931).

Enter Francis Bacon

A sequel to "*Exit Shakespeare*", condensing the main facts and arguments for Francis Bacon as a supreme poet and author of the Shakespeare Plays. (Hardback - 1932).

Trevelyan, Sir George

The Winters Tale - An Interpretation

An esoteric interpretation in the Light of the Spiritual World View showing that the play is in essence a Mystery Play based upon the Greek Mysteries.

The Merchant of Venice - An Interpretation

An esoteric interpretation in the Light of the Spiritual World View showing that the play is a story of soul initiation based upon the Ancient Wisdom teachings.

Woodward, Frank

Francis Bacon's Cipher Signatures

A well presented commentary on many of the "Baconian" cipher signatures in text and emblem, with a large number of photofacsimiles. (Hardback - 1923).



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