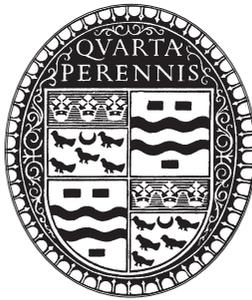


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EDITOR

BRYAN WARD-PERKINS

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EDMOND MALONE AND THE TRIALS OF FORGERY: WILLIAM HENRY IRELAND AND THE SHAKSPEARE PAPERS

BY NICK GROOM

Edmond Malone's part in ascertaining that the papers supposedly written by the fifteenth-century Bristol priest and poet Thomas Rowley were actually composed by Thomas Chatterton is examined in my essay, 'Edmond Malone Unmasking Forgery'.¹ This companion piece considers Malone's more central, if ultimately less decisive, role in the affair of William Henry Ireland and the 'Shakspeare Papers' (1795–6). Although the Rowley Controversy was effectively over by 1782, there was still the odd recidivist supporting the authenticity of some, if not all, of the Rowley papers – most notably William Barrett, who used and reprinted various Rowleian documents in his *The History and Antiquities of the City of Bristol* (1789). Chatterton himself, meanwhile, had begun his posthumous literary celebrity: in the dozen or so years after 1782 further examples of his poetry and prose were published, his work was anthologized, George Gregory's biography appeared in 1789, and monuments were erected, concerts held and commemorative verses were written in his honour.² Neither was Malone's debunking of the Rowley papers forgotten.³ It was therefore perhaps inevitable that when a comparable

I am grateful to Dr Alan Coates, Professor John Goodridge, the *BLR*'s editor and anonymous readers, and the staff of the Bodleian Library, British Library, Royal Irish Academy, and University of Exeter Library for their assistance.

1 Nick Groom, 'Edmond Malone Unmasking Forgery: Thomas Chatterton and the Rowley Controversy', *Bodleian Library Record*, 31 (2018), pp. 124–46. The present article also expands on my earlier points made about the Shakspeare Papers in Nick Groom, *The Forger's Shadow: How Forgery Changed the Course of Literature* (London, 2002), pp. 217–55.

2 The creative responses to Chatterton are exhaustively listed by John Goodridge in his annotated bibliography, 'Rowley's Ghost: A Checklist of Creative Works Inspired by Thomas Chatterton's Life and Writings, 1770–2020', revised and expanded edition (2020), <https://www.academia.edu/44347373>.

3 See, for example, George Heath, *The New History, Survey and Description of the City and Suburbs of Bristol, or Complete Guide* (Bristol, 1794), p. 97: alluding to Edmond Malone, *Cursory Observations on the Poems attributed to Thomas Rowley, a Priest of the Fifteenth Century: with some Remarks on the Commentaries on those Poems, by the Rev. Dr.*

debate erupted in Malone's principal field of expertise – the plays and poems of William Shakespeare – that he would be at its very heart.

As explained in 'Edmond Malone Unmasking Forgery', the Irish peer and politician James Caulfeild, Earl of Charlemont, had been drawn into the nascent Rowley Controversy as early as September 1772 during the season at Bath. His wife was told of the discovery by her physician, Dr Francis Woodward, and Lord and Lady Charlemont straightaway went to visit George Catcott. Catcott, a Bristol pewterer and antiquary and the indefatigable champion of Rowley, was seeking patrons to defend the authenticity of the Rowley corpus and support the plans for publication he and Barrett were entertaining. Lord Charlemont was impressed enough to visit Catcott a second time the following day, examine the Rowley 'originals' safeguarded by Barrett, and order a bespoke book of transcripts. He paid fifteen guineas for the privilege and took possession of the book the next month.⁴

Six months later, in March 1773, Charlemont was elected to Johnson's Club, and before the end of the month (26 March) had read Rowley's poetry to the assembled members – which included Thomas Percy, editor of *Reliques of Ancient English Poetry* (1765). Percy investigated the matter and eventually determined that Rowley was forged, a copy of his letter on the subject making its way to Barrett and Catcott – causing Catcott to write to Charlemont in November that Percy had declared against the cause. Charlemont, however, held firm and continued to correspond with Woodward and Catcott through the remainder of the decade.

In 1777 Charlemont began a long friendship with fellow clubman Malone, with whom he shared a passion for old literature and book collecting. Rowley, however, was a point of contention, and, not wishing to embarrass or affront his friend, Malone was markedly diplomatic in his comprehensive refutation of the authenticity of the Rowley poems published in February 1782: *Cursory Observations on the Poems attributed to Thomas Rowley, a Priest of the Fifteenth Century*. He succeeded – although Charlemont was still advocating authenticity months later, claiming that 'Rowley may regain his Rank among English Bards.'⁵

Jeremiah Milles, Dean of Exeter, and Jacob Bryant, Esq; and a Salutary Proposal addressed to the Friends of those Gentlemen, 2nd ed. (London, 1782).

⁴ For a full account, see Groom, 'Malone Unmasking Forgery', pp. 130–32.

⁵ Royal Irish Academy (hereafter RIA), 12 R 13 (4 October 1782), fol. 1^v. Charlemont's correspondence is published in *The Manuscripts and Correspondence of James, First Earl of Charlemont*, 2 vols (Historical Manuscripts Commission. Thirteenth Report, Appendix, Part VIII), ed. John T. Gilbert (London, 1894); it has been freshly transcribed for the present article.

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Malone proceeded with great care in *Cursory Observations*. He argued that Rowley's lines exhibited modern word order, grammar and phraseology; he identified borrowings from later writers; he detected anachronisms; and he queried the handwriting. In short, 'The versification is too modern; the language is often too ancient.'⁶ But Malone also added levity to the debate with a gentle satire against the pro-Rowleians that concluded his sixty-two-page pamphlet. His aim was to defuse the controversy rather than detonate it, and, in so doing, preserve Charlemont's integrity. Although Samuel Johnson observed in exasperation to Malone following the publication of the pamphlet that he thought 'this wild adherence to Chatterton more unaccountable than the obstinate defence of Ossian', the controversy was indeed effectively ended, and Charlemont fell silent on the matter.⁷

Malone returned to his Shakespearian researches (eventually publishing his ten-volume *Plays and Poems of William Shakspeare* in 1790) and continued his friendship with Charlemont in correspondence and at the Club. Charlemont was himself an informed and (usually) judicious reader of English literature, and Malone expressed considerable personal concern when Charlemont fell dangerously ill.⁸ He wrote to James Boswell that,

poor Lord Charlemont, is by no means well. He has had a very disagreeable [*sic*] nervous complaint, accompanied with a heavy cough and great languor, these ten days past. I am just come from him. He is in tolerable spirits; but the great feebleness of his pulse which for several days have beat but 40 times in a minute, (little more than half the healthy pulsation) is a very alarming symptom.⁹

Malone also corresponded with Sir Joshua Reynolds, one of Charlemont's old friends, on the subject of the earl's health, although Reynolds (perhaps counselling Malone) was wary of seeming overfamiliar with the lord and appearing to be a 'Toad-eater'.¹⁰

For several years Malone had been assembling materials for a projected biography of Shakespeare, frequently visiting Stratford and its environs.

6 Malone, *Cursory Observations*, pp. 24, 33.

7 *The Letters of Samuel Johnson*, ed. Bruce Redford, 5 vols (Oxford, 1992–4), vol. 4, p. 14 (27 February 1782).

8 Charlemont was familiar enough with Shakespeare to quote *Macbeth*, for example, in a letter of 12 November 1786 to the Anglo-Irish statesman Henry Flood (British Library (hereafter BL), Additional MS. 22930, fol. 171^r).

9 *The Correspondence of James Boswell with David Garrick, Edmund Burke, and Edmond Malone*, eds Peter S. Baker, Thomas W. Copeland, George M. Kahl, Rachel McClellan and James M. Osborn (London, 1986), pp. 402–3, 24 February 1791.

10 A 'toad-eater' was a sycophant, today's 'toady'; Bodleian Library, MS. Malone 26, fol. 147^r (8 March 1791).

John Nichols, editor of the *Gentleman's Magazine* and later cultural chronicler, noted that in about March 1785 he had learned that there was a cache of Shakespeare's papers, wills and other documents in an attorney's office at Measham, on the border between Leicestershire, Derbyshire, Warwickshire and Staffordshire.¹¹ Nichols informed Malone, who enquired after 'the *Warwickshire Wills*' in a letter of 7 April 1785. That trail soon went cold, but Nichols, who later published Malone's letter in one of the seventeen volumes of his *Anecdotes and Illustrations*, added a note stating that the information regarding 'the *Warwickshire Wills*' had come from a weaver, print-maker and travel writer named Samuel Ireland. 'I have no doubt', considered Nichols, 'but that the origin of the fictitious *Shaksperian MSS.* may be dated from this early period.'¹²

Nevertheless, it was not until a decade later, on 18 July 1795, that Charlemont wrote to Malone that he had read in the newspapers 'some Account of the Wonderful Shaksperian Discovery'. There were conspicuous parallels with the Rowley Controversy. Here was another cache of manuscripts, allegedly discovered by another precocious teenager – although in this case supposedly penned by William Shakespeare himself. The array of documents was as promiscuous as Rowley's had been: annotated books and business memoranda, verses addressed to Anna Hatherreway (enclosing a lock of hair), holographs of the 'Tragedye of Kynge Leare' and 'Hamblette', and the new plays 'Vortigern and Rowena' and 'Henry II'. These relics had been acquired by William Henry Ireland, a seventeen-year-old apprentice conveyancer (who was, in fact, nineteen years of age), who claimed he had received them from a gentleman only ever known as 'Mr. H.'. The curious could pay the princely sum of a guinea to see them exhibited and hear them declaimed by William Henry's father Samuel Ireland at his house in Norfolk Street (between the Strand and the Thames) – all the while seated on what purported to be Shakespeare's own chair; an experience perhaps comparable to listening to the Rowley poems read aloud. At the same time a lavish facsimile edition of the manuscripts was engraved and printed at the end of

¹¹ See John Mair, *The Fourth Forger: William Henry Ireland and the Shakespeare Papers* (London, 1938), p. 19.

¹² John Nichols (ed.), *Illustrations of the Literary History of the Eighteenth-Century*, 8 vols (London, 1817–58), vol. 5, p. 463; and Edmond Malone, *An Inquiry into the Authenticity of Certain Miscellaneous Papers and Legal Instruments, Published Dec. 24, MDCCXCV and attributed to Shakspeare, Queen Elizabeth, and Henry, Earl of Southampton: Illustrated by Fac-Similes of the Genuine Hand-Writing of that Nobleman, and of Her Majesty; A New Fac-Simile of the Hand-Writing of Shakspeare, Never Before Exhibited; and Other Authentick Documents: in a Letter addressed to the Right Hon. James, Earl of Charlemont* (London, 1796), pp. 4–5.

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the year, and the new play *Vortigern* went into rehearsals for staging on 2 April 1796.¹³

Interestingly, Charlemont and Malone had already discussed this matter and Malone had convinced Charlemont that these papers were forgeries.¹⁴ Malone had indeed previously been active in exposing other Shakespeare forgeries. In his 1790 edition of the *Plays and Poems of Shakspeare*, he had attacked the evidence of a memorial portrait of Shakespeare, possibly commissioned in the seventeenth century by Sir Thomas Clarges and reported in the *Gentleman's Magazine* of 1759, as a 'forgery'.¹⁵ He also appended an essay to the introductory volume systematically proving that the supposed pamphlet *Old Ben's Light Heart made Heavy by Young John's Melancholy Lover* was a recent *jeu d'esprit* written by the comic actor Charles Macklin in order to promote his own adaptation of John Ford's play *The Lover's Melancholy*: 'an innocent forgery, fabricated for the purpose of aiding a benefit'.¹⁶ Malone had in fact interviewed the elderly Macklin – who rather inanely persisted in claiming the pamphlet was genuine but had since been lost at sea.

The spurious pamphlet's claim is that Ford, in the course of revising Shakespeare's papers with John Heminges and Henry Condell for posthumous publication, appropriated Shakespeare's play 'The Lover's Melancholy' and presented it as his own. The incident is accordingly freighted with anecdotes of Ford and Ben Jonson – that Jonson was envious of Shakespeare's success, for example, and that he and Ford were on hostile terms. Malone highlights anachronisms: Jonson would not have been 'Old Ben' at the time, and neither would Ford have been 'Young John', there being only a dozen years separating their ages. He identifies details taken from eighteenth-century biographies and prefaces – for

13 See Peter Martin, *Edmond Malone, Shakespearean Scholar: A Literary Biography* (Cambridge, 1995), pp. 188–203. Tom Lockwood examines the printing of the de luxe edition: see 'Manuscript, Print and the Authentic Shakespeare: The Ireland Forgeries Again', *Shakespeare Survey*, 59 (2006), pp. 108–23, at p. 116 – Lockwood discusses Malone's response from a materialist point of view (see pp. 120–22).

14 RIA, 12 R 18 (18 July 1795), fol. 1^v; some letters in this exchange are presumably lost.

15 *The Plays and Poems of William Shakspeare, in Ten Volumes; collated verbatim with the Most Authentick Copies, and Revised: with the Corrections and Illustrations of Various Commentators; to which are added, An Essay on the Chronological Order of his Plays; An Essay relative to Shakspeare and Jonson; A Dissertation on The Three Parts Of King Henry VI.; An Historical Account of the English Stage; and Notes*, ed. Edmond Malone, 10 vols (London, 1790), vol. 1, p. 126; identified as the Soest portrait (see Tarnya Cooper, *Searching for Shakespeare* (New Haven and London, 2006), p. 70).

16 Edmond Malone, 'Shakspeare, Ford, and Jonson', in *Plays and Poems of Shakspeare*, ed. Malone, vol. 1, pp. 387–414, at p. 387; Macklin's text is reproduced on pp. 202n–206n; the essay also alludes to Chatterton (p. 394n).

instance, one remark, supposedly made by Jonson criticizing Shakespeare, derives from Alexander Pope's 1725 'Preface to Shakespeare'. He notes contradictions in dates and instances of modern idiom.¹⁷ Likewise, he demonstrates that Jonson's supposed epigram on the affair, while certainly written by the playwright, had in fact previously been published by Jonson in 1616. Finally, he dismisses the spurious anecdotes with textual evidence to the contrary. Malone ends by warning forgers,

whom higher considerations do not deter from invading the rights or property of others by any kind of fiction, to abstain from such an attempt, from the *inefficacy* and *folly* of it; for the most plausible and best fabricated tale, if properly examined, will crumble to pieces like 'the labour'd mole,' loosened from its foundations by the continued force of the ocean: while simple and honest truth, firm and self-dependent, will ever maintain its ground against all assailants, –

'As rocks resist the billows and the sky.'¹⁸

While Macklin's negligible deceit is hardly worth the attention Malone bestows upon it, the essay does demonstrate his relentless impulse not only to expose fraudulent texts, but to expunge them from the canon and exterminate entirely any credibility they might have. For that reason, his choice of the image of the implacable rock from Oliver Goldsmith's *The Deserted Village* (1770) with which he ends the essay is entirely apposite, suggesting an unyielding stronghold of scholarship, impervious to imposture.¹⁹ But such rocks were also the foundations of ownership – of property – 'the business of the press', as he had already implied in the 'Preface' to his edition.²⁰

So Malone was alive to the possibility – even the likelihood – of Shakespearian forgeries: he had been meticulous in his search for biographical evidence and knew that false reports of Shakespeariana were common enough. When the Shakespeare Papers were in due course published at the end of 1795, he treated them from the outset as wholly bogus. He wrote to Charlemont on 29 December to say that they had been published 'last *thursday*' – i.e. five days earlier on Christmas Eve – and that he had immediately determined, 'to draw up all my objections in form, and to address them to you in the way of a Letter. This I advertised yesterday, and am at this moment surrounded with dictionaries

¹⁷ The difference in their respective ages is in fact now reckoned to be fourteen years.

¹⁸ Malone, 'Shakspeare, Ford, and Jonson', in *Plays and Poems of Shakspeare*, ed. Malone, vol. 1, p. 414.

¹⁹ The lines quoted are from l. 428 and l. 430 – lines in fact written by Samuel Johnson (see *The Poems of Thomas Gray, William Collins, Oliver Goldsmith*, ed. Roger Lonsdale (London and New York), p. 671).

²⁰ *Plays and Poems of Shakspeare*, ed. Malone, vol. 1, p. xiii.

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&c and writing to you on this subject in *due form*.²¹ Accordingly, the two friends will be ‘going down to posterity together’; in other words, Charlemont too, by accepting Malone’s dedicatory letter, would be recognized as a key figure in the unveiling of this forgery.²² Following his exposure of the Rowley manuscripts in *Cursory Observations* and his recent dismissal of ‘The Lover’s Melancholy’ and its accompanying material, Malone was well versed in his habits of studying language and style; handwriting and other physical signs; and allusions, anachronisms, dates and historical contexts. He was intending to complete the attack by the end of the month, ‘to go to press on Friday; and to publish my Letter on the 8th. of Jan^y.’²³ Malone went on to declare the forgery unequivocally to be the work of both father and son: ‘The Editor, a M^r Ireland, a broken Spitalfields Weaver, aided by his son, an attorney’s clerk, are without doubt the *inventors*’.²⁴ How could such people own Shakespeare?

Malone was irked that he had to spend four guineas to purchase the Irelands’ *Miscellaneous Papers and Legal Instruments under the Hand and Seal of William Shakspeare* – ‘I have been forced to buy it (tho’ no subscriber) in order to confute it’ – and was then astonished to find that Charlemont himself had actually subscribed to the book.²⁵ Was this going to be a repetition of the Rowley Controversy, with Charlemont’s imprudent credulity once more in danger of being exposed? Apparently not: Charlemont straightaway apologized for the subscription in his reply, claiming he subscribed whenever he was asked to do so. Nevertheless, he still admired some of the passages ‘which cou’d scarcely be supposed the Production of an Attorney and broken Spitalfields Weaver’. Yet, as he admitted, ‘these cou’d only be deemed *lucky Hits*, as the Complexion of the whole was evidently spurious –’.²⁶

21 RIA, 12 R 18 (29 December 1795), fols 1^v, 2^r; Malone’s advertisement was the first open accusation of forgery (Bernard Grebanier, *The Great Shakespeare Forgery: A New Look at the Career of William Henry Ireland* (London, 1966), p. 204).

22 RIA, 12 R 18 (29 December 1795), fol. 2^r.

23 *Ibid.*

24 *Ibid.*, fol. 2^v; Jonathan Bate, *Shakespearean Constitutions: Politics, Theatre, Criticism, 1730–1830* (Oxford, 1989), p. 59. There have been some idiosyncratic readings of this father–son relationship, such as Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York, 1989), p. 135.

25 RIA, 12 R 18 (29 December 1795, postscript), fol. 1^r; the full title is *Miscellaneous Papers and Legal Instruments under the Hand and Seal of William Shakspeare: Including the Tragedy of King Lear and a Small Fragment of Hamlet, from the Original MSS. in the Possession of Samuel Ireland, of Norfolk Street*, dated 1796 but published in 1795.

26 RIA, 12 R 19 (7 January 1796), fols 1^{r–v}.

In the event, Malone did not publish on 8 January, or even on 28 January. His 400-page demolition work, *An Inquiry into the Authenticity of Certain Miscellaneous Papers and Legal Instruments, Published Dec. 24, MDCCXCV*, eventually appeared on 31 March.²⁷ There is some uncertainty in the precise dating of the book. On page 367 of the printed *Inquiry*, Malone dates his work 19 March 1796; elsewhere in an annotated copy he records it was ‘Finished at the press March 28, 1796’, whereas the heavily marked-up sheets for a planned second edition provide a slightly different timeline – Malone writing on the verso of the half-title, ‘Begun to be written about the 10th. of Jan^y. Begun to be printed about the 20th. of Jan^y – finished at the press Monday March 2d – published March 31. 1796 500 Copies sold on that day and the next.’²⁸ Whatever the case, it was a stupendous achievement to write and publish such a weighty monograph within three months.

On 2 April, just two days after the *Inquiry* left the press, the supposedly new Shakespearian play *Vortigern* was performed at Drury Lane – and was famously howled from the stage before the first night’s performance was completed. Yet despite the play being comprehensively damned, Malone was not entirely happy with the course of events. Following his annihilation of the Shakspeare Papers, he wrote to Andrew Caldwell, Dublin lawyer and literary patron, on 21 June 1796 to inform him that 800 copies of his attack had been sold from an impression of 1,000. But he felt he had published ten days too late: ‘the damnation of Vortigern on the third [*sic*] day of publication threw such demonstration on the business, that people did not seek for further information.’²⁹ But, as he later admitted (29 July 1796): ‘I c^d not make more speed: for the last four or five days I worked

27 Malone even points out that the publication date of *Miscellaneous Papers and Legal Instruments* is misleading.

28 The copy in the Folger Library is dated 28 March (quoted by Martin, *Malone, Shakespearean Scholar*, p. 195); the second edition annotations are in BL, C45.e.23 (some leaves are missing), this note to p. [ii] – the volume was later owned by John Payne Collier, who added forged material to it (see Arthur Freeman and Janet Ing Freeman, *John Payne Collier: Scholarship and Forgery in the Nineteenth Century*, 2 vols (New Haven, 2004), vol. 1, p. 1139). Lockwood identifies a further copy of the *Inquiry* in which the second edition annotations are transcribed in another hand (‘Manuscript, Print and the Authentic Shakespeare’, p. 122: Beinecke Library, Osborn pc 147). Note that Martin unfortunately mistakes the chronology by claiming that *Vortigern* was staged in response to the *Inquiry* (Martin, *Malone, Shakespearean Scholar*, p. 198).

29 RIA, 12 R 43/44 (21 June 1796), fol. 1^v; 12 R 43/46 (10 July 1796). See also RIA, 12 R 19 (29 July 1796), fol. 2^v, where he rather painfully restates the point: ‘The damnation of the play coming so very quick after the publication of the “Inquiry” was a great prejudice to the sale: if I could have got it out ten days before sooner every copy w^d have been sold.’

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almost from morning to night and continued the whole day at the printing house.³⁰ He later sent forty sets to Dublin for Caldwell to distribute.

Despite his disappointment, Malone was within days receiving letters of support. One 'Q' wrote from the Salopian Coffee House, 42 Charing Cross, on 3 April 1796, congratulating Malone on his 'very able' *Inquiry* and reporting that he had inspected the papers at the Irelands' residence in Norfolk Street over the winter just past.³¹ Both the lock of hair and the manuscript of *Lear* were fastened with identical silk ribbons:

When he showed me the famous lock of hair curiously braided with a kind a silk twist or what is called bobbing of a peculiar furrowed texture, he at the same time produced certain fragments of *the same twist as he said*, being the very identical ligatures with which the MSS. of *Lear* was fastened together – I then said, but this has a tendency [*sic*] to make the play of *Lear* nearly of an age with the love letter –

Whether my observation gave a hint of some suspicion on my part I know not, but when I went a second time with a friend and requested a sight of the bits of silk twist belonging to *Lear* the application was evaded, & they were not produced. –

Q was also suspicious of the coat of arms supposed to have been drawn by Shakespeare: 'they all have the appearance . . . of the miserable scrawls of a child that had not yet attained the knowledge of its right hand from its left – rather than [the productions] of an adult & the next immediate inheritor [*sic*] of that original grant.'³² The press likewise welcomed Malone's retort as decisive – he had 'incontestibly' proved the papers to be forgeries. Moreover,

in the case of future impostures [the *Inquiry*] will prove a sure and speedy guide to their detection, – though apparently written to answer a temporary purpose, no lapse of time can deduce any thing from its estimation or its use. To the historian as well as the antiquarian, the grammarian as the man of general literature it must ever be a valuable book of reference.³³

The *Inquiry* was, then, a manual for the detection of forgery.

30 RIA, 12 R 19 (29 July 1796), fol. 2^v.

31 'Nos. 39–41, Charing Cross and the Timber Yard', in *Survey of London: Volume 16, St Martin-in-the-Fields I: Charing Cross*, eds G. H. Gater and E. P. Wheeler (London, 1935), pp. 75–81 (British History Online www.british-history.ac.uk/survey-london/vol16/pt1/pp75-81).

32 Bodleian, MS. Malone 26, fols 149–50; 'bobbing' appears to be a variant of 'bob', a horse's tail docked very short; see also a letter from Michael Kearney of 9 December 1797 (Bodleian, MS. Malone 39, fols 21–2, at fol. 21^v).

33 *The Monthly Mirror: Reflecting Men and Manners*, 1 (April 1796), pp. 359–64, at pp. 360, 363–4.

Malone's attack was designed to obliterate utterly the Shakspeare Papers:

I can't think that I was too copious in accumulating proofs of the forgery; for my business was to make a book that would live; and if I had omitted any proof, Steevens or some other *kind* friend, would have immediately pointed it out, and shewn how very superficial and shortsighted I was.³⁴

He proceeds by perfecting his legal method of inquiry: he quotes William Blackstone's *Commentaries on the Laws of England* (1765–9), he cites as precedent two textual cases from *State Trials* (which began publication in 1734–5) – one on antiquating a book, another on forging old deeds – and he directly compares literary with legal evidence. While Malone admits that 'we are not now in a court of law. – It is true, we are not', he is not at all deterred: 'but all the principal rules of evidence ... are founded upon right reason'.³⁵

Malone's practice was entirely consistent with that of *Cursory Observations on the Poems attributed to Thomas Rowley* (and with 'Shakspeare, Ford, and Jonson' – at least with regard to the first three points): he analysed,

1. the Orthography, 2. the Phraseology, 3. the Dates given or deducible by inference, and 4. the Dissimilitude of the Hand-writing, [to prove] that not a single paper or deed in this extraordinary volume was written or executed by the person to whom it is ascribed.³⁶

Indeed, Malone not only frequently referred to Chatterton in the *Inquiry*, but also footnoted his own anti-Rowleian pamphlet – positioning *Cursory Observations* as an ébauche of the Malone method.³⁷ He remarks of the handwriting, for instance, that it 'is not only not the orthography of Elizabeth, or of her time, but is for the most part the orthography of no age whatsoever'.³⁸ Likewise, 'IN detecting the fabrications of Chatterton it was curious to trace the mistakes he fell into, up to the authors from whose blunders they were derived'; so too with the Shakspeare Papers.³⁹ He concludes that the forger knew 'nothing of the history of Shakspeare, nothing of the history of the Stage, or the history of the English Language'.⁴⁰ There was no external evidence to support the papers, they had emerged under highly suspicious circumstances, the

34 RIA, 12 R 19 (29 July 1796), fols 2^{r-v}.

35 Malone, *Inquiry*, pp. 17, 18, [viii], 34on, 18.

36 *Ibid.*, pp. 22–3.

37 *Ibid.*, p. 31n.

38 *Ibid.*, p. 32.

39 *Ibid.*, p. 267.

40 *Ibid.*, pp. 352–3.

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orthography is ‘of no period whatsoever’, the language of a century later, dates are refuted, contracts are historically inconsistent, legality is false, and the handwriting is wholly dissimilar.⁴¹ All in all, the manuscripts are ‘the true and genuine offspring of consummate ignorance and unparalleled audacity’.⁴²

Characteristic too was his meticulous analysis of the physical facets of the text. Ireland had actually imitated the facsimile engravings of Shakespeare’s autograph in the Johnson–Steevens–Malone edition of his works, ‘placing before me the fac similes I had made, and forming every letter in his name as he might have written them’.⁴³ But Malone’s presentation of empirical evidence had since the Rowley Controversy advanced to a new level, focusing at an even more thorough level of minuscule detail – and he planned to take this yet further. In notes for an unpublished second edition of the *Inquiry*, he dissected the letter formation in Ireland’s rendering of Queen Elizabeth’s signature:

The last and perhaps not the least denotation of forgery in this spurious signature is that there is but one flourish, [which] precedings from the letter (z); whilst whereas in all her genuine autographs two flourishes are found beneath the name, made at distinct times, though on a hasty view they appear blended in one: the first made as to serve as the bottom stroke for the E and [the other] subjoined to the (z) and crossing that which had been previously made

The comment was itself footnoted in the manuscript, ‘This minute circumstance, which I had omitted to notice in my former edition was lately [afterwards] suggested to me by an anonymous correspondent.’⁴⁴

This correspondent may in fact have been the waspish Shakespearian scholar George Steevens, who had examined the engravings in preference to the originals, and in doing so discovered the most minute traces of forensic palaeographical evidence. He noted his own findings in a memo:

The hair strokes that are so frequent in the real signatures of Shakspeare, are undiscoverable in the forged ones, which are given in what the Clerks at the Post Office (when they mean to distinguish true from fictitious

⁴¹ *Ibid.*, pp. 353–4.

⁴² *Ibid.*, p. 354.

⁴³ William Henry Ireland, *An Authentic Account of the Shaksperian Manuscripts*, &c. (London, 1796), p. 11; this is reiterated in his later *Confessions*: ‘I kept the tracings from Shakspeare’s original autographs before me, and so penned the epistle’ (*The Confessions of William-Henry Ireland containing the Particulars of his Fabrication of the Shakspeare Manuscripts* ... (London, 1805), pp. 78–9).

⁴⁴ Malone, *Inquiry*, BL, C45.e.23, notes to p. 106. Isaac Reed’s copy of the original *Inquiry* with minor (indeed, almost inconsequential) corrections in Malone’s hand is in the Lewis Walpole Library, 77 6z y796M.

Franks) most significantly style – *painted hand*; i.e. a hand that sluggishly and elaborately traces letters and words, which, had they been of genuine manuscript, would have been expressed by lines of different thickness, and other unequivocal denotements of easy and familiar penmanship. In the Plates belonging to the Publication of M^r Ireland the elder, this stiff and dull uniformity is, in some instances, avoided; and, perhaps, through the skill of the engraver, who must have been convinced that no scribe, except one who was employed in the servile task of imitating a hand unnatural to him, would have proceeded so slow as to have dwelt, in the equal pressure of quill, on every part of every letter.⁴⁵

As Paul Baines comments, ‘the rhetoric of the courtroom hangs over the whole *Inquiry*’, and Margreta De Grazia goes so far as to suggest that in his emphasis on dispassionate objectivity, ‘Every Shakespearian project Edmond Malone undertook throughout his thirty-five year career involved the concept of authenticity.’⁴⁶ Jack Lynch develops these points to argue that specifically legal notions of evidence were deployed by literary critics in establishing the best and most consistent circumstantial evidence (if he underplays the forensic analysis of evidence).⁴⁷ The detection in 1777 of Dr Dodd’s forgery of a promissory note had already involved painstaking scrutiny in determining that an ink blot had been drawn rather than formed naturally, and moreover in criminal trials such forensic evidence was also attended to.⁴⁸ Despite his emphasis on physical marks and traces, however, Malone had resolved not to examine the actual papers: like his fellow Shakespearians Steevens and Richard Farmer, he felt that such an interest might ‘give a countenance to them’ – although he would have been prepared to view them away from Norfolk Street.⁴⁹

45 William T. Hastings, “‘Shakespeare’ Ireland’s First Folio”, *Colophon*, new ser., 1/4 (December 1939), [unpaginated] p. [6]. Steevens’s memorandum is dated March 1797, which may preclude his observations from having directly informed Malone’s second edition.

46 Paul Baines, *The House of Forgery in Eighteenth-Century Britain* (Aldershot and Brookfield, VA, 1999), p. 178; Margreta De Grazia, *Shakespeare Verbatim: The Reproduction of Authenticity and the 1790 Apparatus* (Oxford, 1991), p. 49.

47 Jack Lynch, *Deception and Detection in Eighteenth-Century Britain* (Aldershot and Burlington, VA, 2008), pp. 70–71.

48 Lynch, *Deception and Detection*, p. 53; see Baines, *House of Forgery*, pp. 125–6. Forensic analysis was not uncommon, the most preposterous suggestion coming in a letter to the *Morning Herald* from ‘A Modern ANTIQUARIAN’, who wittily proposed that ‘the *precious* LOCK OF HAIR’ had been critically inspected by ‘the first *Hair Merchant* in the universe ... regardless of the *sacred head* of fiction from whence it was shorn’ and was worth no more than 3s. 9d. an ounce’ (Henry Bate [afterwards Henry Bate-Dudley], *Passages Selected by Distinguished Personages, on the Great Literary Trial of Vortigern and Rowena; A Comi-Tragedy*, 5th ed., 4 vols (London, [1796?–8?]), vol. 1, p. 4).

49 Malone, *Inquiry*, 22n–23n.

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(In fact, Malone did endeavour to arrange to see them privately – and was refused access.) So instead, he based his analysis on the printed facsimiles – evidence accessible to all.⁵⁰

But in any case, Malone knew full well that he was conducting a trial. He makes absolutely explicit the legal method that formed the basis of his exposure of the Rowley works as forged, insisting that it is only proper legal procedure and not critical or aesthetic values that will settle this case. Furthermore, as he had done in *Cursory Observations*, Malone added a satirical coda to his attack:

WHILE I was employed in this investigation, I sometimes fancied that I was pleading the cause of our great dramattick poet before the ever-blooming God of melody and song. Possessed with this idea, and having after a very restless night closed my eyes at an early hour of the morning, I imagined myself transported to Parnassus, where Apollo and his nine female assessors were trying this question, and were pleased to call on me to deliver my sentiments, as Counsel for Shakspeare, before they should proceed further in the cause.⁵¹

So, he dreams that he is legally defending Shakespeare, reports the writer's opinions on literary property and accepts the Apollonian judgment that printed copies of the miscellaneous Shakspeare Papers should be burned by Farmer, Malone, Steevens and the Chaucerian editor Thomas Tyrwhitt, by order of the Bard. After 350 pages, Malone hoped that the *Inquiry* would be, as he put it, 'something of entertainment as well as instruction'.⁵² While his concluding comic turn had become a distinctive trait, his deductive methods had been hailed as definitive and fully embraced by his Shakespearian

⁵⁰ Samuel Ireland, in contrast and as a rejoinder to Malone's *Inquiry*, argued that a minute examination of the manuscripts themselves would demonstrate their authenticity: 'Different questions require different evidence, and are tried by different senses; but on questions concerning certain visible and material instruments, inspection is the only standard to which reference is to be made. The eye alone examines into the evidence, because it is only by the eye, that minute analogies can be remarked, and comparisons of colors, shades, and resemblances fairly and accurately made.' (Samuel Ireland, *An Investigation of Mr. Malone's Claim to the Character of Scholar, or Critic, Being an Examination of his Inquiry into the Authenticity. [sic] Of the Shakspeare Manuscripts, &c.* (London, n.d.), p. 2.). Lockwood considers the forgery at length, discussing, for example, paper and facsimile printing ('Manuscript, Print and the Authentic Shakspeare', pp. 114, 122). It is worth remembering that engraving was at the time considered uncannily accurate, enabling a spectator to view a scene or image 'as if actually present' (Thomas Hodson and John Dougall, *The Cabinet of the Arts; being a New and Universal Drawing Book forming A Complete System of Drawing, Painting in all its Branches, Etching, Engraving, Perspective, Projection, & Surveying, with all their Various & Appendant Parts* (London, 1805), p. 115; for a longer discussion, see Groom, *Forger's Shadow*, pp. 239–41).

⁵¹ Malone, *Inquiry*, pp. 355–7.

⁵² *Gentleman's Magazine*, 66 (February 1796), pp. 92–3, at p. 92.

peers. Even Steevens congratulated him in glowing terms: 'Mr. Steevens presents his best compliments to Mr. Malone, and most sincerely thanks him for his very elegant present, which exhibits one of the most decisive pieces of criticism that was ever produced.'⁵³

Or so it seemed. The mere fact that Malone felt the necessity to prepare a second edition suggests that his attack was far less conclusive than he had anticipated.⁵⁴ The national conversation in the newspapers continued – very much as fashionable conversation and uninformed opinion rather than as a scholarly investigation. On 9 January 1797, for instance, the Westminster Forum held a public debate (at which women were particularly invited to speak) in the Assembly Rooms in Soho's Brewer Street – the motion being 'Do the Shakespearean Manuscripts, the Play of Vortigern and Rowena, and the Apology of Mr. Ireland Jun. exhibit stronger Proofs of Authenticity, flagrant Imposition, or the Credulity of Persons of Genius?'.⁵⁵ This event took place on the eve of the publication of George Chalmers's *Apology for the Believers in the Shakspeare-Papers, which were exhibited in Norfolk-Street* – a work that specifically targeted Malone's legalistic style.⁵⁶ Malone accordingly wrote to his publishers Cadell and Davies to request that a notice re-advertising the *Inquiry* be placed in the next day's *True Briton*, *Morning Chronicle* and *Morning Herald*, 'placed immediately after the Advertisement of a book intituled *An Apology for the Believers in the Shakspeare Papers*; which will appear in those Newspapers tomorrow'.⁵⁷ The advertisement duly appeared as an attempt to thwart Chalmers's 600-page-plus tome.⁵⁸ But the case had been immediately reopened, the language of the courts was eagerly adopted, and Malone's ratiocinative method was aped to justify ludicrous hair-splitting phrased in quasi-legal cant. Thus the trial continued; the law had not halted proceedings.⁵⁹

Hence, in Malone's later notes his tone becomes noticeably grim. The heavily annotated sheets for the unpublished second edition are not addressed to Charlemont as a letter, and the running title, '*Shakspeare Vindicated*', is added. If, in defending his conduct against Chatterton,

53 Nichols, *Illustrations*, vol. 5, p. 458.

54 There is a *Prospectus* for the second edition in BL, C45.e.23, pp. [425–8].

55 Bodleian, MS. Malone 41, fol. 20.

56 See Groom, *Forger's Shadow*, p. 243; the legal debate continued in, for example, the *Monthly Mirror*, 1 (April 1796), pp. 359–64.

57 Bodleian, MS. Malone 42, fol. 5^r.

58 *True Briton*, 1292 (10 January 1797), classified ads; the advertisement was set from the original copy submitted the previous year, beginning 'This Day is published'.

59 Henry Bate's volumes were most unequivocal on this point: *Passages selected by Distinguished Personages, on the Great Literary Trial of Vortigern and Rowena*.

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Horace Walpole had suggested that ‘All of the house of forgery are relations’ and so Chatterton’s ‘ingenuity in counterfeiting styles, and I believe, hands, might easily have led him to those more facile imitations or prose, promissory notes’, Malone was far more blunt – lethally so.⁶⁰ He saw the Irelands on the Triple-Tree at Tyburn:

* The *Professors* of this *art*, which at the Old Bailey goes by another name, it has been observed are seldom long lived: too sedulous an application to it frequently ending in sudden death, generally by suffocation.⁶¹

And although the second edition of the *Inquiry* was never printed, his hostility towards the Irelands, father and son, was unabated. A decade later Malone wrote to Caldwell of his disgust at William Henry Ireland’s *Confessions* (1805):

The young forger, Ireland, has had the impudence to publish a seven-shilling volume of his *Confessions* – with a motto, ‘The truth, the whole truth’ &c which is itself a most egregious falsehood; for one of the principal transactions in which the *father* was concerned, and which shews him to have been privy to the fraud, is, [I know,] most impudently misrepresented, by *suppressing* all the material circumstances.⁶²

In Malone’s own copy of Ireland’s *Confessions* he wrote that, ‘There is as much *falsehood* in this Rogue’s *Account* of his impudent forgery, as there was in the forgery itself; for scarcely a single circumstance is represented truly in all its proofs. EM’.⁶³ He furiously pointed out the succession of lies: ‘This whole statement is *false*’; ‘Here is another lie’; ‘another *falsehood*’; ‘All here gross *falsehoods*’.⁶⁴ He rounds on Samuel Ireland for the ‘strange coincidence’ of him possessing a drawing of Vortigern, the subject of the lost play:

+ This is one of the numerous falshoods in these pretended Confessions[.] The observation was *made* in the hearing of Samuel Ireland: the drawing was in consequence taken down and appeared no more: a decisive proof that he was a party concerned in this egregious fraud.⁶⁵

60 Horace Walpole, *A Letter to the Editor of the Miscellanies of Thomas Chatterton* (Strawberry Hill, 1779), p. 24.

61 BL, C.45.e.23, note to p. 6.

62 RIA, 12 R 43/44 (2 May 1805), fol. 3^r.

63 BL, C.182.aa.7, note to preliminary endpaper; see too *The Percy Letters*, gen. eds David Nichol Smith, Cleanth Brooks and A. F. Falconer, 9 vols (Baton Rouge, New Haven and London, 1944–88), vol. 1: *The Correspondence of Thomas Percy and Edmond Malone*, ed. Arthur Tillotson, 2nd edn (New Haven, 1960), p. 150: ‘Young Ireland, the other day, had the extraordinary impudence to advertise a work of his under the title of *Rhapsodies*, “by the *author* of the Shakespearian M.S.S.”’

64 BL, C.182.aa.7, notes to pp. 100, 135, 140, 141.

65 *Ibid.*, note to p. 134.

And regarding Ireland's claim that he had not injured anyone, Malone exploded,

+ So cheating 350 persons of four guineas each, is doing no injury to anyone: to say nothing of the general injury to literature of such a forgery.⁶⁶

Jonathan Bate suggests that the ferocity of Malone's *Inquiry* derives from his realization that all constructions of Shakespeare were just that: simply constructions – what Tom Lockwood calls a 'function of technology', whether 'manuscript, print, [or] facsimile', or, one could add, readings from the text, theatrical performances, supporting artefacts and so forth.⁶⁷ Consequently, all constructions could be dismantled – including Malone's own assiduously precise textual Shakespeare – yet he nevertheless needed to endorse an alternative to the 'Irish' Shakespeare: a Shakespeare for late eighteenth-century bourgeois society.⁶⁸ Ironically, Ireland had provided material to show that Shakespeare's plays were apparently far more respectable when they left his desk than they were by the time they were on the stage, due to the actors corrupting the script with bawdy jokes and sensationalist scenes. In *Vortigern*, for example, the mad queen Edmunda regains her senses and the king is quietly exiled to a friary rather than being tortured and slain in gruesome ways. So Ireland's Shakespeare was potentially very much a Shakespeare for polite culture – but one that was endeavouring to install itself as such through false pretences and the fraudulent premise of inauthentic documents. Malone had to defend his property on behalf of English Letters – hence the legal onslaught.⁶⁹ As De Grazia says of Malone's 1790 edition of the *Plays and Poems of Shakspeare*, his 'apparatus establishes Shakespeare's qualifications as proprietor of his works; his edition variously encodes a relation of ownership into editorial practices that insist on the exclusivity of both Shakespeare's works and their meaning'.⁷⁰

But Malone's ire had also been raised by the failure of his legal method to frame and settle matters. He could act as chief prosecutor, but not as judge and jury as well: as Samuel Johnson had observed, a lawyer 'is not to usurp the province of the jury and of the judge, and determine

66 *Ibid.*, note to p. 303.

67 Lockwood, 'Manuscript, Print and the Authentic Shakespeare', p. 123.

68 Jonathan Bate, 'Faking It: Shakespeare and the 1790s', in Nigel Smith (ed.), *Essays and Studies 1993: Literature and Censorship* (Cambridge, 1993), pp. 63–80.

69 The word 'authentic' had a now-obsolete meaning of the resident properties of actual documents: 'Esp. of a document: that is the origin or source of something; original, primary; not a copy' (*Oxford English Dictionary*, which cites Malone to Percy, in *Correspondence of Percy and Malone*, ed. Tillotson, p. 3 (5 August 1783)).

70 De Grazia, *Shakespeare Verbatim*, p. 179.

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what shall be the effect of evidence, – what shall be the result of legal argument'.⁷¹ Defence briefs flocked to Ireland's side, and the jury of the public delighted in the spectacle.

CONCLUSION

Malone's technique of making Chatterton's and Ireland's texts (as well as Macklin's) implode by confronting them with unsustainable contradictions is his trademark. But in the case of the Shakspeare Papers, the processes of alleged authentication were quite different from the oral and printed presentation of the Rowley works: the manuscripts of the Shakspeare Papers were exhibited, printed in facsimile, and one play was performed onstage. Malone dismisses the display of the documents at Norfolk Street as a sideshow. He is, however, scrupulous in rigorously dissecting the printed facsimiles and succeeds in producing a devastating attack based on the visual impact of early modern handwriting and legal documents. He also undermines the performance of *Vortigern* with a tongue-in-cheek dramatization of the Parnassian denouement of the forgery case, which, without the need to protect Charlemont, is noticeably harsher than his skit on the Rowleians. In other words, Malone strongly implies that the staging of *Vortigern* will be a trial: it is a test of authenticity – and, by virtue of Malone publishing his *Inquiry* on the eve of performance, so it turned out to be.

The legal temper that drove Malone's signal contribution to the Rowley Controversy becomes overt, then, in the case of Ireland and the Shakspeare Papers, and the *Inquiry* develops into a tribunal that then seeks some sort of legal redress. This tactic, however, leaves Malone in a quandary, because the literary scholarship he had spent a lifetime conducting was essentially revealed to be a subsidiary of the law – and therefore in thrall to politics – while Shakespeare's works were reduced to a piece of intellectual property within a dangerously free market. Malone knew well enough that Shakespeare was literally a cultural asset: he comments on property ownership in the Macklin case and had competed with Steevens (to whom he alludes during the course of the Ireland affair) in editions of the poet. But then Steevens was a scholar of decades' standing, whereas the Irelands, to Malone, were merely 'a broken Spitalfields Weaver [and] ... an attorney's clerk'. This social condescension, understood in the

⁷¹ James Boswell, *Boswell's Life of Johnson (Together with Boswell's Journal of a Tour to the Hebrides and Johnson's Diary of a Journey into North Wales)*, ed. George Birkbeck Hill, rev. L. F. Powell, 6 vols (Oxford, 1934–50), vol. 5, p. 26 (15 August 1773, Edinburgh).

context of Malone's developing relationship with Lord Charlemont, suggests that personal prejudices and partialities were as much part of the origins of the dispute over the Shakspeare Papers as they had been at the outset of the Rowley Controversy – if briefer and more abrasive – while also underlining the political import of the matter. Indeed, Tom Lockwood makes the arresting point that Malone did take the trouble to send the sheets to Charlemont as they were printed off: 'The generic pose of the *Inquiry*, a letter to the Earl of Charlemont, here becomes literalised: the *Inquiry* is confirmed again as a text whose meanings and whose authority are created socially as they are created bibliographically.'⁷²

And yet Malone's *Inquiry* was simply treated as the opening salvo in a new chapter of the controversy, and several lengthy rejoinders followed – several of which adopted his legal terminology. Malone's case for the prosecution could only ever be one side of the argument, and the law could just as easily multiply wrongs as right them. It is then, I think, no wonder that he tried to emphasize the outright criminality of the enterprise in his projected second edition. It is also significant that he never lost his conviction that Samuel Ireland had masterminded the whole enterprise – if he was not above buying various lots of manuscripts at the sale of Samuel Ireland's library following his death in 1800.⁷³ In this condemnation of the father, Malone was perhaps mistaken (at least in the absence of further evidence⁷⁴); in his condemnation of the son, Malone was ruthlessly unforgiving, and he refused him the poetic laurels that he had earlier allowed to Chatterton. William Henry Ireland was anything but the 'second Chatterton' (as the newspapers delighted in describing him): he was simply a crook.

Yet at the last, Malone did not publish further on the Shakspeare Papers, if he was clearly tempted to do so. As Edmund Burke pointed out, this was a controversy less about literature than it was about politics. Malone (dedicatee of *Reflections on the Revolution in France*, 1790) had sent Burke a copy of the *Inquiry*, for which in thanks Burke complimented him, 'The spirit of that sort of criticism by which false pretence and imposture are detected, was grown very rare in this century; you have

⁷² Lockwood, 'Manuscript, Print and the Authentic Shakespeare', p. 122.

⁷³ These purchases were made at the sale on 13 May 1801 and included a seventeenth-century correspondence on international trade, and extracts from Sir John Harington's translation of Ariosto's *Orlando Furioso* (see Bodleian, MS. Malone 2, fols 1^r, 1^v–13^v, and 14^r–130^r). He also remained concerned to trace the authentic volumes that William Henry Ireland had claimed were part of Shakespeare's library (Bodleian, MS. Malone 41, fols 72–6).

⁷⁴ For such a reading, see Jeffrey Kahan, *Reforging Shakespeare: The Story of a Theatrical Scandal* (London, 1998).

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revived it with great advantage.' Burke observed with approval that the book included a Whiggish history of the English language; moreover, he declared,

Your admiration of Shakespeare would be ill sorted indeed, if your taste (to talk of nothing else) did not lead to a perfect abhorrence of the French Revolution, and all its works. Once more I thank you most heartily for the great entertainment you have given me as a Critic, as an Antiquary, as a Philologist, and as a Politician.⁷⁵

Literary forgery was, in other words, a device of radicalism and revolution.⁷⁶ That accounts for Malone's legalistic prosecution: the full force of the law underwrote his strategy. But it is only in his unrestrained (if unpublished) conviction that the Irelands, father and son, should be hanged that we see the true extent of Edmond Malone's unabated fury that he had failed to unmask the Shakspeare Papers incontrovertibly – and why he felt that it was crucial he did so. When it came to exposing literary forgery, English law was threatened, and when it came to William Shakespeare, the very values and identity of the nation were at stake; for Edmond Malone, there could be no more illustrious calling for textual scholarship than in the defence of the realm.

⁷⁵ Nichols, *Illustrations*, vol. 5, p. 459. The presentation copy to Burke is at the Beinecke Library, ig 6z y796mb.

⁷⁶ Martin, *Malone, Shakespearean Scholar*, p. 200.