

RECYCLING AUTHORITY: John Bale at Magdalen?

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This article serves to introduce the first stage of a project that Professor Elisabeth Dutton (Fribourg) and I are leading on 'Early Drama at Oxford' (EDOX),¹ which is beginning at Magdalen. The project aims, through both performance and archival research, to consider why the plays that we think were performed at the University in the sixteenth and seventeenth centuries might have been chosen; how they might have been presented; how drama might have been used as a persuasive, demonstrative, or deliberative medium; and, more broadly, whether those terms are as applicable to institutional as they are to 'Household' or Court work of the early modern period. Indeed, along with a greater understanding of the significance of drama at Oxford, and the simultaneous significance of Oxford for wider drama, it is hoped that the project will also help to illuminate our understanding of institutional and academic theatre more generally.

There is obviously an honourable tradition of relevant research stretching all the way back, through Frederick Boas, to Anthony à Wood, but academic drama remains nevertheless a surprisingly under-studied area and even very good recent collections of essays, such as Jonathan Walker and Paul Streufert's *Early Modern Academic Drama*, are revealingly eclectic in their focus.² Furthermore, in the case of Oxford drama particularly, the majority of critical attention to date has understandably been paid to occasions such as Royal and diplomatic visits, which yielded a relative wealth of detailed records and documentary testimony and which often demonstrate a university projecting an identifiable image of itself in dialogue with a presiding figure of authority. Less work has so far been accomplished on the 'internal', collegiate function of drama, its pedagogical and 'corporate' uses, and, again, one of the aims of the project is to consider whether such distinctions can be maintained.

What I hope to do with this initial paper is to benefit from some of the existing work in the field, but simultaneously to consider how speculation on the margins of less secure records might enable us to develop our understanding further. In doing so, I would argue that speculation is not

merely beneficial, but actually inevitable, if we are to properly consider the full extent of material available to us. The *Records of Early English Drama* volumes for the Universities and Inns of Court are undoubtedly extraordinary resources, but they are often ultimately frustrating in pointing to lacunae and vacuums within our existing knowledge as much as within the various account books and manuscript sources themselves, as just a few examples from the Oxford *REED* will hopefully demonstrate.

In the introduction to the critical apparatus of the Oxford volumes, Alan Nelson makes the point that ‘the sole Oxford college known to have engaged in plays before the reign of Henry VIII is Magdalen, whose records of performances survive in relative abundance from 1485–6’.³ And it is certainly true that the records are relatively abundant for Magdalen; it is one of the reasons for which we chose Magdalen as our starting-point. It should be stated, however, that Magdalen was not quite as innovative as Nelson suggests; the College’s earliest entries post-date records of both ‘indigenous’ college dramatic activity and entertainment by visiting parties elsewhere: at Merton, Lincoln, and New Colleges. And when we actually consider the nature of the records themselves, even relative abundance yields disappointingly little. The record for 1485/6, for example, tells us the following:

Solutum \2^o *termino*/ *Magistro Crofftes decano pro pictura ornament*
lus’ *tempore natalis domini vt patet per billam suam* iij s. v d.

Paid in the second term to Mr Crofts, the Dean, for painting of gear
for the play[ers] at Christmas-time, as appears by his bill 3s 5d⁴

So we know there was some kind of dramatic activity, but, in reality, we learn little more. Was/were the player(s) from within the college community or was drama a seasonal import at this stage? Was the entertainment confined to an audience of Magdalen members, or was it an occasion upon which the College entertained guests? How does Mr Crofts’ role, as one of the Deans, relate to a possible responsibility for providing dramatic activity?

In the next record, 1486/7, we have slightly more detail:

Solutum vj^o *die Ianuarij citharist*’ & *mimis tempore ludj in aula ex*
consensu decanorum & bursariorum in regardo viij. d

Paid on 6 January to harper/s and to performers at the time of the
play in the hall, by the Deans’ and Bursars’ consent, in reward 8d

*Solutum pro quodam ornamento lusorum vocato le capp mayntenaunce vt
per billam decani ix d.*

Paid for a certain piece of gear for the players, called ‘the cap of
maintenance’, as by the Dean’s bill 9d⁵

The reference to a cap of maintenance, which as Nelson suggests, might indicate court satire, is fascinating. The Dean/Deans are again linked to drama, along with the Bursar. And we begin to get a sense of annual Christmas entertainment. But again, the details are ultimately just a glimpse of evidence from which we cannot deduce very much.

Even when potentially significant changes occur in the terms used to describe the dramatic activity, it is all but impossible to garner much from the bare records. In 1502/3, for example, we just have reference to drinks provided *post interludia & alia* ‘after the interludes and other events’.⁶ The first specific reference to a comedy, in 1534/5, might well be important:

*Solutum pro merenda facta post comediam actam vt patet per librum
alarde ix s. iiij d.*

Paid for a light meal made after the performance of a comedy as is
entered in Alard’s book 9s 3d⁷

Unfortunately, however, the record gives us no indication as to how the play relates to Alard — nor indeed do we know exactly who he was — and certainly not what kind of a comedy it was, Latin or English even.⁸ Two records for 1539/40 are similarly promising, but equally frustrating:

Solutum pro epulis datis sociis eo tempore quo agebatur tragedia viij s. iiij d.

Paid for a banquet given for the Fellows at a time when the tragedy
was performed 8s 4d

...

*Solutum pro pane et potu datis semicomunnariis dum curabant
publicam exhibere comediam xx d.*

Paid for bread and drink given to the Demies while they were busy
mounting a public comedy 20d⁹

Does the omission of any mention of a public audience for the tragedy suggest that its loftier appeal was confined to the Fellowship, or is it merely that the scribe does not mention a wider audience? And how broad was the ‘public’ for the comedy? Does it designate a cohort of invited guests, an occasion upon which the college could present itself to a particular

target audience? Or might the play have been open, and therefore presumably accessible, to anyone who chose to come?

We do not know whether the John Burgess who wrote the play of *St Mary Magdalene* in 1506/7 was the same Burgess who was elected President of the College in 1527. But we do know, from the relevant record, that he was paid 10d for the play, whilst George Kendall, the Organist, received 12d *pro diligentia sua ... Mandato vicepresidis*, ‘for his diligence ... at the Vice-President’s command’.¹⁰ I could go on.

It might seem rather obvious, given the fact that what we have here are payments recorded in college account books, that evidence of early dramatic activity at Magdalen has generally only survived if that activity incurred some sort of expense. I make the point because as much as they outline a body of performances, the records simultaneously and inevitably suggest that the dramatic corpus to which they pertain would have been far larger and also that we have a huge amount of work to do in order to mine the records for their full value. We should note that not all expenses recorded relate directly to dramatic production (actors, musicians, props, costumes), but also to their wider staging, as in the case of accompanying meals above, for example. And there are regularly records of similar ‘indirect’ costs, such as the expenses for repairs to college buildings that seem to have been damaged fairly regularly by dramatic activity. Whoever ‘Walter Oven’ was, most likely the College’s carpenter, he seems to have done quite well out of Magdalen’s dramatic traditions, judging by the records for 1567/8, for example:

*Solutum oven et duobus famulis occupatis circa theatrum per diem
ij s. vj d.*

Paid to Oven and two servants busy about the theatre for the (one)
day 2s 6d
....

*Solutum oven et duobus famulis operantibus circa scanna confracta in
comœdia exhibita per .6. dies dietim singulis x d. xv s.*

*Solutum eisdem idem agentibus et alia ibidem per 4^{or} dies dietim ut supra
x s.*

Paid to Oven and two servants working about benches broken in
the performance of the comedy for six days at 10d a day for each 15s

Paid to the same (men) doing the same and other things there for
four days (at the same amount) a day as above 10s¹¹

Since Oven's name appears on a number of occasions in the records, we might begin to imagine a regular tradition of drama at the College that required a significant amount of carpentry and labour. And also, presumably, a tradition of drama that did not necessarily invite decorous and sedate behavior among the audience. Incidentally, whilst the expenses of mending windows, benches, and other fixtures and fittings at Magdalen seem always to have been recorded alongside other dramatic expenses, it is fascinating to note that we have records of similar indirect expenses that merely hint at the extent of drama at other colleges that would otherwise have been lost. A record of four pence *solutum pro purgandis aedibus post ludos* 'paid for cleaning the houses after the plays' in 1552/3 at New College, for example, is all that we have within an otherwise empty span of half a century for that college.¹²

I have deliberately drawn attention to the scant early records here, but it should be stated that they do not generally get much more substantive for Magdalen until late in the sixteenth century. But I hope it gives some sense of the challenges posed. We are essentially hoping to use the EDOX project to try and put some of the flesh back onto the bones that the REED editors have exhumed in order to understand what kind of drama was produced in the College first, and then in the wider University, in the early modern period; how and why particular plays might have been selected; what meanings and significances they might have been intended to carry. And that is very much the method of enquiry in relation to one of John Bale's plays at Magdalen.

In the REED record for Hall costs in 1560/61, we have an apparently identifiable extant play, based upon the following entry:

Solutum loyner pictori, depingenti nomina heræsium in spectaculo, quod choristarum moderator ædedit iij s. iiij d.

Paid to Joyner, (a) painter, [for] painting the names of the heresies for the show which the choirmaster produced 3s 4d¹³

The editorial suggestion accompanying the record is that the 'spectacle' for that year at Magdalen might have been John Bale's *Three Laws*.¹⁴ Before it gets too exciting, however, we should perhaps evaluate the evidence for Bale and consider the degree of conclusiveness that REED seeks to offer. At first glance, the entry regarding the Magdalen play of 1560/61 above is remarkably general; whilst *Three Laws* does contain a number of heresies, it is quite a speculative leap to decide that it is Bale's play here.

When the *REED* editors examined a draft copy of the same account books, however, the entry became rather more promising; rather than simply the ‘choirmaster’s play’, the dramatic record now concerns a *spectaculo baulino*.¹⁵ Coupled with the details of heresies (or omens/signs), it is almost too good to be true. And, to be honest, and at the risk of deflating the remainder of this article, I do not think that we have sufficient evidence to positively conclude that the Magdalen play was Bale’s, sadly. Although we cannot prove it beyond doubt either way, there might be a less exciting explanation for the divergent records. The Choirmaster at the time, something that the *REED* editors perhaps missed, was a man named Richard Ball, often spelled Baule, and so the references to *spectaculo baulino* and the choirmaster’s play could very well refer to the work of one and the same man.¹⁶

That is not to say that it should be the end of the investigative line, however. We have become very familiar with an understanding of much early Tudor drama as being occasional work, household or court plays composed for a particular occasion, before a particular audience, with a particular purpose in mind — one obviously thinks of the outstanding work of scholars such as Greg Walker, which has helped to revolutionise our conception of early drama as actively persuasive, political, insistent. Walker has also considered the afterlives of some of the plays upon which he has worked. Were we to think about what the survival of these kinds of plays says about their status, however, the suggestion that Bale’s *Three Laws* might have been performed in Oxford in 1560/61, we would then be able to go rather further in raising questions about how occasional pieces can be revived, or perhaps redeployed, and what they lose or gain from a different context.¹⁷ As a particular test-case of a general principle of precise ideological recycling, the suggestion raises the question of why Magdalen might have chosen to stage this particular play at this particular time. In other words, I suggest that the use of speculation here, the development of speculative insight already apparent in *REED*, might well be constructive, because the possible attribution can be used to draw attention to Magdalen, and to its drama, at the time. So let us imagine that *Three Laws* was indeed the play — why would it have been chosen? And who would have chosen it?

Three Laws (c. 1538/9) is becoming increasingly better known and so a very brief introduction will suffice.¹⁸ As the full title of the play suggests, *A Comedy Concernynge Thre Laws, of Nature, of Moses, and Christ, Corrupted by the Sodomytes, Pharysees and Papystes*, Bale uses three eponymous legal

incarnations to demonstrate historical corruption of the true faith. After each Law is in turn attacked and visibly damaged by Catholic Vice figures (*Naturae Lex* is perverted by *Sodomismus* and *Idololatria*, until afflicted with leprosy; *Moseh Lex* is left ‘a blynde crypple’ by *Avaritia* and *Ambitio*; *Evangelium* is degraded and burnt for heresy by *Pseudodoctrina* and *Hypocrysis*), the three are then purified and restored to their original glory by God, figured in appearances first as *Vindicta Dei* and then *Deus Pater*. The chief Vice, *Infidelitas*, is prophetically shown to be defeated.

Even from such a brief outline as this, it is clear that Bale uses the play to articulate general Protestant ideas and to characterise Catholic beliefs and practices as inherently vicious. *Evangelium* introduces himself as being the source of original authority, for example, ‘I am Christes Gospell, and infallyble veryte’ (1291), whilst *Deus Pater* reminds the audience that the standard of belief, literally ‘gospel truth’, is to be judged by the authority of the Biblical text alone, which are both contrasted with a Catholic reliance on ‘outward’ ceremonies and accreted practices:

[*Evangelium*] Their worsypppynges are in outwarde ceremonyes.
That counterfet church standeth by all mennys tradycyons,
Without the scriptures and without the hartes affeccyons.
1348–50

By the worde of God hys church is ruled onlye,
And doth not consyst in outwarde ceremonye. 1353–54

Idololatria’s faith is focused upon being seen to observe Catholic ritual, a system of belief that is similarly condemned when *Infidelitas* attempts to beguile his audience with an abundance of tricks and trinkets. All of this, and similarly the way that Bale allies disguise and metamorphosis with Catholic duplicity, will be familiar to anyone who knows Bale’s *King Johan*.

So, *Three Laws* can clearly be read as offering general Protestant propaganda, adopting the key theme of *sola scriptura* to demonstrate the opposition of pure religion and Catholic corruption; faith in the Bible itself as against the accretions of Catholic ceremony; clear and lucid quotation as against complicated allegorical exegesis; the authority of the Word rather than the theatrical devices of costume and props. That said, however, it is important to understand that a simple contrast of Protestant and Catholic ‘law’ is not the sum total of the play — like *King Johan* again, the play would have had a particular as well as a general focus in 1538/9 — and I will focus on just two major issues here to demonstrate the point: clerical marriage and secular, as against spiritual, authority.

The issue of clerical marriage might, on first reading, seem to be marginal within *Three Laws*, but I would argue that it is fundamental to our understanding of the play and its contemporaneous relevance.¹⁹ There is a remarkably striking moment at the conclusion of the second Act when, having been ‘corrupted’ with leprosy as a result of *Sodomismus* and ‘mannys operacyon’ (754), *Naturae Lex* turns to address the audience and speaks thus:

Ye Christen rulers, se yow for thys a waye:
Be not illuded by false hypocresye;
By the stroke of God the worlde wyll els decaye.
Permyt prestes rather Gods lawfull remedye,
Than they shuld incurre most bestyall Sodomye.
Regarde not the Pope, nor yet hys whorysh kyngedom
For he is master of Gomor and of Sodome. 773–9

The message is apparently simple enough: that priests will inevitably succumb to sexual immorality if made to follow the hypocritical teaching of the Catholic Church; and that the Pope’s ‘whorysh kyngedom’, redolent of the Biblical precedent of Sodom and Gomorrah, should be disregarded as being vicious and unlawful. But whilst the significance of ‘lawful’ clerical marriage against ‘unlawful’ and unrealistic chastity is exemplified by a number of examples drawn from Rome, Bale primarily directs his argument in the play towards domestic and nationalistic concerns. *Ambitio* remarks, that:

The Pope for whoredom hath in Rome and Viterbye
Of golde and sylver a wonderfull substaunce yearlye.

But he then makes the more powerful and condemnatory statement:

Tush, they be in Englande that moch rather wolde to dwell
Whores in their dyoceses than the readers of Christes Gospell.
1210–13

There is a significant echo of Tyndale here, and his complaint against those that ‘had lever be sanctified with an whore, than to come within that sanctuary’, referring to the sanctuary of marriage.²⁰

The question Bale asks then seems simple enough; who would rather have ‘Whores in their dyoceses than the readers of Christes Gospell’? The answer, I would suggest, can be understood from the situation in England at the time of the play’s composition. Henry VIII’s conservative theological retreat throughout 1538–9 has received excellent critical attention and so I will just draw attention to a couple of relevant

alterations to official policy during that period here.²¹ In November 1538, for example, the King issued a proclamation to prohibit apparently heretical books, to exile Anabaptists, to confirm the traditional understanding of the 'Holy Sacrament of the altar' and to command all subjects to observe a broad and catholic range of 'laudable ceremonies and rites heretofore used and accustomed in the Church of England'. As an adjunct to the consideration of sacraments, he toughened the royal line on clerical marriage:

His majesty, understanding that a few in number of this his realm being priests, as well religious as other, have taken wives and married themselves, contrary to the wholesome monitions of St. Paul *ad Timotheum*, *ad Titum*, and *ad Corintheos*, both in the First and Second, and contrary also to the opinions of many of the old Fathers and expositors of Scripture, not esteeming also the avow and promise of chastity which they made at the receiving of their holy orders: his highness, in no wise minding that the generality of the clergy of this his realm should with the example of such a few number of light persons proceed to marriage without a common consent of his highness and his realm ...²²

The retreat to traditional theological authorities, 'to the old Fathers and expositors of Scripture', to justify the position is hugely significant here. But the distance that the proclamation reveals between the ambitions of the reforming party and the prevailing attitude of the king at the end of 1538 is even more emphatic and most clearly seen in the fact that one of the so called 'light persons', who had taken the step of apparently breaking his vow, was none other than the Archbishop of Canterbury, Thomas Cranmer, himself. One might add here that, by the probable date of *Three Laws*, Bale had married his wife, Dorothy.

The extent of Henry's conservatism was absolutely confirmed through the Act of the Six Articles (7–16 June 1539), one of which stated that 'priests after the order of priesthood received, as afore, may not marry, by the law of God', and Bale fled abroad in their wake, as did Cranmer's wife and children. But whilst the Act's importance and ultimate effect upon the path of reform was huge, and although *Three Laws* almost certainly preceded it, it is important to note that, in essence, the royal line on clerical marriage presented by it is perfectly clear in the proclamation of the previous year.

In response, and even with the theatrical defence that it was dramatic characters, and not directly Bale himself, that condemn Henry's legal policy on clerical marriage as being against God's law, *Three Laws* must be seen as a remarkably defiant text. In fact, given the artful paradigm that Bale adopts, in that it is *Naturae Lex* and *Evangelium* who speak the condemnatory lines, the embodiment of God's legal purity and the New Testament incarnation of Christ respectively, the statements are perhaps even starker. The King must accept his position as subservient to God — the Biblical text is used to 'answer back', so to speak, and to emphasise the gap between true faith and current royal practice.

Turning to the second issue at stake, the dominance of 'truth' over secular authority is equally apparent in an appeal to the audience, made by *Moseh Lex*, which is so similarly phrased to that for clerical marriage as to chime with insistence. Once blinded, *Moseh Lex* turns to address the audience and pleads thus:

Moseh Lex: Ye christen prynces, God hath geven yow the poure
 With scepture and swerde all vyces to correct.
 Let not Ambycyon nor Covetousnesse devoure
 Your faythfull subjectes, nor your offycers infect.
 Have to your clegye a dylygent respect,
 And se they do not corrupt the lawes of God,
 For that doth requyre a terryble heavye rod. 1273–9

Dressed to represent the sinister combination of a bishop and spiritual lawyer, Ambycyon and Covetousnesse must certainly be 'corrected'. But in referring to the symbolism of secular legal authority, the 'scepture and swerde', to prevent the corruption of 'lawes', it is rather the entire spiritual legal system they represent that must be reformed, an overreaching, greedy and 'extravagant' threat that 'devours' and 'infects' the English people. Of course, within the play, the threat is seen as particularly stark, given that *Evangelium*, the representation of the New Testament, is tried and burned for heresy and I would argue that the logical development of Bale's line of argument is significant here because it is apparently composed, once again, to highlight Henry's conservative retreat away from the true faith at the time of the play's composition.

In 1534, an 'Act concerning Heresy', masterminded by Thomas Cromwell, had been a landmark assertion of secular over spiritual jurisdiction. Accusations now had to be made by the presentments of grand juries, or by presentments in sheriff's or leet courts, or upon the

testimony of at least two 'lawfull' witnesses; after being accused of heresy, the suspect was to be committed for ecclesiastical trial in open court; those properly convicted were to abjure and perform 'reasonable' penance, if they would. If they refused to abjure, or fell into relapse after abjuration, they were now to be surrendered to the secular powers; the lay power was to burn obstinate or relapsed heretics, but only upon receipt of a royal writ *de heretico comburendo*; speaking against the 'pretended power' of the Bishop of Rome was not to be heresy; those arrested on suspicion of heresy were now allowed bail upon sufficient sureties, unless the bishop could give the King's Council a reason why bail should be denied.²³

As John Guy argues, the 'extent of practical reform achieved by the Commons is quite apparent' here. Juries of presentment were extremely reluctant to detect heresy and it was inevitably far more difficult for church lawyers to secure newly admissible evidence from two 'lawfull' witnesses, particularly since trials would now be held in open court and so confidential denunciations were made impossible. The need to secure royal writ to burn heretics put the emphasis of agency on secular authority, subject to the political control that such a change entailed, just as the expectation of bail enabled accused parties, particularly 'influential Protestants', the opportunity to rally support for their defence. The extent of reform is equally apparent from the fact that Thomas More had anticipated almost all of the changes and had condemned them as likely to 'cripple' heresy trials, precisely the desired outcome for the Reforming party.

If the new parliamentary legislation was so effective, however, it surely raises the question of why Bale would focus so much attention on heresy in *Three Laws*, several years after the Reforming law was passed? It is certainly true that the play cleverly uses differing historical contexts to bring contemporary England into focus; therefore *Infidelitas*, apparently in the Age of Moses, can be explained away as apparently nostalgic for a glorious past:

Whan byshoppes myght burne,
And from the truth turne
The syllye symple sowle,
Than durst no man creake,
Open mouthe nor speake
Of Christ nor yet of Powle.

848–53

But all other references to heresy in the play refer to its cruel prosecution as a germane threat to the audience. The bishop *Ambitio*, for example,

boasts of how his church reverses the commandments of Moses' Law in order to persecute, and prosecute, the true believers:

Though we do not slee, yet maye we heretykes burne
If they wyll not sone from holy scripture turne. 1119–20

God hath inhybyted to geve false testimonye,
Yet we wyll condempne the Gospell for heresy. 1125–6

Similarly, when *Pseudodoctrina* accuses *Evangelium* of heresy, it is his 'newe lernynge' that triggers the offence:

Pseudodoctrina: Who made the so bolde to medle within my cure,
And teache newe lernynge? An heretyke art thou sure. 1716–17

Here I attache the for a busye scysmatyke,
And wyll the accuse for an haynouse heretyke. 1724–5

Evangelium: I am not goynge; why doest thou slaunder me?

Infidelitas: Burne hym to ashes, and shewe to hym no pytie.

Pseudodoctrina: Brent shall he not be if he wyll nomore do so.

Fellawe, how sayst thou? Wylt thou here abjure or no?

Evangelium: I wyll neither abjure, nor yet recant Gods glorye.

Pseudodoctrina: I offered the reason, and therto thou wylt not applye.

Wele, get the forewarde, for thou shalt sure dye.

The temporall power shall judge the to the fyre

At our accusation and holy relygyouse desyre. 1730–38

It is noticeable here that, although the 'trial' is a travesty, the evil clerics seem to be perfectly aware of the legal status of heresy; more than one person formally makes the accusation, although the characters' status as 'lawfull' is very much at issue. *Evangelium* is superficially offered the opportunity to 'abjure', although it is an obvious trick since to do so would be to deny himself and the truth of the Gospel, and he is to be handed over to the secular authorities, 'the temporall power', to be punished. Why then would Bale not have confidence in the secular courts to uphold justice? The answer, once again, can be found in the Six Articles.

In an extraordinary reversal of the legal safeguards offered by the 1534 Heresy Act, the section of the Act of the Six Articles that deals with sacramental orthodoxy is vehemently oppressive. To deny the traditional view of transubstantiation, for example, will lead to an immediate and loaded trial:

to preach, teach, declare or affirm the said sacrament to be of other substance than is abovesaid ... then every such person and persons so offending, their aiders, comforters, counsellors, consentors and abettors therein, being thereof convicted in form underwritten ... shall be deemed and adjudged heretics, and that every such offence shall be judged manifest heresy, and that every such offender and offenders shall have and suffer judgement, execution, pain and pains of death by way of burning, without any abjuration, clergy or sanctuary to be therefore permitted, had, allowed, admitted, or suffered.²⁴

Although, as I suggested above, the play almost certainly predates the text of the Act itself, the 'writing was clearly on the wall', so to speak. For this we have the evidence of the 1538 Proclamation that similarly promised 'punishment ... without any favour or mercy' and 'pain of loss of ... lives and forfeiture of goods, without any favour or pardon' for perceived sacramental heterodoxy.²⁵ The threat of judgment for heresy against reformed theology was therefore powerfully potent at the time of the play.

It is obvious to the audience that *Evangelium* is seen merely to preach the Gospel, and to illuminate the corrupt accretions and practices of the Catholic Church, and yet he is arrested and condemned for heresy in the play. In the light of Henry's theology at the end of the 1530s, and the apparent reintroduction of a time 'Whan byshoppes myght burne', the accusation seems to be that *Evangelium* would similarly risk being condemned in the real world of contemporary England too. And, since *Evangelium* represents the incarnation of Christ in the New Testament, Bale's accusation is that far from following the clear teaching of Christ and understanding his status in relation to God, in effect, the Gospel would be among the many heretical books that Henry would like to burn.

Indeed, in March 1529, Henry had issued a proclamation, 'Enforcing Statutes against Heresy; Prohibiting Unlicensed Preaching, Heretical Books', which appended a list of some fifteen banned works, 'replete with most venomous heresies, blasphemies, and slanders intolerable to the clean ears of any good Christian man', including Biblical translations by Tyndale.²⁶ A similar pronouncement in the following year, 'Prohibiting Erroneous Books and Bible Translations', sought to directly address the importation of 'blasphemous and pestiferous English books', once again including Tyndale's Old and New Testaments, which, 'shall from henceforth be reputed and taken of all men for books of heresy, and worthy to be damned and put in perpetual oblivion'.²⁷ Despite the

promise of a vernacular text, made in Cromwell's *Injunctions*, the Bible in English had still not been officially provided by the time of the play. And so, just as in the appeal for clerical marriage, references to law and authority throughout the play, with the Bible as their ultimate source, demonstrate the nature of *Three Laws* as being a challenge to Henry VIII to see the reforming project to its conclusion, to use his own authority to support the laws of God.

In taking quite some time to argue for the play's insistent and urgent theological and political messages, I might risk seeming reductive and, although it might not seem so from the outline that I have given here, it is a remarkably compelling play to watch. As the very first piece of research for our project, Elisabeth Dutton staged a performance played by current Oxford undergraduates at the 2012 METH conference, and it was, thankfully, very well received. Ironically, and by an extraordinary coincidence, at almost the exact time that we were in rehearsal, James Simpson's chapter on the play was published in the *Oxford Handbook of Tudor Drama*, in which he suggests that 'no one will, most likely, ever be tempted to perform this play again'.²⁸ Simpson similarly makes the claim that the play is 'so intensely of its moment [that] ... it is of no other moment'. Yet Magdalen in 1560/61 might possibly have suggested otherwise. We should, of course, note that, regardless of the possibility of a performance at Magdalen, the play was given a second edition, printed by Thomas Colwell in London in 1562, which presumably suggests a continuing and meaningful relevance. But how can it be that a play that is so directed towards a particular moment can still be relevant in a different historical context? Might it be perhaps that merely the general elements of the play would have been valued?

The second edition of *Three Laws* is a strange beast; the play retains a reference to Reginald Pole, who perhaps has now been cast as a negative exemplum rather than the urgent threat he might have represented in 1538. But either Bale or an editor has altered the final section to include a prayer for Elizabeth's long continuance, rather than that of Edward — we similarly have an update of the line that 'Edward wyll' safeguard the realm to 'Edward did'. Indeed, the strangely anodyne ending towards Elizabeth, merely asking for her continuance, seems intended to contrast rather starkly with the content of the play that precedes it — and indeed with similarly urgent calls for her to finish the Protestant project once and for all. To consider Simpson's claim that the play is 'of no other moment' in more detail indeed, we might usefully consider an analogue in a book 'Of

Nobility', written by Laurence Humphrey and published first in Latin (in Bâle) in 1560 and then in an English edition of 1563. In addressing Elizabeth at the beginning of the text, Humphrey stresses:

What your mightiest father Henry began, youre godlyest brother
furthered, that you, even you, should finish and accomplish ...
Proceed therefore, proceed, O most noble Queen with this your
noble train in setting like roof and end to your beginnings.²⁹

Laurence Humphrey is one of the critical figures waiting to be rediscovered in the Oxford *Records of Early English Drama*. He was President of Magdalen from 1561 and Regius Professor of Divinity at Oxford from a year before that. In fact, Humphrey had been a Magdalen man since 1547, a Fellow since 1549, although his time at the college was not the smooth progression that these figures might suggest. By Edward's reign, Humphrey was a committed and radical Protestant and in 1550 was among a group of 10 fellows who successfully petitioned the Privy Council to have the then President, Owen Oglethorpe, removed from the post for his hostility to religious reform.

In 1553, Humphrey left Marian England for the Continent, maintaining permission to retain his Fellowship, and we know that in April 1554 he was in Zurich, in the company of a group of exiles led by Robert Horne. In 1555, he left for Basel, where he enrolled in the University. Suspicious of his associations, not least with former Magdalen Fellow John Foxe and his associate John Bale (indeed, we should note that Humphrey worked with both of them in publishing houses and also contributed poems to each of their works, Magdalen first demanded that he 'stay away from places infected with heresy and heretics' and then, after 1556, his name was dropped from the list of Fellows altogether.³⁰

It is not known precisely when Humphrey returned to England following Elizabeth's succession, whether he came back with Foxe in Autumn 1559, for example, but he was certainly back in Oxford in the summer of 1560 (perhaps when discussions over the annual play might have been in full swing) and it certainly seems extremely likely that he renewed his association with Magdalen too. If he did, then he would have found himself in a similar position to that of a decade before, when he had been among a group of Fellows seeking to oust Oglethorpe.³¹

When Elizabeth came to the throne, Magdalen quickly accepted the new settlement, with only four Fellows (an unusually low number across Oxford) apparently maintaining at least a version of the old faith. Indeed,

a number of Protestant fellows, who had apparently kept their heads low under Mary, along with a number who had lost their posts during Mary's reign, came together and saw the potential for the college to be at the vanguard of reform — a position that the incumbent, and theologically 'traditional' President, Thomas Coveney, was never going to fulfill. Coveney first tried to expel a number of the most vocal and demonstrative opponents, but his position was weak and weakened further when the Queen's Visitors demanded their restoration. Although he technically survived in post until 1561, the end must have seemed inevitable, particularly since it was Robert Horne (with whom Humphrey had shared exile and who was now Bishop of Winchester) who had the responsibility to visit and inspect the college.³² Horne finally deprived him and also, it seems, led the calls for Humphrey to take charge. But even before he was ousted, it is important to realize that Coveney was an isolated figure, perceived from within Magdalen, as Horne would later describe him, as 'an enemy to the sincere religion of Christ ... and therewith an evil husbände for the college'.³³

It is in this context then that a performance of a play that urges the fulfilment of radical Protestantism and mocks those who oppose it, might well have taken place. It is perhaps important to note that the recorded payment in *REED* refers to the Choirmaster's play, and indeed it seems that organizing dramatic entertainment was one of the Choirmaster's many duties up until that point. As *REED* also demonstrates, however, the following year's choice of play, whether or not it was actually performed, seems to have been one made by Laurence Humphrey himself. Although Humphrey's letter has not survived, *REED* provides a translation of a letter written by John Foxe in which he modestly thanks his friend for writing to him and grants permission, at Humphrey's request, for Magdalen men to perform his apocalyptic play, *Christus Triumphans*:

In order that I might write something in reply to that letter, since duty does not permit me to be silent, regarding the show of which you write in it, *Christus Triumphans*, I pray that Christ, the director of every good action, turns all to good for the men of Magdalen if they have indeed decided to put it on.³⁴

It is fascinating to speculate whether Humphrey was involved in the choice for the previous year's play too, similarly using a work by a like-minded friend and former colleague. Or might the wider community of staunchly

Protestant fellows have been hoping to use a play as a means to persuade, or cajole, or further isolate others towards their own beliefs?

If Humphrey was connected in any way to the choice of play, and if the play was indeed *Three Laws*, in fact, the work would have rather more resonance than merely general Protestant propaganda. I drew attention to the issue of clerical marriage earlier precisely because it was also a critical issue at the time of the possible 1560/61 performance, just as it was for its 1562 second edition. Many of the Magdalen Fellows who had been expelled during Mary's reign had since married and were therefore unable to resume their posts because of it. Indeed, Humphrey had himself got married, in Geneva in 1558, and was therefore ineligible to rejoin the Fellowship. Ironically, however, Humphrey was able to be appointed to the Regius Chair in Divinity in 1560 and then to be elected Head of House in 1561 because celibacy had never been statutorily required for either post, having never been deemed pragmatically necessary.³⁵

Although clerical marriage had finally been officially sanctioned under Edward, turning the clock back to the more hopeful days of Henrician reform, Mary quickly returned to the previous status quo and married clergy found themselves having both to divorce and be deprived of their benefices before seeking a new appointment. When Elizabeth came to the throne, many assumed that clerical marriage would be swiftly re-instated and promoted, but they were soon disappointed. Despite notable exceptions, such as Matthew Parker, who had been appointed Archbishop of Canterbury regardless of having married (and indeed having been deprived of the Bishopric of Ely under Mary for his refusal to divorce), she consistently refused to authorise full acceptance through the law. But just as with the hardening of the Henry's stance towards clerical marriage in the months preceding the first incarnation of the play, so Elizabeth's attitude might also be seen to have toughened in the months before the play might have been produced at Magdalen.

Among Elizabeth's Injunctions of 1559 was a statement that henceforth clerical marriages were to be more rigorously controlled:

Item, although there be no prohibition by the word of God, nor any example of the primitive Church, but that the priests and ministers of the Church may lawfully, for the avoiding of fornication, have an honest and sober wife, and that for the same purpose the same was by Act of Parliament in the time of our dear brother King Edward VI made lawful, whereupon a great number of the clergy of this realm were then married, and so yet continue; yet

because there hath grown offence, and some slander to the Church by lack of discreet and sober behaviour in many ministers of the Church, both in choosing of their wives and indiscreet living with them, the remedy whereof is necessary to be sought: it is thought, therefore, very necessary that no manner of priest or deacon shall hereafter take to his wife any manner of woman without the advice and allowance first had upon good examination by the bishop of the same diocese, and two justices of the peace of the same shire, dwelling next to the place where the same woman hath made her most abode before her marriage; nor without the good will of the parents of the said woman, if she have any living, or two of the next of her kinsfolks, or, for lack of knowledge of such, of her master or mistress, where she serveth.³⁶

Amongst a number, perhaps the most significant of Elizabeth's later injunctions, however, is that of 9 August 1561, which sought now to prevent married clerics from living with their wives or families on College or cathedral grounds on pain of forfeiting ecclesiastical promotion.³⁷ And in a letter from William Cecil to Parker, written just three days later, Cecil suggested that the Queen was resolute:

Her majesty continueth very evil affected to the state of matrimony in the clergy. And if I were not therein very stiff, her Majesty would utterly and openly condemn and forbid it.³⁸

Humphrey's response, and therefore that of the College he controlled, was fascinating and bold. Within months of the August 1561 Injunction, Humphrey had begun to make changes to the President's Lodgings precisely in order to accommodate his wife and family.³⁹

So, just as Henry's Act of Six Articles had essentially formalized judgements that were previously available, and presumably widely known, so Elizabeth's August Injunctions might be seen to reflect an ultimate articulation of her attitudes towards clerical marriage from the previous years. Magdalen, both before and immediately following Humphrey's election to the Presidency, was determined to be at the vanguard of reform, even if that meant showing Elizabeth the way, and drama was perhaps seen as an ideal opportunity to do just that.

Of course, it would be hugely speculative to follow REED and assume that the 1560/61 play was Bale's *Three Laws* and all I am really suggesting is that, if it were the play, then it would be not an outdated but a powerful and insistent choice — one which would emphatically prove that its time

had come again. And, in fact, even if the play was not Bale's, given the atmosphere of the College at the time, it is entirely likely that the painted heresies were commissioned for something similarly radical. Indeed, if we assume merely a radical Protestant play for 1560/61, and note the intention to perform Foxe's radically Protestant play, *Christus Triumphans*, in the following year, Magdalen occupies a particular position in Oxford drama at the start of the 1560s, a context that is worth considering in a little more detail.

I mentioned in the introductory paragraphs that academic drama is an under-studied area; that we do not know much about university drama particularly. But furthermore, what we do know tends to be focused upon periods in which the Universities received royal or diplomatic visits. My title in fact echoes that used by Linda Shenk in an excellent article, 'Gown before Crown: scholarly abjection and academic entertainment under Queen Elizabeth I', in which she primarily uses 'before' in terms of location, literally playing before the Queen, rather than an assertion of scholarly priorities.⁴⁰ In considering the differences between the entertainments provided by Cambridge for Elizabeth's visit of 1564 and those staged at Oxford in 1566, Shenk argues persuasively that, whilst Cambridge sought to influence Elizabeth's politics and theology, Oxford was rather more conservative and produced work much closer to Sarah Knight's characterization of royal academic drama as 'a display of order and learning'.⁴¹

In brief, Cambridge first offered Plautus' *Pot of Gold*, a play in which the pot is ultimately given to a virtuous daughter as reward for marrying; and then, following a performance of Edward Halliwell's Latin *Dido*, the University staged *Ezechias*, an English play by Nicholas Udall about the Old Testament king Hezekiah, notable for having ordered the destruction of idolatrous images and the brazen serpent, an image theologians often associated with the Cross. If the students and Fellows intended to argue that Elizabeth was not living up to her role as Protestant ruler, the point certainly hit home — an eyewitness report suggestively notes that, 'after the performance had been viewed long enough, it was time for rest' — an observation which, at the very least, allows the possibility that the Queen had departed during the performance.⁴²

As Shenk argues, the plays chosen for performance at Oxford during Elizabeth's 1566 visit were quite probably chosen to be primarily entertaining and complimentary, rather than politically challenging. Richard Edwards, Elizabeth's Master of the Children of the Chapel Royal,

wrote a comedic adaptation of Chaucer's *Knight's Tale* and also lent his courtly expertise to a staging of *Marcus Geminus*, a play based upon chapters from Sir Thomas Elyot's *The Image of Governance* (1540) which, masque-like, aimed to place Elizabeth on a raised platform to mirror the depiction of the 'ideal ruler' within the play itself.

In depicting Oxford thus, as an institution collectively providing flattering and supportive drama for the Queen, Shenk is writing within a tradition of seeing Oxford theatre as increasingly emulating drama at Court. Alan Nelson, perfectly placed as editor or co-editor of *REED* volumes for Cambridge, Oxford, and the Inns of Court, has similarly suggested that Oxford increasingly came to mirror the often panegyric entertainments at the Inns, for example.⁴³ And it is a similarly neutral attitude to the display of 'order and learning' that we can discover in a recent edition of *Queen Elizabeth's Book of Oxford*, a reproduction and translation of an exemplary Latin dialogue between the Queen and the Earl of Leicester, the Chancellor of the University, as they progress through the various colleges. The text, written by Thomas Neale, Regius Professor of Hebrew, has understandably received rather less attention than the illustrations of the colleges, drawn by John Bereblock, Fellow of Exeter College. But whilst the vast majority of descriptions of the colleges focus almost entirely on patronage and the generosity of benefactors, it is perhaps not entirely unintentional that the Magdalen illustration is accompanied by a verse that conspicuously praises 'the religious cohorts' and the 'faith' taught within the College, obviously led by its President:

Nor is the house dedicated to Mary less full of renown,
Whose faith the religious cohorts of Magdalen teach;
The shining roofs bear witness to its generous patron,
A worthy rival in splendor, Wykeham⁴⁴ for you.
William Waynflete named this place, himself a unique pupil
And one of your flock, great Wykeham.⁴⁵

As we gather more information about the context for Oxford drama; as we better understand the roles played by key figures, such as Magdalen's Laurence Humphrey; and as we look to develop our understanding of plays and dramatic spectacle that, whilst not physically performed before the monarch, are nevertheless intended to relate to her or him, I suspect that a rather more interesting picture of Gown and Crown will emerge.

Indeed, I have just one more final observation with which to conclude. Much is often made about a comment uttered by Elizabeth to Humphrey

during her Oxford visit. Humphrey clearly put his beliefs into practice and in addition to altering the President's Lodgings to accommodate his wife and family, he transformed the Chapel: he ordered altars and ornamental paintings to be removed, he had the *sedilia* on the south wall filled up with masonry, the rood destroyed, and the walls plastered over and inscribed with scriptural texts.⁴⁶ In refusing to wear the clerical surplice, he had been recognized as a leading member of the anti-vestiarrians, but had ultimately been able to resist royal pressure to conform, due to Horne's influence as Bishop of Winchester. Meeting Humphrey face to face, on her formal arrival at the Oxford 'receving', Elizabeth noted that he was wearing full ceremonial garb as 'Doctor of Divinity' and quipped:

me thinks this gowne & habite becommeth you verie well & I
mervayle that you are so straighthe laced in this poynte, but I come
not now to chyde.⁴⁷

The anecdote is often used to characterize the visit as a whole: Elizabeth, obviously aware of the formal nature of the occasion, nevertheless takes the opportunity to make her position as regards further reform abundantly, and very publicly, clear. Rather less well known, however, is the fact that Humphrey had his own dramatic spectacle up his sleeve. Having used his address, as Professor of Divinity, to again urge Elizabeth towards complete and irreversible Protestant reform, Humphrey also used the final day's convention of gifts to present the Queen with a copy of the New Testament.⁴⁸ It is a powerful gesture that speaks for itself. But if we want to find an eloquent analogue, we probably could not do better than to remember *Evangelium's* line from Bale's *Three Laws*, that 'Gods worde never taketh hys autoryte of man' (1620).

We might say that Elizabeth uses drama to put Humphrey in his place; Humphrey uses drama to retaliate. So, whether the Magdalen play was Bale's or not, in the absence of fresh material, we will probably never know. But I hope it is reasonable to suggest that ideas raised by speculation about it might be productive and insightful anyway. It is an approach that is certainly not without its perils, but, with care, it might well enable us to recover more occasions upon which drama gave the University its voice.

Magdalen College, Oxford

NOTES

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1. See the project website at: <www.edox.org.uk>.
2. F.S. Boas *University Drama in the Tudor Age* (Oxford: Clarendon Press, 1914); Anthony à Wood *Athenæ Oxonienses* (London: Thomas Bennet, 1691–1692); *Early Modern Academic Drama* edited Jonathan Walker and Paul D. Streufert (Farnham: Ashgate, 2008).
3. *REED: Oxford* edited John R. Elliott, Alan H. Nelson, Alexandra F. Johnston, & Diana Wyatt, 2 vols (Toronto UP, 2004) 2 602.
4. *REED: Oxford* 1 30; translation 2 927. I have adopted *REED*'s translations throughout, with some adjustments. Here *lus*' could stand for *lusoribus* ('for the players') or *lusūs* ('of the play').

As now, Magdalen had three Deans: two Deans of Arts, and the Dean of Divinity. There were also three Bursars (see next quotation), elected from among the Fellows: 'Magdalen College' in *A History of the County of Oxford, Volume 3: The University of Oxford* edited H.E. Salter and Mary D. Lobel (London: Institute for Historical Research and Oxford University Press, 1954) 193–207 <www.british-history.ac.uk/vch/oxon/vol3/pp193-20>, accessed 10 December 2014.

5. *REED: Oxford* 1 30, 2 927.
6. *REED: Oxford* 1 43; 2 937.
7. *REED: Oxford* 1 77; 2 958.
8. There is one more reference to him, as 'Richard Alard' in *REED: Oxford* 1 75; 2 957. See A.B. Emden *A Biographical Register of the University of Oxford to AD 1500* (3 vols, 1957) sv *Alard*.
9. *REED: Oxford* 1 81; 2 960.
10. *REED: Oxford* 1 46; 2 940.
11. *REED: Oxford* 1 148; 2 985.
12. *REED: Oxford* 1 95; 2 969.
13. *REED: Oxford* 1 103; *REED: Oxford* 2 972.
14. *REED: Oxford* 2 603.
15. *REED: Oxford* 2 1097, last note to page 103.
16. For a list of Choirmasters and Organists at Magdalen from 1481–1580, see *Magdalen College Oxford: A History* edited L.W.B. Brockliss (Oxford: Magdalen College, 2008) 122–3.

17. See Greg Walker *The Politics of Performance in Early Renaissance Drama* (Cambridge UP, 1998) especially chapter 1, 'Playing by the Book: early Tudor drama and the printed text'.
18. I follow Greg Walker's suggestion that the bulk of the play was either written or revised in 1538, although there is suggestive evidence that the play, in some form, might have existed as early as 1531 (see Honor McCusker *John Bale: Dramatist and Antiquary* (PhD thesis; Bryn Mawr PA, 1942) 74. I cite the play from *Three Laws* in John Bale *The Complete Plays of John Bale* edited Peter Happé, 2 vols (Cambridge: Brewer, 1986).
19. For a more detailed study of the call for clerical marriage in *Three Laws*, see my "'God's lawfull remedye": Clerical Marriage and Royal Authority in Bale's *Three Laws*' *Postgraduate English* 16 (2007), online at <<http://community.dur.ac.uk/postgraduate.english/ojs/index.php/pgenglish/article/view/70>>
20. William Tyndale *The Obedience of a Christian Man* edited David Daniell (Harmondsworth: Penguin, 2000) 110.
21. See Greg Walker 'Radical Drama? John Bale's *King Johan*' in *Plays of Persuasion* (Cambridge UP, 1991), 169–221; G.W. Bernard *The King's Reformation* (New Haven and London: Yale UP, 2007).
22. *Tudor Royal Proclamations* edited Paul L. Hughes and James F. Larkin, 3 vols (New Haven and London: Yale UP, 1964–69) 1 270–276 at 272.
23. For a helpful summary, see John Guy 'The Legal Context of the Controversy: The Law of Heresy' in Thomas More *The Debellation of Salem and Bizance* edited John Guy, Clarence H. Miller, and Ralph Keen (The Complete Works of Sir Thomas More 10; New Haven and London: Yale UP, 1988) xlvii–lxvii.
24. *Documents of the English Reformation* edited Gerald Bray (Cambridge UP, 1994) 225.
25. *Tudor Royal Proclamations* 1 273.
26. *Tudor Royal Proclamations* 1 181–6 at 182.
27. *Tudor Royal Proclamations* 1 193–7 at 194.
28. James Simpson 'Three Laws' in *The Oxford Handbook of Tudor Drama* edited Thomas Betteridge and Greg Walker (Oxford UP, 2012) 109–122 at 109. For a detailed account of the 2012 EDOX production, see Elisabeth Dutton, Maria Sachiko Cecire, and James McBain 'Staging and Filming Bale's *Three Laws*' *Shakespeare Bulletin* 32:1 (2014) 65–84.
29. Laurence Humphrey *The nobles, or of nobilitye* (London, Thomas Marsh, 1563) 13.
30. See Thomas S. Freeman 'Laurence Humphrey' in ODNB.
31. See *Magdalen College Oxford* 60.

32. See C.M. Dent *Protestant Reformers in Elizabethan Oxford* (Oxford UP, 1983) chapter 2 'The Elizabethan Settlement and the Demand for Reform, 1558–1573'.
33. *Magdalen College Oxford* 120.
34. *REED: Oxford* 2 974–5.
35. *Magdalen College Oxford* 142.
36. *The Injunctions of 1559*, XXIX: <<https://history.hanover.edu/texts/engref/er78.html>>.
37. See Eric J. Carlson 'Clerical Marriage and the English Reformation' *Journal of British Studies* 31 (1992) 1–31 at 24.
38. Carlson 'Clerical Marriage' 25.
39. *Magdalen College Oxford* 161.
40. Linda Shenk 'Gown Before Crown: Scholarly Abjection and Academic Entertainment Under Queen Elizabeth I' in *Early Modern Academic Drama* 19–44.
41. See Sarah Knight "'Goodlie anticke apparel'?: Sophocles' *Ajax* at Early Modern Oxford and Cambridge' *Shakespeare Studies* 37 (2009) 25–42 at 33.
42. Shenk 'Gown Before Crown' 24.
43. Alan H. Nelson 'Emulating Royalty: Cambridge, Oxford and the Inns of Court' *Shakespeare Studies* 37 (2009) 67–76.
44. William of Wykeham, Bishop of Winchester, was founder of New College, the institution praised in the poem preceding this one.
45. *Queen Elizabeth's Book of Oxford* edited Louise Durning (Oxford: Bodleian Library, 2006) 86.
46. *Magdalen College Oxford* 160–1.
47. Jayne Elisabeth Archer and Sarah Knight 'Elizabetha Triumphans' in *The Progresses, Pageants, & Entertainments of Queen Elizabeth I* edited Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight (Oxford UP, 2007) 1–23 at 16.
48. Freeman 'Laurence Humphrey'.