SUMMARY The documents below are copies in the Lord Chamberlain's Book of the petitions, answers and orders in a suit brought in 1635 before Philip Herbert (1584-1650), 1st Earl of Pembroke and Montgomery, whose first wife was Oxford's daughter, Susan de Vere (1587-1629). At the time of the complaint, Herbert was Lord Chamberlain of the Household. The complaint is described from the perspective of one of the defendants, John Shank (d.1636) in the entry for Shank in the *Oxford Dictionary of National Biography,* available online:

Shank invested in the King's Men, holding shares that had originally belonged to John Heminges. On his death in 1630 the heir, Heminges's son William sold them to Shank. It was these shares and those of the surviving members of the Burbage family that were the subject of the dispute recorded in the Sharers' Papers of 1635. Robert Benfield, Eyllaerdt Swanston, and Thomas Pollard, fellow King's Men, petitioned the lord chamberlain to allow them to purchase shares in the Blackfriars and the Globe theatres. Richard Burbage's widow, Winifred, by then remarried, and her brother-in-law Cuthbert objected, as did John Shank. An order was made to allow the petitioners to buy some of Shank's shares, but no agreement was reached about the price. So on 1 August 1635 the case was passed to Sir Henry Herbert for arbitration. The matter had still not been finally resolved by Shank's death in January 1636. He was buried at St Giles Cripplegate on the 27th of that month.

The William Heminges mentioned in the documents was William Heminges (bap. 1602, d. 1649x53), poet and playwright, the ninth child and third son of John Heminges (bap. 1566, d. 1630), and his wife Rebecca (nee Edwards) Knell Heminges (bap. 1571, d. 1619).

John Heminges died in October 1630, and, as the eldest surviving son, William inherited his father's shares in the Blackfriars and Globe theatres. He apparently had nothing to do with running either theatre, merely collecting the income from the shares and following a profligate lifestyle which soon landed him in Ludgate prison for debt. These circumstances led Heminges to sell part of his theatre shares to John Shank of the King's Men in 1633 for £156, and the remaining shares in 1634 for £350.

See the entry for William Heminges in the *Oxford Dictionary of National Biography,* available online).

Other persons mentioned in the documents include:

Winifred (nee Turner) Burbage Robinson (d.1642), the daughter of Edmund Turner of St Leonard, Shoreditch, and widow of Richard Burbage (1568–1619). After Burbage's death on 12 March 1619, by licence dated 31 October 1619 she married the actor Richard Robinson at St Mary Magdalen, Old Fish Street (see entry for Richard Burbage in the *Oxford Dictionary of National Biography,* available online).

The actor John Lowin (bap. 1576, d.1653), the son of Richard Lowin of London (see entry for John Lowin in the *Oxford Dictionary of National Biography,* available online).

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The actor Eyllaerdt Swanston (d. 1651), a member of the King's Men from about 1624 until the closure of the theatres in 1642 (see entry for Eyllaerdt Swanston in the *Oxford Dictionary of National Biography,* available online).

Sir John Finet [Finett] (1570/71–1641), courtier and writer, born at Soulton in Kent, the eldest son of Robert Finet (d. 1582), and Agnes Wenlock, daughter of a captain of Calais (see entry for Sir John Finet in the *Oxford Dictionary of National Biography,* available online).

The Sir Henry Herbert mentioned in the documents was likely Sir Henry Herbert (bap. 1594, d. 1673), master of the revels, baptized on 7 July 1594 at St Nicholas's Church, Montgomery, the sixth of seven sons (and three daughters) of Richard Herbert (d. 1596) and Magdalen or Magdalene, nee Newport (d. 1627), of Montgomery (see entry for Sir Henry Herbert in the *Oxford Dictionary of National Biography,* available online).

The case in the Court of Requests by the Globe shareholders against Sir Matthew Brend (1600-1659) mentioned in the documents below is TNA REQ 2/706.

The documents were transcribed by J.O. Halliwell-Phillipps in *Outlines of the Life of Shakespeare*, 7th ed., Vol. I, (London: Longmans Green, 1887), pp. 312-19, available online. There is also a partial transcript in Smith Irwin, *Shakespeare's Blackfriars Playhouse*, (New York University Press, 1964), pp. 553-9.

The transcript below follows the order in which the documents were copied into the Lord Chamberlain's Book. The Book is in two sections, beginning from the front and back, each of which is numbered separately (1-24 from the front, and 1-71 from the back). The documents below are in the back section.

LM: The King's Players

To the right honourable Philip, Earl of Pembroke & Montgomery, Lord Chamberlain of his Majesty's Household

Robert Benfield, Heliard [=Eyllaerdt] Swanston & Thomas Pollard humbly represent these their grievances, imploring his Lordship's noble favour towards them for their relief

That the petitioners have a long time with much patience expected to be admitted sharers in the playhouses of the Globe and the Blackfriars whereby they might reap some better fruit of their labours than hitherto they have done, & be encouraged to proceed therein with cheerfulness;

That those few interested in the houses have, without any defalcation or abatement at all, a full moiety of the whole gains arising thereby excepting the outer doors, and such of the

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said housekeepers as be actors do likewise equally share with all the rest of the actors both in the other moiety & in the said outer doors also;

That out of the actors' moiety there is notwithstanding defrayed all wages to hired men, apparel, poets, lights & other charges of the houses whatsoever, so that between the gains of the actors & of those few interested as housekeepers there is an unreasonable inequality;

That the house of the Globe was formerly divided into 16 parts, whereof Mr Cuthbert Burbage and his sisters [sic] had 8, Mrs Condell 4, and Mr Heminges 4;

That Mr Taylor and Mr Lowin were long since admitted to purchase 4 parts betwixt them from the rest, viz., 1 part from Mr Heminges, 2 parts from Mrs Condell, & half a part apiece from Mr Burbage and his sister;

RM: shares

That the 3 parts remaining to Mr Heminges were afterwards by Mr Shank surreptitiously purchased from him contrary to the petitioners' expectation, who hoped that when any parts had been to be sold they should have been admitted to have bought & divided the same amongst themselves for their better livelihood;

That the petitioners' desire not to purchase or diminish any part of Mr Taylor's or Mr Lowin's shares, whose deservings they must acknowledge to be well worthy of their gains, but in regard the petitioners' labours, according to their several ways & abilities, are equal to some of the rest, and for that others of the said housekeepers are neither actors nor his Majesty's servants, & yet the petitioners' profit & means of livelihood so much inferior & unequal to theirs, as appears before, they therefore desire that they may be admitted to purchase for their moneys, at such rates as have been formerly given, single parts apiece only from those that have the greatest shares & may best spare them, viz., that Mr Burbage and his sister, having 3 parts & a half apiece, may sell them two parts & reserve two & a half apiece to themselves, and that Mr Shank, having three, may sell them one & reserve two;

Wherein they hope your Lordship will conceive their desires to be just and modest, the rather for that the petitioners, not doubting of being admitted sharers in the said house the Globe, suffered lately the said housekeepers in the name of his Majesty's servants to sue & obtain a decree in the Court of Requests against Sir Matthew Brand [=Brend] for confirmation unto them of a lease parol for about 9 or 10 years yet to come which they could otherwise have prevented until themselves had been made parties;

That for the house in the Blackfriars, it being divided into 8 parts amongst the aforenamed housekeepers, & Mr Shank having two parts thereof, Mr Lowin, Mr Taylor and each of the rest having but one part apiece, which two parts were by the said Mr Shank purchased of Mr Heminges together with those 3 of the Globe as before, the petitioners desire & hope that your Lordship will conceive it likewise reasonable that the said Mr

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Shank may assign over one of the said parts amongst them three, they giving him such satisfaction for the same as that he be no loser thereby;

Lastly, that your Lordship would to that purpose be nobly pleased, as their only gracious refuge & protector, to call all the said housekeepers before you & to use your Lordship's power with them to conform themselves thereunto, the rather considering that some of the said housekeepers who have the greatest shares are neither actors nor his Majesty's servants as aforesaid, & yet reap most or the chiefest benefit of the sweat of their brows & live upon the bread of their labours without taking any pains themselves;

For which your petitioners shall have just cause to bless your Lordship, as however they are daily bound to do with the devotions of most humble & obliged beadsmen.

LM: shares in the Globe

Burbage 3 1/2	{of a lease of 9 years		{Shank 2
Robinson 3 1/2	{from Our Lady Day last		{Burbage 1
Condell 2	{1635		{Robinson 1
Shank 3	{not yet confirmed by	Blackfriars	{Taylor 1
Taylor 2	{Sir Matthew Brend to		{Lowin 1
Lowin 2	{be taken to feoffees		{Condell 1
			{Underwood 1

Court at Theobalds, 12 July 1635

Having considered this petition & the several answers & replies of the parties, the merits of the petitioners, the disproportion of their shares, & the interest of his Majesty's service, I have thought fit & do accordingly order that the petitioners Robert Benfield, Eyllaerdt Swanston & Thomas Pollard be each of them admitted to the purchase of the shares desired of the several persons mentioned in the petition for the four years remaining of the lease of the house in Blackfriars & for five years in that of the Globe at the usual & accustomed rates & according to the proportion of the time & benefit they are to enjoy;

And hereof I desire the housekeepers & all others whom it may concern to take notice & to conform themselves therein accordingly, the which if they or any of them refuse or delay to perform, if they are actors & his Majesty's servants, I do suspend them from the stage & all the benefit thereof, & if they are only interested in the houses, I desire my Lord Privy Seal to take order that they may be left out of the lease which is to be made upon the decree in the Court of Requests.

Pembroke & Montgomery(?)

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Robert Benfield, Eyllaerdt Swanston & Thomas Pollard do further humbly represent unto your Lordship

That the housekeepers, being but 6 in number, viz., Mr Cuthbert Burbage, Mrs Condell, Mr Shank, Mr Taylor, Mr Lowin & Mr Robinson in the right of his wife, have amongst them the full moiety of all the galleries & boxes in both houses & of the tiring-house door at the Globe;

That the actors have the other moiety with the outer doors, but in regard the actors are half as many more, viz., nine in number, their shares fall shorter & are a great deal less than the housekeepers', and yet notwithstanding out of those lesser shares the said actors defray all charges of the house whatsoever, viz., wages to hired men & boys, music, lights etc. amounting to £900 or £1000 per annum or thereabouts, being £3 a day one day with another, besides the extraordinary charge which the said actors are wholly at for apparel & poets etc.;

Whereas the said housekeepers out of all their gains have not, till Our Lady Day last, paid above £65 per annum rent for both houses, towards which they raise between £20 & £30 per annum from the tap-houses & a tenement & a garden belonging to the premises etc., and are at no other charges whatsoever excepting the ordinary reparations of the houses;

So that upon a medium made of the gains of the housekeepers & those of the actors one day with another throughout the year, the petitioners will make it apparent that when some of the housekeepers share 12s a day at the Globe, the actors share not above 3s, and then what those gain that are both actors and housekeepers & have their shares in both your Lordship will easily judge, & thereby find the modesty of the petitioners' suit, who desire only to buy for their money one part apiece from such three of the said housekeepers as are fittest to spare them, both in respect of desert and otherwise, viz., Mr Shank one part of his three, Mr Robinson & his wife one part of their three & a half, and Mr Cuthbert Burbage the like;

And for the house of the Blackfriars that Mr Shank, who now enjoys two parts there, may sell them likewise one to be divided amongst them three;

Humbly beseeching your Lordship to consider their long sufferings, & not to permit the said housekeepers any longer to delay them, but to put an end to & settle the said business, that your petitioners may not be any further troublesome or importunate to your Lordship, but may proceed to do their duty with cheerfulness & alacrity;

Or otherwise in case of their refusal to conform themselves, that your Lordship would be pleased to consider whether it be not reasonable & equitable that the actors in general may enjoy the benefit of both houses to themselves, paying the said housekeepers such a valuable rent for the same as your Lordship shall think just & indifferent;

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And your petitioners shall continue their daily prayers for your Lordship's prosperity & happiness.

The answer of John Shank to the petition of Robert Benfield, Eyllaerdt Swanston & Thomas Pollard lately exhibited to the right honourable Philip, Earl of Pembroke & Montgomery, Lord Chamberlain of his Majesty's Household

Humbly showeth:

That about almost 2 years since your suppliant, upon offer to him made by William Heminges, did buy of him one part he had in the Blackfriars for about 6 years then to come at the yearly rent of £6 5s, & another part he then had in the Globe for about two years to come, & paid him for the same two parts in ready moneys £156, which said parts were offered to your suppliant & were as free then for any other to buy as for your suppliant;

That about 11 months since, the said William Heminges offering to sell unto your suppliant the remaining parts he then had, viz., one in the Blackfriars wherein he had then about 5 years to come, & two in the Globe wherein he had then but one year to come, your suppliant likewise bought the same & paid for them in ready moneys more £350;

All which moneys so disbursed by your suppliant amount to £506, the greatest part whereof your suppliant was constrained to take up at interest, & your suppliant hath besides disbursed to the said William Heminges divers other small sums of money since he was in prison;

That your suppliant did neither fraudulently nor surreptitiously defeat any of the petitioners in their hope of buying the said parts, neither would the said William Heminges have sold the same to any of the petitioners for that they would not have given him any such price for the same, but would, as now they endeavour to do, have had the same against his will & at what rates they pleased

That your suppliant, being an old man in this quality who in his youth first served your noble father, & after that the late Queen Elizabeth, then King James, & now his royal Majesty, & having in this long time made no provision for himself in his age, nor for his wife, children & grandchild, for his and their better livelihood, having this opportunity, did at dear rates purchase these parts, & hath for a very small time as yet received the profits thereof, & hath but a short time in them, & is without any hope to renew the same when the terms be out, he therefore hopeth he shall not be hindered in the enjoying the profit thereof, especially when the same are things very casual & subject to be discontinued & lost by sickness & divers other ways, & to yield no profit at all;

That whereas the petitioners in their complaint say that they have not means to subsist, it shall by oath, if need be, be made apparent that every one of the three petitioners for

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his own particular hath gotten & received this year last past of the sum of £180, which as your suppliant conceiveth, is a very sufficient means to satisfy & answer their long & patient expectation, & is more by above the one half than any of them ever got or were capable of elsewhere, besides what Mr Swanston, one of them who is most violent in this business, who hath further had & received this last year above £34 for the profit of a third part of one part in the Blackfriars which he bought for £20, & yet hath enjoyed the same 2 or 3 years already, & hath still as long time in the same as your suppliant hath in his, who, for so much as Mr Swanston bought for £20, your suppliant paid £60;

That when your suppliant purchased his parts, he had no certainty thereof more than for one year in the Globe, & there was a chargeable suit then depending in the Court of Requests between Sir Matthew Brend, knight, & the lessees of the Globe & their assigns for the adding of nine years to their lease in consideration that they and their predecessors had formerly been at the charge of £1400 in building of the said house upon the burning down of the former, wherein, if they should miscarry, for as yet they have not the assurance perfected by Sir Matthew Brend, your suppliant shall lay out his money to such a loss as the petitioners will never be partners with him therein;

That your suppliant & other the lessees in the Globe & in the Blackfriars are chargeable with the payment of £100 yearly rent, besides reparations which is daily very chargeable unto them, all which they must pay and bear whether they make any profit or not, & so reckoning their charge in building & fitting the said houses, yearly rent & reparations, no wise man will adventure his estate in such a course considering their dealing with whom they have to do, & the many casualties & daily troubles therewith;

That in all the affairs & dealings in this world between man & man it was & is ever held an inviolable principle that in what thing soever any man hath a lawful interest & property, he is not to be compelled to depart with the same against his will, which the complainants endeavour;

And whereas John Heminges, the father of William Heminges of whom your suppliant made purchase of the said parts, enjoyed the same 30 years without any molestation, being the most of the said years both player & housekeeper, and after he gave over playing, divers years, & his son, William Heminges, four years after, though he never had anything to do with the said stage, enjoyed the same without any trouble, notwithstanding the complainants would violently take from your petitioner the said parts, who hath still of his own purse supplied the company for the service of his Majesty with boys, as Thomas Pollard, John Thompson, deceased (for whom he paid £40), your suppliant having paid his part of £200 for other boys since his coming to the company, John Honeyman, Thomas Holcombe and divers others, & at this time maintains 3 more for the said service;

Neither lieth it in the power of your suppliant to satisfy the unreasonable demands of the complainants, he being forced to make over the said parts for security of moneys taken up as aforesaid of Robert Morecroft of Lincoln, his wife's uncle, for the purchase of the said parts until he hath made payment of the said moneys, which he is not able to do

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unless he be suffered to enjoy the said parts during the small time of his lease, & is like to be undone if they are taken from him;

All which being considered, your suppliant hopeth that your Lordship will not enforce your suppliant against his will to depart with what is his own, & what he hath dearly paid for, unto them that can claim no lawful interest thereunto;

And your suppliant, under your Lordship's favour, doth conceive that if the petitioners by those their violent courses may obtain their desires, your Lordship will never be at quiet for their daily complaints, & it will be such a precedent to all young men that shall follow hereafter that they shall always refuse to do his Majesty service unless they may have whatsoever they will, though it be other men's estates, and so that which they pretend shall tend to the better government of the company & enabling them to do his Majesty service, the same will be rather to the destruction of the company & disabling of them to do service to his Majesty;

And besides, the benefit & profit which the petitioners do yearly make without any charge at all is so good that they may account themselves to be well recompensed for their labour & pains, & yet when any parts are to be sold they may buy the same if they can get the bargain thereof, paying for the same as others do;

The humble suit of your suppliant is that your Honour will be pleased that he may enjoy that which he hath dearly bought & truly paid for, and your suppliant, as in duty he is bound, shall ever pray for your Lordship.

To the right honourable Philip, Earl of Pembroke & Montgomery, Lord Chamberlain of his Majesty's Household

Right honourable & our singular good Lord, we, your humble suppliants, Cuthbert Burbage, & Winifred, his brother's wife, & William, his son, do tender to your honourable consideration for what respects & good reasons we ought not in all charity to be disabled of our livelihoods by men so soon shot up, since it hath been the custom that they should come to it by far more antiquity and desert than those can justly attribute to themselves;

And first, humbly showing to your Honour the infinite charges, the manifold lawsuits, the lease's expiration by the restraints in sickness times & other accidents that did cut from them the best part of the gains that your Honour is informed they have received:

The father of us, Cuthbert & Richard Burbage, was the first builder of playhouses, & was himself in his younger years a player. The Theater he built with many hundred pounds taken up at interest. The players that lived in those first times had only the profits arising from the doors, but now the players receive all the comings in at the doors to themselves & half the galleries from the housekeepers. He built this house upon leased

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ground, by which means the landlord & he had a great suit in law, & by his death the like troubles fell on us, his sons.

We then bethought us of altering from thence, & at like expense built the Globe with more sums of money taken up at interest, which lay heavy on us many years, & to ourselves we joined those deserving men Shakespeare, Heminges, Condell, Phillips and others, partners in the profits of that they call the house, but making the leases for 21 years hath been the destruction of ourselves & others, for they dying at the expiration of 3 or 4 years of their lease, the subsequent years became dissolved to strangers, as by marrying with their widows, & the like by their children.

Thus, right Honourable, as concerning the Globe, where we ourselves are but lessees. Now for the Blackfriars, that is our inheritance. Our father purchased it at extreme rates, & made it into a playhouse with great charge and trouble, which after was leased out to one Evans that first set up the boys commonly called the Queen's Majesty's Children of the Chapel. In process of time the boys growing up to be men, which were Underwood, Field, Ostler, & were taken to strengthen the King's service, & the more to strengthen the service, the boys daily wearing out, it was considered that house would be as fit for ourselves, & so purchased the lease remaining from Evans with our money, & placed men players, which were Heminges, Condell, Shakespeare etc.

And Richard Burbage, who for 35 years' pains, cost and labour made means to leave his wife and children some estate, & out of whose estate so many of other players and their families have been maintained, these new men that were never bred from children in the King's service would take away with oaths & menaces that we shall be forced, & that they will not thank us for it, so that it seems they would not pay us for what they would have or we can spare, which, more to satisfy your Honour than their threatening pride, we are for ourselves willing to part with a part between us, they paying according as ever hath been the custom & the number of years the lease is made for.

Then to show your Honour against these sayings that we eat the fruit of their labours, we refer it to your Honour's judgment to consider their profits, which we may safely maintain, for it appeareth by their own accounts for one whole year last past beginning from Whitsun Monday 1634 to Whitsun Monday 1635 each of these complainants gained severally, as he was a player & no housekeeper, £180. Besides Mr Swanston hath received from the Blackfriars this year, as he is there a housekeeper, above £30, all which being accounted together may very well keep him from starving.

Wherefore your Honour's most humble suppliants entreat they may not further be trampled upon than their estates can bear, seeing how dearly it hath been purchased by the infinite cost & pains of the family of the Burbages & the great desert of Richard Burbage for his quality of playing, that his wife should not starve in her old age, submitting ourselves to part with one part to them for valuable consideration, & let them seek further satisfaction elsewhere, that is of the heirs or assigns of Mr Heminges & Mr Condell, who had theirs of the Blackfriars of us for nothing. It is only we that suffer continually.

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Therefore humbly relying upon your honourable charity in discussing [sic?] their clamour against us, we shall, as we are in duty bound, still pray for the daily increase of your Honour's health & happiness.

LM: John Shank

A petition of John Shank to my Lord Chamberlain showing that according to his Lordship's order he did make a proposition to his fellows for satisfaction upon his assigning of his parts in the several houses unto them, but they not only refused to give satisfaction but restrained him from the stage, that therefore his Lordship would order them to give satisfaction according to his propositions & computation.

Answered, viz., I desire Sir Henry Herbert & Sir John Finet, & my solicitor, Daniel Bedingfield, to take this petition & the several papers hereunto annexed into their serious considerations, & to speak with the several parties interested, & thereupon & upon the whole matter to set down a proportionable & equitable sum of money to be paid unto Shank for the two parts which he is to pass unto Benfield, Swanston & Pollard, & to cause a final agreement & conveyances to be settled accordingly, & to give me an account of their whole proceedings in writing. August 1, 1635.

LM: Memorandum: All concerning this & here entered were delivered, annexed.

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