

## Harris vs Harris: A Restoration Actor at the Court of Arches

(i)

The theatrical career of Henry Harris (1633/4-1704), founding member, leading actor, and between 1668 and 1678 co-manager of the Duke's Company, is, at least in outline, reasonably well known. His attempted defection in the early days of the company was described in detail by Samuel Pepys, who befriended him before he thought better of associating with a libertine who always appeared to expect someone else to pick up the bill.<sup>1</sup> In the most recent biography of Harris's co-manager, Thomas Betterton, there is an extensive account of Harris's roles when he returned to the Duke's Company, and of Pepys's relationship with the actor.<sup>2</sup> Milhous and Hume's *Document Register* records lawsuits against him by no fewer than fourteen people between April 1667 and November 1679.<sup>3</sup> The motives are not always clear, but there is little doubt that recovery of debt was a significant factor. Repeat summonses in the *Document Register* suggest that Harris was practised in ignoring his creditors. As a liveried servant of the Duke of York, he also enjoyed the protection of the Lord Chamberlain, who on one occasion ordered the arrest of a brewer and his bailiff for seizing Harris's goods without permission.<sup>4</sup> Even so, beyond his financial woes and his *demi-monde* existence at the Blue Balls (a place that horrified Pepys) and other houses of ill repute, information about the actor's private life has been in short supply. The *Biographical Dictionary of Actors* and *The Oxford Dictionary of National Biography* offer sketches of his professional career but almost nothing about his family background and troubled marriage. Now, however, records of the Court of Arches that have come to light in Lambeth Palace

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<sup>1</sup> *The Diary of Samuel Pepys*, ed. Robert Latham and William Matthews, 11 vols (London: Bell & Hyman, 1971-83), esp. 22 July 1663 (Harris's rebellion) and 29 March 1668 (Harris and Pepys at the Blue Balls Inn).

<sup>2</sup> David Roberts, *Thomas Betterton: The Greatest Actor of the Restoration Stage* (Cambridge: Cambridge University Press, 2010), pp.83-101. Roberts's novel, *The Life of Harris the Actor* (Birmingham and Shanghai, 2015), reimagines Harris's professional and private woes.

<sup>3</sup> Judith Milhous and Robert D. Hume, *A Register of English Theatrical Documents, 1660-1737*. 2 vols (Carbondale and Edwardsville: Southern Illinois University Press, 1991). The fifteen individuals were William Watkins (no.379), Matthew Capell (no.400), Thomas Halfpenny (no.404), Robert Bird (no.414), Richard Snow (no.423), Sir Henry Herbert, Master of the Revels (no.437), a Mr Levett (no.438), Mary Inglesby (no.457), William Keene (no.468), William Hide, brewer (no.553), Peter Dod (no.732), Anne Harris, estranged wife of Henry (no.956), Emma Worcester (no.1009), Joseph Dodd (no.1092).

<sup>4</sup> *Document Register* no.553.

Library reveal a wealth of information about one of the foremost actors of Restoration London, and raise broader questions about the social status of performers in the period.

The Court of Arches, which took its name from the church of Sancta Maria de Arcubus (St Mary-le-Bow, London, its home before the Great Fire), was the highest ecclesiastical court – the court of appeal, in other words – in the Province of Canterbury. It exercised wide-ranging jurisdiction concerning probate, defamation, church property, and the morality of both clergy and laity. In no domain was its business more contentious than that of marriage and divorce, records for which reveal in impressive detail the personal affairs of plaintiffs and defendants. It was to the Court of Arches, in 1677, that Henry Harris's estranged wife Anne brought her case against a husband who had, she claimed, abandoned her, failed to support her, and abused her. Her case was agonizingly slow to be resolved. Only in 1681 did she receive a judgment.<sup>5</sup>

(ii)

Anne submitted that she had married Harris in 1655. A certificate to that effect was supplied to the court by the parish clerk of St. Botolph Aldersgate, London, and the parish register gives the date of the wedding as 31 December 1655.<sup>6</sup> She testified that she was the daughter of Richard Johnson, a large-scale grazier who lived and worked at Loughton in Buckinghamshire. During the 'times of rebellion', Johnson had moved to Whetstone, Middlesex, where he continued his successful business. Anne further testified that Henry Harris was the son of a scale maker.<sup>7</sup> The archive of the Clothworkers' Company of London lends substance to her claim.<sup>8</sup> In 1656 one of its freemen, named as Henry Harris, seal engraver in the Strand, took on an apprentice. Harris the actor is known to have pursued a parallel career as a seal engraver at least from 1666, and his new apprentice was one Richard Johnson, described as the son of

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<sup>5</sup> The principal documents are the libels submitted by Anne (Arches E 6/98) and by Henry (Arches E 6/138); the answers given in response by both parties (Arches Ee 4, ff. 560-562, 581-588); interrogatories (questions to be put to witnesses) on behalf of Anne (Arches E 6/96); depositions by witnesses (Arches Eee 6 ff. 336-338, 341-345, 397-400); and sentence (Arches B 10/54). The course of the trial may be followed through the act books (Arches A 13-15).

<sup>6</sup> The register is held at London Metropolitan Archives. The certificate was exhibited in court on 12 Dec. 1677 (Arches A 13 ff. 51-52).

<sup>7</sup> Arches Ee 4 ff. 581-582.

<sup>8</sup> The information that follows is drawn from the records held by the Clothworkers' Company, especially the apprenticeship books (CL/C/4), which begin from 1606.

Richard Johnson, farmer, of Whetstone, Middlesex. In other words, Harris indentured his own brother-in-law.

Harris himself had obtained the freedom of the Clothworkers' Company in 1654 by servitude to Timothy Harris, a scale maker and in all likelihood his father.<sup>9</sup> A son of John Harris, a shoemaker of Adstock in Buckinghamshire, Timothy Harris had been apprenticed in the Clothworkers' Company in 1621 and made free in 1629. He had been christened at Great Horwood (a parish adjacent to Adstock) in 1606, and later in life he took on several apprentices from the same village. Since Great Horwood is only about five miles from Loughton, the Harris and Johnson families may have been known to each other long before Henry Harris and Anne Johnson married. Timothy Harris lived in the parish of St. John Zachary, London, from at least 1638, and it may have been there that Henry was born, in 1633 or 1634.<sup>10</sup>

Apprenticeship records from 1648 and 1651 show that the Harris family home was in St. Ann's Lane, also known as Tanns Lane or St Tanns Lane. Immediately beyond its eastern end was the church of St. John Zachary; close by its western end was the church of St. Botolph Aldersgate where Henry Harris was married. Timothy Harris was described variously as a blacksmith (1644), a balance maker (1648) and a beam maker (1651). The latter two terms may simply be alternative descriptions of the same job; nevertheless, here was an example of what it meant to embrace different trades. Timothy Harris took ten apprentices between 1630 and 1651, and of the five who attained the freedom of the Company, all established themselves as scale makers in the city – all, that is, except Henry. Among them was John Harris, son of Timothy and probably Henry's senior. John was apprenticed to his father in 1644, became free of the Clothworkers' Company in 1650 by patrimony, and by 1654 was working as a scale maker in Rood Lane, London. Decades later he was cited as a witness in the Arches case, although he does not seem to have given evidence.<sup>11</sup> Timothy appears to have died by 1658, when Joan Harris, widow and beam maker in St. Ann's Lane, took on an

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<sup>9</sup> The freedom register for this date does not survive. However, a contemporary index to the registers (CL/C/3/1/2) records the freedom of Henry Harris by servitude to his master Timothy Harris in the year 1654 (old style). The Quarter wardens' accounts (CL/D/5/9) add that payment for his freedom was made in October 1654. Apprenticeship was normally for seven years, meaning that Henry was probably apprenticed in 1647; however there appears to be no record of his binding as an apprentice in the Company's archive.

<sup>10</sup> T.C. Dale, *The inhabitants of London in 1638* (London: Society of Genealogists, 1931), pp. 79-80 on St. John Zachary.

<sup>11</sup> Arches A 13 f. 66r.

apprentice within the Company. She was, without doubt, the widow of Timothy and very likely the mother of Henry.

This new information underlines the degree to which Henry Harris was, to say the least, a Jack-of-all-trades. By October 1654 he had completed an apprenticeship to a scale maker in the city of London. In 1656 he appears as a seal engraver in the Strand, Westminster, and then, in 1660, in the foundation document of the Duke's Company, as 'Henry Harris of the cittie of London, painter'.<sup>12</sup> Much later, in 1690, he would claim to have been educated in the art appropriate for the 'chief graver of the stamps and irons of the King's mint', an office which he successfully acquired.<sup>13</sup> The Duke's Company has been characterized as 'a company of shopkeepers': unlike its rival King's Company, its core was formed not of those who had served in acting companies before the Civil War but from weavers, drapers, musicians and, in Betterton's case, a bookseller.<sup>14</sup> Among that group of studious artisans, Harris was restlessly, even suspiciously, adaptable; so much so, perhaps, as to arouse curiosity about what specific skills beyond a grounding in metalwork he had really acquired on the way to his freedom from the Clothworkers' Company, and therefore what expertise he was able to pass on to his brother-in-law. Richard Johnson's apprenticeship was, not surprisingly in the circumstances, unusually protracted, stretching five years beyond the conventional seven-year term, from 1656 to 1668. In January 1668 he finally obtained his freedom of the Clothworkers' Company. When, six weeks later, he took on his own apprentice, he was working as a goldsmith in the Strand. In the Arches case, his sister Anne was also reported to have kept a goldsmith's shop in the Strand early in her married life. One witness at the Court of Arches testified that following the wedding Anne's parents had helped set up Henry Harris in trade 'as goldsmith or graver or both'.<sup>15</sup>

If Harris was a versatile craftsman, he was also something of a chancer, ready to turn a profit in every way the times made possible. Soon after his marriage, according to Anne's testimony, he left on a venture to sell horses and velvet saddles on the

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<sup>12</sup> BL Add. Charter 9295; the whole document is printed in J.O. Halliwell-Phillipps, *A collection of ancient documents respecting the office of Masters of the Revels and other papers relating to the early English Theatre* (London: T. Richards, 1870), pp.27-32.

<sup>13</sup> *Calendar of Treasury Papers, 1557-1696* (London, 1868), p.108.

<sup>14</sup> Roberts, *Thomas Betterton*, pp.75-7; see also Paul R. Backscheider, 'Behind City Walls: Restoration Actors in the Draper's Company', *Theatre Survey* vol 45 no.1 (May 2004), pp.75-87.

<sup>15</sup> Arches Eee 6 f.343r.

Continent.<sup>16</sup> Later, in a life ripe with success as actor, theatre manager, and Yeoman of the Revels, he found yet another side line, investing in East India Company stock and exporting wine, brandy, knick-knacks along with other goods to the East Indies ‘as adventure’.<sup>17</sup> Constantly in the background of his hustling lifestyle were the people to whom he owed money as well as those, like Pepys, on whom he leached. For her part, Anne existed on no less of a knife-edge, struggling to make ends meet and seeking whatever gains she could through dealings with pawnbrokers by selling on and lending out jewels, clothes and other goods. In that desperate trade she came, eventually, to grief. Here, the Arches documents are a farrago of allegations, exaggerations and falsehoods, from which the judge strained to form a judgment, and from which modern scholarship must endeavour to do the same. Was Anne an equal partner with her husband in recklessness, or was she a victim, striving to keep up with the man who ultimately abandoned her for the life of a Restoration libertine?

(iii)

Anne’s testimony claims that she and her husband had lived together ‘quietly and lovingly’ for thirteen years following their marriage in 1655. Then Harris left her (for no good cause, she argued) and disregarded her pleas for his return.<sup>18</sup> The date of this rupture may be significant in that it follows Harris and Betterton taking charge of the Duke’s Company after the death of Sir William Davenant on 7 April 1668; new responsibilities perhaps led Harris to reconsider his domestic arrangements. The separation also came towards the end of a period between April 1667 and December 1668 when Harris had amassed an impressive record of nine legal claims against him, in all likelihood for debt, for which the salary attracted by his new role must have presented itself as a solution. Many of those claims, however, related to Anne. This was also the period when Harris socialized with Pepys, who found himself footing the bill for drinks, food, and even a painting of his new friend, while feeling increasingly appalled at the level of Harris’s debauchery. On 30 May 1668 Pepys described a supper at Vauxhall with Harris and others, ‘very rogues as any in the town, who were ready to take hold of every woman that came by them’. Harris talked of how he and other young blades had danced naked with the brothel-keeper, Mother Bennett, ‘and her ladies’. Pepys’s

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<sup>16</sup> Arches Ee 4 f. 582v.

<sup>17</sup> Arches Ee 4 f. 561v; Eee 6 f. 342r.

<sup>18</sup> Arches E 6/98. In his own testimony, Harris confirmed the date (Arches E 6/138).

conclusion betrays the desire that lingered beneath the disgust: 'But, Lord, what loose, cursed company was this that I was in tonight; though full of wit and worth a man's being in for once, to know the nature of it and their manner of talk and lives'.<sup>19</sup>

The Lord Chamberlain's records show Anne first petitioning for maintenance on 25 January 1676.<sup>20</sup> Harris held out, and it was not until 8 November the following year that Anne's persistence began to pay off. If he did not settle, she was granted 'free Leave to take her course against him according to ye rules of these Courts'.<sup>21</sup> The case duly came to the Court of Arches on 1 December 1677. Even after that, in February 1678, Henry's lawyer was trying to block Anne's claim on the grounds that the actor was protected as a royal servant. It is not entirely clear whether Anne's initial intention was only to secure a ruling on alimony, or to have her husband ordered to resume their marriage, as was within the purview of the Court. Either way, as in so many of the cases that came before the Court of Arches, money was at the heart of the suit. Anne was at pains to emphasize the financial contribution she had made to the marriage. Her father, she testified, was one of the richest, ablest and most esteemed men of his parish, running a large farm, raising and selling cattle, and sending meat, butter and cheese to market. His wealth was such that she had brought Henry a substantial dowry. She could not name the exact amount but cited a range of £1,000 to £1,600. In addition, her parents had helped Henry and Anne set up home in the Strand, Westminster, paying the initial fee of £40 for the tenancy and even, as the need arose, the rent of £42 a year.<sup>22</sup>

Details of that property, which was Henry and Anne's marital home between 1658 and 1661, later emerged in the Court of Chancery. In her desperation for money, Anne had pawned the deeds. Close to the fashionable New Exchange where Harris was wont to meet up with Pepys, it was a substantial house on at least three floors, with a shop on the street, a parlour, kitchen and cellar, as well as nine chambers and garrets.<sup>23</sup> The chambers, and perhaps the shop, kept Anne busy, for she took in 'persons of quality' as lodgers. Observing her 'civill carriage and behaviour', they treated her, she claimed,

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<sup>19</sup> Pepys, *Diary*, 30 May 1668.

<sup>20</sup> *Document Register* no.956 (LC 5/190, fol.134).

<sup>21</sup> *Document Register* no.1029 (LC 5/190, fol.183).

<sup>22</sup> Arches Ee 4 ff. 581r-588v.

<sup>23</sup> National Archives, C10/110/54. The property was owned by the physician Henry Nisbett, whose will mentions the tenancy of Henry Harris (National Archives PROB 11/304/422). From 1661 Harris sub-let it at a canny profit of £15 per annum which he still enjoyed in 1678 (Arches Eee 6 f. 336v).

as a companion rather than a landlady. She even recalled that the Countess of Carnarvon had received her as a guest at her home near Leighton Buzzard.<sup>24</sup> By contrast, Anne portrayed Henry at the time of their marriage as ‘a person of a pore and meane condicion’, the son of an indigent scale maker who was worth little and frequently driven to pawn what goods he possessed. Henry himself, being ‘profuse and addicted to extravagansie’, ran up debts which Anne’s mother had to pay. He was unable, she stated, to maintain his wife at that time without relief from her family. He had funded his venture to the Continent to sell horses and saddles by pawning her best gown and petticoat as well as the family plate. As though that were not bad enough, he had purloined most of the rings and other goods from her goldsmith’s shop. Anne was left behind in a pitiful condition, and but for her family’s intervention, she testified, she might have starved.<sup>25</sup>

To her account she called two witnesses of unimpeachable credentials. The first, Dr Nathan Paget (1615-1679), was a physician of puritan sympathies, best known for his friendship with John Milton, but no less a friend of Anne’s parents. Paget’s evidence hints at the straight-laced upbringing Anne seems to have received, and testifies to the efforts of her parents to support her in a genteel style, with servants to attend her in the early years of her marriage.<sup>26</sup> The second witness was Mary, Lady Davenant, widow of Sir William Davenant, the original Duke’s Company patentee and manager. Lady Davenant would have known very well what an awkward customer Henry Harris could be, following her late husband’s experience of managing his attempted defection in 1663. Unfortunately for Anne, Lady Davenant failed to appear; nor did eight other witnesses Anne named as necessary to proving her case.<sup>27</sup> More unfortunately still, Lady Davenant’s name would reappear later in the case, to Anne’s cost.

Anne expanded upon her subsequent life with Harris at Clare Street, near Clare Market in Westminster, and at Scroop’s Court, on the north side of Holborn close to the

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<sup>24</sup> Arches Ee 4 ff. 581r-588v. Apparently a reference to Elizabeth Dormer, née Capel (1633-1678), wife of Charles Dormer, 2nd Earl of Carnarvon. The Countess was unfortunately (or perhaps conveniently) dead by the time Anne Harris gave her testimony.

<sup>25</sup> Arches Ee 4 ff. 581r-588v.

<sup>26</sup> Arches Eee 6 ff. 336r-337v.

<sup>27</sup> The eight were John Harris (probably Harris’s own brother, as above), George Moore, Elizabeth Dutton, Martha Bennett (possibly ‘Mother Bennett’, the famous brothel-keeper), John Wallis, Nathaniel Redding, William Ward, and a man named only as ‘Lee’; it is interesting to speculate that this may have been the playwright, Nathaniel Lee (Arches A 13 ff. 66r, 118r).

church of St. Andrew Holborn. She described her conduct as dutiful, quiet, respectful to her husband, striving to continue his love and managing their home with discretion and prudence in the face of his cruelty. She also cared for their daughter, Henrietta. Her testimony describes in loving terms an outing when she and her maids took the infant girl to the Spring Gardens in May 1661.<sup>28</sup> Henrietta was still in the care of her mother when the Arches case opened sixteen years later.<sup>29</sup> Keeping house for Henry Harris was, Anne maintained, an impossible challenge. Their home became a venue for treats and entertainments for his friends (so perhaps he was not, as Pepys suspected, merely a leech on others). Anne was driven to desperate measures to pay the bills, even pawning her husband's clothes and possessions as the need arose.

After leaving his wife, and following the construction in 1671 of the Duke of York's Theatre in Dorset Garden, in the parish of St. Bride, Henry Harris lodged there and was certainly living in the theatre during the Arches case in 1678, in a room opposite his fellow actor Cave Underhill (1634-1710).<sup>30</sup> The location suited his position as co-manager of the Duke's Company no less than his newfound quasi-bachelor existence. Throughout their separation, Henry and Anne continued to quarrel bitterly over maintenance payments, and Anne would invoke the needs of their daughter. She claimed that Henry withheld her allowance for months at a time; she related visits to Henry's lodgings at the playhouse when, 'ready to starve', she entreated him on her knees for help, only to be told to 'live per your witts you bitch'. Taking him at his word, Anne then stole his tankard, selling it after Henry had told her to 'keep, it and sell it and be hanged you bitch'. On a further begging mission she claimed to have found Henry just back from one of his debauches. He allegedly fell upon her, beat her, pulled her down the stairs by the hair and one leg, stamped on her amid the stage scenery, and tore her clothes. On another occasion she went armed with an 'ivory busk' (that is, a whalebone corset stiffener) and struck him on the lips as he crammed her against a wheel then beat her on the head and face with his slipper. She admitted she had injured him ('I have marked him for my rogue'), but claimed he was still able to rehearse that morning and act in the afternoon.<sup>31</sup>

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<sup>28</sup> Arches Ee 4 ff. 581r-588v.

<sup>29</sup> Arches A 14, f. 52r.

<sup>30</sup> Arches Eee 6 ff. 399v-400r.

<sup>31</sup> Arches Ee 4 ff. 581r-588v.



(iv)

When Henry responded to Anne's accusations, he began by dismissing the allegedly elevated status of her family. They were, he countered, mere tradesmen who got their living by bringing meat to London and then sitting in the market to sell it. He claimed to have treated Anne lovingly and kindly after their marriage, providing for her and living comfortably with her, until she became addicted to drink. Thereafter she was often scandalously drunk and would rail and scold Henry in public so that he could no longer endure her company. She had also, he alleged, defrauded him to fund her addiction, pawned his clothes, stolen money (on occasion, replacing coins in a bag with stones of the same weight), and had procured a key to his cabinet during the plague year of 1665 to filch a gold watch set with diamonds and pearl necklaces for pawn. Anne had also run up debts for which Henry was held responsible, and for which he had been arrested and sued. He instanced debts to Mr Allen, a linen draper in Fleet Street, Mr Watkins, a seller of Indian gowns at the Peacock in the Strand, Mr Levett at the Blue Balls in Lincoln's Inn Fields (Henry's favourite watering hole, and the place that appalled Pepys), the vintner at the Globe in Drury Lane, a brewer in St. Giles, and several others.<sup>32</sup> He claimed to have been so distracted by her conduct that he was barely able to work. So impoverished had he become thanks to her excesses that he was 'not worth a groat' (he appears to have skated over the impact of plague and fire in the lead up to their separation). The Lord Chief Justice himself, he claimed, had advised that he would remain responsible for his wife's debts so long as they lived together. He was therefore forced to leave her rather than perish in a debtors' prison.<sup>33</sup>

For witnesses Henry produced two fellow actors of the Duke's Company. His choice of a subordinate and a very old friend raises suspicions. The first was Joseph Williams, aged about nineteen in 1678. He testified that he had known Henry and Anne for about six years and had been Henry's apprentice or servant before taking to the stage. At pains to emphasise his impartiality, Williams swore that he was 'far from depending on Harris' and had no fear of being ejected from his position at the theatre, which at that point earned him £30 a year. He even stated that Harris had opposed his

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<sup>32</sup> Items in DR

<sup>33</sup> Arches E 6/138 and Ee 4 ff. 560v-562r. The list corresponds to suits named above, n.3.

joining the company in the first place and barely acknowledged his presence when they came across each other.<sup>34</sup> Williams's evidence against Anne was, nevertheless, damaging.

He claimed that she 'often besotted herself much with intemperate drinking of strong drink and brandy, strong waters and such violent liquors' (an irony since Williams himself was later said to 'love his bottle better than his business')<sup>35</sup>. Distempered by alcohol, Anne had been outrageous and abusive with her husband; she had 'flown' at him and struck him. Williams swore that he had himself delivered the twenty shillings per week Henry provided for maintenance, but she was never satisfied. In response to a question from Anne as to whether Henry frequented loose and infamous women, brought them home to his lodging and entertained them all night, Williams admitted seeing women with Henry in his chamber, but claimed they were merely applying for employment in the theatre (it is hard not to detect a euphemism for 'casting couch').<sup>36</sup> The second witness was Cave Underhill, who had acted with Henry since the formation of the Duke's Company in 1661. However, Underhill testified only that he had known Henry and Anne as a couple for thirteen or fourteen years and had often visited them at Scroop's Court. He thought they might have continued to live together comfortably but for Anne's turbulent temper. While lodging at the playhouse he had often witnessed her railing at Henry, calling him 'you rogue, you dogg, you pitiful raskill, get you to your whores you rogue ...'. Her tormenting abuse could only, Underhill concluded, disquiet and injure him personally as well as damaging his career.<sup>37</sup>

Anne also called three witnesses from the Duke's Company. She needed Thomas Betterton, Henry's erstwhile co-manager, and Alexander Davenant, who kept the accounts, to give evidence concerning Henry's income. In every other respect they may as well have appeared for her husband. Under questioning, they repeated the accusations against her of drunkenness and profligacy. Betterton had the reputation, in Cibber's words, of being 'a man of veracity', and his own marriage appears to have been

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<sup>34</sup> Arches Eee 6 f. 399r.

<sup>35</sup> *An Apology for the Life of Mr Colley Cibber, Comedian and Late Patentee of the Theatre Royal*, ed. David Roberts (Cambridge: Cambridge University Press, 2022), p.138.

<sup>36</sup> Arches Eee 6 ff. 397v-399r; for Anne's questions or 'interrogatories', E 6/96.

<sup>37</sup> Arches Eee 6 ff. 399r-400r.

a model of contentment.<sup>38</sup> Worse still was Anne's choice of William Peare, aged about 32, who had worked in the theatre for sixteen years, initially as a servant to Henry. He had lived with Henry and Anne at Scroop's Court and witnessed their quarrels, which he duly blamed on Anne. He was also the dogsbody who fetched the goods that drove them into debt; with Williams, he was tasked with delivering the twenty shillings per week Henry provided for Anne after their separation. Such was her lack of responsibility, Peare claimed, that no sooner was one maintenance payment made than she would demand more.<sup>39</sup>

Betterton and Davenant did at least provide a full account of the income Henry Harris derived from the Duke's Company. They identified four streams: (i) for his acting, he received a tenth share of the profits of the theatre; (ii) for half an adventurer's (i.e. investor's) share, which he had purchased for £200, he received the equivalent of a fortieth share of the profits; (iii) he received rental income from the theatre building, having invested £1,200 towards its construction; and (iv), he drew a salary for his role as co-manager, a role he was in the process of surrendering. Impressive though that list might seem, the profits were attested to be very uncertain. A play might, after all, lose money. Davenant recorded that, for his one-tenth acting share and half an adventurer's share, Harris received £44 7d in 1675; £230 10s 2d in 1676; and £187 6s 4d in 1677 up to 30 November. For the rent of his share of the building he received £220 8s 3d in 1675; £236 15s 6d in 1676; and £219 9s in 1677 up to 30 November. For his role as co-manager he received £38 3s 4d in 1675, and £22 in 1676 'for as much of the year as it continued'. The latter observation suggests that Harris had already begun to withdraw from management two years before William Smith took over. After November 1677, Davenant testified, all income was reduced because the theatre was in debt to tradesmen to the tune of over £1,200. It had been agreed that the debt would be paid out of the profits. In the months between then and April 1678, Harris therefore received little from his acting and adventurer's shares.<sup>40</sup>

His decision to give up management that same year may have been financially motivated. He could, after all, turn his hand to a variety of trades that might yield a more

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<sup>38</sup> Cibber, *Apology*, p.98. For his marriage to Mary Saunderson, Roberts, *Thomas Betterton*, pp.90-92; the marriage lasted 47 years.

<sup>39</sup> Arches Eee 6 ff. 336r-342v, 344r-345r.

<sup>40</sup> Arches Eee 6 ff. 341v-342v (Betterton), 344r-345r (Davenant).

secure income in less time. The theatre was, besides, edging towards the precipice of the Popish Plot years, when audiences were lean and serious violence might break out.<sup>41</sup> Harris's connections remained sound and his lifestyle unchanged: in June 1678 it was said that Charles Sackville, 6<sup>th</sup> Earl of Dorset, was unwell 'for he drinkes aile with Shadwell & Mr Haris at the Dukes house all day long'.<sup>42</sup> The connection with Dorset makes it plausible that a mere actor should have received his legal advice from the Lord Chief Justice. It is possible too that Harris was growing increasingly disenchanted with life as a servant of the Catholic Duke of York (both Dorset and Shadwell had impeccable Protestant credentials, and Dorset would become William III's Lord Chamberlain). His replacement as co-manager, William Smith, was a favourite of the Duke's who went on to join the Jacobite army in 1689. On James II's accession in 1685, Harris was deprived of his posts as Engraver of Seals and Chief Engraver at the Mint. Only with the Protestant revolution of 1688 did he win them back.

(v)

In the course of the case brought by Anne, an explanation emerged for Henry's desertion of her in 1668. That year saw the launch of a suit brought against the two of them by Mary Ingoldsby (or Inglesby), a widow living in Lincoln's Inn Fields, the immediate neighbourhood of the first Duke's Company theatre. In the summer of 1663, during his attempted defection from the Duke's Company to the King's, Harris took himself to Bath. From there he sent repeated requests to Anne for money, which she addressed by taking loans from Ingoldsby, using a power of attorney left with her by Henry and pledging as security the deeds of his leasehold property in the Strand. In the following year Anne turned to Mary again, borrowing plate, jewels and household goods for an entertainment to be given by Henry at home. The loans included not only silver tankards, 'porringers' (i.e. shallow bowls) and silver spoons, but a watch with forty diamonds, pearl necklaces, eight gold, ruby, emerald, and diamond rings, and a satin petticoat richly laced with silver. Some of the items were to be sold by Anne as part of the arrangement, but she went on to pawn the rest. Henry stepped in and recovered the goods by an action of trover against the pawnbroker, but failed to hand them back to

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<sup>41</sup> See, for example, the incident at Dorset Garden reported in *The True News; or, Mercurius Anglicanus*, 4-7 February 1680, when 'some Gentlemen in their Cupps entring into the Pitt, flinging Links at the Actors, and using several reproachfull speeches against the Dutchess of P[ortsmouth] and other persons of Honour, which has occasioned a Prohibition from farther Acting'.

<sup>42</sup> Report by Nell Gwyn in the Widener Room Collection, Harvard; *Document Register* no.1056.

Mary or indeed to Anne. Then, in the plague year of 1665, Anne forged a key to Henry's chest to get her hands on the lost goods. In her defence Anne portrayed Mary as an up-market pawnbroker, a woman who turned an extra profit by loaning pawned goods to Anne so that she could, in turn, lend them on at a price to people of her acquaintance. Amid claim and counter-claim, the truth is hard to discern, but Anne did not emerge well from the case. In contrast to the libel presented by Mary Ingoldsby, which was precise with regard to dates and documents, Anne's defence was confused, equivocal and at times evidently hard for the judge to credit. She denied taking the initial loan from Mary on the basis of a letter of attorney (Henry had sought to cover his own tracks by burning the document on his return from Bath). She even denied pledging the deeds of Henry's house as security, even though Mary was able to describe their contents and still had them in her custody. What is clear is that Anne, seeking to satisfy Henry's demands, had got into deep water, taking her husband with her.<sup>43</sup> True to form for a man accustomed to being reminded of his obligations to creditors, in the course of the Ingoldsby suit Henry had been declared in contempt of court and arrested on a writ of rebellion (that is, an action taken on the non-appearance of a defendant in Chancery).<sup>44</sup>

Cases often lingered in the Court of Arches for a number of years and frequently never arrived at a sentence. In *Harris v Harris* all relevant evidence had been presented, and the case seemingly ready for conclusion, by the end of 1678. The initiative, however, lay with the parties concerned. Anne, the plaintiff, seems to have lain low for a while, perhaps sensing that the outcome was likely to be unfavourable. Not until May 1680 did she come back to court, making an unsuccessful attempt to introduce a fresh libel against Henry.<sup>45</sup> After a further hiatus she appeared again, on 8 June 1681, to complain that Henry was withholding the alimony assigned by the court for the duration of the case.<sup>46</sup> Henry's response came on 25 June, when his proctor produced three exhibits, lodged earlier in the registry of the court. The first was a letter from Anne to Lady Davenant, beginning 'Madam, I hope you have had your foul desire of my husband ...'. Presumably Henry was confident it could not be proved he had enjoyed a

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<sup>43</sup> Mary Ingoldsby began her suit with an approach to the Lord Chamberlain on 15 December 1668 (*Document Register* no. 457), clearing the way for proceedings in the Court of Chancery to begin with her bill of complaint dated 16 March 1669. The proceedings continued into 1670 (National Archives, C10/110/54 and C6/195/60).

<sup>44</sup> Arches E6/138.

<sup>45</sup> Arches A 14 f. 253v.

<sup>46</sup> Arches A 15 f. 101.

sexual relationship with Lady Davenant, but aimed instead to portray his wife as a jealous and paranoid woman. Exhibit two was a letter from Anne to Henry which ended, 'Curse light on you is the Prayer of your Wife'. The third was what appears to be a diatribe against Henry put into circulation by Anne which began, 'My Deare pretty Puppy of a Panch-gutted Rascall', and ended, 'I will now laugh at my selfe for shedding a Teare to soe poore a cheating lying thieving Rogue'. Anne did not deny her authorship of the three documents, and, although only the opening and concluding words of each are now preserved in the records, they helped colour the outcome of the case. Sentence was pronounced immediately on the same day.<sup>47</sup>

Judgment of the case fell to Sir Robert Wiseman (c.1610-1684), Dean of the Arches since 1672 and a noted jurist.<sup>48</sup> He found decisively in Henry's favour. Anne's case was dismissed as defective and lacking foundation. She was, Wiseman declared, a bad, tempestuous woman, unsuitable to live with Henry as his wife.<sup>49</sup> He did at least award her a grant of alimony, of fifteen shillings weekly, less than the twenty shillings which Henry was reported to have paid since their separation, but with the merit of relative security.<sup>50</sup> Nevertheless, the deduction of five shillings from what her husband had initially provided smacks of retribution.

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Readers today are unlikely to concur with Judge Wiseman's verdict. As numerous historians have shown, the odds in such cases were often weighted against abandoned wives.<sup>51</sup> Anne's accounts of Henry's violence towards her are shocking and specific. The Ingoldsby suit that ultimately precipitated their separation arose from events when Harris was away, on strike at the Duke's Company and trying to engineer a better deal because he thought he was a better actor than Betterton ('the fellow grew very proud of

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<sup>47</sup> Arches A 15 f. 115r.

<sup>48</sup> Wiseman was the author of an important legal text, *The Law of Lawes, or, The Excellency of Civil Law above All Other Humane Laws Whatsoever* (London: R. Royston, 1664).

<sup>49</sup> Arches B 10/54. 'Annam Harris fuisse et esse feminam turbulentam variis modis improbam et cum dicto Henrico Harris conjugaliter vivere inidoneam pronuntiamus.'

<sup>50</sup> The alimony was also less than the twenty shillings awarded to Anne at the start of the case in 1677 (ten shillings for her and ten for Henrietta Harris for as long as she was in the custody of her mother). Henrietta was probably of age and no longer with Anne by 1681.

<sup>51</sup> Among other studies, see Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800*, revised ed. (Harmondsworth: Penguin Books, 1979), and *Road to Divorce. England, 1530-1987* (Oxford: Oxford University Press, 1990); G.R. Quaipe, *Wanton Wenches and Wayward Wives* (London: Croom Helm, 1979);

late', wrote Pepys, 'the King and everybody else crying him up so high, and that above Baterton, he being a more ayery man, as he is ended').<sup>52</sup> At his urging, it appears, Anne tried to raise money by whatever means she could at a time when, to satisfy his wounded ego, he had put his stage career in the balance. And Harris was, to all intents and purposes, a libertine in the classic Restoration mould, a conspicuous consumer heedless of moral conventions. Yet Anne did herself no favours. Most of her witnesses would not appear for her. No one denied that she was often drunk. The record of the trial shows her tied in knots as she attempted to reconcile contradictory statements. Even her proctor in court was an unfortunate choice, an officer far less experienced and well connected than her husband's.<sup>53</sup>

For all Harris's attempt to slur Anne's family, their different backgrounds may well have contributed to the panic that increasingly beset her. The friendship between her parents and Dr Nathan Paget hints at a stable, puritan background at odds with the blossoming excesses of the Restoration and the myriad trades and money-making schemes of her husband. We might speculate that she was, like the bourgeois heroine of Thomas Heywood's *A Woman Killed with Kindness*, caught up in a proverbial 'labyrinth of sin',<sup>54</sup> unable to see a way out of her difficulties except by debt, subterfuge and the bottle. In a Faustian marriage, she became her husband's double and paid the price.

After the Arches case Anne Harris disappears from the public record. The settlement granted her by Judge Wiseman was, in the absence of other means of support, only enough to keep her in poverty. Henry continued his career, no longer on stage or as co-manager of the Dorset Garden Theatre, but still enjoying a handsome though fluctuating income from his investment in the theatre building and his no less fluctuating roles as Yeoman of the Revels, Chief Engraver of Seals and Engraver to the Mint. In 1683, for reasons that may have had to do with his libertine lifestyle or his opposition to the impending Jamesian succession, he was described by one of the

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<sup>52</sup> Pepys, *Diary*, 22 July 1663. On the same day Pepys also wrote that Harris had demanded £20 for every new play in which he acted and £10 for every revival, in both cases more than Betterton, and that there was a suspicion he had received a secret 'stipend' from the King's Company.

<sup>53</sup> Anne was represented by Thomas Champante, who had been a proctor for only a year when the case began. Henry was represented by Everard Exton, a proctor since 1663, son of Dr. John Exton, Judge of the Court of Admiralty. Everard's brother, Dr. Thomas Exton (afterwards Sir Thomas Exton, Dean of the Arches and MP), already an advocate in the Court of Arches, signed the sentence against Anne together with Sir Robert Wiseman.

<sup>54</sup> Thomas Heywood, *A Woman Killed with Kindness*, ed. Brian Scobie (London: A & C Black, 1985), VI.160.

Secretaries of State, Sir Leoline Jenkins, as 'a venomous fellow'.<sup>55</sup> In 1695 he was proposed as joint intermediary with William Smith when Betterton and his colleagues resolved to break free of the management of Christopher Rich.<sup>56</sup> What is curious about that proposal is that it was Rich who made it. Their long association with Betterton suggests that Harris and Smith might have been thought biased in favour of their former colleague. But perhaps Harris did not feel that way. As his attempted defection showed, he was not exactly a company man. He may even have continued to entertain the old grudge that had preoccupied him in the summer of 1663.

Of Harris's private life in his later years little is known except from bequests in his will, made on the day before his death in 1704. Henry left his whole estate, including houses in London, Middlesex and elsewhere, in trust for Elizabeth Furness, the wife of George Furness of London, a merchant, and their three children.<sup>57</sup> Elizabeth was required to complete work on seals left unfinished by Henry and it has been assumed that she was his daughter.<sup>58</sup> However, it is telling that Henry never described or acknowledged her as such in his will. She was clearly not the daughter of Henry and Anne since she is not mentioned in the Arches case, and the dates of birth of her children, Henry (1695), Elizabeth (1696) and George (1701) suggest that she herself may have been born after Henry and Anne had separated.<sup>59</sup> The Arches case removed any possibility that Anne could again cohabit with Henry, but she remained married to him for life. Since Henry could not re-marry, the likelihood is that Elizabeth Furness was his illegitimate child.<sup>60</sup> Whatever the case, by 1694 Henry Harris and the Furness family, three generations, were living together in Charles Street West, in the parish of St. Paul

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<sup>55</sup> *Biographical Dictionary*, VII.130.

<sup>56</sup> Submission of the Patentees [i.e. Charles Killigrew, Sir Thomas Skipwith and Christopher Rich] to the Lord Chamberlain, 19 and 22 March 1695, LC 7/3, fols.62-3; cited in *Document Register* no.1498.

<sup>57</sup> National Archives PROB 11/478/80. Given Henry's experience of marriage, it is unsurprising that he stipulated that George Furness was not to intermeddle or receive any part of the bequest to his wife.

<sup>58</sup> *ODNB*, vol.25 pp.427-428.

<sup>59</sup> Henry and Elizabeth were christened at St. Peter le Poer, London, respectively on 20 June 1695 and 9 June 1696. George was christened at St. Paul Covent Garden on 21 July 1701.

<sup>60</sup> No further information on Elizabeth has come to light apart from her will, proved in 1732, where she is described as a widow, of Hanover Square (National Archives PROB 11/652/159); her son Henry Furness was the beneficiary. It is just possible that she was the Elizabeth Corkland, of Winkfield, who married George Furness, of London, by licence, at Old Windsor on 18 Sept. 1693.



Covent Garden where Henry was buried in 1704.<sup>61</sup> His wayward life had, it seems, reached a settled and domestic conclusion.

(vii)

Anne Harris's case against her husband does not speak well of the way the Court of Arches dealt with female plaintiffs. That much gives no cause for surprise. More elusive are the questions the case raises about the social status of actors at a time when money, property and land were, according to well-established narratives, beginning to cede ground as qualifying criteria to manners and wit.<sup>62</sup> Class was self-evidently a weapon in the Harrises' attacks on each other. Where he characterized her as a mere carter's daughter, she sought to puncture his public image with that of a lowly scale maker. When Judge Wiseman ruled that Anne was not a suitable companion for her husband, one implication was that Henry should be considered a notch or two above her. Had the judge been of the same mind as the scabrous Robert Gould, poet and disappointed playwright, he might have concluded that Harris's current profession marked him out as an ideal companion for the 'bad, tempestuous' Anne. Actors were, in Gould's words,

A pack of idle, pimping, sponging slaves,  
A miscellany of rogues, fools and knaves;  
A nest of lechers, worse than Sodom bore  
And justly merit to be punished more:  
Diseased, in debt, and every moment dunn'd;  
By all good Christians loath'd, and their own kindred shunn'd.<sup>63</sup>

Not an unfair description of Henry Harris, one might think. Yet in the Court of Arches the actor had perhaps conducted himself in the way admired by Pepys when he spotted him at the coffee house with Dryden 'and all the wits of the town', engaged in 'very witty

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<sup>61</sup> Henry Harris and George Furness are recorded together in Charles Street West in the tax on real and personal property in 1694. See the online database *London Lives 1690 to 1800*, [www.londonlives.org](http://www.londonlives.org). The Survey of London, vol. 36, *Covent Garden*, pp. 195-195, records Henry Harris as a ratepayer in Charles Street from c.1687 to c.1702.

<sup>62</sup> See, for example, Paul Langford, *A Polite and Commercial People. England 1727-1783* (Oxford: Clarendon Press, 1989).

<sup>63</sup> Robert Gould, 'A Satyr against the Play-house', in his *Poems, Chiefly Consisting of Satyrs and Satirical Epistles* (London, 1689), p.186.

and pleasant discourse'. When Harris came round for dinner, Pepys was struck by his 'curious understanding' and 'fine conversation'. Those qualities vied for supremacy in Pepys's mind with Harris's roistering at the Blue Balls. A man as socially advantaged and well connected as the Earl of Dorset found no difficulty in reconciling them when he was to be found carousing all day with Harris and Shadwell at the theatre.<sup>64</sup> The actor's social accomplishments counted in his favour when pitched against the puritan, farming credentials of his wife.

A bitter irony for Anne was the credibility of one of her key witnesses. She had called Thomas Betterton for his knowledge of theatre finances, but his refusal to endorse her wider account of her marriage made him an ideal character witness for her husband. No one could have presented a more respectable appearance. Betterton was admired by Pepys for his 'studious and humble' attitude no less than for his cautious approach to money: 'he grows rich already with what he gets and saves', Pepys recorded in 1662.<sup>65</sup> Betterton's connections were, like Harris's, elevated. He was apparently on good terms with John Tillotson, Fellow of the Royal Society and from 1694 Archbishop of Canterbury.<sup>66</sup> He had assisted with court theatricals and befriended the MP and amateur playwright, Richard Norton, whose country home he visited.<sup>67</sup> He even corresponded with Thomas Thynne, Viscount Weymouth, about their respective art collections.<sup>68</sup> It is sometimes argued that the growing industry of salacious gossip about actors' private lives was designed to offset the threat constituted by their performances of gentility on the stage.<sup>69</sup> The suit of Anne Harris against her wayward husband, however, suggests that the performance of gentility might serve actors singularly well whether they were on stage or off it – so well, in fact, as to convince even a distinguished judge in the Court of Arches that, for all the hustle and debauchery of Henry Harris's life beyond the theatre, it was no performance at all, but the real thing.

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<sup>64</sup> As above, n.40.

<sup>65</sup> Pepys, *Diary*, 22 October 1662.

<sup>66</sup> George Whitefield, *The Works of the Reverend George Whitefield*, 7 vols (London, 1771-2), IV.339.

<sup>67</sup> John Le Neve, *The Lives and Characters of the Most Illustrious Persons British and Foreign* (London, 1713), pp.534-5.

<sup>68</sup> Roberts, frontispiece to *Thomas Betterton*.

<sup>69</sup> See, for example, Mark S. Dawson, *Gentility and the Comic Theatre of Late Stuart London* (Cambridge: Cambridge University Press, 2005).