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Real and Imagined Space
The Rhetoric of Thomas Overbury's Imprisonment

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Abstract

The article discusses how the presentation of the career, arrest and imprisonment of Sir Thomas Overbury illustrate the importance of place. Looking at epistolary material between 1611 and 1613, it examines how Overbury was represented by courtiers, diplomats and commentators in connection to different royal locations. It argues that the rhetorical training of such writers led to the use of places of argument which aimed to guide readers' emotional responses to the information presented. Having begun with Overbury's disagreement with the queen at Greenwich in May 1611, the article then moves on to his role in the competition for the position of the royal secretary and the connection of the courtier at this time to the king's hunting lodge at Royston. Finally, moving to the reception of Overbury's arrest by those watching the court and his own letters from the Tower, it considers how he uses the same rhetorical techniques in an ill-fated attempt to influence the king's favourite, Robert Carr, then Viscount Rochester, and secure his release from close imprisonment.

Keywords: Letters, Place, Prison, Rhetoric, Thomas Overbury

1. *Introduction*

The arrest of prominent Jacobean courtier, Thomas Overbury, came out of nowhere for most of the court. Henry Wotton, writing as he did regularly to his friend Edmund Bacon, gave an account of the arrest, with all the circumstantial details that a man of his rhetorical education might have been expected to include:

> [Y]esterday, about six of the clock at evening, Sir Thomas Overbury was from the council chamber conveyed by a clerk of the Council and two of the guard to the Tower, and there by warrant consigned to the lieutenant as close prisoner; which both by the suddenness, like a stroke of thunder, and more by the quality and relation of the person, breeding in the beholders (whereof by chance I was one) very much amazement … . (Wotton 1907, 19)

Wotton's use of simile both shows the unexpectedness of the act and implies the godlike power of a monarch who is able to produce thunderbolts. Positioning himself as an eyewitness, a typical epistolary technique to make his written account more reliable, he envisages that Bacon will wish to know the motivation behind such action.[1] He continues, therefore, to explain how Overbury has gained the enmity of James VI and I:

> I will adventure, for the satisfying of your thoughts about it, to set down the forerunning and leading causes of this accident, as far as in so short a time I have been able to wade in so deep a water. It is conceived that the King hath a good while been much distasted with the said gentleman, even in his own nature, for too stiff a carriage of his fortune; besides that scandalous offence of the Queen at Greenwich, which was never but a palliated cure. (*Ibid*.)

The place of Overbury's arrest was clearly significant. Such an arrest in the council chamber meant public humiliation and reputational damage. All these details enable Wotton's schadenfreude, as he tells his friend about what has happened to a man whose rise has coincided with Wotton's recent decline. He gloats that Overbury, at that point acting as secretary to the king's favourite, Robert Carr, Viscount Rochester, was 'standing in the second degree of power in the Court, and conceiving (as himself told me but two hours before) never better than at that present of his own fortunes and ends' (20). In contrast, the place where Overbury was taken after his arrest was also significant; the Tower, demonstrating both the monarch's power and the courtier's complete lack of it, is the antithesis of the council chamber.

This essay considers the importance of place in the story of Overbury's court career and in the epistolary telling of that story. The palaces of Greenwich and Whitehall and the quasi-court of the hunting lodge at Royston all had particular affordances for a courtier and were the settings for a courtly habitus. I use the term that Pierre Bourdieu describes as shared 'schemata or structures of perception, conception and action' (2002, 27) in this context as common experiences of behaviour, speech, knowledge, and thinking, shared by those who worked at James's court. As Nicholas Popper notes, '[t]he early Stuart political world was a complex media sphere of multiple overlapping networks' (2024, 89), and this habitus underlay the significance of the courtly spaces in the many letters where courtiers, diplomats, and their secretaries exchanged information about Overbury's career. Popper's work looks at '[t]he increase of paper' in this period, which led to 'a surge in writing, as the scraps speckling early modern archives testify' (9), and which, he comments, 'verged on graphomania' (*ibid.*). Though he warns against 'a bias for letter writing and discursive argument' in academic work, leading to the ignoring of 'the churn of fragmentary scraps and papers typically overlooked despite their ubiquity within archives' (16), the importance of letters is clear. The evidence letters provide is a key means of interpreting the portrayal of a courtly figure such as Overbury. Having explored the relevance of royal spaces more broadly in the epistolary exchanges of court observers, therefore, the essay moves on to the significance of a contrasting location associated with the once-successful courtier: the prison cell in the Tower where he was to die. Finally, the essay reflects on the resonance of all these places for the imprisoned courtier in his letters to Rochester. Both court space and the Tower gain a rhetorical valency that Overbury uses as places of argument. Thus, exploring how the evocation of place creates specific emotions, the essay will show how Overbury uses the skills he learnt at university and at the Inns of Court in what will prove to be an ineffectual attempt to manipulate his reader through those final communications.

[1] See Schneider: 'letters often mediated the anxieties and dilemmas … by employing epistolary strategies that attempted to authenticate the emotion, sincerity, and veracity of correspondents' articulations' (2005, 17).

2. *Overbury's Court Spaces*

Wotton's letter to Edmund Bacon with which this essay opened refers to 'that scandalous offence of the Queen at Greenwich' (1907, 19), one of the key spaces of Overbury's life as a courtier. As Kevin Sharpe notes, 'the courts of [the queen and Prince Henry] became semi-independent power bases which drew critics of the king' (2010, 108); Anna's palace at Greenwich was her domain and, distinct from Whitehall, it represented her authority. Sharpe points out that 'her court provided support for factions hostile to James's lover, Robert Carr', but through drawing such oppositional currents into her circle, 'she helped to earth critics of the favourite to the royal court' (*ibid*.). In fact, her space, part of the wider court network, actually helped to defuse potentially destructive opponents by bringing them into the queen's proximity (2010, 109). But an atmosphere antagonistic to Carr, and thus to Overbury, certainly pervaded Greenwich and in May 1611; there was an incident there that was much covered in correspondence between diplomats and their intelligencers in London. A Mr Taverner relays the events to William Trumbull, the king's representative in Brussels:

> On Monday last Rochester and his dear Overbury, walking in the garden at Greenwich whither the queen's window openeth, she broke into a sudden and contemptible laughing at them. "So," saith she, "they did at her," which belief carried her so far that she went to the king with tears in her eyes and complained and besought him that she might have right of them, which he not seeming to be so sensible of as she hoped, she cast herself on her knees and besought him not to suffer her to be so scorned and despised of his grooms, though she were content to suffer it from him, with earnest protestation that if he would not right her, she would go back into Denmark. (1 June 1611, HMC Downshire 1938, 83)

Like many of the men at and on the edges of the court whose letters this essay examines, Taverner would have been familiar with the key works used in teaching oratory such as Cicero's *De oratore*, Quintilian's *Institutio oratoria*, and Erasmus's *De copia*. Quintilian, for instance, would have told him of the importance of *circumstantiae* such as 'motive, time, place, opportunity, means, method and the like' in constructing a persuasive narrative (Quintilian 2001, 5.10.23). As in Wotton's account of the arrest, Taverner's dramatic retelling of the story, with the words and actions of the aggrieved queen, presents circumstantial details of time, place, manner, and motive, and enables Trumbull and his fellow readers in Brussels to interpret the behaviour of the key players. The queen's tears and her kneeling, added to the words recorded, or given to her, by Taverner, for instance, have a subtle impact; a reader of the letter infers her desire for the king's pity, and perhaps, in the 'unqueenly' conduct perceives Taverner's mockery. Work on the impact of a humanist education, such as that of Colin Burrow, shows how the pervasive understanding of classical texts inspired writing for the stage. He notes that:

> The skills of an early modern dramatist were multiple, but at their absolute centre lay the ability to put a case plausibly, to represent a debate from both sides, to mimic style and character, and to write as though from a particular character's situation and perspective. (2013, 43)

Writing about the impact of rhetorical learning, Lorna Hutson shows how audience response to character and situation is driven by the use of this circumstantial detail to create what the Greeks called *enargeia*. She explains how the use of circumstances shows the 'unscene', or 'extramimetic, *imagined or conjectured* locations and temporalities' (2015, 7) in drama, and thus audiences can infer motive and can be guided in their emotional response. Inference about character and conjectures of their motives are just as central to letters such as Taverner's as they

are in the playhouse. Trumbull is enabled to make judgements of the situation beyond what is stated on the surface of the text, and thus to judge how to work with key political players. The queen's tears and pleading with the king are attempts to work against Rochester as the main cause of her jealousy.

Her subsequent actions continue to show the significance of separate royal spaces. Into her court at Greenwich, the queen summons both the prince from his court at Richmond and leading courtiers from the king's at Whitehall, to present her argument against Carr in the manner of a rhetorical *causa*:

> The next day she sent to the prince to Richmond to entreat him, and so to the lords in Whitehall to come to Greenwich to have the hearing of her cause, where on Wednesday it was cunningly urged by her and as confidently denied by them. The conclusion was, she finding herself not able to supplant Carr, which she desireth of all things in the world, turned all her force against Overbury, against whom she hath so far prevailed that he is banished from the Court. (HMC Downshire 1938, 83)

That Greenwich is the queen's space undoubtedly exacerbates her anger at the behaviour of the two courtiers. As Rochester's position as the king's favourite is unassailable, and he is supported by the 'lords', she cannot secure his punishment. So, the outcome of the confrontation is Overbury's expulsion from 'the Court', presumably all of the royal palaces. He, instead, has to retreat to 'his lodging by Whitehall', an apparent humiliation; yet his growing power is indicated when he is joined there by those who support *his* cause: 'all men almost visit him and my ld. of Pembroke, too' (*ibid*.). Soon, with the help of Robert Cecil, he is to return to the space of the court, but several commentators can see the queen's resentment against him is not healed; as Wotton comments, it is 'but a palliated cure' (1907, 19).

Despite the queen's feelings, the support of other courtiers leads to a growth in Overbury's power, and this is shown again in letters written after the death of Robert Cecil in 1612. This time the location of the action is not at Greenwich, but wherever the king's court was residing. His love of hunting often meant that James was not in London, but that he and his gentlemen of the bedchamber regularly shifted close to one of his regular hunting grounds. In 1612, the position of lord secretary left vacant at Cecil's death caused much discussion in the letters of intelligencers writing to their masters abroad, and some even suggested that Overbury himself may be in line for the post.[2] However, as time goes on, the race seemed to be between Thomas Lake, client of the powerful Howard faction at court, and Henry Neville, supported by the Protestant lords including Pembroke and Southampton. It is this latter grouping to which Overbury is most regularly connected, and Neville clearly feels that Overbury's influence with Rochester, and thus with the king, will enable him to clinch the position.[3] Even before Cecil's death, those with most knowledge of the workings of the court were noting Overbury's power. Levinus Munck, Cecil's secretary, is a reliable inside source to prove this influence. John More tells Ralph Winwood, for whom he worked, that Munck told him preferment is to be gained

[2] Robert Naunton writes to Winwood, in September 1612, that 'Sir Tho. Overburie may fit himself with as good a probability to furnish the place in time, by the practice and experience he is now in' (HMC Buccleuch Whitehall 1899, 113).

[3] In a letter to Trumbull on 15 September 1612, Overbury makes the process of influence explicit. He tells Trumbull, the king's agent in Brussels, who is keen that he should be replaced, having not been made a full ambassador several years after his predecessor's reposting, 'I have done my best offices for you toward my lord of Rochester, and my lord hath done such toward the king as I hope you shall find good effects of it in due time' (HMC Downshire 1938, 369).

'through [Sir] Thomas Overbury, by means of Viscount Rochester, who of late (said he) hath brought to pass many great and strange matters, there being still (but especially were before Sir Thomas his disgrace with the Queen) more suitors following him than my Lord Treasurer' (29 October 1611, HMC Buccleuch Whitehall 1899, 102). As with Taverner's citing of the queen's words to the king in his earlier letter, quoting a source like Munck directly is a tactic establishing the reliability of epistolary testimony. Winwood and the group around him who will read More's letter are encouraged to believe the writer's opinion that, although the impact of the spat with the queen is still being felt five months later, Overbury's power is established. Intelligence like this undoubtedly encouraged Winwood and Neville to gain Overbury's support.

But securing this support was not always easy, and the problem often lay in the mobility of the king's court. In a series of letters between Neville and Winwood (who planned to act as his secretary when Neville was appointed) they discuss the problems in accessing Overbury, whom they needed to engage on their behalf. The courtier was constantly on the move, and the letters are full of comments such as this, written on July 12, 1612: 'I sent yesternight to Sir Tho[mas] Overbury to know what time I might come to him this morning; and he made me answer that he went out of town early, but would return about 6 of clock in the evening, and prayed me to come to him then' (HMC Buccleuch Whitehall 1899, 109). Immediately after this, Neville wrote again to explain that the proposed meeting has not in fact happened: 'I feared that which happened: that Sir Tho[mas] Overbury would not return yesterday till it was very late … but this afternoon, about two of clock, he will be with me' (12 July [probably in fact 13 July as it follows a day after the previous one] 1612, *ibid*.). Markers of time, constantly part of the narrative, suggest how busy the courtier was, implying his importance, building the pressure, and guiding the reader's inference of Neville's frustration. These letters are marked from Westminster, but a key issue was the king's travel to his hunting lodges, at places such as the small town of Royston outside the capital and away from the main royal palaces. Neil Cuddy notes that over the course of James's reign, the king 'must have spent about half his time either in hunting lodges thirty or forty miles from London – Royston and Newmarket were his favourites – or on progress' (1987, 193). He often hunted between summer progress and Christmas, and then again between Christmas and Easter, taking with him a small entourage of his closest gentlemen. James's choice of companions on these visits bestowed honour, and it was a sign of Overbury's influence that he was there alongside Rochester. But it made him difficult to track down, as the frustration of Neville's letters suggests: 'I made Sir Tho[mas] Overbury acquainted with that which you wrote in your last letters to me concerning Sir Thomas Lake: whose [Overbury's] answer from Roiston I send you herewith' (April 1613, HMC Buccleuch Whitehall 1899, 131). Written as this letter must have been, shortly before Overbury's arrest on 21st April, 1613, it demonstrates clearly both the length of time Neville had to work towards his, and Winwood's, preferment and belief in the importance of Overbury to gaining the secretaryship.

3. *The Arrest*

The proximity of Overbury to royal spaces at Greenwich, Whitehall, and Royston is echoed by his arrest in the council chamber. The creation of shock in Wotton's description of the arrest lies partly in the location. A man who had been in such a position of influence, benefiting from his close contact with Rochester and the king, was seized in the very heart of power. Indeed, the outward reason for the arrest was connected to Overbury's need for proximity to Rochester and James. His power relies on his location. Asked by the king to accept an ambassadorial posting to (sources vary) France, the Low Countries, or perhaps even Moscow, Overbury had

refused. As the letters explored so far help to show, communication between London and those postings was comparatively slow, potentially untrustworthy, and vulnerable to interception. Such communication required letters from trusted individuals who worked hard to build into their missives proof of their reliability. Evidence suggests that the pressure on Overbury to accept such a posting was the result of the king's collusion with the Howard family: a political complexity to which Wotton alludes in his metaphor 'so deep a water' (1907, 19). Aiming to attach Rochester to their faction, key court figures such as the earl of Northampton capitalised on the favourite's attraction to the earl's niece, Frances Howard. At this time, when her divorce from the third earl of Essex was needed to facilitate her marriage to Rochester, Overbury's potential opposition to such a match would have made negotiations trickier. His removal from court was the most straightforward way for the Howards to secure their desired political outcome. This was accompanied by the king's personal animosity towards Overbury. As John Chamberlain explained to Dudley Carleton, then ambassador in Venice, the arrest was a result of James 'thincking yt a dishonor to him that the world shold have an opinion that Rochester ruled him and Overburie ruled Rochester' (1939, 443). The king's irritation was itself, of course, enhanced by the queen's grudge against both men and the pressure she had put on her husband. The plan to remove Overbury from the spaces of the royal court was thus devoutly to be wished by several powerful figures. Another epistolary account of the arrest gives more detail of Overbury's response as he wriggled on the hook of this plan:

> Yesterday about Six of the Clock my Lord Chancellor and my Lord of Pembroke were imployed by the King to speak with Sir Thomas Overbury, and to make him an Offer of an Ambassage into the Low Countries or France, which he would. Whereto he made Answer, that he was not capable of such Imployment for want of Language, nor able to undergoe it by reason of his Weakness, being so exceedingly troubled with the Spleen that if he had a long Letter to write he was feign to give over; therefore he should not be fit to attend any Busyness, as in accepting this Offer he must be forced to do: And whereas it was alleadged that his Majesty intended this for his Good and Preferment, he would not leave his Country for any Preferment in the World. (Winwood 1725, 447)

Overbury's excuses to avoid accepting the proposal, recounted by John Packer to Winwood, seem to vary in persuasiveness. The suggestion that he did not have the language skills to deal with a posting in France or the Low Countries seems inconceivable, as he had travelled there already, writing letters to Cecil in 1609 from the court of Henri IV; receiving letters in French; and, on his return, writing a book outlining his thoughts about the different political systems he had witnessed.[4] His claims of 'spleen' issues may have had some truth, and this illness was to accompany his imprisonment, though the activity shown in Neville's letters appears to give the lie to his claim that he was not 'fit to attend any Busyness'. But the final reason Neville gives, that 'he would not leave his Country for any Preferment in the World', is the most likely to be key. Being physically separated from Rochester and the king would undoubtedly have reduced his effective power. Relying as he did on influence, the mechanism of Overbury's power would be largely destroyed by a move out of the spaces of the court. Chamberlain, writing to Winwood, agreed on the connection between Overbury's rejection of the king's embassy and his need to stay near the nexus of power in London: 'he insisted that the King could not in law or justice force him to forsake his countrie' (1939, 448). Portraying his self-interested need to remain close to Rochester and James as patriotism, Overbury had probably expected Rochester's

[4] See Overbury 1626.

support, which he had previously experienced after the argument with Anna in May 1611. The desires of Rochester had many times before persuaded James to change heart. But this time Overbury did not receive this assistance. The king moved swiftly. Again, according to Packer:

> this Report being made to the King, he sent my Lord of Pembroke for the Lords who were in Councill … to whom he declared when they were come, that he could not obtaine so much of a Gentleman and one of his Servants, as to accept an honorable Imployment from him. In Conclusion he gave them Order to send for him, and to send him to the Tower, where he is close Prisoner. (Winwood 1725, 447)

Being a close prisoner in the Tower should have prevented letter writing. Once one of the affordances of Overbury's life in court spaces, the privilege would ostensibly be removed as a result of the courtier's move to this location and to this particular kind of imprisonment. Incarceration did not necessarily lead to the end of letters. As Will Tosh explains, letter writing in prison was the norm in early modern England: 'the prison (a location that was far more familiar to educated men of the sixteenth century than it is to their equivalents today) was similarly able to foster an economy of favour and friendship among those within its walls, and between the imprisoned and their friends at liberty' (2016, 17). In his examination of prison letters, James Daybell stresses the importance of being able to write in prison as it 'enabled communication with the outside world and facilitated the writing of penitent letters for royal clemency' (2012, 27). The exception was for those prisoners kept 'close'. An unusually severe punishment for the 'contempt' of which Overbury was accused, being a close prisoner reduced to nothing a man's link to the outside world and kept him severed from his friends and supporters. Despite this, Overbury was able to send and receive letters from Rochester and two key members of the Howard family, the earls of Northampton and Suffolk. There have been many conjectures about why this severe punishment was given to Overbury, but the outcome was his dependency, not on the Tower's lieutenant, guards, and servants, as was the case with other close prisoners, but on the political faction that had secured his imprisonment. As Francis Bacon noted while preparing the prosecution of Rochester at the trial for Overbury's murder a few years later, the victim was a 'close prisoner to all his friends, and open and exposed to all his enemies' (1857, 319).

4. *The Tower*

The Tower was, of course, while being a prison, also a site of royal power, just as other court spaces were. This was one of the ironies of Overbury's change in situation. While remaining in a space where much of the business of government continued close by him, his situation as a close prisoner prevented his engaging in that business. It should, indeed, have prevented any kind of communication yet, despite his status, written communications from Rochester came back and forth through a variety of routes. Some were brought illicitly by messengers, others hidden in bottles and foodstuffs. The smuggling in of communication was a regular topic in the letters, and they cover extensive prophylactic circumstances of transmission: discussion of the concealment of potentially dangerous content; the choice of the right bearer; and the specifics of seals and wax. Securing the route of transmission as much as he could was Overbury's first aim in writing after his arrest: 'Looke well to your seals and mine, and marke them well', he instructs Rochester. '[M]y letter yesterday was seald with soft wax ill fauordly & seals, this is sealed with hard wax and my little seale', and, in a later letter he noted, 'I seale this with my owne seale, marke it well. I pray you seale with the stags head therafter. and send mee my little

seale againe'.[5] In case their letters were intercepted, he proposed code-names for key courtly characters. Early codes propose the king shall be 'Julius', Neville 'Similis', and Pembroke 'Niger' but, as the letters continue, more code-names follow. The queen became Agrippina, for instance, while Northampton became Dominick, and Northampton's brother and lord chamberlain, the earl of Suffolk became Wolsey. As we have already seen, the business of government relied on the growth of written communication, but epistolarity in any context can make writers vulnerable. Letters can be insecure, and potentially read by eyes other than those intended, and letters may not be trusted even if they reach their recipient intact. A written mode could be difficult to interpret as truth without the non-verbal communication that accompanies speech, hence some of the strategies employed by the letter writers above.[6] Further, the thoughts conveyed could be used against the writer, and the reader, if intercepted.[7] As Popper has shown in his work on the development of early modern archives, retention of inscriptions was the norm in court circles, but a few short years after their writing, Rochester was to find himself on trial, with the letters he received from Thomas Overbury used against him.

Overbury's letters are the result of his humanist education at The Queen's College, Oxford, and at Middle Temple, one of the four inns of court.[8] He was accustomed to using the methods demonstrated by those writing on rhetoric to make a legal case after seeing them delivered, for instance, or delivering them himself, in such pedagogic contexts as moots. Overbury was known from the start for his effective and clever use of language, and his appearance in John Manningham's 1602 'diary' illustrates this. A student contemporary with Overbury at the Inn, Manningham recounts the witty and transgressive comments his fellow student made about other innsmen: their contemporary Ben Jonson and a statesman at the height of courtly power, Robert Cecil.[9]

In the six months Overbury spent in the Tower of London, he used his skills to write repeatedly to Rochester. We have extant a number of these letters in copied form, and a final one in autograph. The copies were made for Francis Bacon to use as inartificial proofs: evidence in his case against Rochester, by then the earl of Somerset, for Overbury's murder.[10] Showing the full arc of Overbury's emotion, from the early confidence and political manoeuvring immediately after his arrest in April 1613, through to the despair and vitriol of his final communication

[5] BL MS Harley 7002, 281r and 281v. All further references to the letters between Overbury and Rochester, with the exception of the final one, are from Harley 7002. In all my transcriptions from manuscript letters, I have retained original spelling. For the wider dangers of epistolarity, see Schneider (2005) (*passim*).

[6] See Schneider: 'early modern Europe tended to valorize speech and face-to-face interaction as a more reliable, trustworthy, and authentic mode of communication compared to written or printed modes' (2005, 16) and '[o]ften non-verbal clues give away lies that might not be perceived by verbal means alone. With the physical body absent, as in a letter, these cues are missing; deception is therefore easier to maintain, and the reliability of knowledge and the integrity of communication are threatened' (32).

[7] Many of Wotton's letters suggest awareness of this fear. Notably, his letter to Bacon on 7 May, 1613, discusses Overbury's imprisonment obliquely, using medical imagery to comment on what is happening ('The nature of his alteration was (as you rightly judge it) in the first access somewhat apoplectical, but yet mingled in my opinion with divers properties of a lethargy') before finally exclaiming 'we shall discourse more particularly when we meet; which I now long for, besides other respects, that we may lay aside these metaphors' (1907, 22). This letter continues with an anecdote about Sir Peter Buck, whose rather innocuous letter to a friend about activity at court led to his imprisonment and to his trial at the Star Chamber. Wotton quips, 'I set down these accidents barely, as you see, without their causes … but my lodging is so near the Star Chamber that my pens shake in my hand' (23). For further discussion of this letter, see Watson 2018, 50-52.

[8] For more information about the early life of Thomas Overbury, and the impact of his university and inns of court education, see Watson 2024, 12-18.

[9] For more on Overbury's part in Manningham's Diary see Watson 2024, 25-27.

[10] For the use of letters as atechnos proofs, see Watson 2018, 47-48.

just before his death in the September, these letters both reflect space and create it. This group of letters show the constriction of the physical space he inhabited as he wrote, the immobility and powerlessness of imprisonment, and, through them, Overbury conveys the physical and mental discomfort of his incarceration.

Even in the early letters in this sequence he is keen to stress how much the airlessness and constraint is affecting his health. Persuading Rochester to work on the king, and to have him sent away from the Tower, he tells the man he still considers his closest friend that he plans to take a 'vomitt'[11] which will make him ill. This, he writes in what is labelled in the transcriptions 'Letter III', 'will be a new occasion for you to be importunat to send me into the country to saue my life for tis not the close ayre but the apprehension of the place that hurts me'.[12] Though in later letters it seems that he is, indeed, made ill by his imprisonment, the veracity of his claims are difficult to judge because of his constant references to the taking of 'To', his code for a substance which he takes to make him ill, and that he proposes that Rochester should also take to manipulate the king. On this early occasion, Rochester seems to have procured the emetic with the help of Robert Killigrew. A member of the circle surrounding Rochester and Overbury, Killigrew was imprisoned around the time of 'Letter III', on 5 May 1613, for talking to Overbury at his window in the Tower. As he was also a friend, and relation by marriage, of Wotton's correspondent, Edmund Bacon, Wotton was keen to let him know: 'Your friend, Sir Robert Killegrew, hath been committed to the Fleet, for conferring with a close prisoner in a strange language; which were (as I hear) the two circumstances that did aggravate his error' (1907, 22). Wotton often writes obliquely, as a protection in case his letters are intercepted, but the 'close prisoner' here is clearly Overbury. Less obvious is the 'strange language' in which they spoke. It is perhaps suggestive of a coded exchange, something we have seen Overbury use in his writing at this time and showing his closeness to Killigrew.

Shortly after Overbury's letter asking Rochester to send the 'vomitt' from Killigrew to him quickly, Killigrew himself writes to Rochester, thinking the king's favourite is to take the emetic himself, and warning him of the power of the substance he provides:

> I would not concell your Lo[rdship] to take it vnlesse the phisitians doe aloe [allow] of it att this time for though this be as good as any can bee the yet there is noe such medicin good for all persons att all times of which they are the best iudges, but if your Lo[rdship] be resolued to take it, this bearer can give direction for the manner.[13]

Though questioned at the time of the murder trial about his supplying of these powders to Rochester, Killigrew clearly knew nothing about the plan to use them to manipulate the king. He was simply a pawn in Overbury's game to fake illness, and this trickery makes it difficult to assess the level of the prisoner's real illness. By July, when Killigrew was one of the two friends allowed by the king's concession to visit him in the Tower, his illness was obviously genuine.[14]

As the letters to Rochester continue into the summer, so does the connection between bodily illness and the space Overbury inhabits. Early in the series of letters, in 'Letter III' where he asked for the emetic from Killigrew, he also asks Rochester to send doctors to him,

[11] BL MS Harley 7002, 281r.

[12] BL MS Harley 7002, 281r. He uses the noun 'apprehension' to suggest his emotional sensitivity to the place (OED, s.v. II.6), perhaps rather than his fear of what might happen there (OED, s.v. II.12, a slightly later usage of the word).

[13] BL MS Harley 7002, 281v.

[14] Killigrew's visit to Overbury in July is mentioned in Alastair Bellany's entry on Killigrew in the Oxford DNB.

and comments that he hopes they, 'when they goe backe may goe into the king and relate how much my body is wasted with though[t] of the king's displeasure and this place'.[15] Throughout the epistolary exchange, he repeatedly tells Rochester what to do, especially what to say to the king, to secure his release. He is clearly used to directing the king's favourite, and Chamberlain's comment to Carleton seems to be based on good observation: the king was probably right to fear that people thought 'Rochester ruled him and Overburie ruled Rochester' (1939, 443). He is vulnerable, without many of his usual mechanisms of power, and physically unwell, but he still continues to act towards Rochester as is habitual: with a mixture of control and openness. As well as directing Rochester's words to the king, he also tells his friend his secrets. Though he plans to tell the doctors that his legs are affected by his imprisonment, he admits that this is a fabrication. He is going to claim that the problem with his legs is the result of his imprisonment, even though it was a pre-existing condition: 'I will impute since this though they were so afore'.[16] His trickery in manipulating those around him and attempting to deceive the king perhaps suggests why some writers compare him to Mercury, the articulate god of deception.[17]

Overbury's focus on the physical consequences of his imprisonment in the Tower continues through the letter sequence, and another apparently pre-existing condition returns in 'Letter X'. The references to Robert Mansell's release date this letter to the end of June and, rather than the problems with his legs, he now returns to his spleen, cited earlier by Mr Packer as one of the reasons why he could not take up the embassage.[18] Chamberlain also picks up on this, telling Carleton 'he then alledged indisposition of body and want of health as beeing much subject to the spleen', with the use of the verb 'alledged' perhaps conveying that the letter writer wished to cast doubt on Overbury's veracity (1939, 443). As suggested before, the amount of work he completed in late 1612 and early 1613, witnessed by the activity described by Neville, might reasonably cast doubt on this condition. Yet, it is clearly a weakness Rochester accepts and it recurs as a subject since in the June letter Overbury again cites physical illness as his reason for his refusal to go overseas. '[N]othing', Overbury argues, 'helps the spleen so much as our native ayre, and forraine, though better, hurts it, therfore of late Mr Burges the famous preecher hauing the spleen though otherwise of a strong body, was fayne to leaue his charge att the Hage, only to come to London, his natiue ayre, for the ease of his sicknesse, and I whiles I was abroad was neuer well how[ev]er as Mayerne knows, which made mee returne so soone'.[19] The familiarity of Theodore de Mayerne, the king's physician, with Overbury's illness may be an argument to indicate his veracity, as well as of a chronic condition. By July, 'Letter XI' has Overbury again use Mayerne's testimony as evidence, this time referring to another splenetic condition – a disturbance in black bile, or melancholia – to which the doctor can bear witness: 'for my sicknes of consumption and flatus Hypocondriacus, Mayerne may be cald vpon'.[20] Whether this illness is genuinely debilitating or is being used as a convenient excuse not to take the embassage, the assumption that lies behind most of the scenarios that Overbury proposes during his imprisonment is that the impact of incarceration will be shown upon his body and in his health.

[15] BL MS Harley 7002, 281r.

[16] BL MS Harley 7002, 281r.

[17] For example, in the letter from John Bull (HMC Buccleuch Whitehall 1899, 140), see note 21 below.

[18] Mansell, a naval officer, declared to the lord admiral his opposition to a commission of enquiry into the navy, and was arraigned for contempt and sent to the Marshalsea on 12th June 1613, for refusing to declare the name of a lawyer he had consulted.

[19] BL MS Harley 7002, 286r.

[20] BL MS Harley 7002, 286v.

By later in July, there seems less reason to doubt Overbury's illness, and intelligencers such as Thomas Bull are writing about it: in his case to inform Winwood that 'Sir Tho[mas] Ouverbury is still here in prison, shut up close, and very sick' (20 July 1613, HMC Buccleuch Whitehall 1899, 140).[21] In 'Letter XII' Overbury himself gives an even more detailed account of his illness, increasingly medical and specific in his description:

> This morning (notwithstanding my fasting all yesterday) I find a great heat continue in all my bodye and the sam desire of drinke and loathing of meat, and my water is strangly high, which I keepe till Mayerns com, this distemper of heat contrary to my constitution makes me feare some feuer at the last.[22]

His expectation, again, is that he will die of this disease: 'such an one meeting with so weake a body, will quickly I doubt end it'. He 'can indure no cloaths on, and doe nothing but drinke'.[23] As before, the evidence is to be kept until Mayerne arrives, perhaps to convince him of his sickness and perhaps to enable him to diagnose effectively.

Physical illness is a signifier of his imprisonment in the Tower, and reports of that illness are expected to persuade James to clemency. Already, quite soon after his arrest, Overbury was claiming that he needed to be released 'to saue [his] life'. In a later letter, his plea to Rochester continues to link his death with the Tower: '[I]f you leaue mee here,' he tells him, 'I shall neuer see you more'.[24] Finally, almost at the end of that same letter, there is a genuine urgency in his association of the two: 'my feuer grows so vppon mee a new that by God if you leaue mee here a weeke longer, I thinke I shall neuer see you more, for the feuer will neuer leaue mee while I am here'.[25]

As well as his physical decline, Overbury was also affected emotionally by being a close prisoner. Many of those in the Tower were allowed to speak with friends and to roam more freely around the space, as well as to write letters, but close prisoners were not. Unable to understand why the king was punishing him beyond what might be expected for 'a contempt', he lamented to Rochester during the summer, 'I heare nothing of hauing the libertye of this place'.[26] His feeling of being trapped was complete, and he even felt unable to look out of his room: 'I neuer dare open the windows to looke out', he told Rochester, perhaps connected with Killigrew's arrest and imprisonment for talking with the close prisoner at a window.[27] At one point, in 'Letter VIII', Overbury returns to an earlier request to 'be importunat to send me into the country to saue my life', but by now he seems to believe that Rochester is able to effect a change in his location.[28] He remains steadfast in his refusal to accept the embassage abroad,

[21] Bull comments cryptically in this letter: 'it is thought Venus hath overthrown Mercury, and will knit the two sides into one', using a version of the 'metaphors' Wotton referred to in his letter to Edmund Bacon, and avoiding speaking directly about affairs of state. It is clear that Bull was informing Winwood of Frances Howard's victory over Overbury, uniting the two 'sides' at court (Rochester with the Howards).

[22] BL MS Harley 7002, 287r.

[23] BL MS Harley 7002, 287r.

[24] BL MS Harley 7002, 282r.

[25] BL MS Harley 7002, 282r.

[26] BL MS Harley 7002, 283r. Overbury's sense of being victimised beyond the normal length of punishment for such an offence as his is shown explicitly in 'Letter X', when he recounts the comments of Gervase Elwes, Lieutenant of the Tower: 'hee wonderd at my being here thus long, Mansell out and returnd againe to court, whose cause and manner and time of imprisonment, was much different from mine, and hee had the same enimies I haue, and no such frend' (285r).

[27] BL MS Harley 7002, 284r.

[28] BL MS Harley 7002, 281r.

but he asks instead for time out of the Tower: an illicit escape, not a release. In June, Overbury is asking Rochester to 'by noe means heare of my going out at all, beyond sea,' and instead he wishes to go 'though for an houre but to Berry, not by commaund, but stolne thether by discretion'.[29] This desperation to leave the Tower only increases as Overbury's illness worsens, and by late July, in 'Letter XII', he resorts to increasingly incoherent threats with the deixis common to such intimate communication:

> now my request to you is, and it may be my last is that you would gett me leaue to goe to my owne chamber to night, and after nine a clocke, I may goe thether in the leiftennants coach unseen and unknowne, not possible to gett mee hence to night because of that business tomorrow, then pressing to night vehemently will make him condesend for tomorrow night, and besides will keepe the other from fayling to morrow, and tomorrow night how euer I am thought I dye for it I will if I may goe out of this place, if I cannot tonight, but if he deny you to night, and tomorrow night to[o], then this is my last request to you which if you denye mee you will tempt me farr.[30]

Throughout his rambling prose, connection is made over and over between death and the place of his imprisonment. It is only by leaving the Tower that Overbury hopes to recover his health. He continues to issue his habitual orders to Rochester, apparently not realising that the change in his situation makes this a foolish strategy. By 'Letter XII', though, the conditionals imply an understanding that Rochester may not obey the commends or be able to secure the necessary permission, and, therefore, these orders are accompanied by an unclarified threat ('you will tempt me farr'). He does not write what he will be tempted to do, but the implication is that Rochester knows exactly what that is. He is by this point desperate in his illness. His weakened physical state appears to be affecting his judgement. With a return to the splenetic weakness while writing he had stated publicly at the time of his arrest and cited in Packer's letter in April, Overbury concludes this later letter with a return to his condition: 'my hand is weake and I writt this much in payne'.[31]

Having shown, therefore, how the prison letters relay his physical and mental response to his surroundings, the final section of this essay now moves to how this epistolary sequence evokes the places he has left behind and makes rhetorical use of the signs of the everyday lives and the habitus of courtiers in those spaces. Details in the letters reflect spaces that have been part of his and Rochester's identities, and his attempts to persuade Rochester to help him, and his final emotional outpourings in response to his realisation of his betrayal, are made more powerful by the use of real places as *loci argumentorum*, where the rhetorical circumstances used by Overbury provoke *enargeia* and aim to conjure a particular emotional effect in their reader.

One of these letters, 'Letter VIII', uses Greenwich as the setting for a kind of play, where he scripts lines for 'Wolsey', the code name for the earl of Suffolk, Thomas Howard.[32] As lord chamberlain and father of Frances Howard, Suffolk might have considerable sway in persuading the king to release Overbury from his imprisonment. Overbury thus imagines a scene where Suffolk talks to the king after having been advised what to say by Rochester. Suffolk's lines, though, are written by Overbury. The opening stage direction of this quasi-dramatic piece tells Rochester

[29] BL MS Harley 7002, 281v.
[30] BL MS Harley 7002, 287r.
[31] BL MS Harley 7002, 287r.
[32] For further work on letters as a dramatic mode, see Watson 2024, 4-7 and *passim*; for further discussion of the 'dramaturgy' of 'Letter VIII', see 116-119.

that 'Wolse[y] must com to Iulius on morning att grenwich'.[33] Our scene is set at the court space Overbury has physically left behind, but retains in his mind, and the instructions that follow in the letter are further stage directions, relying on Overbury's mentally inhabiting everyday court life and his grasp of courtly habitus. He asks Rochester, for instance, to withdraw his quotidian services: not to 'wayt, goe to church, be necessarye about' the king until his friend is released.[34]

The lines he supplies for Suffolk encourage the king to believe that Overbury is close to death. The plan is that Suffolk should tell James that the lieutenant of the Tower has come to him with information about the imprisoned man. Creating circumstances to suggest the veracity of what Elwes, the lieutenant, has told him, Suffolk is to persuade James of the need for swift action. Overbury writes that he should:

> tell [the king] that the Lieftennant *huius loci* is come to him and tell him Overbury is every night so sick as he is ready to dye, and that these tow or three nights, he hath sett one to wach him, in another rome, without his knowledge, who though[t] still he would not live an howre.[35]

The creation of not only an imaginary visit from Elwes to Suffolk with created testimony as to Overbury's condition but also an imaginary servant set to watch the prisoner is a tour de force of dramatic plotting. The scene, set at night, with the observer in a room close by – unseen by the dying man – creates a believable urgency in Suffolk's plea that the king should act, and the visual evidence of an impartial witness is to prove that what he says is true. This whole plan is the creation of a man trained in the writing of legal speeches, where circumstances such as the night-time scene, and the involvement of a witness seeing the events, are necessary to persuade those making judgement.[36] The lines he is given do not compliment the prisoner, as, the king is told, Overbury 'being of an haughty nature, and ashamed of this disgrace conceals it, and will not so much as confess a word of this to the phisitians'.[37] The purpose is not to create pity for Overbury, and it is important, if James is to believe Suffolk, that the man who has been Overbury's opponent at court does not speak too kindly of him. James is being asked for clemency, not pity, as that better befits a king. He should continue to believe in Overbury's guilt, his shame, and his disgrace, but still release him. Therefore, the evidence he is given does not create pity for the prisoner's illness but a wholly different emotion. Overbury cleverly creates two more valid reasons for Suffolk to give to the king to encourage him to grant clemency.

> Sir, I hearing this, though[t] myself bound in honesty to tell to you, first for since if he dye in the night it might cost my Lord of Rochester his life to[o], who you see how passionattly he loves him; next Sir for my own part I speak, for the world thinking me his enimye would lay his blood to my charge, which I would not have imputed to me for all the world.[38]

For love of Rochester, and respect for his lord chamberlain's reputation, James might be persuaded to release the man who is 'haughty' and disgraced. The king does not need to judge him innocent of the crime for which he was imprisoned, he needs to pardon him, for the sake of others he cares for. In creating this scene, Overbury shows his understanding of early modern legal judgement,

[33] BL MS Harley 7002, 282r.
[34] BL MS Harley 7002, 282v.
[35] BL MS Harley 7002, 282r.
[36] For a comparable example of circumstances persuading rhetorically, see the discussion of the significance of sleeplessness in Cicero's defence of Roscius in Hutson 2007, 176, footnote 53.
[37] BL MS Harley 7002, 282v.
[38] BL MS Harley 7002, 282v.

and the relationship between the monarch and the law. As Bernadette Meyler explains in her study of staged pardon, the king's prerogative power enabled him to make a judgement that conflicted with legal precedent. 'The sovereign's fear of generating slander through imposing the law' (2019, 51) could encourage him to clemency, using ideas of equity to lessen or remove the expected punishment. In Overbury's case, the punishment he has been given for 'a contempt' appears to the world around to be harsher than one might expect; equity has not lessened his punishment but, rather, royal personal enmity has increased it. In his creation of lines for Suffolk, Overbury cannot resist having the lord chamberlain make that point: 'considering his offence being only a harsh answeare, a month of such close imprisonment is punishement enough'.[39] But the king's prerogative would still enable him to revoke his earlier judgement without incurring blame or denying the courtier's guilt. That way James produces an outcome that prevents his favourite suffering, Suffolk is not blamed for the death of a man he publicly opposed at court, and, most importantly, the king retains his power. In fact, Overbury cleverly creates a situation where his own fate *per se* is irrelevant. As Meyler explains, 'pardoning furnishes the only resolution that can preserve the sovereign's majesty' (2019, 54). Of course, as she goes on immediately to argue, because 'final pardons leave the laws in place while furnishing individual exceptions to their implementation, they mark a growing chasm between the sovereign and the legal institutions' (42), but Overbury's plan here does not concern itself with the gap between the common law and royal prerogative. Elsewhere, he has shown himself quite aware of that and concerned at growing autocratic power. But at this point he is simply desperate to be released from his incarceration.

Other letters, too, show that, despite his being in the Tower, he preserves the courtier's habitus: the manner of his thinking at court. In 'Letter X', for instance, he gives instructions to Rochester about suits he was working on before he was imprisoned: 'I should be glad to heare Will Udalls businesse of hydes went on, for his sake noe lesse then mine owne, for the reuersion after Fulk Grevill for Jack Lyttcotts boy, you may keepe any other from hauing it, till a fitt time to passe it for him, for Badgers stewardship I would he had it, for shirlies do somwhat, tis a fine suit'.[40]

In a different way, this retention of his courtly habitus is also shown in his final letter, which evokes the spaces Carr still inhabits and he has left – he begins to realise, now, forever. There had been signs before of Overbury's surprise that Rochester is acting relatively normally. In 'Letter VIII', for example, he comments that 'for my part I wonder to heare that you [are] abroad, and are seene in the world I liyng here'.[41] By the letter he writes at the end of the sequence, though, just before his death, this surprise has turned into contempt and anger. He pours out a torrent of pain at Rochester's everyday courtly actions which he takes as evidence of his betrayal and through the listing of which he aims to create shame in his reader:

> how litle (never name love) human affection: how litle compassion (no not so much as to the colt in Enfield chace) when I heard how, notwithstanding my misery, you visited your woman; frizled your head, never more curiously; took care for hangings; & dayly were solicitous about your cloathes; officious in waighting; could prefer your cosen, and Gibb; held daily traffickes of letters with my enemies, without anie turning it to my good.[42]

The behaviours he notes – preparing their hair and dress, furnishing their rooms, engaging in social and romantic activities, securing preferment for clients, writing letters – are, of course,

[39] BL MS Harley 7002, 282v.
[40] BL MS Harley 7002, 285v.
[41] BL MS Harley 7002, 284r.
[42] All the quotations from this final letter are from BL MS Cotton Titus B, vii, 483.

part of the habitus of those at the king's court. The list constructs the place and the life he has left behind on his imprisonment. He is abandoned by those he thought cared for him, and he has been proven to be considered less important than a young horse in one of the king's hunting parks. As well as emphasising his 'misery' and contrasting it with the 'love', 'affection', and 'compassion' he should have received, Overbury uses Rochester's actions to provoke guilt. The favourite has ignored his friend's misery and shown contempt in 'frizl[ing]' his hair 'curiously', has been 'solicitous' and 'officious' about things that didn't matter, and, worse, wrote the letters that Overbury so valued to his enemies instead of to him. He has done all this without turning his opportunities to any benefit for his friend.

Rather than help the man who had thought himself his friend and who was dying by inches in the Tower, Rochester has 'slip[ped] out of town'. The choice of verb implies the slippery nature of the man and his deception. The contrast is one of place: instead of the life at court or at the hunting lodge that they had shared, Overbury's 'share [is] to be a prison'. In his account of the growing rift between the two men, he blames Rochester for preferring Frances Howard to him, and the conflicts that led to this final break are locational: 'there came manie breaches, as Huntingdon, Newmarket, after at Whitehall'. In their travels with the king, there have been arguments and disagreements that Overbury now links to the places of power they inhabited. As a result of what became Rochester's alliance with the Howards, he vowed 'that [Overbury] should neither come in the court nor with [his] friends'. Rochester, the king's favourite, claimed as his own the space they had shared, and excluded his longstanding companion. More, the betrayal has been engineered and Overbury's refusal to accept the king's offer of an embassy abroad seems to have been Rochester's doing: the favourite had 'stayde [him] here when [he] would have bin gone', implying that he was prepared to accept the king's command, but that Rochester 'sen[t] for [him] twice that day that [he] was caught in the trappe'. The trap, a physical space as limiting and painful as his cell in the Tower, and as fatal for animals caught in it, may have been set by his enemies but it was only triggered by the betrayal of his friend.

This final letter, in Overbury's own hand and showing – in the little slips in his writing – the passion with which it was written, shows perhaps in the most direct way of all how epistolary communication can evoke emotion. Some of the other letters explored here, written by intelligencers and court commentators, are less personally involved, and can more objectively present detail to inspire a particular emotional response. The details they choose cause their (often multiple) readers to feel in specific ways about Overbury, the royal family, and the other members of court: presenting time, place, manner, motive and so on – the *circumstantiae* – to create *enargeia*, an emotional response, and thus provoking sympathy or laughter, or causing distrust. In the letters from Overbury to Rochester, the method shifts. This sequence of letters uses these details to inspire feelings and emotions, not about other figures, but about the writer and in the single intended reader. In prison, Overbury presents himself as his illness grows; he works to inspire pity in his reader, Robert Carr, and to encourage his friend's supportive action. He shows in the letters earlier in this prison sequence that he still mentally inhabits his court environment and retains his court habitus; he plots and directs action as he would have done in his life before his arrest. In his final letter, his aim is different, and he writes to present his reader, Robert Carr, as a guilty figure of betrayal: cruel, selfish, and ungrateful. Real or imagined, in letters by or about Overbury, the circumstance of place is at the centre of the inspiration of feeling.

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