

R E P O R T

FROM THE

SELECT COMMITTEE

ON

DRAMATIC LITERATURE:

WITH

THE MINUTES OF EVIDENCE.

*Ordered, by The House of Commons, to be Printed,
2 August 1832.*

Jovis, 31^o die Maii, 1832.

Ordered,

THAT a Select Committee be appointed to inquire into the State of the Laws affecting Dramatic Literature:—And a Committee was appointed of

Mr. Edward Lytton Bulwer.	Mr. Gillon.
Mr. Lamb.	Mr. William Brougham.
Earl of Belfast.	Mr. Alderman Waithman.
Mr. Sheil.	Mr. Jephson.
Mr. Galley Knight.	Colonel De Lacy Evans.
Mr. Stanhope.	Mr. John Campbell.
Mr. John Stanley.	Mr. Henry Bulwer.
Mr. Ellice.	Mr. Duncombe.
Mr. Evelyn Denison.	Lord John Russell.
Lord Porchester.	Sir Charles Wetherell.
Mr. Lennard.	Sir George Warrender, Bart.
Mr. Mackinnon.	Lord Viscount Mahon.

And they are to meet To-morrow, in The Speaker's Chamber; and to have Power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

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THE SELECT COMMITTEE appointed to inquire into the LAWS affecting DRAMATIC LITERATURE, and to whom several Petitions presented to The House, in the present Session, relative to DRAMATIC ENTERTAINMENTS, were referred, and who were empowered to report their Observations thereupon, together with the MINUTES OF THE EVIDENCE taken before them, to The House;— HAVE agreed to the following REPORT:

IN examining the state of the Laws affecting the interests and exhibition of the Drama, Your Committee find that a considerable decline, both in the Literature of the Stage, and the taste of the Public for Theatrical Performances, is generally conceded. Among the causes of this decline, in addition to those which have been alleged, and which are out of the province of the Legislature to control, such as the prevailing fashion of late dinner hours, the absence of Royal encouragement, and the supposed indisposition of some Religious Sects to countenance Theatrical Exhibitions, Your Committee are of opinion, that the uncertain administration of the Laws, the slender encouragement afforded to Literary Talent to devote its labours towards the Stage, and the want of a better legal regulation as regards the number and distribution of Theatres, are to be mainly considered.

2. In respect to the Licensing of Theatres, Your Committee are of opinion, that the Laws would be rendered more clear and effectual by confining the sole power and authority to license Theatres throughout the Metropolis (as well as in places of Royal Residence) to the Lord Chamberlain; and that his—the sole—jurisdiction, should be extended twenty miles round London (that being the point at which Magistrates now have the power of licensing Theatres for the legitimate Drama). And as Your Committee believe that the interests of the Drama will be considerably advanced by the natural consequences of a fair competition in its Representation, they recommend that the Lord Chamberlain should continue a Licence to all the Theatres licensed at present, whether by himself or by the Magistrates. Your Committee are also of opinion,

partly from the difficulty of defining, by clear and legal distinctions, "the Legitimate Drama," and principally from the propriety of giving a full opening as well to the higher as to the more humble orders of Dramatic Talent, that the Proprietors and Managers of the said Theatres should be allowed to exhibit, at their option, the Legitimate Drama, and all such Plays as have received or shall receive the sanction of the Censor.

3. Your Committee believe that the number of Theatres thus licensed (although they might be more conveniently distributed) would suffice for the accommodation of the Public, in the present state of feeling towards Theatrical Performances, and also for the general advantages of competition; at the same time, as Theatres are intended for the amusement of the Public, so Your Committee are of opinion that the Public should have a voice in the number of Theatres to be allowed. And Your Committee would therefore respectfully submit to the House, that if a Requisition, signed by a majority of the Resident Householders in any large and populous Parish or District, be presented to the Chamberlain, praying for his Licence to a new Theatre in the said Parish or District, the Chamberlain should be bound to comply with the Public wish. Your Committee are of opinion, that all abuse in the exercise of the Licence thus granted, would be effectually prevented, by leaving to the Chamberlain the power of applying to the Home Department for the summary suppression of any Theatre which may notoriously have outraged the conditions of its License, or the rules of Public decorum.

4. Your Committee would also recommend, that the Chamberlain should possess the same power for the summary suppression of any Theatre, exhibiting any sort of Dramatic Representation without the sanction of his Licence; considering, that as the Public can procure the Licence if it approve the Theatre, so any Theatre not licensed would probably not be less opposed to the desire of the Public than to the provisions of the Law.

5. With respect to the Licensing of Plays, Your Committee would advise, in order to give full weight to the responsibility of the situation, that it should be clearly understood that the office of the Censor is held at the discretion of the Lord Chamberlain, whose duty it would be to remove him, should there be any just ground for dissatisfaction as to the exercise of his functions. Your Committee would recommend some revision in the present system of Fees to the Censor, so (for instance) that the Licence of a Song and the Licence of a Play may not be indiscriminately subjected to the same charge; and this revision is yet more desirable,

desirable, in order to ascertain whether, in consequence of the greater number of Plays which, by the alterations proposed by Your Committee, would be brought under the control of the Censor, some abatement in the Fees charged for each might not be reasonably made, without lessening the present Income of the Licencer.

6. In respect to the exclusive privileges claimed by the two Metropolitan Theatres of Drury Lane and Covent Garden, it appears manifest that such privileges have neither preserved the dignity of the Drama, nor, by the present Administration of the Laws, been of much advantage to the Proprietors of the Theatres themselves. And Your Committee, while bound to acknowledge that a very large sum has been invested in these Theatres, on a belief of the continuation of their legal monopoly of exhibiting the Legitimate Drama, which sum, but for that belief, would probably not have been hazarded, are nevertheless of opinion, that the alterations they propose are not likely to place the Proprietors of the said Theatres in a worse pecuniary condition than the condition confessed to under the existing system.

7. In regard to Dramatic Literature, it appears manifest that an Author at present is subjected to indefensible hardship and injustice; and the disparity of protection afforded to the labours of the Dramatic Writer, when compared even with that granted to Authors in any other branch of Letters, seems alone sufficient to divert the ambition of eminent and successful Writers from that department of intellectual exertion. Your Committee, therefore, earnestly recommend that the Author of a Play should possess the same legal rights, and enjoy the same legal protection, as the Author of any other literary production; and that his Performance should not be legally exhibited at any Theatre, Metropolitan or Provincial, without his express and formal consent.

8. By the regulations and amendments thus proposed in the existing system, Your Committee are of opinion that the Drama will be freed from many present disadvantages, and left to the fair experiment of Public support. In regard to Actors, it is allowed, even by those Performers whose Evidence favours the existing Monopoly, that the more general exhibition of the regular Drama would afford new schools and opportunities for their art. In regard to Authors, it is probable that a greater variety of Theatres at which to present, or for which to adapt, their Plays, and a greater security in the profits derived from their success, will give new encouragement to their ambition, and, perhaps (if a play is never acted without producing some emolument to its Writer) may direct their attention to the more durable, as being also the more lucrative, classes of

Dramatic Literature ; while, as regards the Public, equally benefited by these advantages, it is probable that the ordinary consequences of Competition, freed from the possibility of licentiousness by the confirmed control and authority of the Chamberlain, will afford convenience in the number and situation of Theatres, and cheap and good Entertainment in the Performances usually exhibited.

July 1832.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Mercurii, 13^o die Junii, 1832.

EDWARD LYTTON BULWER, ESQ.

IN THE CHAIR.

Thomas Baucott Mash, Esq. called in; and Examined.

1. WHAT is the office you hold under the Lord Chamberlain?—Comptroller of the department.

*T. Baucott Mash,
Esq.*

2. The chief powers, I think, under which the Lord Chamberlain acts are those granted in the 10th of George the 2d?—Yes.

3. Generally called Sir Robert Walpole's bill?—I cannot say.

4. Previous to that time do you consider the Lord Chamberlain had any precise authority for licensing theatres, or that the Master of the Revels had?—The Master of the Revels, I consider, was an officer under the Lord Chamberlain, and acted under his directions, but the licensing of the theatres was always with the Lord Chamberlain.

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5. Do you conceive that was the case when the three original companies were set up; I mean the three companies called the Red Bull, the theatre in Salisbury-court, and the theatre in the Cock-pit, Drury-lane?—I do not recollect the period.

6. That is about 1660, I believe?—We have got a great number of references in the Lord Chamberlain's office from theatres at that period, where they had disputes and questions, and it appears that they were always referred to the Lord Chamberlain for his decision, and his decision was final.

7. I am not aware what Lord Chamberlain there was at that time? Was Sir Henry Herbert Master of the Revels?—I do not know. If I had been aware of the questions you wished to put to me I would have come down with papers which would have given information, and have shown you that the Lord Chamberlain was looked up to as a controlling officer, under his Majesty of course.

8. In that case I can hardly see, if the Lord Chamberlain was supposed at that time to have such clear, defined and legal authority, what was the use of Sir Robert Walpole's bill, for that gave him no more power than he possessed before?—He possessed that power before, on any occasion when he thought they were improperly engaging.

9. By the Act of Anne, c. 23, s. 12, he had the power of taking up, as rogues and vagabonds, every person who attempted to act without letters patent from the King or a licence from the Lord Chamberlain. That was by the 12th of Anne?—That is repealed as far as goes to taking them up as rogues and vagabonds, but there is a penalty of 50*l.* imposed instead.

10. I think it will be found that in 1773 there were at that time Covent Garden, Drury Lane, a theatre in Lincoln's Inn, a theatre in the Haymarket, and a theatre in Goodman's Fields, performing not only the drama, but the regular drama; how was that?—I am not able to say anything about Goodman's Fields or Lincoln's Inn, being out of the liberties of Westminster.

11. Is it solely from the rights claimed by the patent theatres that those theatres usually called minor theatres, and not placed within the city of Westminster, are attempted to be put down: the Lord Chamberlain never attempts to interfere?—No, he interferes with nothing without the liberties of Westminster. He con-

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siders all theatres without the liberty of Westminster belong to the jurisdiction of the Secretary of State for the Home Department.

12. The Chamberlain has jurisdiction over the whole kingdom, I believe?—As far as regards the pieces to be performed.

13. Will you be so good as to state the number of theatres now within the city of Westminster in which dramatic representations take place, and the authorities under which those dramatic representations are performed?—There is one theatre now within the liberty of Westminster without any authority at all, in direct defiance of the Lord Chamberlain.

14. Will you state those that are acting?—I have a statement here.

[The Witness delivered in a paper, purporting to be a copy of the licences to all the theatres within the city of Westminster, under the authority of the Lord Chamberlain.]

15. What are the powers claimed by the Lord Chamberlain relative to licensing or refusing to license theatres?—The powers claimed by the Lord Chamberlain are under the authority of the Act, and he exercises that power by granting his licences.

16. What powers are given him by the Act?—That of licensing the theatres.

17. What is the practical power which he claims under that Act?—The power of granting licences.

18. To what theatres?—To the theatres within the liberty of Westminster, for the performance of the regular drama.

19. Has the Lord Chamberlain the power of granting a licence to play the legitimate drama at the Adelphi and the Olympic?—I presume he has that power, not of himself, but of the King.

20. But has he the power?—I should conceive he would not take upon himself to do it without the consent of the King. The minor theatres are restricted to the performance merely of burlettas and those sort of entertainments, and are not allowed to perform the regular drama. There have been several applications for leave to play the regular drama, which have been refused.

21. By what authority is the King enabled to give that power?—By the Act of Parliament the King may grant what licences His Majesty pleases within the liberty of Westminster.

22. The Act does not specify whether the legitimate drama shall be performed or not?—It specifies for the entertainment of the stage.

23. What power does the Lord Chamberlain claim?—Granting licences to theatres within the liberty of the city of Westminster.

24. Does he claim any further power?—I am not aware of any other power but that of restricting other performances, restricting any other theatre from performing without a licence; but such theatre opening is liable to a penalty, and liable to an information from any person as well as from the Lord Chamberlain. It is not for the Lord Chamberlain alone to lay an information, any person may do it as well.

25. What is the nature of the licence which he grants to the theatres within the city of Westminster?—I have delivered in the paper of particulars.

26. State generally what the licence is to do; state generally the nature of the licence that he gives?—To authorise the performance.

27. The performance of what?—For the entertainment of the stage.

28. All theatrical exhibitions?—Yes.

29. Whether they are the regular drama or not?—Yes; any theatrical entertainment; any entertainment of the stage.

30. Does the Lord Chamberlain claim a censorship over theatrical exhibitions?—Out of the liberties of Westminster he does not, for the performance, but for the piece that is performed.

31. Does he claim a censorship over pieces that are acted in the country?—Decidedly, under the Act of Parliament; the same Act of Parliament authorises him to do that.

32. Generally, throughout England?—Generally, throughout England.

33. Does that power extend to Scotland and Ireland?—I should suppose it did; or at least it extends in this way, that a person performing such piece without being licensed by the Lord Chamberlain is liable to the penalty.

34. Has

34. Has he any power over the Coburg theatre?—None; only that they could not perform anything that has not been performed by the regular theatres or licensed by the Lord Chamberlain.

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35. Who licenses the theatre at Liverpool?—The King.

36. Can the Lord Chamberlain prohibit a piece being acted at the Coburg theatre, if it is seditious?—I conceive he cannot, because it is out of the liberties of Westminster; but I believe that the persons performing that piece are liable to a penalty for not being licensed.

37. Do you not know that at the Coburg theatre fees have been taken by the censor for licensing the theatre?—I am not able to answer that question.

38. The Olympic has been licensed by the Lord Chamberlain?—Yes; that is within the liberty of Westminster.

39. And in the Borough there is another theatre?—These are out of his jurisdiction.

40. The Lord Chamberlain, then, claims no executive authority in stopping performances of pieces which he has not licensed?—I am not aware that he does, without the liberties of Westminster.

41. The Act authorises him to license such pieces for performance of the stage as he may think proper and right, and I suppose any person assuming to act without such authority is liable to the penalty?—It is not necessary that the Lord Chamberlain should take upon himself to attempt to restrict the performance, for the theatre would, in such a case, be open to an information by any other person.

42. State the Acts which impose penalties on persons who shall perform theatrical pieces of any description without a licence?—The same Act, the 10th Geo. 2.

43. In your knowledge, or in your experience, has the Lord Chamberlain ever licensed any of the minor theatres within the liberty of Westminster to perform the regular drama?—Never.

44. Do you conceive he has the power to license any minor theatre for the performance of the regular drama?—I cannot take upon myself to say he has the power; he probably might conceive he had the power, but if he asked my opinion I should recommend him to go to the King first.

45. I understood you to say a little while ago, that he had the power to license any theatre within the liberties of Westminster for the performance of entertainments of the stage?—Yes.

46. What do you include under that denomination?—I was confining myself to the Lord Chamberlain's power in granting licences for minor entertainments; but I should recommend to the Lord Chamberlain, in case of an application to him for a licence to perform the regular drama, not to grant it without first submitting it to His Majesty and getting the approbation of the King.

47. In your opinion the power of the Lord Chamberlain does not extend to the granting of licences to perform the regular drama, except in the large theatres?—I conceive that the Lord Chamberlain must be considered to have, and is supposed to have, the King's authority in all cases.

48. Cannot he license a theatre for the performance of burlettas without the King's permission?—It is always understood to be with the King's permission.

49. Then I am to understand that he derives his power from two sources; and not only from the Act of Parliament which you stated, and which says nothing about his being a delegate of the King?—The Lord Chamberlain is the servant of the King, and it is not to be supposed that he would go by that Act, and authorise any entertainment of the stage contrary to the King's wish.

50. Do you suppose he had the power if he wished it?—Upon my honour I should conceive his power is derived from the King, and that, as he is the servant of the King, I conceive the Chamberlain is responsible to the King.

51. Is it the Chamberlain or the King that is mentioned in the Act; is it the Chamberlain that the Act states has that power, or the King?—The King or the Chamberlain.

52. Will you state to the Committee what the powers of the Lord Chamberlain are in your opinion?—My opinion is that they are the powers that he derives from the King.

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53. That is not an answer to the question?—The Act requires that the performances shall be by the King's letters patent, or by licence of the Lord Chamberlain; but the licence of the Lord Chamberlain is granted by the King's permission.

54. Has the Lord Chamberlain the power to give a licence to erect a theatre to perform the regular drama, or to perform burlettas, or dancing or singing only?—He has been in the habit of granting those licences for the minor theatres, without making direct application to the King; but he would not grant a licence for the regular drama without the approbation of the King.

55. The licence you allude to is a licence to do what?—To perform such things as are performed at the Adelphi and Olympic.

56. When the licence was given to Mr. Arnold, it was described as a licence to do what?—It is described in the licence what they are authorised to perform.

57. And do those licences include the performance of the regular drama?—No.

58. Have they ever?—No, never, except in the Haymarket theatre.

59. Could he license the Adelphi, which is within the liberties of Westminster, to perform Richard III.?—I am really not able to answer that question; I am unable to say whether he could or not; I only mean to say that hitherto all applications made to the Lord Chamberlain for that purpose have been resisted and refused. I do not tell you whether the Lord Chamberlain has come to that determination from feeling that he has not the power to do it, or from feeling that it was improper to do it. I think he is amenable to the King for every act he does.

60. Though you say the Lord Chamberlain possessed, previous to Sir Robert Walpole's bill, the power of licensing the theatre, are you aware that the Lord Chamberlain, or rather the Master of the Revels whom he deputed, had several suits at law for the suppression of one, and that he entirely failed to support his claim?—No, I do not know it. I suppose the Master of the Revels was the servant of the Lord Chamberlain, but I do not speak to that fact.

61-2. You say there are three Acts from which the Lord Chamberlain's power is derived: first the Act of 10 Geo. 2; secondly, the 25 Geo. 2; and thirdly, the 28 Geo. 3, c. 30. Now by the 10th Geo. 2, the principal Act, I find here it is said, "that the Lord Chamberlain shall, as he thinks fit," &c. Now I want to ask you whether you consider that this Act, where it gives to the Lord Chamberlain the power of prohibiting, gives him the power to grant licences (for I do not perceive it in the Act) without the liberty of Westminster?—No; the Lord Chamberlain has no power, without the liberty of Westminster, to grant licences for any entertainment of the stage whatever, except where His Majesty resides; he never did exercise any authority of the kind.

63. It is said here, "that if any person shall perform for hire or reward any interlude," &c.: you are aware, of course, that that Act has been constantly evaded, and that persons have performed for hire or gain, not taking money at the doors, but by other means, so that they have evaded that statute?—It may have been done in that way, and there is one theatre in the Strand where they do not take money at the doors, and they are acting without any authority from the Lord Chamberlain; but I am of opinion that that would not protect them against any information.

64. Suppose any person chose to perform a play for gain or reward, he would be liable to a penalty of 50 l.?—Yes, for a play not having been authorised by the Lord Chamberlain. If the piece is performed without the authority of the Lord Chamberlain, the parties are liable to a penalty.

65. Though the Act says, "for hire, gain or reward," yet if they act for nothing still they are liable to penalties?—No; if they act at a private theatre for nothing, or anywhere else, they are not liable. I do not think the Lord Chamberlain could interfere in any private theatre.

66. Are you aware, for instance, that four of the Kembles once acted together, Mrs. Siddons being at that time the heroine, (I think it was at Wolverhampton), and no money was taken at the door, but a play-bill was handed about with "*Nota bene*, no money taken at the door, but Mr. So-and-so (naming the performer) has a very excellent tooth-powder at 2 s. 1 d. a box." And that tooth-powder was purchased and considered as a ticket. That is not a solitary instance to show that in that manner the Act has been successfully evaded?—I am not aware of anything of the kind.

67. Now

67. Now what do you consider to be the interpretation of a burletta?—It is, strictly speaking, recitative and song.

68. Tom Thumb, for instance?—That is said to be a burletta, but has not been performed in recitative; and Elliston tried the question with regard to burlettas, and beat the regular theatres.

69. Does burletta include dancing?—No, dancing is given besides. The licence gives the performance of dancing, music, and anything of that kind. It is described in the licence; the licence itself expresses what they may do.

70. What is now performed at the Olympic theatre; is there anything you can consider to be an equivocation of the term burletta?—They are performing there little trifling pieces that used to be in recitative, but they do not, I believe, now even touch an instrument, which they did formerly.

71. In short, you mean a farce, or anything performed in three acts. All translations from the French are burlettas?—Yes, it is an entertainment of the stage.

72. Are you aware that the minor theatres ever violate their licence?—Yes, in my opinion; but there is a difference of opinion with regard to what is a burletta.

73. What in your opinion is a burletta?—Recitative and music.

74. Do the minor theatres ever violate that contract?—They have not performed of late years in recitative.

75. Then according to your opinion of burletta, the minor theatres have, and do, violate their licences?—In my interpretation of the word, burletta certainly signifies, strictly speaking, recitative and song, as far as my own opinion goes.

76. I understand that you, acting in your office under the Lord Chamberlain, and being so practically acquainted with the workings of that office, consider that the authority of the Lord Chamberlain is so indistinctly defined that he cannot say whether he has the power or not to grant a licence to perform the regular drama?—I believe the Act of Parliament may give him that authority; but I consider the Lord Chamberlain would be cautious how he proceeded further than as the seryant of the King.

77. I ask, has he the power by the Act, or by anything else, to grant the performance of the legitimate drama, at as many places as he pleases within the city of Westminster?—I consider he has power by the Act; for the Act says nothing to the contrary.

78. I understand you to be of opinion that the Lord Chamberlain can allow the legitimate drama to be performed anywhere within the liberties of Westminster?—I conceive the Act gives him the power to do so.

79. If you consider that the Lord Chamberlain has the power of granting a licence for performing the legitimate drama, which you say you do conceive he has, do you conceive he can grant it to any places he pleases in the city of Westminster, or where the King resides?—If he has the power he can, of course.

80. How many years have you been in the Lord Chamberlain's office?—Forty-three years.

81. Supposing he was to give a licence for the legitimate drama to be played in any minor theatre, would it be a violation of the right of the patent theatres; would it be an infringement upon their patent, in your opinion?—I consider the Lord Chamberlain possesses the power without any consideration of their patent.

82. Would they have any reason to complain?—They might conceive they had a right to complain.

83. Do you think the patent theatres would have any cause to complain, supposing the Lord Chamberlain was to license the Adelphi theatre to play the regular drama?—I should think they would have a just cause of complaint, because it would be an infringement upon their patent.

84. You said just now that the patent theatres have no licence from the Lord Chamberlain?—Covent Garden theatre is acting under the Davenant patent.

85. Are not the patent theatres licensed every 21 years?—All, except Covent Garden.

86. Drury Lane is?—Drury Lane is licensed every 21 years.

87. The minor theatres receive an annual licence?—Yes; and also the Haymarket and the Italian Opera House.

88. What fees are paid by minor theatres on their annual licences?—Thirteen guineas for the whole season, for the theatres within the liberties of Westminster;

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for licences at Brighton, Windsor and Richmond, the fees are 5*l.* 10*s.* for the season.

89. On what authority do you make them pay that?—Custom immemorial.

90. Has it always been 13 guineas?—Certainly ever since I can remember, and long before I was in the office.

91. If a concert or anything of that kind takes place, you charge a fee for that?—That is 2*l.* 10*s.*

92. For the night?—Yes.

93. Upon what authority do you do that?—The same authority.

94. Custom?—Custom immemorial.

95. What becomes of those fees?—They are divided among the officers of the Chamberlain's department, according to their particular situations.

96. And do they go towards the salaries of the officers, or are they perquisites of the office?—They are perquisites of the office.

97. You have salaries besides, have you?—Yes; it would be a very bad thing if we had not.

98. How far back have you proof of 13 guineas being paid?—I should suppose as far back as anything we can show with respect to the licence.

99. Do you mean, proof of that exact sum being paid so far back as that?—I cannot answer as to that being the exact sum so far back as that, but I can speak of it for the last 40-odd years.

100. Yet you feel authorised to demand more?—No, no more than the regular established fee.

101. Do you ever remember instances of the Lord Chamberlain licensing an individual to perform the regular drama for a benefit?—I believe there have been two or three instances of it at the English Opera House, for one night only; at the Haymarket theatre it has been done frequently formerly.

102. Does the patent contain a prohibition or an exclusive right, not merely a right granted to represent the regular drama, but does it express clearly that no other theatre except Covent Garden is to have that right?—I do not think it prohibits anything.

103. It merely gives permission to perform it?—It merely gives permission to perform it.

104. Then in fact the Lord Chamberlain or the magistrates have reserved to themselves a right to permit the regular drama to be performed in any place within the liberties of Westminster, or where His Majesty resides?—Yes, the Lord Chamberlain; the magistrates have no power.

105. Then the claim set up by the two theatres is merely a claim founded on usage, that the Chamberlain has usually admitted them to have an exclusive right, but there is nothing of that kind in their patents?—I do not know that it is mentioned in their patents; the patent does not exclude any other theatre from being open for the regular drama.

106. Then the refusal is merely discretionary?—There is nothing in the two patents which prevents the King from granting letters patent and the Lord Chamberlain from granting licences.

107. Then there is no foundation at all for those complaints made by the regular drama that their patent rights have been invaded, when they hear of the regular drama being represented in a minor theatre?—Nothing more than that it is an infringement upon that right of theirs which they have enjoyed for so many years.

108. But it is no right at all, it is merely a change of custom?—It is from custom

109. And they have got a right to complain of a change of custom, but not of a right?—There is nothing in the patent that restricts any other person from performing the regular drama; I should conceive there is nothing, I do not recollect anything. I have no hesitation in saying there is nothing in either of those patents, the Killigrew patent, the Davenant patent, or the other patent, that restricts the King or the Lord Chamberlain from granting licences to perform the regular drama.

110. Then those patents are not monopolies?—Perhaps they cannot be called monopolies at all.

111. The right usually set up under the term patent rights, is totally fallacious then, and they have no patent right which justifies them in claiming of the Lord Chamberlain

Chamberlain to prohibit the performance of the regular drama in any other theatre: if I understand you, there is no foundation for that?—I beg pardon; the Lord Chamberlain has the power of prohibiting.

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112. I do not speak of his power, but of the claim which is made when the regular drama is performed at a minor theatre; they say, "this is an invasion of our patent rights:" is it an invasion of their patent rights; is there anything in their patent to bear them out in that?—I do not recollect anything in the patent itself.

113. If they said, "these people are violating the privilege you granted to them," they would be right; but they are not correct when they say that their patent rights are violated, because they have no patent rights of an exclusive or prohibitory nature?—I should conceive so; I do not know upon what ground they state that that those patent rights have been invaded.

114. Then you must have an opinion that their statements upon that subject have no foundation at all?—I must first hear what their statements are.

115. In point of fact, has the regular drama, that is tragedy and comedy, been performed under a licence from the Lord Chamberlain within the city of Westminster at various times, and not at either of the regular theatres; has it been done at other places different from the regular theatres: the object of the question is to know whether a licence has not been granted for a benefit to an individual, to have a regular drama performed in any different theatre from the regularly established theatres?—To the best of my recollection I think in one or two instances something of the kind has been done at the English Opera House.

116. If the Lord Chamberlain has in one or two instances done this when applications have been made to him from various quarters, do you conceive it to be in the discretion of the Lord Chamberlain so to grant a licence for the performance of the regular drama?—Certainly.

117. Then you necessarily are of opinion that if he could do so in one or two instances, which might be extended to eight or ten, the Lord Chamberlain has power to grant a licence for the performance of the regular drama within the city of Westminster?—Yes, I conceive he has.

118. In point of fact, at Brighton the regular drama is performed under the licence of the Lord Chamberlain?—Certainly.

119. And the same at Windsor?—Yes.

120. The sum then of your statement is this, that at Windsor, at Brighton, and in various other instances within the city of Westminster, the regular drama has been performed under a licence from the Lord Chamberlain, without reference to that regular drama being so performed either at any of the patent theatres, or at any other particular theatre, but that the authority of the Lord Chamberlain so given has enabled the parties to perform it at any place within the city of Westminster?—Yes, that is so. I forgot, at the moment when I mentioned that there were one or two instances at the English Opera House, to state that at the Italian Opera a licence has been given for an individual benefit for one night.

121. In referring so often to the authority of the King, I apprehend you to mean this, that the Lord Chamberlain would decline, without a direct communication with His Majesty, to grant a licence for the performance of the regular drama; and that it is out of courtesy to the King from his servant the Lord Chamberlain, and not from any doubt of the power of the Lord Chamberlain, that you state that opinion?—Exactly.

122. Do you know, in point of fact, when the licence was granted to Mr Arnold for the English Opera House, whether the pleasure of the Crown was taken before that was done?—Certainly. The Lord Chamberlain had promised a licence to Mr. Arnold; being in the country, an application was made to him in the country, and he then gave a promise for that licence. When his Lordship came to town and mentioned it to me, I considered that it was running so close on the regular drama that I recommended his Lordship to take the King's pleasure upon it before he granted such licence. His Lordship did so, and His Majesty was graciously pleased to allow of such a licence being granted.

123. You have no doubt of the authority of the Lord Chamberlain to have granted a licence for the whole year, instead of the four months to which it was limited?—Certainly none; and the licence was granted for the whole year.

124. I wish to ask you what course would be pursued by the Lord Chamberlain's office, and what authorities you conceive to be vested in the Lord Chamberlain, in

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the event of any entertainment of music, or any dramatic entertainment of any description, a concert even, being attempted without a licence from the Lord Chamberlain?—They would be liable to the penalty, upon an information under the Act.

125. You say that a person acting the regular drama for hire or gain, without a licence from the Lord Chamberlain, is subject to a penalty of 50*l.* In what manner would the Lord Chamberlain proceed; would he himself proceed to lay the information against the party?—He might direct an information to be laid, or he might proceed against him in any other way.

126. And you think in practice he would do so?—It has been done.

127. Lately?—It was done some few years ago with the Pantheon, on account of performances there without the authority of the Lord Chamberlain.

128. Suppose a person pays a penalty of 50*l.* he is liable to no other penalty; so if I were to set up a theatre in which the profits might be 200*l.* nightly, I could afford to pay 50*l.* for every night I performed?—It is not the proprietor only who is subject to the penalty, but every performer.

129. So that the penalties altogether incurred would be sufficient to prevent their doing so?—Yes, every person is liable.

130. Pray what is the fee exacted from the company of Drury Lane for its licence for twenty years?—I am not able to answer that directly, for those fees are paid at the various offices through which the patent passes, to the Lord Chancellor and a variety of persons. The patent in the first instance is made by the sign manual of the King, which goes to the Attorney-general, thence to the Patent-office, then to the Great Seal, the Privy Seal, and to the Secretary of State, and a variety of offices, all of which offices receive their fees.

131. Do Drury Lane or Covent Garden pay anything to the Chamberlain's office annually?—No.

132. Not a shilling?—Not a shilling. It was the custom of Drury Lane theatre many years ago to pay an annuity of 300*l.* a year to the Chamberlain's office, and then it was reduced to 200*l.* at the time that Mr. Sheridan made his application for the new licence; and then after a certain number of years a question arose about it, and it was reduced to one, and it remains now at one; but it is a voluntary gift; it is not a demand on the part of the office at all, for that was fully explained by Lord Dartmouth to Mr. Sheridan. I receive 100*l.* a year, but that is a voluntary act on the part of the theatre, and not a demand; and it is an annuity which, at the expiration of this licence, may be continued or not.

133. You can enforce it at the expiration of the licence?—I can enforce it by no other means than the deed by which they agreed to pay 200*l.* a year.

134. I understood you to say just now that Drury Lane did not pay one shilling; I now understand that that answer to my question was not correct, and that in fact Drury Lane does pay so much to the Lord Chamberlain?—It pays 100*l.* a year to me.

135. For the licence?—No; they had the licence independent of that.

136. You say it has a patent and a licence?—No, a patent only.

137. It has another patent besides that for 20 years?—No, certainly not any other patent under which it acts; it exists under a patent granted by the late King.

138. Why is a 21 years' licence taken out by Drury Lane, if they have got a patent?—Because the two patents, the patent of Davenant and the patent of Killigrew, were united; and so strong are the words of the deed under which they are united, that they were to be one from henceforth for evermore.

139. Then Covent Garden possesses a double patent?—Yes.

140. Drury Lane has no patent at all?—No patent but for 21 years.

141. They have no licence?—There is no licence whatever.

142. They pay 100*l.* a year out of good will entirely?—It was 200*l.*, and then it was reduced to 100*l.*

143. Did they bind themselves by any deed?—Yes, they have bound themselves by a deed.

144. Then it is not a voluntary payment?—It was a voluntary thing on their part at first: at the expiration of the present patent it will be for them to say whether they will give it or not. Lord Dartmouth told Mr. Sheridan that he knew nothing about it, and Sheridan said we ought to have it. Lord Dartmouth said, if it was to be paid I should receive it, as I had conducted the business; but he told Mr. Sheridan at the same time that we had no such claim.

145. When

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145. When does this patent expire?—It was granted in 1816.

146. Supposing Drury Lane would not agree to pay that 100*l.* a year, you would refuse to grant the patent, in order to compel them to pay you?—No; the only way I could compel them to pay it, would be by an action against them.

147. There is no occasion for you to renew the patent for 21 years, unless the Lord Chamberlain or the King thinks proper?—Not without the King thinks proper; the patent is granted by the King.

148. The King can refuse renewing it?—Upon my honour I am not able to answer that question; I cannot take upon me to say what the King can do, and what he cannot.

149. You do not know whether he can refuse it or not?—I do not know what His Majesty's powers are.

150. If he can refuse it, Killigrew's patent falls to the ground, on which Drury Lane opened. What use is that patent to Drury Lane if the King can close the theatre at the end of 21 years?—Mr. Sheridan found that he could not open a third theatre, which he had once in contemplation, upon that patent.

151. Then the patent is a mere delusion?—I do not know what it is; it is what they call a dormant patent.

152. Of what use is it?—It has never been acted on since the period I am speaking of, when these two patents, Killigrew's and Davenant's patents, were united; and so strong is the language, that it is declared that they shall become one for evermore.

153. But Covent Garden plays upon the Davenant patent?—Yes.

154. It never makes any application to you?—Never.

155. Is there any difference between a licence of 20 years and a patent?—The difference is that one is granted by the King, and the other by the Lord Chamberlain.

156. Is there any difference in the powers?—None in the world. The Lord Chamberlain cannot grant a patent for 21 years, at least I suppose not; the Lord Chamberlain's power is restricted to a year.

157. This 20 years' patent is equally granted by the King?—It is always granted by the King.

158. And the other patent is also granted by the King?—All the patents.

159. Do you mean to say the Chamberlain's power only extends to a year?—Only to a year.

160. Under the Act it extends to any number of years?—He has never to my knowledge granted a licence for more than a year.

161. Did you ever claim as a right the annuity you now receive?—No.

162. You never had an action respecting it?—I have claimed it as a right since it has been given to me by their own deed; after it was granted to me. It was given to me by Mr. Whitbread and the committee for Drury Lane theatre.

163. Since that time you have claimed it as a right?—Of course, because they gave me a deed of gift.

164. They gave it voluntarily?—Yes.

165. Not as the condition of procuring the licence?—No, it was a voluntary thing entirely; the deed is open for anybody's inspection.

166. Upon what authority do you prevent the great patent theatres, and the theatres within your jurisdiction, from playing Wednesdays and Fridays during Lent?—Because they never have played in Lent.

167. Upon what authority?—Upon the authority of custom I should suppose, and the length of time they have never played.

168. Upon what authority do you prevent the theatres from playing on Wednesdays and Fridays during Lent, within your jurisdiction?—The Lord Chamberlain, I should conceive, possesses the authority to prevent them.

169. Has he not authority to shut them up the other days?—Yes, during Passion Week.

170. At any other time?—No, because it has not been the custom.

171. What is the object of closing them?—Because they were considered as two particular religious days.

172. Do they not extend to other parts of the country; to the Coburg and Tottenham-street theatres, for instance?—There they act as they please; I do not know anything about them, they are out of the jurisdiction of the Lord Chamberlain.

173. With regard to Lent, the Adelphi advertised to open on the first Wednesday

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nesday in Lent?—I believe they did; I am not able to answer that question immediately.

174. Did you not stop them?—There was some entertainment they were going to give in Lent, and we found it necessary to stop them.

175. Why?—Because it had not been customary to play at that time.

176. Who gave you instructions?—I acted under the authority of the Lord Chamberlain.

177. Did the Bishop of London make any application on the subject?—He did, and he has on other occasions when he thought anything improper was going on; and it was in consequence of that representation that it was done.

178. Was there no claim ever made on Covent Garden theatre to pay a similar annual fee with that which is paid by Drury Lane?—Never, nor had the Lord Chamberlain any knowledge or idea that anything was ever paid till Mr. Sheridan stated it to the Lord Chamberlain, and it was a voluntary act on the part of Mr. Sheridan; it was expressly stated to him that we had no claim whatever to it.

179. Have applications been frequently made to act the regular drama, and frequently refused?—There have been applications made to the Lord Chamberlain for the regular drama to be acted, which the Lord Chamberlain refused.

180. Were there many applications?—Not many, for they had no encouragement.

181. Upon what consideration was the Lord Chamberlain so induced to refuse?—Why, conceiving it would be an infringement on the regular drama, and that if they were to allow it, it would be an injury to Covent Garden and Drury Lane.

182. And it was for the sake of protecting those theatres that he refused to allow it to be done?—Yes.

183. Why did he consider himself bound to protect them?—He felt it would be but proper to do so.

184. On account of the interest vested in those theatres?—Yes, from the regular drama being performed.

185. Was it with respect to the interests vested in those theatres, or to the interests of the public, that those applications were refused?—On consideration that it would do an injury to those theatres if the applications were granted by him.

186. Without any reference to the convenience of the public?—The public were not in consideration at that moment. I cannot tell what the feelings of the Lord Chamberlain were on the subject; I conceive it would be refused in consideration of the injury which the other theatres would sustain. It is a mere matter of opinion, and I am only giving you my opinion.

187. Do you not conceive that he refused them in the exercise of his discretionary power as Chamberlain?—Certainly, because I conceive he had the power of granting them or not, as he thought proper.

Mr. James Winston, called in; and Examined.

Mr.
James Winston.

188. YOU have been connected for several years with various theatres?—With two theatres.

189. The Haymarket?—Yes, where I was stage-manager for 15 or 16 years, and at Drury Lane seven, I think.

190. What do you consider the powers of the Lord Chamberlain are with respect to licensing the theatres?—That is difficult for me to say; I cannot ascertain what his powers are.

191. You cannot say what you consider them?—I can say what I consider, but that will be no guide; it is a mere matter of opinion.

192. Though you have been so long connected with theatres, you are not aware what the powers of the Lord Chamberlain may be?—I have an opinion about it.

193-4. What is your opinion as to what his powers are with respect to the licensing of theatres?—He has no power over the two theatres; they are already licensed.

195. You consider he has no power over those two theatres?—Not with respect to licensing; I suppose he has a right to license other theatres for burlettas.

196. And you suppose he has no power to license the original drama anywhere, at any theatre?—I cannot ascertain that.

197. You will not positively say he has not?—I cannot say that he has not.

198. Are you at all acquainted with the Acts of Parliament from which the Lord Chamberlain derives his authority?—I have seen all the Acts of Parliament: the

10 Geo. 2. mentions his authority, but he does not derive his authority from that Act, I conceive; there must be some previous Act which I am not aware of.

199. There is another Act, the 25 Geo. 2, and a third Act, which Mr. Mash has alluded to, and which he calls the short Act?—Yes, that is the country licensing Act.

200. Now you say you consider the power of the Lord Chamberlain was defined or did exist previous to the Act of Parliament of 10 Geo. 2.?—I conceive there was, for it alludes to something which appears to me as if there was a previous Act; for it says, all things not done by him are illegal, therefore I consider that must allude to some previous Act, though I do not know what it is.

201. Are you aware that previous to that time the Lord Chamberlain had attempted to assume an authority which he was not able to assume in point of law?—Previous to 1710?

202. Yes?—Upon my word I do not recollect anything of the kind.

203. Do you know what was the reason adduced for passing the 10 Geo. 2.; did you ever hear it was in consequence of a play called the Golden Rump?—Yes, I think it was; it was with respect to a man named Giffard in Goodman's Fields: that is the Censorship Act.

204. What is the Lord Chamberlain's office with respect to country theatres, do you know?—I know that he grants licences to the Richmond theatre, because I had it once.

205. Do you consider that he has any power over the Birmingham, Liverpool, Dublin or Edinburgh theatres?—As far as licensing plays goes, certainly, except Dublin.

206. But so far as licensing the theatres goes, he has not?—I do not conceive that he has; there is a specific Act, which gives them the power of licensing for 60 days only.

207. To perform the legitimate drama at the theatres in Southwark, at the Coburg theatre, it would be to a certain degree illegal to do so: how could Mr. Davidge, of the Coburg theatre, send any new play to the censor to look over; would not the censor's looking over it acknowledge it to be legitimate?—Yes; he cannot license a play for an illegitimate object.

208. He must send it back?—Yes: it must be stated where it is to be acted; and if it is said that it is to be acted at the Coburg theatre, they could not license it, and it would be sent back.

209. As far as you consider, you are not able to say whether the Lord Chamberlain could grant a licence to perform the legitimate drama or not, for a single night?—That is a difficult thing to say.

210. It is a question you cannot answer?—That he does do it is clear, for he has licensed our theatre at the Haymarket; he has done it for a length of time, and I think we have had 12 or 15 in the course of the winter.

211. Do you not consider that would be contrary to any right claimed for the performance of the legitimate drama at the two great theatres?—It would interfere with it and might do them injury, but as we were benefited by it we did not say much about it.

212. Do you consider that these laws, which you find it somewhat difficult to speak to, are generally understood and generally known by the persons engaged in theatricals?—I could have answered more particularly if I had been aware what I was to be examined to. I could have given more information than it is possible for me to do now, unless I were to read over those Acts.

213. You say the Lord Chamberlain exercises the right of licensing the drama at your theatre out of the season?—We have not had occasion for it lately, but formerly.

214. Do you know whence he derives the right to do so?—Upon my word I do not know if there is an Act previous to 1710, of which I am not aware.

215. Do you not think it would be very advantageous to the drama to have the power of the Lord Chamberlain more clearly defined than it is at present?—Certainly.

216. I believe the Lord Chamberlain himself does not know what a burletta is?—He has said as much on some occasions I believe, or something like it; that you are to find out what a burletta is.

217. Suppose the Lord Chamberlain were to license the Adelphi theatre, do you think the two patent theatres, as they are called, would have just cause of complaint;

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plaint; would they consider it as an infringement of their patent?—Most undoubtedly I think so.

218. Why?—Because it reduces their receipts; people would not pay seven shillings when they could see the same thing for four.

219. You think their patent rights would justify them in complaining?—Upon my word I do. If you consider them patent, I think they would have just cause of complaint.

220. You consider it would be an infringement of their patent rights?—Yes, to allow the regular drama to be performed at a minor theatre.

221. What do you consider is meant by the regular drama?—The regular drama I consider to be tragedy and comedy, and everything on the stage.

222. Burletta; do you consider that to be the regular drama?—Yes, because Tom Thumb was played in the regular theatres, and is printed and called a burletta.

223. What do you consider a burletta to be?—Recitative and singing; no speaking whatever: the Golden Pippin is a strong specimen of it, and Olympus in an Uproar.

224. Is Olympus in an Uproar the regular drama?—It is played at the regular theatres, and played under licence.

225. Do I understand you to include every stage representation: of course you must include Olympus in an Uproar, or anything of that kind?—I think the patent or the Lord Chamberlain's licence allows them to play anything, for regular drama includes everything.

226. Can you state what you consider to be not the regular drama?—I do not know; that is a very difficult thing to ascertain: if they can play everything, every thing is the regular drama.

227. In short there is no species of stage representation (including dancing and tumbling) which is not the regular drama; pantomime also is the regular drama?—Pantomime is, because it was played originally at the regular theatres, time out of mind.

228. Do you consider pantomime the regular drama?—Under those circumstances it must be considered so, because it came out at the regular theatres.

229. Is Astley's the regular drama; is horsemanship the regular drama, or lions? No, I should consider not; not lions, certainly.

230. Is it everything that is performed at Covent Garden and Drury Lane?—It is a very difficult thing to say what is the regular drama and what is not.

231. What do you conceive to be the description of representation which can only be legally performed by the minor theatres, under the Lord Chamberlain's licence?—Burlettas, pantomimes and spectacles are included; it is stated exactly what each house is to do; the English Opera is to play operatic pieces.

232. You make no distinction, in your definition of drama, between a play of Shakespeare's and a pantomime?—Yes, a great distinction, but they all come under the term drama.

233. You make no distinction between a play of Shakespeare's and a pantomime, in your definition of drama?—I consider it is included in the regular drama, from custom.

234. Do you mean, everything that is produced at the regular theatres, however absurd and ridiculous, is regular drama if it is produced at these great theatres?—So far back as 100 years ago, a famous wire-dancer was exhibited in a pantomime called the Fair, which is a sort of Astley exhibition or like Sadler's Wells; but it has been the custom to introduce anything in pantomimes.

235. If what you have stated is your definition of burletta, is not the Lord Chamberlain now granting licences to persons who are breaking through their licences by the performance of pieces which are not, according to your definition, burlettas?—Certainly. I believe he has said he does not know what a burletta is; I think he has stated that in some of his letters in Elliston's memorial.

236. But in your opinion the minor theatres are not at this moment acting burlettas, and are consequently infringing the licence the Lord Chamberlain has granted them?—I conceive that they are not burlettas.

237. Then in fact, according to your opinion, the Lord Chamberlain is giving a legal licence to do that which is illegal?—I cannot say: if he calls them burlettas, and suffers them to be acted.

238. Do you understand that the great theatres have authority to represent every description of performance, tragedy, comedy, farce, horsemanship, and every other thing that may be represented on a stage?—There is no exception in the patent.

239. In

239. In fact yours is a sweeping power of representation of every kind?—Yes.

240. Then I understand you that, in the case of the minor theatres, you suppose them to be restricted to some particular description of representation which is to be classed under the head of burletta?—Burletta.

241. And nothing else?—Yes.

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Veneris, 15^a die Junii, 1832.

EDWARD LYTTON BULWER, ESQ. IN THE CHAIR.

Mr. John Payne Collier, called in; and Examined.

242. YOU have officiated once as Licencer, have you not?—I acted for Mr. Colman in the summer, during his absence in France. The Duke of Devonshire desired me to read the plays for Mr. Colman, and I did so.

243. In what year was that?—I think it was in August and September last.

244. 1831?—Yes.

245. Do you happen to know in what way the examination and authorising of plays by the Lord Chamberlain, or by the Master of the Revels, commenced, and how it was first recognised?—The origin of the office of the Master of the Revels is to be traced back to the year 1545. The Master of the Revels was originally appointed, as far as we can ascertain, to superintend the household of the King in relation to the court entertainments. The third Master of the Revels was Edmund Tylney; he was the first person exercising any authority in licensing and correcting plays publicly acted. He appears to have done so in exactly the same way as the examiner of plays at this day. He read the plays; he erased such parts as he objected to; or, if he objected to them entirely, he forbade them.

246. What reign was that in?—That was in the latter end of the reign of Elizabeth, and in the beginning of James 1st.

247. When did the office cease?—The office did not cease I apprehend till the passing of the Act of 1737. The first Master of the Revels upon record was Sir Thomas Cawarden, the second Sir T. Berenger, and the third Edmund Tylney, whom I have mentioned.

248. When was Sir Henry Herbert?—He was deputy to Sir John Astley. He acted first as deputy in 1622, and on his own behalf, I think, in 1627, on the death of Sir John Astley. Sir John Astley was the person whose authority seems to be most defined in his patent with regard to players and plays: he was authorised to exercise a complete control in every way over both. He dismissed companies, and refused to allow them to act; he licensed plays or rejected them; and he committed performers, in case of disobedience, on his own responsibility. The Master of the Revels at that period did not at all look to the Lord Chamberlain for any authority; but he sometimes took his instructions from the Privy Council, who in various instances interfered to suppress theatres, or to correct players.

249. Then the original power which the licencers of plays possessed was derived from the Privy Council?—No; the Master of the Revels of old was always appointed by patent under the great seal, although he was controlled in some degree by the Privy Council. Whether the Privy Council had any absolute authority over him or not, I do not know.

250. But he derived his authority from the Crown?—Yes, by patent.

251. Is not the result of the whole this, that the power dwelt in the Crown, and that the Crown exercised it according to its will, either by the Lord Chamberlain or the Master of the Revels?—I should think so. I do not find, however, that the Lord Chamberlain exercised any authority till the year 1624. That is the first instance in which he is mentioned in connection with the control of players. In that instance certain players committed an offence, and the Lord Chamberlain was instructed by the King to remit the sentence inflicted upon them by the Privy Council.

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252. When was that?—In 1624.

253. What players were those?—The King's players; and it was with reference to a play called the Game of Chess. The letter of the Lord Chamberlain is preserved in the State-paper office. After that date the Lord Chamberlain seems to have exercised his powers not unfrequently and very extensively, for he even prohibited the publication of plays belonging to one company, in order that they might not be performed by another. The Master of the Revels seems to have had the power even to license books and poems not connected with the stage.

254. They existed simultaneously, in short?—They did.

255. Do you consider the powers of the Lord Chamberlain unlimited?—At that time.

256. Now?—Not unlimited, certainly; not unlimited as to place. The Lord Chamberlain's power is defined by the Act of 1737; but I ought to mention that though that Act gives the Lord Chamberlain authority to license players, or at least recognises his authority to license theatres in Westminster and its liberties, and in certain towns where the King resided, yet he has constantly licensed plays for theatres in the country, calling themselves Theatres Royal. On what ground they call themselves Theatres Royal I am not at present able to explain, but the Lord Chamberlain licenses plays from Edinburgh, York, Bristol, Liverpool and other places.

257. That is, by virtue of his censorship he allows plays to be acted?—Yes.

258. He does not license players there?—No.

259. I mean, whether his power with respect to the licensing theatres for the performance of the legitimate drama is unlimited?—I apprehend so; he may license theatres for any kind of theatrical entertainment.

260. Then he has the power of licensing the Adelphi theatre for the performance of the legitimate drama?—I think he has; I do not apprehend there is any doubt about that. Perhaps I should mention that the authority of the Lord Chamberlain is only recognised in the Act of 1737; it is not given to him by that statute. It states that the King may grant letters patent, or that the Lord Chamberlain may grant a licence, but it does not mention from whence the Lord Chamberlain derives his power; but a document I have in my possession shows that the opinion of the Attorney-general was taken on the subject, or at least that his attention was called to it; and he states that the Lord Chamberlain had exercised the power over plays and players from time immemorial.

261. Now in the earliest records you have examined it appears, I apprehend, that the licensing of theatres belonged to the Crown only?—The licensing of companies of players belonged to the Crown entirely until the year 1737. In the year 1718, if I recollect rightly, Sir Richard Steele obtained a patent from the Crown of a peculiar character, for it in terms excluded the authority of the Master of the Revels with reference to any performances Sir Richard Steele might represent at his theatres; and that gave rise to a dispute as to the authority of the Master of the Revels, which was denied by Sir Richard, and I think successfully denied.

262. But you say it was exclusively exercised by the Crown; was not there a power, by the statute, in any nobleman above the dignity of a baron, to license?—Yes, formerly in the reign of Elizabeth all the nobility had that privilege, and it was continued down to the commencement of the reign of James 1st, when the Act was repealed. In the reign of Elizabeth all noblemen exercised that power, of or above the dignity of a baron; but prior to her accession persons not of the dignity of a baron did license players, and their licence was allowed; Sir Francis Leek, for instance, in the reign of queen Mary.

263. I apprehend it was almost always, if not always, done by letters patent or by grant under the privy seal?—Always, to the best of my recollection.

264. Can you give any information how it happened that the control of the theatres and players, formerly exercised by the Privy Council and Master of the Revels, devolved into the hands of the Lord Chamberlain?—Only in this way: the Master of the Revels was originally appointed to superintend performances in the King's palace; the superintendence of the King's palace belonged, I believe, to the Lord Chamberlain, and from that circumstance, and from its being considered that the Master of the Revels was a sort of household officer, he and his department seem by degrees to have come under the jurisdiction of the Lord Chamberlain, beginning with the year 1624 and coming down to the year 1737, when the Lord Chamberlain's authority was entirely established.

265. Did

265. Did not the Lord Chamberlain appoint the Master of the Revels?—Never, down to the reign of Charles 2d.

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266. Not latterly?—Not that I am aware of.

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267. He certainly did latterly, till Burke's bill abolished the office?—I do not speak distinctly as to his appointment since the Revolution: I know he was appointed by the King or Queen before the reign of Charles 2d. Charles 2d appointed Thomas Killigrew and Charles Killigrew.

268. You apprehend then that the Lord Chamberlain would have the power of granting a licence for the legitimate drama at the Adelphi theatre?—I apprehend so.

269. Should you consider that an infringement of the patent rights of the two great theatres?—I am not prepared to say what their patent rights are; I have never had an opportunity of considering that question sufficiently to be able to state what are or what are not their rights; but this I can say, and I can prove it by a document now before me, that those patent rights granted by Charles the 2d to Davenant and Killigrew, and which were supposed to be exclusive, inasmuch as they gave them the sole power of representing plays at the Duke of York's theatre and the King's theatre, were in fact not exclusive; king Charles the 2d himself, about two years afterwards, granted a third patent for acting plays, operas, shows, scenes and farces, to a third party. The original is in the State-paper office, and I have brought a copy of it with me. It shows that king Charles the 2d did not consider himself bound by his own patent granting the supposed exclusive right. The person thus benefited was a man of the name of Jolly, whose right was afterwards compounded for, inasmuch as Davenant and Killigrew agreed to pay him 4*l.* a week in order that he might not carry his patent into effect. The patent was dated the 27th of January 1663.

270. What is become of that patent?—It is, or a copy of it is, in the State-paper office, from which I made this transcript.

271. If this power of licensing plays existed either in the Chamberlain or in the Master of the Revels, what was the use of the Playhouse Act of the 10th of George 2, giving the Lord Chamberlain a censorship over plays?—We have some evidence that the power of the Master of the Revels had been much impaired, and was then little recognised. Great abuse was introduced into the theatre. That is proved, among others, by the piece which was the occasion of the Act of 1737, which was called the Golden Rump, and which some have supposed to have been a contrivance by certain parties to produce such an impression on the mind of the Minister of the day, as to the inconvenience of allowing an unrestrained state of the drama, that he would introduce the Act of 1737, which he did introduce accordingly.

272. I believe the Golden Rump was never acted?—I believe the Golden Rump was never acted or printed.

273. Was it ever printed?—Never, that I am aware of; I have made inquiries on the subject, but I have never been able to procure any intelligence with respect to it.

274. And you have never seen it printed?—It has never been seen; I have never heard of anybody that has seen it. The accounts state that it was taken by Giffard of Goodman's Fields theatre to the Minister of the day, and that he founded upon it that particular Act of Parliament, 10 Geo, 2, c. 28. What he did with the play, whether he kept it in his office, or whether it ever got out to the public, I do not know.

275. It is the general understanding that it never was seen, you say?—I think so; never seen publicly.

276. Had not the sergeant-trumpeter the power of granting licences at one time?—I am not prepared to answer that question.

277. Did he not license puppet-shows?—I think he did; I remember proofs of that.

278. He was an officer appointed by the Lord Chamberlain?—I am not sure of that. I was asked with regard to the power of the Lord Chamberlain, what I thought his powers were with reference to licensing the legitimate drama. I have no doubt the Lord Chamberlain has authority to license it; the power of the Lord Chamberlain, I take it, is permissive, but I do not think it is preventive

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any more than that of an individual who may choose to prosecute for the 50*l.* penalty.

279. What, in your opinion, would be the consequence, if the legitimate drama were performed at the Adelphi and other theatres; what do you suppose would be the effect upon the drama in general?—The effect upon the public would be, that they would visit those theatres where they would hear the best plays acted in the best way, according to my opinion, in smaller theatres than those that are now erected. I am of opinion also that the licensing of smaller theatres would not at all deteriorate the school of acting; for I do not think that we have at present any means of fairly judging of the manner in which the school of acting is affected by the minor theatres: that is to say, it is not fair to say that the school of acting would be deteriorated hereafter if smaller theatres were licensed. There are no good actors at the minor theatres at present, inasmuch as they are always acting under the apprehension of a prosecution; and they have never acted with that degree of encouragement which they probably would receive from the public if they were allowed to act plays without control, except such control as they might be under from the licencer: therefore I do not think the experiment has been at all fairly tried hitherto, or that it is fair to reason from what we now see. I think the consequence of allowing plays to be acted at the minor theatres would, in the first instance, be the ruin of a number of speculators; but that would be the case in any branch of trade that was opened immediately; persons would speculate, and a great number more would speculate than could profit by it; but that evil, I think, would ere long correct itself. I think the legitimate drama might be acted at theatres as small as the Haymarket, or even smaller, with advantage; and that it would not in any respect deteriorate the school of acting. It would afford great encouragement to authors to write plays, if the state of the law regarding authorship were also altered; and upon the whole it would, in my opinion, be a considerable benefit to the public, to actors and to authors. I apprehend that the public have at all times, and especially in these times, a right to obtain their amusements as cheaply as they can, provided care is taken that those amusements are innocent. I think there ought to be no more control over the purchase of amusements than over the purchase of the common provisions of life, provided we take care, in the case of amusement, that what is given is wholesome, as we take care in the case of food that what is bought is wholesome: by law, no butcher is allowed to sell bad meat, or a baker bad bread.

280. You say it would bring ruin on many speculators; among them should you include the proprietors of the patent theatres?—That it would produce injury to the patent theatres?

281. Yes?—I think it would.

282. You think it would injure their patents?—I think it might; I do not mean to say decisively that it would.

283. Why do you think it would?—I think that people, when there were a number of theatres representing the legitimate drama, would prefer visiting a small theatre where they could see and hear: provided the acting were equally good, they would visit a smaller theatre rather than a large one.

284. Do you suppose that the consequence would be to lessen the size of the great theatres, and that their situation at present would give them the advantage over any new theatres which were set up?—I think they would still possess an advantage in several respects, and perhaps to a certain extent in the public opinion. I have been told that they can reduce their theatres in size; and I think the great evil has always been that instead of *multiplying* theatres in proportion to the increase of population, the proprietors have *enlarged* theatres in proportion to the increase of population.

285. In Shakspeare's time I think the largest theatre was about 50 feet square?—The largest theatre I think was about 45 feet in the interior: speaking from memory I should say that the back of the stage from the farthest auditor was about 45 feet.

286. What do you suppose now to be the space in the great theatres?—I cannot pretend to say, but a vast deal more.

287. Now I would ask you whether the Lord Chamberlain, in exercising his power of licensing theatres, has or has not been induced to consider the vested interests or the money embarked in those theatres which already exist; whether it has been in his practice to do so?—I may state on my own knowledge that the present

present Lord Chamberlain has refrained from granting licences from a consideration of the injury it would do to the patent theatres.

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288. Then in your opinion that is a thing which is right to be considered?—
I think that where vested rights can be proved, they ought to be respected.

289. Not merely vested rights, but property actually embarked, so as to bring ruin on the individuals who have so embarked it?—That is a matter of policy entirely. My opinion is that the public interest is superior to any private considerations, and that whether 20 or 200 are concerned in a major theatre as proprietors, if the minor theatres tend to make the drama a better school of morals and conduct, no private interest ought to stand in the way of that advantage.

290. Are you not of opinion that all public amusements should be attended with as little injury to individuals as possible?—Certainly.

291. Did any Lord Chamberlain ever grant an annual licence to a theatre previous to Lord Dartmouth?—I am not aware.

292. You consider then that the taste of the public is decidedly in favour of the regular drama, and not of the burletta and vaudeville at present acted at the minor theatres?—If novelty were given in the shape of the regular drama, both as respects the authorship and the actorship, if I may use that word, the taste of the public is decidedly in favour of the regular drama.

293. Of new good plays?—Yes; and the proof of that is, that the moment they get a new good play, that moment the theatre is crowded, as in the instance of the Hunchback.

294. Is a good play never damned?—I think good plays, and good farces too, have been damned.

295. Do you not consider that the public taste has been considerably deteriorated by the quality of the representations that have been given at the large theatres?—Decidedly. I think the great theatres have owed their present condition partly to their magnitude, partly to the representations that have taken place at them, and partly to the difficulty of hearing, understanding and enjoying representations of a more regular and legitimate character. In fact it all resolves itself into magnitude.

296. Such representations, for instance, as the Hunchback, which is one of the last things which has resulted from the present system?—If you ask my opinion of it as a play, I think it is not first rate, but that it approaches first rate; that it is as good as Massinger, or very near it; and that it is a play that ought to be encouraged both by the public and by any persons in power who have the means of encouraging it.

297. Then the last result of the large theatres has been the production of a nearly first-rate play, accompanied by first-rate acting?—Certainly.

298. But has that result been in spite, or in consequence of the large theatres?—In spite, I think; perhaps I may be allowed to explain: when I say, in spite of the large theatres, I mean to say this, that if the Hunchback had been represented at a smaller theatre, with equal advantages of acting, it would have drawn equally well, and perhaps better, and have been liked better.

299. If their patents had been respected, and they had preserved that monopoly they originally supposed themselves to possess, is it not probable that they might not have been driven to such representations as you say have injured the public taste?—I think in that case the public would have been still more weaned from dramatic representations than now; for the large theatres might have represented the legitimate drama, the same plays, with perhaps the same actors, till people were tired of seeing them.

300. You think variety necessary?—Yes; both in actors and plays.

301. But might not the patent theatres say that they would have been able to support and dedicate themselves to the original drama if their patents had been respected, and the minor theatres had not introduced other species of entertainments which would have deteriorated the public taste as much as those acted at the larger houses?—I think they might certainly say that; but at the same time I think that the public would have been much better satisfied if the patents had, as well as professing to limit the number of patents, limited also the size of the theatres, and said, no play shall be acted in a theatre that is above certain dimensions. But that evil it was left for the public to correct, as it is now being corrected; for we can easily suppose, if London and its vicinity have increased in population, perhaps to four or five times its amount in the reign of Charles 2, that as there are no more theatres now than there were then, if the proprietors

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had kept pace with the increase of the population, theatres would have been much larger than they are now.

302. Did not the original patents granted by Charles 2d limit the size of the theatres?—That will appear from the patent itself, which I have not, in that respect, in my memory.

303. Forty yards was the outer wall?—I think that was the patent that Davenant obtained to build a theatre in Fleet-street, which was afterwards recalled. This patent in my hand, which was given to Jolly, and which was an infringement by the King himself upon the two patents he had previously granted, does not contain any such stipulation. It is generally, that he may act; and it does not state whether the theatre shall or shall not be of a certain size.

304. Suppose the Olympic and the Adelphi were, instead of the pieces they now act, to act the best plays of Shakspeare or the best authors, do you think they would be better attended than they are now?—I do not know that they would; I think they are exceedingly well attended as it is; but then there is this to be said, that certain dramas represented at the Olympic, and others at the Adelphi, are as much legitimate drama as anything originally represented at the large theatres. Take, for instance, the piece called Victorine, which I suppose everybody has seen with very great pleasure. It is a well-conducted piece (I do not speak of the introduction of Bonassus); it has a most unexceptionable moral, and it is of the most ingenious and fanciful construction.

305. Your opinion is, that the attraction of the theatres wholly depends on novelty?—Not wholly; I think good plays, old good plays, well acted, will draw. I do not say that we want novelty in plays only, but in actors also; and the present state of the stage shows that there has not been that encouragement of actors which was formerly experienced; there is no choice I believe in London, and I understand none in the country.

306. You mean to say, be an actor ever so good, his power of attraction is rather finite, and that there comes a time when there must be novelty, without a falling off of his powers?—I think so: suppose, for instance, instead of having 50 (I will take that number) capital acting plays, we had only one; suppose Macbeth were acted every night, would one actor be endured in that character night after night? And it is the same in degree, if you take the number to be 50 or 100. When Miss O'Neill came to town she was attractive; and one well-known play in which Mrs. Siddons had performed was acted over and over again, because there was novelty in the actress.

307. Did not the original patents forbid either of the patent theatres to receive actors who had left the other theatres?—I have not read those patents at all recently, and cannot speak precisely as to their contents; neither, as the patents themselves can be referred to, is it absolutely necessary; but this I can say, that the King did personally interfere to prevent I think that, and to make other regulations in the theatre.

308. I think the inference from that is, that at the time of Charles 2d they did not agree with you, but confined their actors to the same theatres?—But they might derive their actors from the country; the actors might not go from theatre to theatre, that is to say from Killigrew to Davenant, or from Davenant to Killigrew; but the patentees might engage new country actors, and so they may now. A little while ago (I do not know it as a matter of fact, but as one of the public I understood) there was a sort of compact between the patent theatres, that they would not receive an actor who had been dismissed from the other theatre till after the lapse of a season, or something like that period; that agreement was found convenient.

309. Do you think this rage for novelty extends so far that the public will want new theatres in time, as well as new plays?—Certainly not, if there are enough of them, and of a proper size.

310. Have you made any calculation as to the number of theatres which this metropolis ought to have?—Never.

311. There are not as many theatres here as there are in Paris?—I am not able to answer that question: I do not know the precise number there are in the one or in the other, but I know the population of London exceeds that of Paris by about one-third.

312. There are the same number of theatres now, I think I understood you to say, as there were in the time of Charles 2d?—In the time of Charles 2d there were

were only two patent theatres, occupied by the Duke's company and the King's company.

313. No minor theatres?—I have no facts. In the reign of Elizabeth, during the life of Shakspeare, there were 17 theatres open, but not all open at the same time; but I know from evidence capable of being produced from the Harleian collection of MSS., that in the year 1586 there were, as was asserted, not less than 200 players in London. A company of players did not then consist of more than 10 or 12.

314. Do you suppose there is now a greater or a less degree of theatrical accommodation in London, in proportion to the population, than at that period?—I think on the whole there is greater.

315. In proportion to the population?—Certainly, I think in proportion to the population there is at present greater accommodation, inasmuch as there are now two patent theatres and a number of minor theatres; but I am not at all sure that there would be now more accommodation (even supposing it were good accommodation, and such as could not be objected to) in proportion to the population, if the minor theatres were closed, than in Charles the second's time, when there were only two patent theatres. I am not able to say what minor representations there might be then, but we know there was a growing disposition to theatrical representations previous to the Restoration; and I am not prepared to say whether the consequence of that was not, after the Restoration, a number of performances which were not publicly recognised.

316. Do you think the play-going population of London has at all increased in proportion to the general increase of population?—I think it has not increased in proportion, but I think that the reason it has not is the increase in magnitude of our theatres. In Garrick's time the theatre held no more than about 300*l.*, and it was not till the Kembles came to town that the theatre was much enlarged. Mrs. Siddons's fine voice and appearance, and John Kemble's noble person, carriage and action, enabled them to fill a larger space than actors in common can hope to do.

317. Is it not generally supposed that the theatres are principally filled by visitors passing to and fro through London?—Do you mean the major theatres or the minor theatres, or all?

318. The major theatres formerly, and now the minor theatres?—I think not; I think there are a great number of habitual play-goers still in London; and there would be a great many more if they had theatres of a proper size, with a sufficient variety of good actors, and sufficient encouragement for good plays.

319. But is not there now a great progress of religious opinion against the propriety of theatres; are there not large bodies of dissenters who will not go to the theatre at all?—That is a point to which I will not speak decisively, but my own experience leads me to think that is not the case.

320. Would you not say that the prejudice on the part of the public to the immoral tendency of theatres, is in a great degree owing to the gross immorality seen in the larger theatres?—In the audience part of it, you mean?

321. Yes?—I think it is in a great degree; and I think it is a most decided objection to any man carrying his wife or sister to the theatre, when he is compelled to take them through a crowd of women of notoriously bad character.

322. Does that prevail a good deal less at the smaller theatres?—I do not know that it does, in proportion, prevail less.

323. There are not the same facilities, saloons and so on?—No: in proportion to the accommodation, I think it is equal in the small theatres, but they have not the same accommodation.

324. Cannot you get into the first circle without encountering any of these creatures?—You can by a recent regulation.

325. Do you think there is now a desire on the part of the public for more theatres than at present exist?—There is a desire, as far as my experience goes, on the part of the public for more theatres at which the legitimate drama may be represented properly.

326. You think the wish of the public is for the legitimate and regular drama, then?—I think it is; at the same time that depends entirely on what you mean by legitimate and regular drama. I call the regular drama, any drama which has good dialogue, good characters and good morals; I make the word "legitimate," as applied to the drama, depend on the nature of the plot, characters and dialogue.

327. You do not think a harlequinade is part of the legitimate drama?—I think

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not, though it may be presented at a legitimate theatre; but when I speak of legitimate drama, I do not mean legitimate in point of antiquity, for then the grossest absurdities may be brought in: I do not think the legitimate drama depends on any number of acts.

328. Does it depend on the morality of the play, do you think?—Not the least in the world; I distinguish between the moral of a play and the morality of a play.

329. Because you stated so?—No; the word morality is to be taken with reference to the age in which we live; that which was legitimate in Wycherley's time is still properly called legitimate, but it would not be an allowed drama, on account of its immorality: the taste of the public would, I think, prevent its being acted with success. At the same time, I doubt whether the legitimate drama ought to be acted without a certain degree of control; I do not think the state of the stage, if it were thrown open, would be such as by any means to dispense with that check which is at present exercised over the drama; on the contrary, it is my opinion that some control would be more than ever necessary then, for more licence than usual would be attempted.

330. Are you of opinion that permission to act the regular drama would increase the receipts of the minor theatres, unless that permission was also extended in point of time, during the same number of months; do you think they would get more than they do now by acting the regular drama?—I think a certain number of theatres would still find it their interest to represent the irregular drama.

331. But do you think their profits would be increased by the mere permission to act the regular drama, unless they have also permission to act it through the season, through the other months?—I think very likely the profit of the theatre would be increased, and certainly the profit to the public would be increased. I am not prepared to say whether the money received would be greater or less, but I apprehend it would be as great. If people could see the regular drama, tragedy and comedy, well acted at theatres as large, for instance, as the Haymarket, it would be with a greater degree of enjoyment than at the winter theatres, according to their present proportions.

332. Do you think it would be to the advantage of the large theatres which are now existing, if the monopoly was entirely thrown open, and any theatre was licensed to set up and perform the regular drama; do you think the theatres now existing would be in a better situation if the monopoly were entirely thrown open?—Not at first; I allude to the two winter theatres.

333. But I include minor and major; do you think they would not be sorry to have the monopoly entirely thrown open?—I do not think the minor theatres would be sorry, I think they would be rejoiced at it; the major theatres would most likely have cause to regret it in the first instance, but I doubt whether afterwards they would not find it to their advantage to reduce the size of their theatres, and to shape themselves to the taste and spirit of the times.

334. Do you not think the wish is rather confined to the desire of the minor theatres that actually exist to get an increase of encouragement for themselves; would they like to see other minor theatres rising up around them?—I do not know that they would, but at present they may do that if they choose it at their own peril. That theatre in the Strand and another in Westminster exist in defiance of the Lord Chamberlain, but he has no more power than I have to prosecute for a penalty; a penalty is incurred by every actor who performs in unlicensed theatres, the penalty is 50 l.: the Lord Chamberlain can but proceed for the penalty, which a common informer may do also; the major theatres could do it if they thought it to their interest; and if they have not done so, they cannot take advantage of their own neglect, and say, we are ruined because the Lord Chamberlain has not put down the minor theatres.

335. Do you think one of Shakspeare's tragedies could be played with the same effect at a minor theatre as at Covent Garden?—It depends on what you mean by a minor theatre.

336. The Haymarket, for instance; you have Kean performing there?—I do not think that is a fair test, for he does not play so well as he used to play.

337. Is tragedy given with so much effect?—That is a question partly as to the merits of the company: at present I do not think the company is calculated to perform tragedy well. So far as my opinion goes I should say that the size of the Haymarket theatre is sufficient for the proper representation of tragedy, and I have
seen

seen and heard it there to better advantage (under equal circumstances) than at Covent Garden or at Drury Lane.

338. I think you said you were Mr. Colman's deputy last autumn, for licensing plays?—I was.

339. What were his instructions to you at that time?—It was a private conversation, but I do not suppose there would be any objection to my stating them.

340. What did you conceive to be your duty?—I considered it my duty to act according to his instructions, being only his deputy.

341. And what were they?—I did not exercise (at any rate in that degree which I should otherwise have done) my own discretion. His instructions to me were those that I should have given myself under similar circumstances, to strike out or object to any profaneness, immorality, or anything political, likely to excite commotion.

342. Is the examiner of plays sworn on taking office?—I am not aware; his deputy was not.

343. Did you license many plays?—No, very few; it was in the season when there were only a few to be licensed. I may perhaps mention here that my knowledge of the mode in which the licencer discharges his duty, and has discharged it from the first up to 1824, is derived from having in my possession by purchase all the plays that ever came into the licencer's hands, with his notes and corrections upon them, and the passages marked to which he objected; so that with respect to every piece that was refused a licence at a theatre, I know on reference to it why that licence was withheld.

344. Did you ever read Mr. Colman's John Bull?—Yes.

345. Should you have licensed the whole of it, if it had been placed before you?—I have not any sufficient recollection of the particular passages to be able to answer that question.

346. Nothing struck you at the time you read it?—I am not aware of that; I dare say it is 10 years since I read John Bull, it is seven or eight years since I saw it; indeed I am not sure that I have seen the whole of it since the time of Cooke, when he played Peregrine.

347. Do you know what the form given to Mr. Colman is, as it was originally given to him by the Lord Chamberlain?—I do not. I put in my pocket, for the information of the Committee, should they wish to inspect them, two plays which early in the period of licensing were rejected by the licencer. One of the first plays rejected by the examiner was Thomson's Edward and Eleanor, which I think was sent in in 1740: there are two passages marked in it, which show precisely to what the licencer objected. I put in my pocket also Reed's Register Office, which was refused a licence in the year 1761; there the passages which were objected to are marked: but I have brought with me likewise a copy which was sent in the second time to the licencer. In the first instance he rejected it generally, upon which Garrick and Lacy a very short time afterwards sent it again to the licencer, stating that as many alterations had been made in it since he before saw it, they submitted it again to his judgment (when I say the licencer, I mean the examiner of plays, for the Lord Chamberlain is in fact the licencer); and on referring to the second copy I find that almost all the objectionable passages are still preserved, as the Committee may see, because the licencer has marked under every one of them. Oaths, for instance, are retained: "for the blood and soul of me," was a passage which the licencer objected to, and other coarse phrases. There is one passage which was struck out because it attacked a particular religious sect. I only brought them down with me in case the Committee wished to refer to them, to see the manner in which the licencer formerly exercised his critical power.

348. Have you no copy of any passages which were erased lately by yourself or by Mr. Colman?—I had no occasion to erase any.

349. On looking over the plays in your possession, should you say that the power has been exercised capriciously?—I should say that in two or three instances it had been exercised in a manner I should not have pursued. I refer particularly to Macklin's Man of the World, which was long struggling for performance, and of which three copies were sent in to the licencer, with various alterations, before it was allowed.

350. By what authority does Mr. Colman exact a fee of two guineas for everything he looks over?—I am not aware, unless it be from prescription.

351. How many days are they obliged to send a play in previous to its being acted?—The statute requires 14, but it is sometimes two or three days only.

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352. Suppose the proprietor of a theatre does not wish to act the play till the expiration of those 14 days, and it is submitted to you to be licensed, and he refuses to pay you the two guineas, can you refuse the licence?—That must depend on what foundation there is for the claim of two guineas; if there is a legal foundation for it, either by prescription or by statute, that is sufficient; and under those circumstances he could refuse the licence without payment.

353. You were not aware, when you acted as deputy, what fees you had?—I acted without emolument; the Duke of Devonshire desired me to read the plays, in order that I might decide whether they could properly be licensed; it was very little trouble for me, and quite in the way of my own pursuits at that time.

354. Mr. Colman received the fees?—I acted for him, and received the fees on his account.

355. Has the Act requiring 14 days expired?—That is the Act of 1737; if I recollect rightly, it requires it.

356. Can they wait till after the 14 days have expired, and then act the piece without paying the duty?—Do you mean, suppose a piece is sent in to the licencer, and he keeps it more than 14 days, that they can then act it without his licence?

357. Yes?—I should think not; but I have had no experience with respect to that.

358. What do you consider would be the consequence, if the play was not licensed?—I do not know what may be the consequence of any neglect on the part of the examiner of plays; I do not know what remedy the theatre might have, whether it would or would not have an action for the loss it sustained. Suppose, for instance, a piece were sent in to the examiner at the proper time, and he kept it 14 days, and did not return it till the fit season for acting it went by, I apprehend that they might have a remedy against him by action.

359. There is no remedy by the statute?—I am not aware of any. I speak of an action at common law.

360. What do you consider with respect to the licence; do you consider, if playing could go on without any licence at all, that the public would allow an immoral play to be acted, or any seditious play?—I do not know they would allow a very seditious or a very immoral play to be acted, but that they would allow immorality and sedition I think is probable.

361. You think upon the whole the licensing system, so far as that goes, is advantageous?—Yes; and I think, taken as a whole from 1737 to the present time, it has been fairly exercised.

362. Are you aware that Miss Mitford's Charles 1st was refused by the licencer on account of the liberties it took with the character; and are you aware that Shakspeare takes the greatest liberties with the character of Henry 8th?—I think the cases are not parallel: the reason why the licence for Charles 1st was refused, I suppose (not knowing anything decisively of the fact) was, because there was something in the state of the times, a disposition to think lightly of the authority of Kings, or some public feeling of that kind, which rendered it then objectionable. The play of Henry 8th, if my memory serves me, was not acted till after the death of Elizabeth, and there is nothing in that which does more than excite a personal dislike to Henry 8th: I beg pardon; when I say it was not acted till after the death of Elizabeth, I am not sure whether I ought not to correct myself, for I think the prophecy at the conclusion was written with a view to compliment her. It was not printed until after the death of Elizabeth.

363. With respect to the star system that has been adopted by the two great theatres, do you think that it has been hostile to dramatic literature, especially to any new plays?—Certainly, inasmuch as it induces authors to write plays for particular actors, instead of composing them for a whole company capable of representing them; inasmuch too as it induces managers of theatres to neglect all the inferior parts of plays, and to rely entirely on one performer: when I call them inferior parts of plays, I call them so in reference to the hero and principal characters, not that they do not require considerable talents to act them properly.

364. With respect to licensing, do you consider that the licensing the theatres is best carried into effect by a Lord Chamberlain, or would it be equally well done through a magistrate or any other channel of licensing?—I hardly feel myself competent to answer that question; but it seems to me that the power has been exercised, as far as my experience goes, very unobjectionably hitherto by the Lord Chamberlain; and that the magistrates cannot exercise that control or keep up that inspection which is necessary in order to prevent the abuse of their own licences.

365. Suppose

365. Suppose for instance the trade was thrown open, and there were a great number of minor theatres legally established for the performance of the legitimate drama, you would still, as far as your experience and opinion goes, allow the Lord Chamberlain to license?—Yes.

366. Within the city of Westminster I suppose, leaving to the magistrates the power of licensing the Coburg theatre, and the theatre in Southwark, as they are at this moment?—Certainly not; inasmuch as I consider it an advantage to have theatres licensed by the Lord Chamberlain, and a disadvantage to have them licensed by magistrates: a proof of that is to be found in the great abuse which exists in theatres licensed by magistrates, where they have no control or inspection. The only control the magistrates have over a theatre after they have licensed it, is that they can refuse the licence next year: they may have some other control, but I am not aware of it.

367. Will you allow me to ask whether you would give to the Lord Chamberlain the power of licensing theatres not only throughout the whole metropolis, but throughout the whole kingdom; for instance, in all large towns would you allow him to be the person to license them, or would you allow them to be licensed by magistrates?—That is a difficult question: I should feel that he cannot exercise any control or power in places that are so distant from him; perhaps there might be that objection to so great an extension of his authority.

368. Your argument about the advantage of the Lord Chamberlain's inspection could only apply to London?—I do not mean personal inspection, but general information and control. We know little or nothing in London of what passes in country theatres; the magistrates who reside in the country would know more about them; but as far as relates to London and the vicinity, it seems to me that it would be an advantage to have the whole under one individual and under one system.

369. Would you make it compulsory on the Lord Chamberlain to license a theatre if the majority of a large parish signed a requisition to him, or would you leave it entirely to the discretion of one individual: do you not think it might safely be left to the majority of any parish to desire another theatre to be built: do you not think if they were to present that as a requisition to the Lord Chamberlain, he might be compelled to grant a licence, always having the power to take away the licence if there was anything improper?—I am of that opinion; the advantage of the licence would be, not that it could be refused, but that it could be recalled.

370. If a case could be made out of abuse?—Yes.

371. Would it not be difficult to take it away when it had been once granted?—I should think not if the abuse were notorious and proved; it was constantly the case of old. It was recalled, or at least companies were silenced, even on the authority of the Master of the Revels; the Master of the Revels had the power of negating the performance at any theatre he chose, and for any length of time.

372. Are you aware that some of the minor theatres have acted the regular drama in spite of their licences not extending to it?—I am.

373. And when they did so act the regular drama were their profits increased?—I should doubt it; but then the plays were not acted in a manner calculated to attract; the company of performers was not of such a nature as to enable the manager to produce a play to the best advantage; but I think if the system were altered, the companies would be very much improved, and I think there would be an encouragement to actors which does not at present exist.

374. But was it not the case that when they so acted Mr. Kean was one of the actors?—That is making it a personal question; my opinion of Mr. Kean's acting is that it is very inferior to what it was formerly.

375. But the fact was that he was one of the actors?—I believe he was. I did not see him, and I do not know how he then acted, whether well or ill. I know that he acts with great uncertainty, and that within the last fortnight he has performed very well and very ill.

376. Did not Mr. Chapman fail?—I am not acquainted with the facts; I do not know whether he failed or not.

377. Your giving it as a reason that the patent theatres are so inconvenient in point of size, how is it that all the country theatres, which are so much smaller in point of size, have so repeatedly failed?—That is a matter which I am not acquainted with, for I do not know whether they have or have not failed. The general report is that they are not flourishing.

378. I believe it is notorious that the country theatres and country acting