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is at a very low ebb at present?—Upon that I must remark that in London play-writing, generally speaking, is at a low ebb, and country theatres have not had the same means to draw audiences by having good plays from London:

379. But how is it, that as these country theatres are so much smaller, that circumstance has not helped them much, even when they had London performers?—It is my opinion that a theatre ought not to be below a certain size. I think a certain size is necessary for the proper representation of a play. A certain sized stage is necessary; a certain distance between the audience and the stage is necessary; and as far as my experience goes, except in a few places like Bath, the theatres in the country are not calculated to represent plays with advantage.

380. Is an oratorio subjected to the licencer's determination?—I believe any new songs sung at an oratorio are subject to a licence; whether they are licensed or not I cannot tell: they used to be licensed. I know that every oratorio of Handel's was sent to the licencer before it was performed, because I have the original copies in my possession.

381. Do you not think two guineas an exorbitant sum for looking over a song?—For a song it may be, but certainly not for a play.

382. Why not?—Because it requires a certain time to read it, and to deliberate upon it, for the responsibility is great. There are many men who would do it for less; very likely under particular circumstances I would; but it does not strike me that two guineas is too much for arriving at a knowledge of it and deciding upon it.

383. But the examiner receives an annual salary also?—I know he does, but it is small I believe. I do not know what it is.

384. Did you ever know an instance of a performer disregarding the corrections of the examiner?—Not of my own knowledge, but I have heard it stated by authors that they have; and I have heard this stated by authors too, that at theatres where pieces called burlettas (whether they are so or not is another question) are performed, which require a certain number of songs in them in order to come within what is considered the popular definition of burletta, those songs have been sent to the licencer, and he has licensed the piece with them, but it has been played without them, in opposition to the terms of the licence of the theatre.

385. But where words have been erased, have you not known instances where they have been put in again?—Several instances have, I understand, occurred.

386. What is the use of an examiner in that case?—The performers do it at their own peril: they are liable to a prosecution for doing it.

387. What means does the examiner take to see that his corrections are followed?—I am not aware that he takes any.

388. But he ought?—According to the Act, I believe, he is only required to read and license.

389. And afterwards the play takes its chance?—As far as my knowledge goes: I believe the instances are rare in which the examiner's authority is disputed in that public manner.

390. But under the Act, if any person chooses to inform against the performer for doing so, he is liable to a penalty?—He is. I speak not from a distinct and immediate recollection of the Act.

391. How am I to know what the examiner has cut out; suppose I do not know what corrections have been made: surely it ought to be the duty of the examiner to see that his instructions are obeyed; receiving this large salary, and these fees, it appears that he ought to do more?—That is a matter of reasoning; but if he were required to do that, he must be present at every theatre on every night that every piece he has licensed has been performed. Suppose, for instance, he has licensed two pieces, one at Covent Garden and the other at Drury Lane, he must have ubiquity, or he cannot be present at those two theatres at the same time.

392. He has no power of enforcing his corrections?—He has no power, I think, beyond that which every individual possesses, that of prosecuting for the penalty.

393. Do you not think, that in the absence of any licence, which seems to be contemplated by some, that there would be great danger of pieces becoming very political?—I think they might.

394. I think you said there was a great want, on the part of the public, of novelty in actors; do you think that allowing the legitimate drama to be acted at a number of minor theatres would afford a large nursery for actors and actresses, with regard to the public?—I think it would. I know there are disadvantages connected

connected with acting at minor theatres, and that performers contract bad habits by acting to worse audiences; but those are habits they contract as well in the country as in London in playing at small theatres, inasmuch as the audiences in the country, I take it, in general, in point of education and judgment are not on a par with audiences in London even at minor theatres.

395. Then if you think a censorship is necessary, I suppose you mean there should be some remedy in case of a capricious exercise of it?—Certainly: there is at present a remedy by appeal to the licencer himself; that is the Lord Chamberlain.

396. But none beyond that?—Not that I am aware of.

397. You would not, I suppose, think it advisable that unlimited power should remain with the Chamberlain, in case of a complete power of censorship being vested in him?—I should doubt whether it would be convenient; I think there ought to be an appeal beyond that.

398. To a court of law?—To a court of law, perhaps. There have been instances in which authors have thought themselves injured, and their only remedy at present is by a publication of the play.

399. How are the public to know what immoral and improper expressions have been struck out by the examiner?—There is no way that I know of, unless it be by the production of the copy which the examiner keeps by him in justification of his own act in licensing or refusing a licence.

400. Would it not be a proper thing for the examiner at least to send to the managers of the theatres a copy of those corrections he has made, so that the managers of those theatres might be responsible to the Chamberlain that his directions were observed?—I believe it is constantly done. I believe the examiner of plays always sends in writing a statement of the parts of the play to which he objects. I do not think he gives his reasons, but he distinctly states what he objects to.

401. That is the practice?—That is the practice.

402. Does that species of monopoly which is now enjoyed operate oppressively on the actors; and has it any effect with respect to the talent of actors?—In one respect I think it does, and perhaps in more; but at all events monopoly operates injuriously at present in this respect, that if the winter theatres be closed before the usual period of the season, the manager may say to his performers, "I will not engage you next season if you act at any minor theatre;" and the actor then will have no remedy, for he has no other theatre to go to. He cannot act at a minor theatre, because he prefers an engagement at a winter theatre even under such disadvantages.

403. And then there is a species of injury to that actor?—I think monopoly is injurious to actors.

404. Do you conceive that the establishment of minor theatres would have a prejudicial effect upon actors, as a school of acting, as opposed to the great theatres?—Upon the whole I think not.

405. You do not conceive that the larger salaries the larger theatres might afford to give, as compared with the minor theatres, would prejudice rising actors in making them prefer the larger to the smaller theatres?—If I understand you rightly, an actor would always prefer that theatre where he could get the largest salary, whether at a major or a minor theatre, if they be on equal terms as to licence.

406. In that case, if there were only two large theatres and 10 small ones, the large theatres would be the temptation for actors to go to?—If they can afford to give them larger salaries at larger theatres; but there are instances where large salaries have been refused at the large theatres, and given at a minor theatre. If I am not misinformed, in the last season Liston received at the Olympic theatre more than he would have obtained at Covent Garden or Drury Lane.

407. You conceive that small theatres would not prejudice actors as a school of acting, inasmuch as they could afford from their profits to give as large pay to the good actors as the large theatres could?—I think they could, but I am not sufficiently experienced in the details of theatres to be able to answer that question distinctly.

408. But the large theatres of course never give high salaries, unless the actor has given previous proof of his talent?—Most likely; and as to minor theatres being a bad school of acting, it is to be observed that country theatres are to all intents and purposes minor theatres, and that is the present school of acting.

409. And is it not so far injurious, that in those theatres they either very rarely enact

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enact the regular drama at all, or else to inferior audiences, on account of these dramas not being frequently acted on these stages?—At the minor theatres the school of acting is injured by their not being allowed to act plays that allow of the best acting being introduced into them. A minor theatre would be a much better school of acting than it is, if it were allowed to act plays that require good acting: though they now do it by assumption and against law, yet the rest of the company is not at all qualified to support the person for whom they have principally brought forward the regular drama.

410. I think I understood from you that the censorship, either by the Lord Chamberlain or the Master of the Revels, was exercised with respect to other works not dramatic, in former times: was that the case?—Yes; there are proofs that Sir Henry Herbert, when he was Master of the Revels, licensed not only plays for publication, (he licensed them, be it observed, for publication as well as representation,) but he licensed poems also unconnected with the stage.

411. Was he the only person you have any trace of as having exercised that power?—He is the only person whose books of account have descended to us, so as to enable us to judge upon that subject. The accounts of the former Masters of the Revels are all lost, or they kept none.

412. You say that the Chamberlain now has and exercises the power of licencing provincial theatres royal?—He has the power of licensing plays for provincial theatres royal; and before any new play can be acted at York, Bristol, Edinburgh, and I think Hull, it is necessary it should be sent up to London to be licensed.

413. But there are other theatres in the country, not called royal theatres, and does not his power extend in the same manner to them; have they the power to introduce new plays without his licence?—I do not know whether they have the power to do it; I only know as a matter of fact that I have in my possession plays sent up from the country to be licensed.

414. With respect to the taste and feeling of the public, are they successful; are their pieces or farces, though not distinguished by superior moral or intellect, equally emolumentary with those pieces of the superior drama which are occasionally introduced?—I should think they were, as varieties.

415. That would rather oppose the general line of your evidence on that subject, as to the taste of the public being in favour of superior efforts of intellect?—Perhaps I did not make myself understood: I do not know that the taste of the public is such that it would only be satisfied with the performance of tragedy and comedy of the best kind, inasmuch as we know that for a number of years a tragedy or a good comedy have been followed usually by a light farce, which is taken as a sort of lively dismissal of the audience, and I think it is sometimes an agreeable relief to the mind, especially after a tragedy. I do not think (putting an extreme case) that if two tragedies were represented on the same night, they would be so attractive as a good tragedy and a good farce.

416. Suppose a good comedy to be represented at Drury Lane, and a good tragedy at Covent Garden, each of equal merit respectively, which would be most emolumentary to the respective managers?—I rather think experience shows that tragedy, supposing it to be equally well acted, is the most attractive: I rather think so.

417. Then you think, if the patent theatres were confined to the acting of the regular drama, tragedies and comedies and that description of representation, it would be very injurious to them. In Paris you would call the Francais the classical theatre, and they are only allowed to act what you call the regular drama; they do not act light pieces?—They act farces after the plays, farcical pieces; for instance, I remember seeing Talma in *Œdipe chez Admète*, and *Les Plaideurs* was acted after it.

418. That comes strictly under the head of the regular drama?—Yes. I consider all farce as belonging to the regular drama whether it is in one act or two, or even in five acts.

419. But that would exclude pantomimes, burlettas, and so on?—I consider pantomime not the regular drama; I consider burletta not the regular drama; they are acted at the legitimate theatres, but they are not the regular drama.

420. Do you think a theatre under such restrictions as the Francais in Paris, would succeed in London?—I am not sure of that; if they were never allowed to act anything like pantomime or spectacle, I am not sure that they would. However these are all matters of opinion; I speak on conjecture. My opinion is that a theatre cannot succeed if it is confined only to tragedy and comedy, without farce or some lighter performances. We have been so accustomed to look for a pantomime as part

of the attraction of a theatre, especially at Christmas, that one can hardly suppose the carrying on of a theatre for a season without one.

421. In the exercise of your duty as examiner of plays, suppose the word "angel" was applied to a woman on the stage, should you erase it or not?—Certainly not, speaking for myself, if it were not applied profanely: if a man in love were to call his mistress "my angel," I should think it no profanation; I should think it an ordinary expression of speech.

422. "Gracious heaven," for instance?—I should not object to that. I should object to the unnecessary introduction of the name of the Creator on any occasion; but at the same time I should take this distinction, that expressions of this kind are to be allowed in tragedy, which is a serious representation, which in a comedy are not to be allowed. For instance, we see in *Lear* the old king kneel and imprecate a curse even on his child. In a comedy anything of the kind would be very revolting. The situation could not occur, but if it could it would be offensive, inasmuch as it would not be at all consistent with the rest of the performance.

423. Do you think it would be injurious to the public morals if plays were allowed to be acted on Wednesdays and Fridays in Lent, or on the 30th of January?—That entirely depends on the respect which people feel for Lent.

424. Do you think it would be repulsive to the public feeling?—Not generally; but at the same time I am well persuaded that it would be employed as a handle by a certain part of the public to attract odium to the theatres.

425. Does it attract odium at the Coburg or the other theatres out of the jurisdiction of the Lord Chamberlain, for they act every night?—Except in Passion-week; I believe they did not then.

426. But on Wednesdays and Fridays during Lent?—I believe they did; but I think the theatres on that side of the water are so lawless that people are not accustomed to view them with the same eyes as those with which they look at the proceedings of other theatres.

427. The inhabitants on that side of the water you consider are less civilized?—I never resided on that side of the water, nor am I acquainted with many people who live there; therefore I am not competent to decide. If the inhabitants of that side of the water are more ignorant and worse informed than on this side, the chance is they would be more bigoted.

428. But on the other side of Oxford-street, in Tottenham-street, they play there during Lent, they play there on Wednesdays and Fridays during Lent. Do you believe public odium has been directed against that theatre on this account, or are the people less religious than they would otherwise be?—I am not competent to judge whether it is more or less; but as a fact I can say, that so little odium do I suppose it has excited, that it never reached me that they did perform there.

429. Do you suppose what passes within the walls of a metropolitan theatre is a complete proof of the state of morals of the people?—Not at all, for it is notorious that the morals in the neighbourhood of the theatres are always inferior to other parts of the town.

430. But if there is no complaint in Marylebone against that theatre for playing in Lent, why should there be in other places?—I am to be understood as not stating my own opinion, for personally I should feel no objection to the theatres being open on Wednesdays and Fridays during Lent, or perhaps in Passion-week either, but I only think it would give the enemies of theatrical representations a handle against theatres which they do not at present possess.

431. Who do you consider enemies to them?—That class of persons who are usually considered Methodists; in fact the descendants in opinion of the original puritans, who have been enemies to dramatic representations from all time during which we have any records of the existence of theatres.

432. But that is not a numerous body at present?—These are matters of doctrine and discipline more than anything else, but I apprehend the opinions of some classes of Methodists are decidedly puritanical.

433. But they are not numerous?—The Methodists?

434. The people you have been talking of, the descendants of the Puritans?—I am speaking of the bigotry which I think has descended.

435. I suppose you would not recommend them to act on Good Friday?—No, I was only speaking of my own private opinion upon that subject, and certainly forgetting Good Friday. Many people would, I believe, be greatly offended at any representation in Passion-week, and if it produced anything like immorality I should object to it; but possibly I do not feel to the full extent what others may feel

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respecting the sanctity of Lent, or of Wednesdays and Fridays in Lent. I should have a stronger objection in Passion-week than on Wednesdays and Fridays in Lent; and I think that even the prejudices of the great body of people are to be consulted.

436. Do you think any class of people would object to the theatres being open on the 30th of January, king Charles's martyrdom?—I do not think they would. People have been accustomed to regard that rather as a holiday than as a fast.

437. As you say a greater degree of immorality always exists in the neighbourhood of theatres, would it not be increased by an increased number of theatres?—I think perhaps it might in the immediate neighbourhoods, but they would be smaller and more divided; the theatres would not be so large, and the persons attracted there would not be so numerous.

438. Then the immorality depends on the area of the theatre?—I think it will depend on the number of persons the theatres contain. If it contain 1,000 persons there will not be so large a bad neighbourhood round it as if it contains 4,000 persons.

439. Is there anything of that nature perceivable round the two large houses?—I think it exists in a degree, and it is a very ancient complaint against theatres, that they collect a bad neighbourhood round them.

440. You think that the character of the neighbourhood of those two theatres is to be attributed to its vicinity to the theatres?—In a considerable degree. I am of opinion, that the number of houses of ill fame in the neighbourhood is much owing to the number of women of the town who frequent the theatres.

441. Have you no means of judging whether the houses of ill fame in the neighbourhood of the two great theatres bears a proportion to the number round the small theatres?—I have no sufficient means of judging, but my opinion is that it is in proportion. I beg to state again, that I consider it in proportion to the size of the theatres, and that the quantity of immorality in the neighbourhood will depend on the attraction of the theatre. If a theatre is well attended there will be a number of persons in it disposed to frequent houses of ill fame.

442. Now you are strongly of opinion that a censorship is necessary; but why is an immoral or seditious representation on a stage more injurious to the public morals than an immoral poem or an immoral prose work?—For this reason: first of all for the old maxim, that what is objectionable is presented to the eyes; next, because it is presented to the eyes and ears in the most attractive manner; and also, thirdly, because what is presented to the eyes and ears, instead of being offered to one reader, as in the case of a book, is presented to hundreds or perhaps thousands of persons at once.

443. But a poem of decided talent has quite as many readers as a play has auditors, and therefore must eventually produce as great an injury?—That may be, but I do not think poems of a decidedly immoral character, with very few exceptions, have permanent influence: they sink into oblivion. We know that Prior is almost the only poet who is popular now whose tales are very indecent.

444. You are of opinion that the common remedy by prosecution at common law would not answer as a substitute for a licencer with an inspection of dramatic performances?—I think it would not, by any means, so effectually.

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445. YOU, I believe, belong to Drury Lane theatre?—Yes.

446. In what capacity?—Treasurer and secretary to the committee of the theatre.

447. Do you consider Drury Lane theatre is possessed of any exclusive rights by patent?—I do.

448. What are those rights?—To act the legitimate drama.

449. What do you mean by legitimate drama?—Tragedy, comedy, opera, farce and other entertainments of the stage, and pantomime.

450. What other theatres do you conceive have the same power?—Covent Garden.

451. No others?—No others; and the Haymarket.

452. You mean Morris's theatre?—Yes.

453. If the smaller theatres, the minor theatres, act the legitimate drama, do you consider that as an infringement of your patent?—Certainly.

454. Where do you find in your patent the passage that gives you that power?—I think the words in the patent give that exclusive right.

455. It

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455. It is the Lord Chamberlain who gives you that power, is it not?—The 21 years' licence.

456. That exclusive power is granted to you by what?—It is given by Killigrew's patent, and we have the same power, I understand, under the Lord Chamberlain's licence for 21 years.

457. How is it given you by Killigrew's patent?—Having possessed ourselves of that patent.

458. What does it state in that patent?—I do not know the exact words of it.

459. Have you got it here?—I think it is here; I think it is in the Committee room.

460. Has not that patent been abrogated since and repealed by the Act of Anne: in the reign of queen Anne is not there a fresh licence granted to those theatres, which repeals the old and former licence given to Drury Lane by Charles?—Drury Lane has played under a 21 years' licence, and it was renewed in 1816, because it did not possess Killigrew's patent at that period. When the theatre was about to be rebuilt after the fire in 1809, Mr. Sheridan was extremely desirous, in conjunction with Mr. Whitbread, to re-erect the theatre, and it could only be done by subscription, and not having the patent in his possession (having only paid a certain instalment towards it) he was not enabled to go before the subscribers with a sufficient inducement for them to subscribe to the rebuilding of the theatre.

461. In 1809 Drury Lane was in possession of no patent?—It had a portion of a running patent for 21 years, of Garrick's, which was not then out.

462. But it was not possessed of Killigrew's patent at that time?—No; it had paid 11,000 *l.* towards a payment of 20,000 *l.*

463. But now you are possessed of Killigrew's patent you would not think it necessary to apply to the Lord Chamberlain for a renewal of the 21 years' licence?—Not at all.

464. You claim the same powers and privileges as Covent Garden?—Yes, they are playing under Davenant's patent.

465. Suppose the Lord Chamberlain was to grant a licence to any minor theatre, the Adelphi or the Olympic for instance, to play the legitimate drama, should you consider that an infringement upon your patent?—Certainly, without compensation, inasmuch as a large sum has been paid for this exclusive right. In addition to that, when Drury Lane theatre was burned down there was a debt of 500,000 *l.*: a compensation for that 500,000 *l.* was distributed largely to a vast number of individuals, and Mr. Whitbread always conceived that that compensation formed a part of the value of the patent, inasmuch as that was the value of the patent, because when the theatre was burned there was nothing left but the old materials and the insurance money, amounting to about 30,000 *l.* Then as Mr. Whitbread went forward to raise the subscriptions, a great portion of that money which was taken from the public by subscription went towards paying that compensation to these numerous individuals who had claims upon the late theatre. All that, Mr. Whitbread considered as a part of the value of the patent; for his argument always was, that if you had nothing but the old materials and the insurance money to divide, it would not have reached a tenth part of the sum.

466. But what is the peculiar advantage of this purchase of Killigrew's patent for 20,000 *l.*?—To avoid the necessity of applying to the King for a renewal of the 21 years' patent.

467. Do you deny the power of the Lord Chamberlain to license the legitimate drama at a minor theatre?—Why, I am not prepared to go so far as that. I do not know what the powers of the Lord Chamberlain are.

468. Would it be an infringement upon your patent?—Yes, I should consider it so, without compensation.

469. How could you calculate that compensation?—That which has been given for the patent, and expended and paid to individuals, drawn out of the public pocket.

470. Does the patent mention that you are to receive compensation?—Not at all.

471. Do you consider that Killigrew's patent was eternal?—I believe it is

472. That it lasts to the end of time?—I believe so.

473. But has there been any compact entered into between Drury Lane theatre and the King or the Lord Chamberlain, not to license any minor theatre for the legitimate drama?—In the year 1792 there was an arrangement between the Italian Opera-house and the two patent theatres, under the sanction of the then Prince of

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Wales, Lord Salisbury and the Duke of Bedford, and it was then stipulated that the Italian Opera-house should play two nights a week, and that Drury Lane and Covent Garden should not play Italian operas, but should keep to the drama; and that the Opera-house should play only those two nights, except in cases of benefits on a Thursday, and masquerades and so forth. There was likewise a sum of money awarded to the Pantheon. I think Mr. Greville had a licence at that period; however, a sum of money was paid to him to withhold his licence from the Pantheon at that period.

474. What was that sum of money paid for?—To withhold the licence that was granted at that period.

475. Not to withhold the licence?—To let it lie dormant, I think, but I am not quite certain; I had rather not speak positively to that. In short, I have been called on without referring to documents upon this question; I could, if I had had a day's notice, have spoken more clearly upon that point.

476. You do not mean to say the Crown has not the right of giving as many patents as it pleases, in spite of this Killigrew's patent?—Certainly not.

477. You said that Killigrew's patent gave you the power to act the legitimate drama only; you do not call the Italian opera the legitimate drama, suppose you were to play that there?—I think we should be entitled under Killigrew's patent, I do not know, but I do not believe the patent says anything about legitimate drama.

478. In short it has nothing to do with the regular drama?—I think we should be entitled to play it had we not entered into that arrangement with the Opera-house not to play Italian operas under Killigrew's patent. If we had not entered into that arrangement the theatre would have been benefited as to letting; it would have been let for a higher sum materially, with the privilege of playing Italian operas. We have let the theatre for many years, and we have always stuck to that regulation. We have never allowed the performance of Italian operas, but I have no doubt that if we had been allowed to act Italian operas, and it had not been for that arrangement of 1792, we should have got 4,000*l.* or 5,000*l.* a year more rent.

479. Should you have thought it necessary to have applied to the Lord Chamberlain for a licence for the Italian opera?—Not setting aside that arrangement.

480. Where is the original Killigrew's patent?—I have it in my possession.

481. And does it say "for ever;" does it contain expressions which do not limit its duration?—I think it does.

482. You are not sure upon that point?—I am not sure.

483. One would hardly think it could be quite unlimited in its duration?—I am not sure; there is a copy of it in the Committee room now, I believe.

484. Do you think the Lord Chamberlain has the power of licensing the German and Italian opera consistently with your patent?—I think not, certainly.

485. You say that the playing of the legitimate drama at the minor theatres would be an infringement upon your patent: do you think it would be an injury to your theatre?—Materially.

486. Why?—Because I think the drama itself would suffer very materially.

487. The receipts of your theatre would be diminished?—No doubt, I think, they would.

488. You think the public prefer seeing the legitimate drama at minor in preference to great theatres?—That would depend very much on the mode in which they were able to represent it.

489. As they do give it, in point of fact?—No, certainly not as they do give it. I should think the public would prefer seeing it at Covent Garden or Drury Lane.

490. Then throwing it open could not do you any great harm?—It might have the effect of seducing the performers away from the major theatres, whereby they would not be enabled to represent plays as they are represented at present.

491. But can they afford to give greater salaries than you do?—That would depend on the patronage shown by the public.

492. It must be matter of speculation to make the attempt?—Entirely; but I conceive there are not performers, there is not the growth of performers rising up to play the legitimate drama even at a third theatre in London.

493. Do you suppose the mere permission to act the regular drama at these minor theatres would hurt the major theatres?—I think so.

494. If they were only permitted to do it during the same months and for the same time as they now perform?—I think so.

495. Suppose

495. Suppose the Lord Chamberlain were to give to the minor theatres the power of acting the legitimate drama, what remedy have you against them for the violation of this agreement which is supposed to exist?—That is a question which I cannot answer. I do not know that we have any remedy.

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496. No remedy at law?—I should doubt whether we have.

497. Then your patent is entirely at the mercy and caprice of the Lord Chamberlain?—The King, perhaps, would restrain the Lord Chamberlain from acting in that way.

498. Your only remedy would be by petition to the Crown?—By petition to the Crown, I suppose.

499. Has that been the usual practice or not?—We have constantly petitioned against the infringement of our patent.

500. The Crown or the Lord Chamberlain?—Both.

501. That was the remedy you adopted in the case of Mr. Arnold?—It was.

502. Are you aware what amount of compensation was paid for that debt of 500,000 *l.*?—Generally speaking, 5 *s.* in the pound.

503. You say Mr. Whitbread considered this compensation as part of the value of the patent; are you aware what were his reasons for so considering it?—Because he held it out to the public, in inducing them to subscribe towards the rebuilding of the theatre, that the possessing a patent and exclusive right was of such value to the subscribers that they might safely subscribe towards the rebuilding of the theatre, and that no other theatres would be allowed to play the regular drama.

504. What assurance had he that there would be no infringement, as it appears that it was at the will of the Lord Chamberlain at any time to license the regular drama at other theatres?—There had been very few instances at that time of any infringement, and he considered the patent quite sacred.

505. Am I to understand that there was any such assurance given?—I know from my own knowledge, and likewise from reports that were published from time to time, that that one circumstance of our possessing Killigrew's patent gave great facilities, and aided the subscriptions very materially.

506. But you do not conceive that the Chamberlain, acting with the authority of the King, was pledged to continue that patent, or not to infringe it; the subscribers merely went on common report, did they not?—I do not believe there was any pledge upon the report as given out by the Committee. Mr. Whitbread took the main part: a great part of the subscription was among his private friends.

507. Then the speculation was on common report, and not on any assurance?—I am not aware that any assurance was given.

508. Was any agreement signed; was there any document with regard to that arrangement, signed by any person?—In the year 1792?

509. Yes, in the year 1792?—It is signed.

510. By whom?—By the Prince Regent, by the Duke of Bedford, Lord Salisbury and Mr. Sheridan, I think.

511. And on that occasion the patentees were required to pay a certain sum for the patent?—Yes; 20,000 *l.* It was valued by Mr. Fox at 20,000 *l.*

512. Was that in 1792?—Yes.

513. But it is on Killigrew's patent alone that you claim your exclusive power?—Yes.

514. Was not that patent revoked, or rather abrogated, in the reign of Anne, in 1710, do you know, when both theatres were silenced and re-opened; are you aware of anything of that sort?—No, I am not.

515. In this arrangement sanctioned by the Prince Regent in 1792, Killigrew's patent was recognised?—Yes, and ordered to be purchased.

516. Who ordered it to be purchased?—The Prince Regent was a party to it.

517. And you were ordered to pay for it a sum of 20,000 *l.*?—Yes, 11,000 *l.* of which was paid at the time.

518. And the remainder was paid afterwards?—Yes; the original agreement, I think, was 16,000 *l.*, but there was five years' interest added to the sum that was due.

519. Then, whether Killigrew's patent was abrogated or not in the reign of Anne, it was recognised in the year 1792?—It was, by the then Prince Regent.

520. And you have a document to show that?—A copy of it. I believe the document is in possession of Mr. Mayhew,

521. But did you never hear of a licence given by Anne, by which the old patent

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patent of Charles was destroyed and revoked: did you never hear of a document of that sort being in existence?—I do not recollect that I did.

522. When Anne granted a licence to Wilks, Doggett and Cibber: in short, the only claim you put your exclusive power on is Killigrew's patent?—That is all.

523. And then at the expiration of the 21 years' licence you would not apply for any fresh licence?—Not at all. When the Act of 1809 was passed for rebuilding the theatre, it was directed in the Act that the remaining balance due for Killigrew's patent should be paid.

524. That is in the Act of Parliament?—Yes.

525. Then it is again recognised in the Act of 1809?—Yes, in 1809.

526. And was that money in point of fact paid?—It was paid; 5,000*l.* the balance, and 4,000*l.* interest, running from 1792; the interest ever since the time when it was stipulated the original payment should be made.

527. Do you consider that the licence under which you act is waste paper?—Yes, possessing Killigrew's patent.

528. In the year 1816, and in 1831, when an extension of privileges for performances at the English Opera-house was attempted, how did you proceed; was it by petition to the King, or how?—By petition to the Chamberlain, I believe.

529. And upon your petition the case was referred to the present Lord Chancellor?—Yes, and to three other Judges.

530. And to what decision did they come?—Granting to Mr. Arnold an extension of two months beyond that which he possessed before.

531. Only two months?—Yes, only two months.

532. That is, recommending the King to do it?—Yes, and the King sanctioned their recommendation.

533. Then why did they restrain him to two months; was it in consideration of the property vested in the large theatres, or what?—I apprehend that was the reason, the number of parties concerned in the larger theatres, and the vast sums of money invested in them.

534. How much do you pay to the Lord Chamberlain's office annually?—£. 100 a year.

535. It was first 300*l.* a year?—It was.

536. And then it was reduced to two?—It was.

537. And now to 100*l.*?—Yes.

538. Do you pay that for the licence?—Not for the licence.

539. What then did you pay it for?—It was stated by Mr. Mash that it was a gift of Mr. Sheridan's, but I never could make out what we paid it for.

540. Mr. Sheridan rather reduced the gift, did he not?—Yes.

541. And the 300*l.* was given before Mr. Sheridan?—Yes.

542. Mr. Sheridan reduced the gift to 200*l.*?—Yes.

543. And then Mr. Calcraft reduced it to 100*l.*, I believe?—Yes. In short, we had an opinion on the subject, and it was thought that we could do it away, on account of there being no consideration given for it at all.

544. Do you look upon it then as a voluntary donation?—I think it must have been.

545. The Chamberlain's office does not do anything for it?—Nothing at all.

546. I presume you mean to stop it as soon as you give up acting under the licence?—I suppose so; but I always thought it was for the renewal of the 21 years' licence; it struck me so till I heard the contrary from Mr. Mash.

547. Did the Chamberlain's office ever take any proceedings with respect to that payment?—Yes, they put an execution in once.

548. I believe you are bound in such a way that you could not withhold the payment of it now?—No; it is passed under the seal of the company.

Lunæ, 18^o die Junii, 1832.

THOMAS SLINGSBY DUNCOMBE, ESQ. IN THE CHAIR.

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

549. WE understand that you wish to add something to the evidence you gave before the Committee the other day; will you have the kindness to state what additions you wish to make?—I was asked what were the powers exercised over the Master of the Revels, and I stated that they were usually exercised by the Privy Council. Speaking from memory, I was not able to state then, as I am able to state now, that a power was also exercised by the Star Chamber, and that the Master of the Revels, as well as the players, were summoned before that Court. I ought also to have mentioned, that the Master of the Revels, apparently on his own authority, licensed theatres, the Crown licensing the players. It was deemed necessary to get from the Master of the Revels a licence for any particular theatre, and Sir George Buc, who was Master of the Revels in 1613, received 20 *l.* for a licence for the Salisbury-court theatre; the King licensed the players with a power to open a theatre, but the Master of the Revels appears to have licensed the theatre itself.

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550. But there is no doubt that the King could have done both if he pleased?—I am only speaking as to the practice. I mistook also, in my examination on Friday, a point which is perhaps of importance; I stated that the largest theatre in the time of Shakspeare, (alluding to the Fortune theatre,) was only 45 feet square within. I ought to have stated that it was 55 feet. I was also asked as to the distance from the stage to the farthest auditor, in our present theatres; that I have not been able to learn, but I dare say it can be ascertained without difficulty. A question was put to me regarding the profits of the office of Examiner of Plays. I have in my hands the accounts of Mr. Larpent, who filled that office from the year 1778 to 1824, and I find that during the four last years the sum he received for licensing plays, or matters connected with theatres, was, in 1820, 132 *l.* 8 *s.*; in 1821, 165 *l.* 18 *s.*; in 1822, 126 *l.*, and in 1823, 142 *l.* 16 *s.*

551. Does that include songs as well as plays?—It includes everything.

552. That is in addition to his salary?—That was in addition to his salary, whatever that might be; but I am certain on that point.

553. Two hundred pounds?—I am not competent to speak to that. A question also arose on Friday regarding the size of Davenant's theatre, as licensed in 1662, by Charles II.

554. Covent Garden?—No, Davenant's theatre; the theatre that was erected in consequence of the patent Charles II. gave him in 1662.

555. Which theatre?—Where the Duke's company acted in Drury Lane, I take it for granted.

556. Davenant's was Covent Garden, and Killigrew's was Drury Lane, you know?—I am not quite certain, but wherever Davenant's company was to act at that time. They played in Salisbury-court at one time; but it was stated by the Committee that the size of the theatre was limited to 40 yards square. I find that this was a mistake. There is no limitation in Davenant's patent with respect to the size of the theatre that he should erect. A patent was granted in 1640 by Charles I., which enabled Davenant to erect a theatre in Fleet-street, and that was restricted to 40 yards square, because it was thought, I suppose, that the vicinity of Fleet-street was thickly inhabited; but when he was allowed to erect a theatre in the liberties of Westminster, where the population was much more widely spread, he was not restricted to any size. And it was the same with regard to Killigrew; he was allowed by his patent to erect a theatre of any size he might think convenient.

557. Where was this theatre?—Killigrew's theatre?

557. Yes.—I am not quite sure where it was situated at that time; I forget whether it was erected in Drury Lane or Lincoln's Inn Fields.

559. Was not it the Cockpit?—The Cockpit was a theatre existing early in the reign of James I.

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560. Killigrew opened with his patent first of all at the Cockpit?—That might be, but that was not the theatre which he erected. Perhaps the Committee will also give me leave to add, with reference to a question which was put to me, as to the degree of immorality prevailing in the neighbourhood of the theatres: I mentioned that as far as my experience went, the neighbourhood of the large theatres was inhabited by persons very commonly of loose morals, and at the same time I stated that the same in its degree was obvious at the minor theatres; but it strikes me that in proportion to the accumulation of vice, if I may say so, it will increase more rapidly, and that a neighbourhood where there are, we will say 1,000 vicious characters, will multiply in vice much faster than a neighbourhood where there are only 100 vicious characters; and in proportion to the quantity of vice will be the rapidity of its increase: I only put that as a matter of reasoning.

561. That is, that a large theatre is likely to be more immoral than a smaller one?—I mean this, that in proportion as there are houses of ill fame in the neighbourhood of large theatres, that if there are 20 in the neighbourhood of one large theatre, and only one in the neighbourhood of a smaller theatre, there will be much more vice in proportion to the no near the large theatre, than in proportion to the one in the neighbourhood of the small theatre.

562. But the large theatres are an inducement to those houses of ill fame to establish themselves?—I should imagine so, and that it has been so for all time; for it was an early complaint on the part of the Puritans, that the theatres attracted round them an immoral population.

Mr. Charles Kemble, called in; and Examined.

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563. I BELIEVE you are one of the proprietors of Covent Garden theatre?—I am.

564. Are you one of the petitioners who have addressed this petition to the House of Commons?—I am.

565. You begin by saying, you wish to be heard by counsel; have you abandoned that part of your petition?—I have.

566. Do you conceive that the law relating to the drama is as perfect as it can be made; because in this petition you seem to wish that no alteration should take place?—That is a large question, I think.

567. You petition here that no repeal of the law in regard to theatrical performances should take place in London?—Perhaps an amelioration of the law as it now stands might do some good.

568. As relating to the Chamberlain's power?—I should think unquestionably, as relating to the Chamberlain's power.

569. Do you conceive, by your patent rights, that you are independent of the Lord Chamberlain?—No; unfortunately we have very good reason to know that we are not.

570-1-2. But when these patent rights were first put forth to the public to induce them to embark their property, was it not upon the understanding that you were independent of the Lord Chamberlain, and that the legitimate drama could not, or would not, be licensed by him?—Yes, certainly, so far as the licensing of the legitimate drama in other theatres went, we thought we were independent of the Lord Chamberlain entirely.

573. Independent therefore?—Independent.

574. Of what patent is Covent Garden in possession?—Sir William Davenant's patent.

575. Killigrew's patent is at Drury Lane, and Davenant's patent at Covent Garden?—Yes.

576. At what time did it become possessed of that patent?—Upon my word, I hardly recollect the date.

577. Have you the original patent?—I never have seen the original patent: it was when Rich took the theatre, I believe.

578. Where is your patent?—I believe it is in the hands of Stephenson's the bankers.

579. Have you no control over it; cannot you produce it?—It is lodged there on trust, I fancy; I believe they have no objection to show it.

580. But what is the use of your patent rights if the Lord Chamberlain has the power of granting licences for the legitimate drama anywhere he may think proper in Westminster?—Of none: it is a great injury to us if he does it.

581-2. Have

581-2. Have not those people who have contributed and embarked their property in these theatres rather reason to complain of having been deceived by those persons who put forth the plans for building these theatres, in making them believe they had exclusive privileges which it turns out they have not?—They thought they had.

583. Do you think you have any exclusive rights?—I think we have.

584. What are they?—The right, I conceive, that we have is founded on a general belief on the part of those who have embarked their property in these concerns; and it has never been questioned, I believe, till within a few years. My brother embarked all his fortune, the gains of a long professional life, on the faith of the royal word, on the faith of that patent. I have advanced very considerable sums of money on the same ground, believing that I had an indisputable right to the exclusive performance of the legitimate drama: and certainly if my brother had not so believed, he never would have been so foolish, I conceive, as to have embarked so large a sum of money in such a property; and I am sure I should not.

585. It is a breach of faith, then, and not of law, you conceive, in the Lord Chamberlain granting licences for the performance of the regular drama at minor theatres?—I should conceive it would be a breach of the understood compact.

586. Have you no remedy against the Lord Chamberlain, suppose he should license the Adelphi, the Olympic, or any other theatre?—No, I do not know that we have any remedy.

587. Do you consider that you are acting at Covent Garden under the sanction of the patent or the licence?—The patent.

588. Because Mr. Mash stated the other day you acted under the licence?—That is Drury Lane.

589. Is it supposed this patent is perpetual?—I have always so understood it.

590. Because it seems difficult to conceive it should so ill provide for the possible increase of the metropolis, if it is intended to restrain it to one spot; the metropolis having so increased, one theatre would hardly provide for it?—I beg your pardon for answering that question by another: but does it follow, that because the population has increased, the theatrical population has increased also? Population and theatrical population are very distinct things. It might be very clearly shown to you, that so far from the theatrical population being increased, the fact is the reverse. What with the increase of religious feeling, what with the alteration in the hours of society, and various other reasons, you will find that the theatrical population, instead of being increased, is diminished.

591. But those are casualties: one would hardly think it?—It is hard to think it, I know, but our experience enables us to speak with a little more positiveness on this point than persons who have not suffered from it as we have. The late hours of dining take away all the upper classes, as you may say, from the theatre; religious prejudice is very much increased, evangelical feeling, and so on; and they take away a great number of persons from the theatre who formerly used to frequent it.

592. But if these theatres which are now established in Westminster were more extensively dispersed over the town, they would not do your house the harm they do now: your chief objection is to their being all concentrated?—I should suppose there would be more objection to their being under our very noses; for you can imagine that there is less necessity for them immediately in our own neighbourhood, supposing there is a necessity for them at all.

593. What would be the effect upon the great theatres if the legitimate drama were allowed to be performed at the minor theatres; would the minor theatres be more frequented than they are now?—That would depend very much on the manner in which those plays were represented, I should think.

594. Why have not the minor theatres the power of representing the legitimate drama as well as you?—Because the patent, Charles the Second's patent, restricts them.

595. But why have they not the power of representing them as well as you can to the satisfaction of the public; in what does your superiority consist?—Our superiority consists, I should conceive, in long experience and long exercise in acting; they are comparatively very young in it; they cannot have the same companies to represent plays as we have, therefore I should conceive it would take a considerable time before they could act plays with the same degree of perfection with which they are acted at Covent Garden and Drury Lane.

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596. But suppose you were possessed of a minor theatre of the same size, could you not, with your talents, arrange that theatre in such a manner as to represent the legitimate drama to the satisfaction of the public?—Unquestionably; no doubt if the theatre were of a proper size, and I had a proper company.

597. A theatre the size of the Haymarket, for instance?—That I should hardly consider large enough; that, however, might be differently constructed, and might be very well applied to such purposes.

598. But do you conceive that an actor and performer like Mr. Kean appears to the same advantage at the Haymarket as at Drury Lane or Covent Garden?—Perhaps Mr. Kean may. Mr. Kean may appear with equal advantage in any theatre, whether large or small. I think Mr. Kean is always attended with so great a degree of popularity, that let him act where he will, his performance will meet with approbation. But that has nothing to do, I conceive, with the size of the theatre one way or the other.

599. Do you think performers in general prefer playing at the minor theatres?—No, I should conceive not; I should conceive they would prefer playing in a theatre, I will not say quite as large as that in which we are now engaged. If I were going to build a theatre to-morrow, it should not be so large as Covent Garden or Drury Lane, not quite, but it should not be a great deal smaller, because plays could not be adequately represented.

600. Then you are now rather speaking of the stage than the theatre?—I take it altogether; if the audience are too near the actor, that destroys his power in some measure.

601. Do you remember what took place at the time the same company played alternate nights at the Opera and the Haymarket?—Yes; the advantage was decidedly in favour of the large theatre. I remember distinctly hearing Mr. Sheridan and my brother both declare (for there was then a senseless outcry against large theatres) that so far from the public wishing for or preferring small theatres to large, the fact was demonstrable the other way; and the proof they adduced was, that the very plays acted by the same performers at the Haymarket theatre on one night, and at the Opera House on the next or the next night to that, there would be a difference of 200 *l.* or 300 *l.* in the receipts of the house, though it was the same play, acted by the same performers. That, therefore, is a pretty strong proof that the public are rather in favour of large theatres than smaller ones.

602. Might not that be attributed only to the Opera House being larger?—No, because the Haymarket was not above half full: that is one instance of it; but you can have figures to convince you of that fact; there is a person here present, who, I believe, will be called on by you to give some evidence upon the fact; and you will have the actual receipts to show you that the public, so far from preferring small theatres, have always been in favour of large theatres. The same thing occurred in my own recollection within a few years, when a very serious accident happened to the gas in Covent Garden theatre, and we were obliged to remove to Mr. Arnold's theatre. He was so good as to stand our friend on that occasion, and the receipts we took in that theatre, though we had the same company exactly, hardly did more than just cover the salaries, and the house was by no means full.

603. I perfectly well understand that there are certain sorts of representations which can only be represented in large theatres; for instance, pantomimes, melo-dramas and spectacles, and things of that sort; but do you suppose that that portion of the public who prefer such plays as the Hunchback, and such acting as we see in that, would prefer the large to the small theatres?—Excuse me; I think, with respect to melo-dramas and pantomimes, it is a mistake to suppose they can be better acted at large than at small theatres; indeed I think a pantomime may be much better acted in a small theatre than in a large one, because those changes which are necessary for the great success of a pantomime are much more easily effected in a small theatre than in a large one. With respect to melo-dramas, they do not depend for success entirely on splendour. On the contrary, I should say the most successful melo-dramas have been those which depended on strong excitement in the story or incidents of the piece, for without these all the splendour in the world will do nothing either in a large or in a small theatre. Splendour alone does nothing, or next to nothing, to the success of a piece.

604. Is it not a generally recognized fact that the theatre was moved from Lincoln's Inn to Covent Garden because, from the smallness of the theatre, the plays could not be so well acted?—It might be too small; I do not recollect the exact dimensions.

605. The

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605. The effect of the scenery, that must very much depend in spectacles on the size of the theatre?—No; I conceive that as fine scenery may be produced as in a large one, and as much talent of that kind may be employed in a small theatre as in a large one.

606. I should hardly have thought with so much effect: you may draw as beautiful a picture, but not so as to produce that sort of scenic effect which is the great attraction?—There are certain plays which I should say required enlarged space. The play you have just mentioned might as well be acted in a small theatre as in Covent Garden, but there are certain plays which, I maintain, cannot be adequately represented without space to do them in; for instance, such plays as *Coriolanus* or *Julius Cæsar*; *Hamlet* may be done at a small theatre, but *Macbeth* of course derives considerable effect from space; I mean certain parts of it do.

607. Your observation is meant to apply quite as much to the regular drama as to melo-dramas?—I certainly think so; I think the regular drama can only be adequately represented in a theatre of certain dimensions. I do not think any of our minor theatres could adequately represent the regular drama as they now stand.

608. If you conceive the legitimate drama is capable of being acted only at the larger theatres, and that the public would not go to the minor theatres if the legitimate drama was acted there, what danger do you apprehend if the permission were extended to them to act the legitimate drama; it would do you no injury, I should think?—Not so; there is much danger. The danger which I think could arise would be in their, at some future time, collecting much better companies than we have, and beating us by force of talent.

609. Then you apprehend that there would be no inconvenience and no objection to its being acted?—I do not know that; that is another question.

610. On what ground would you object to it?—On this ground; that it must take a long time, a very considerable time before the legitimate drama could be adequately represented in one of those theatres; at the same time that it gives them the opportunity of bribing away from the theatres that we now act in certain individuals of acknowledged talent and celebrity, (and there are but a few, God knows,) but those few would be scattered then in half a dozen different theatres, instead of being collected in one or two; and the perfection of a play depends extremely on the talent you can get into it.

611. Is a minor theatre able to give a larger salary to an eminent performer than a larger theatre?—It may for a moment, for the sake of opposition. A man having no capital embarked in a theatre of this sort may say, "My aim must be to weaken my adversary, therefore I will offer an eminent actor double the money he gets at the other theatre;" and I am sorry to say there are too many of us incapable of resisting applications of that description.

612. But that is an evil that will cure itself?—I do not know that.

613. Would not that sort of competition be of great use to the public, and make it necessary to have good actors?—I doubt whether it would be of great use to the public; that is to say, if you divide the little talent there is among us into a great number of theatres, you will be worse served.

614. The result of it would be such a stimulus, that probably all would be well served in time?—We have not seen that it is so; many of these theatres have acted the legitimate drama in defiance of all law, but we do not see those results which the advocates for minor theatres seem to calculate on. We have not seen that great actors have arisen in them.

615. But if the field was wider?—It has been as wide as they chose. We have said, what you are doing is illegal; but they have gone on doing it nevertheless.

616. Shakspeare is never played at the Adelphi or the Olympic?—But it has been done at the Coburg, at the Surrey, at Sadler's Wells, and at other theatres.

617. But they are out of the jurisdiction of the Lord Chamberlain?—Yes; but the reasoning which would apply there would apply just as well in any other situation.

618. Do you think the people who attend the Coburg every night would go that distance to attend your theatre?—I think a great many would. That is what makes the difference to us: I think they take away just what would assist in making our fortunes, without taking enough to save their own.

619. Do you not think the public ought to be supplied with amusement as near their own doors as possible, for they are the people who pay for it?—If the public call for it, there is good reason for answering the public; but I do not believe that there is any demand for it. I have not seen anything of a demand by the

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public till the present demands appeared, which are got up by a set of interested adventurers and speculators, who have nothing to lose, and think the best course they can pursue is to ruin those whom they think have.

620. But there have been petitions signed from various parts of London?—It is not very difficult to get petitions signed, as we all know.

621. With all your advantages of long experience, and the talent you and the members of your family possess, should you be afraid of any competition: do you not think they would ruin themselves, and that you would be in no way prejudiced?—There have been one or two within this last year ruined. There is a City theatre and a Strand theatre; both of those have been ruined. Mr. Rayner, who set up the Strand theatre in defiance of all order and all law, is a bankrupt; and now another person has set up there.

622. But they do you no harm?—Yes; they do us irreparable mischief; for they take from our theatre those persons who fill our gallery and pit, and they are comparatively empty in consequence.

623. During their continuance you are sensible of a decrease of profit?—Decidedly.

624. Then your opinion is, that the only remedy is a more complete monopoly than at present exists?—I say, impose restriction to such entertainments as these persons were originally allowed to give, and then I should not be afraid of any number of theatres.

625. Do you not think that the cultivation of a taste for the drama, which would be favoured by the increased number of theatres, would more than make up for any loss you might sustain by competition?—Do you mean an increase to the numbers now existing; supposing the minors had the power of acting, and then adding to that an additional number.

626. No; but more theatres having the power to exercise the legitimate drama than there are now?—If I speak conscientiously, which I wish to do, I should think they might prove a nursery; I think that the performances that have been allowed to go on in minor theatres for some time have in a great measure deprived us of some resources which we should otherwise have had. I think that it is probable, I cannot say in what given time it would be, but it is probable that in a length of years, if the number of theatres were restricted to a reasonable number, and those theatres were only allowed to act the legitimate drama, and that there might be none of those spurious entertainments given; then I agree with you that the drama might be improved, and in course of years we might expect to have élèves, who would fully replace the good actors we have now.

627. What I meant was, do you not think, besides, that it would have the effect of making more people fond of seeing theatrical representations; and that you would gain by this increased taste in the public more than you would lose if they were more generally and largely supplied with the drama; do you not think the taste would increase so as to make up for any loss?—That would be a hard question to answer, because we see that our theatres are by no means full; there is plenty of room for the audience in our theatre; the people do not come, because there are minor theatres open where there is stronger excitement, and a coarser species of entertainment at a much cheaper rate; that will be found to be one of the grand secrets: if a theatre is permitted to open its lower boxes at 1 s. a head to the public, I am afraid there are too many persons who will find that species of entertainment good enough, if they can take their whole family there for 5 s., instead of paying 5 s. or a greater sum for each individual.

628. The price of admission you think could not be lowered a great deal?—I do not think it could, so as to give that perfection of performance which you are now in the habit of witnessing in those theatres.

629. Have you not a great number of persons attached to your theatre who are perfectly useless, that you could disencumber yourselves of?—Not a great number, I think; it turns out now and then a person is not of the use that he was expected to be.

630. Have you no cause of complaint against the Lord Chamberlain for licensing those foreign operas every night?—I should say we have; it is ruinous to the interests of Covent Garden and Drury Lane.

631. Do you not conceive it to be rather an infringement of the compact and understanding originally entered into?—I do; it is an infringement of the arrangement that took place, I forget in what year; 1792, I believe.

632. Have

632. Have you ever remonstrated or petitioned the Lord Chamberlain upon the subject?—I do not think we have on that particular point.

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633. These foreign operas going on would, I should think, do you more harm than any of these minor theatres could do?—I should think they do: the Opera House being open six nights a week instead of two, two nights for the Italian operas, two nights for the German operas, and two nights for the French operas, is certainly four nights more than ever was contemplated in the arrangement which was entered into between Covent Garden and Drury Lane and the Opera House, and indeed we forewent certain advantages under that compact; for it then was in the power of Covent Garden and Drury Lane, I believe, but Covent Garden certainly, to act Italian operas, and we deprived ourselves voluntarily of the power of acting Italian operas in consequence of that arrangement: by that agreement Covent Garden entered into a compact that it never would act Italian operas.

634. In that arrangement is the number of nights specified?—Sixty a season.

635. It is positively specified?—Sixty a season.

636. Can you at all estimate what the loss is to your theatre by giving up the right of acting the Italian opera?—That has been so long given up that it is impossible; besides, those are matters depending so much on the caprice of fashion.

637. I understand an estimate has been made?—I am not aware of any estimate having been made; but it is to be presumed that if you had brought out as good an Italian-opera company to act them at Covent Garden or Drury Lane, you might have rivalled the Italian Opera House.

638. You have the power of playing German or French operas, but not Italian operas?—We have the power, I believe.

639. You have the power of playing all the year round?—Yes, we have.

640. You do not find that would be of any advantage?—Hitherto we have not; but so sacred have the winter theatres been kept with respect to the performance of the legitimate drama at other theatres, that I believe it is a well-known fact that when Mr. Foote received his licence for the Haymarket, the King consulted the proprietors of Drury Lane and Covent Garden, as to whether it would be injurious to them and their interests to let Mr. Foote have the licence at all, and it was with their concurrence that the licence was granted; which shows what was the sense of the King, and what his opinion was as to the rights of patent theatres; for it was with their concurrence that that permission was originally given to Mr. Foote for the Haymarket theatre, which has since been considered a legitimate theatre.

641. Do you consider that it would be more prejudicial to you to extend the permission to act the regular drama at minor theatres, or to extend the time during which they are permitted to act; an extension of the regular drama, or an extension of time, for now I believe they are restricted to certain months?—I do not know what their licences are; they appear to me to be perfectly lawless; they appear to do what they please.

642. Was not there, in 1809, an application to Parliament for a third patent?—There was.

643. Can you state upon what grounds that patent was refused?—I believe it was refused because Mr. Sheridan showed that it was contrary to the admitted rights of the two existing theatres; and not only that, but I believe he convinced them that it would be not at all a desirable thing for the respectability of the profession of actors; as far as I recollect, he said, if you increase the number of theatres, you necessarily increase the number of idle persons; there are a great number of idle persons always about a theatre, and the more you increase them the more you destroy the respectability of the profession.

644. The English Opera is restricted in the duration of its performances, and I believe the Adelphi also?—They are restricted.

645. Do you suppose that it would be more detrimental to you to leave them free as to time, and confine them as to the regular drama, or to limit them as to time, and give them permission to perform the regular drama?—I can hardly say.

646. Which should you fear most?—It is difficult to say which.

647. You would fear both?—I should fear both.

648. But the King did not control the season of the English Opera House, he extended it?—He extended it; it was extended, I believe, to the satisfaction of none of the parties concerned in that investigation; I believe it was extended not at all to the satisfaction of Mr. Arnold, and I am sure that even the two months which were given was not at all consistent with our hopes and expectations.

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649. That

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649. That is very often the case when mutual justice is done to both parties?—We conceived he had a right to all he demanded, or to nothing; that was our view.

650. Did you belong to Covent Garden in 1809?—I think I did.

651. Do you recollect a petition that was addressed to the House of Commons against a theatre that was applied to for the City of London, an additional theatre, which was resisted?—That is the theatre which we were just speaking of; and it was successfully resisted on the ground that it was unjust to the proprietors and other persons concerned in the theatre, unless they should be first indemnified.

652-3. What do you conceive by persons interested?—There is not a creditor of the theatre, or a renter, I should say, who is not interested.

654. What is the difference between a proprietor and a renter; I should have thought a shareholder was a proprietor?—I wish he were, for we should get rid of all our difficulties if he had been.

655. “Unless they should be first indemnified;” in what way do you think they ought to be indemnified?—I should suppose that means, if you indemnify us to such an extent as will enable us to discharge all just claims upon us.

656. To advance you a sum of money?—Yes; suppose the Government would step forward and say, you have expended so much money on this theatre, we will sell the theatre and advance you so much money.

657. You cannot expect Government to be responsible for any improvident bargain you may have made; how would you calculate your engagements; would you have them take all your debts?—The *onus probandi* would be on the Government; they must show we have made injudicious bargains, and that we have wasted money unnecessarily, which I think they would be puzzled to do; for I assure you where persons are so closely interested as proprietors of a theatre, they look very sharply after the money.

658. Have they never made disadvantageous engagements?—Sometimes, no doubt; but the amount of them is so trifling that it would be a mere nothing.

659. But was it not an improvident purchase purchasing these patents?—Not if we had the exclusive privilege we believed we had.

660. But was not it your duty to see whether they gave you those exclusive privileges?—*Caveat emptor* is a principle of law, I know; but we took it upon the faith which has descended from father to son, and we have expended large sums of money on that faith.

661. Can you point out any passage in the patent which gives you an exclusive privilege?—I think there is in our patent, in Davenant’s patent.

662. Have you a copy of that patent?—It will be found in the 12th volume of Dodsley’s old plays.

663. If you had not purchased the patent should you not have been in as good a situation as you are now?—I did not believe we should, or we should not have spent so much money upon it.

664. Drury Lane gave Covent Garden 20,000*l.* for their patent?—Yes; therefore Drury Lane must have been convinced it was of some value, or they would not have given it.

665. Or rather it was a good sale on the part of Covent Garden?—Yes, and a good purchase on the part of Drury Lane, as they believed; for they believed they could act the legitimate drama under that patent, and that other theatres could not, otherwise they would not have been mad enough to have purchased it.

666. The public might be induced to advance their money under that belief, but whether the patent gave those exclusive rights remained to be proved?—Not having been in the bosoms of the persons who purchased it, I cannot venture to say what they thought about it; but taking their actions as proofs of their conviction, I should say I am bound to believe they thought they had this undoubted privilege exclusively.

667. But as it turned out on investigation that they have not, do you not think that the public who advanced their money have great cause to complain that it has been a delusion upon them?—I do not find that the public are at all backward in complaining where they have cause.

668. But these people who have advanced their money will complain when it is found you have no exclusive right?—I think if it is proved to them they will; but you will say to them as you say to me, Why did you not take care to look into this?

669. No; the public entirely trust to those who put forth the prospectus?—Exactly so, as my brother trusted, and as I trusted; it has been matter of confidence,

fidence, and we all honestly believed this exclusive power did exist, or we never should have advanced such sums of money upon this theatre.

670. But it is like the title to an estate which turns out to be defective; it does not follow that the original proper person may not at last recover it?—In that case there is a great injury done to some individual by the occupation of a property belonging to him; but that is not the case here, for though these persons have advanced their money, they have been paid interest, and we have hoped, by the success of the theatre, to pay them and all other claimants.

671. The other day there were some biddings took place for the theatre?—Yes, for the lease.

672. Did you observe any backwardness on the part of the people coming forward to speculate, in consequence of this doubt which is now existing?—Yes; I think there would have been more bidders probably than there have been, if the point had never been raised at all.

673. Was it taken at a reduced price?—We never let it before, therefore I cannot say it was taken at a reduced price.

674. You think there would have been more bidders in the market if this question had never been agitated?—I have not the least doubt that where we had two applicants we should have had a dozen.

675. For how long a period has Mr. Laporte taken the theatre?—Seven years.

676. He has taken it with his eyes open with regard to any change that may take place?—Upon my word I do not recollect all the clauses in the agreement, and whether that forms a part of it or not.

677. He was aware of it?—Yes, of course, but there may be some provision in his agreement to guard against it, for what I know. I do not carry all the provisions of the agreement in my mind at present, but if it is so it falls in again.

678. How so?—If there was a provision of that sort in the lease; in case our right is annulled, or our supposed right is annulled by this Committee, Mr. Laporte probably will have a right of throwing up his lease.

679. The object of the Committee is not to prove your right null and void, but we call upon you to prove what injury it will do to your theatre if a licence is given for the performance of the legitimate drama in various parts of the town?—It is a mere matter of speculation; nobody can take upon himself to say what probable or what possible influence it may have, but I think what I have stated about it, that it would be a long time before any good could result to the public from it. If the legitimate drama be acted in a greater number of theatres, it is not to be presumed that for some years (for it takes a number of years to do it) it will allow of the formation of a good company.

680. Do you think it would be better if all the theatres that exist were under the control of the Lord Chamberlain, instead of being under the control of magistrates?—Under a restricted control, that is to say, under the control of the Lord Chamberlain's office, not under the control of any Lord Chamberlain.

681. Do you believe this to be a true copy of the original patent?—I have not seen it, but I suppose it is.

682. This is the patent of Charles II. to Killigrew and Davenant, but the King only speaks for himself; there is nothing in it binding on his successors, nor is it likely there should be?—That is quite true. I have always so understood; it has never been considered as binding; we never considered it as binding; for instance, if the King had said, I choose to give another theatre, we should not have said the King had not a right to do so; but we say this: we have presumed on the good faith hitherto preserved between the King and these theatres, and we have gone on presuming that it would never be violated.

683. I thought at one time you did dispute the right?—No, I think the right of the King never was disputed, but it does seem a strange anomaly that any officer of the Crown should have the power of nullifying the King's patent; that seems to us a strange thing.

684. But I do not think it is clear that the Lord Chamberlain has the power of doing that; I should say, you are independent of the Lord Chamberlain, who is equally independent of you; that seems to be the real advantage which you have, that you need not apply to the Lord Chamberlain for a licence to open your theatre, as other theatres do, but you open it when you think proper; but at the same time the Lord Chamberlain is independent of you, for he has the power of licensing for the same purpose the minor theatres?—But he has a restrictive power over us which prevents our opening our theatre. I will give you an instance of

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that : no longer ago than the last 30th of January, I advertised a play for that day, thinking it better that such circumstances as were commemorated by it should be swept away from the recollection of people's minds, if possible ; I advertised a play on that day, and I received an order from the Lord Chamberlain to close the theatre, for I must not act that night.

685. Did that come from the office, or from the examiner of plays?—From the office. I applied also for permission to act on certain nights in Lent, there being an old Catholic custom, which has been preserved from year to year, not to perform on Wednesdays and Fridays in Lent ; and I thought it would be a better thing to represent plays than to give a pretended sacred concert, in which all sorts of ridiculous songs are sung instead of sacred music, but the Lord Chamberlain would not allow it.

686. If you had persevered in defiance of the Lord Chamberlain what would have been the consequence?—I like to obey the authorities who are over me ; I do not like to fly in their face, and therefore I willingly submitted to it.

687. Still you think you had the power of disputing it?—I think it doubtful whether he could have prevented my acting on any of those nights if I had so pleased.

688. Is it not the case, in point of fact, that though Charles II. says he shall not grant a patent to any other companies than those two, that he did grant another patent at no long time afterwards?—But he was a King “ whose word no man relied on (if you recollect), who never said a foolish thing nor ever did a wise one.”

689. Was it so, as to the fact?—He did, I believe.

690. Could you produce the report of the Chancellor and the command of the King, on the occasion of the permission to Mr. Arnold in 1830?—I believe they are here.

[*The Document was delivered in.*]

691. You consider that the exclusive power rests on the faith between the theatres and the King, rather than from any privileges you gain from the patent?—Undoubtedly ; I must admit the King has power to grant another patent if he chooses.

692. Do you know what sum you pay annually to the shareholders of Covent Garden theatre?—£. 3,800.

693. And when will that expire, in what number of years?—Sixty years.

694. From the present day?—From the present day.

695. That is upon the faith of these patents?—Yes.

696. That, in point of fact, would be the indemnification you would have a right to expect ; suppose a case of indemnification could be made out, the only claim you would be justified in making would be this 3,800 *l.* which you have to pay?—For 60 years ; there are the old building debts also which are not paid.

697. What do they amount to?—I do not recollect : this building has cost 300,000 *l.* ; 240,000 *l.* the building cost, and then in fitting it up, and so on, the other money was expended. It was built at a time when we were at war with Russia, and every article of building was very dear ; there was no timber to be had at any reasonable price.

698. Do you pay anything annually to the Chamberlain?—Drury Lane does ; I do not.

699. The licence is renewed from year to year?—No, we have always acted on our patent.

700. But you have a licence?—Not at Covent Garden.

701. Have you submitted many plays to the examiner of the licencer this year?—Every play that is acted I submitted to the examiner.

702. Have you submitted many this year or last year?—Yes, there have been a good many ; I cannot tell precisely the number.

703. How has that power been exercised, capriciously or not?—No, indeed, I think it has not.

704. Have there been many alterations?—Mr. Colman entertains particular ideas as to particular expressions, which he desires us to omit ; some of which we consider a little frivolous, but now and then there are some that are not so by any means ; for instance, the use of the name of the Almighty, if it can be avoided, I agree with him in thinking it better avoided ; but there are certain expressions which he objects to, which we do think frivolous sometimes.

705. You pay two guineas, do you not, for every examination of any play?—Yes.

706. Do

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706. Do you conceive he has any right to enforce that?—I do not know that he has.

707. It is voluntarily, is it?—It was, I believe, in the first instance voluntary, and has continued so from the original payment that was first made; I believe it was first a voluntary act on the part of the theatre; I believe Mr. Collier says so in his very excellent work on the stage; as far as I recollect, he says the first money that was paid for the licence was a voluntary act on the part of the theatre, or I have read it somewhere.

707* Do you not consider that for a song two guineas is rather a heavy price?—For a song, perhaps, it may be; and I might say two guineas is a good deal of money to pay for a licence to a piece at all.

708. But you think the English stage at present would become licentious, seditious or blasphemous, if there was no licencer?—As to its becoming licentious, I have no doubt it is perfectly safe in the hands of the people; for such is the improved state of education, and the moral and religious feeling, that in any theatre I do not think the audience would suffer anything that was licentious to be said upon the stage. I have frequently seen things, for instance, that have been suffered to pass by the licencer, which have not been suffered to pass by the audience, which is a very strong proof that they are perhaps better guardians of their own moral and religious sentiments than anybody can be for them.

709. Do you not think it probable that plays would be full of political allusions if there were no licencer?—Yes; I think there it would be necessary that there should be a supervisor.

710. It occurred in the case of the Coburg?—I am much obliged to you for mentioning it; I intended to have stated that. Look, for instance, at the bill lately issued by the Coburg theatre; I do not know whether it has come under the notice of the Committee at all; it was a bill advertising Tom Thumb, with all sorts of political allusions, not only political, but indecent allusions to persons who ought never to be alluded to but with respect; it is a most shameful licence which they have given themselves, and no theatre ought to be permitted to issue such things.

711. Does a representation of that sort give any pleasure to the public?—There will be always persons of bad feeling and bad taste in a large community who will rejoice in such entertainments; and you will have all the rabble of London going to those theatres in preference to others, where they can be instructed and improved. There was a bill put out the other day at the Queen's theatre, by which they lowered the price to the public, in consequence of the bill for reform passing; and I think they ought not to mix themselves up with politics in any way whatever.

712. But they have a right to do it?—Yes, right they may have; but then they would have an equal right on some other occasion, when you might not be so well pleased with it as upon this.

713. Lowering the prices would give satisfaction to the public?—No doubt it would.

714. You would find that, I think?—I do not believe we should have one person more in the theatre if we did.

715. Is it not a fact that there are several theatres now going on acting without any licence?—I believe there are a dozen theatres of which we know nothing, at which they take 10 *l.* and 15 *l.* a night, and so on; there are two or three I am told out by Portman-square.

716. They cannot do you much harm as you do not prosecute them?—We have endeavoured to prosecute our rights till we are ruined by it.

717. Then their opposition costs you less than their prosecution, though that would not cost you much?—But where there are not funds to pay the lawyers, the lawyers are not very willing to act.

718. But they are liable to be prosecuted by any person, a common informer?—What is every man's business is no man's business; and the occupation of an informer is so very odious that very few persons will, for virtue's sake, take upon themselves such a degree of odium as that; and even when we have pursued these persons, and have beaten them, and have obtained verdicts against them, they take the benefit of the Insolvent Act, and you do not get your remedy.

719. Then as your rights are exercised just now they do not protect you sufficiently, and you are not sufficiently remunerated?—I conceive we are neither protected nor remunerated at present, from the number of theatres which are allowed to open in opposition to us: we are not protected, inasmuch as the Lord Chamberlain, whom we consider our natural protector, grants licences to the Opera House

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for six nights instead of two, and various other privileges equally prejudicial to our interests.

720. Do you remember what effect it had upon Drury Lane when they reduced their prices?—I conceive it did not answer their purpose; I should conclude it did not, on account of their returning to the old prices.

721. They did not get much fuller houses?—I suspect not.

722. Do you know what is the amount of capital, exclusive of the cost, now due from Covent Garden to the proprietors, or do you consider the renters as the proprietors?—I should consider the proprietors the speculators.

723. What sum of money is due by them?—About 80,000 *l.*, including the debt; that is independent of the shareholders; the debt to the proprietors is included in this, and this is mere capital without interest.

724. I think you say that in 1808 Covent Garden was rebuilt at an expense of 300,000 *l.*?—Yes.

725. Then this sum of 76,000 *l.* which was afterwards raised by subscriptions from numerous individuals, was that over and above that 300,000 *l.*?—No, that was to enable them to carry on the building.

726. And what portion of that sum remains due at present?—The whole of it.

727. Of which a portion of it now remains a debt upon the property?—That is another debt, that is not the renters' debt; the money that was advanced by the renters is a debt for so many years, of which there are 60 years to come.

728. But then it was laid out upon the theatre; you are a debtor for that?—It was laid out in the building of the theatre, and we pay annually the interest for it.

729. I think you say, besides the cost of the theatre, and besides the 76,000 *l.*, considerable sums in addition have been embarked therein, which you conceive would be lost if the present rights were annihilated?—Yes, within the last few years we ourselves have advanced about 30,000 *l.*; three of the proprietors alone have done it, within the last 10 years.

730. Should you say the theatre has been more prosperous during the last year than the preceding years?—The two last years it has been less prosperous than it was before, but I would say for many years it cannot have been considered prosperous; it has not been prosperous ever since these obstacles have arisen one after another; it has been gradually getting worse and worse; the last two seasons have been the worst.

731. By obstacles do you mean competition?—Yes; and the alteration in the hours of society, and many things that combine to make theatres less frequented.

732. Morning concerts, I suppose, among other things?—Yes.

733. You attribute it in a great degree to competition, religious feeling, and the hours of society?—Yes.

734. You range them under those three heads?—Yes.

735. Then in fact, you would conceive a more restrictive system to be necessary to your full protection than what prevails at present?—I should think, as far as I am capable of forming an opinion upon it, the nearer the licences granted, which are now granted by magistrates to certain theatres, were restricted to the original performance which they were allowed under that licence to give, that would be the best thing for the two winter theatres; they are allowed by their licence music and dancing only. When I was a boy, they used at Sadler's Wells and Astley's, and Hughes's, which is now the Surrey, to give a certain entertainment which they designated burlettas, and these entertainments were accompanied always by a piano-forte, were written in a sort of doggrel verse, and were accompanied by a piano-forte, the person playing in the orchestra; it was, in short, a recitative, accompanied by instruments in the orchestra; it was entirely recitative and airs, there was no dialogue in it whatever.

736. Have you ever made any calculation of what would be a sufficient number of theatres for the amusement of the metropolis, considering the size of the metropolis?—I have but one way of looking at it, and that is, that if your theatres are never above one-half full, which is the fact on an average, I cannot for my life see the necessity for any more theatres in London.

737. But if the small theatres are full, and the large theatres are only half full?—I beg leave to say the small theatres are by no means full. Madame Vestris' theatre has been full; the Adelphi has, I believe, just covered its expenses, not more. Madame Vestris has been successful; but it is a mistake to suppose the minor theatres are generally prosperous. We see there are two of them have failed within the last six months, the City theatre and Rayner's; there are two theatres
gone;

gone; then there is the Queen's theatre gone; there are three gone; therefore you cannot argue that the public want those theatres; the public do not want them.

738. Why should not they want the attraction, but the cause?—Where would be the attraction if there were additional theatres erected in which the actors were dispersed?

739. Is it not your fault, for not giving them some other representation more suited to the public taste?—No; if you will have the kindness to inquire into it you will find, I fancy, that we give them as great a variety as possible of entertainments of the best sort we can procure. The proprietors of theatres are not authors; they can only take such pieces as are presented to them; and they take the best, of which there is very good evidence; for some gentlemen, who thought they had reason to complain of want of judgment in the proprietors, took upon themselves to publish a volume or two of rejected plays. That publication completely exculpated the proprietors in the opinion of the public; and they saw very clearly that those plays ought to have been rejected. I fancy there are very few instances where a good piece *has* been rejected. I question very much whether there is one on record, certainly not for these many years.

740. Do you not think more people would come to your theatre if they could hear well in distant parts of the house?—My answer is, that an equal number of persons can hear well, I should conceive, in Covent Garden as in the Haymarket, for instance, which perhaps would be the sized theatre you would select. It is the nearest approach, after one of the large houses, to a proper-sized theatre. But I think this is demonstrable, is it not, that an equal number can hear as well in Covent Garden as in the Haymarket; but if we do not get receipts, what are we to do?

741. You do not draw so many people as would fill the Haymarket?—Not so many as would fill it. I presume it holds nearly 300 l.

742. More than that, I believe?—Then, certainly not.

743. It appears to be your opinion that it would be a serious injury to all those who ventured their money in the large theatres, a breach of faith and a gross injustice, if the monopoly were suddenly thrown open, without any indemnification?—Without indemnification, certainly. I think if any good mode could be hit on, the experiment would be worth making; but without indemnification it really ought not, and cannot in good faith be done.

744. And you consider it would have been a serious injury?—I think it would be utter ruin to us without indemnification.

745. You stated just now that the only inconvenience and danger you apprehended from allowing the minor theatres to act the legitimate drama was a danger of their occasionally abstracting some of your best performers; then you do not apprehend anything from the public, but your sole apprehension is on that ground?—If you take away our means of attraction, you ruin us; if you take away the best actors from our theatre, and divide them among the Lord knows how many theatres; say there are three or four good actors in one theatre, if they are divided over three or four theatres, you take away from that theatre its means of attraction, and you consequently ruin its receipts.

746. I will just mention an instance of a most successful piece brought forward lately in a minor theatre, and which approached most nearly to the legitimate drama; I mean *Victorine*, in which there was not one single performer who belonged to the large theatres?—Mrs. Yates and Mr. Yates did belong to Covent Garden; Mr. Reeve did belong to Covent Garden, but broke through his engagement, and ran away from it.

747. But they were not taken away merely in this season?—No; they have been there I believe for two or three seasons.

748. Do you not think it highly probable, if there were many theatres, you would have many companies of the same degree of excellence, from which you might select the best for performers of pieces at the patent theatres?—I should doubt that very much; it has taken a considerable time to get Mr. and Mrs. Yates to that theatre; they were for many years at a regular theatre. They have been regularly trained actors in the best schools that existed in their time.

749. Are you aware how many theatres there are in Paris?—I do not know the number, but I know the result will be the same here as in Paris. I know that the *Théâtre François*, which was not only the glory of France but the admiration of all Europe, is totally ruined by the minor theatres, and if it were not for the assistance government lends them they would not be able to go on.

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750. But there, I believe, they are entirely restricted to what we should call the legitimate drama, in the strictest sense of the word?—Yes, in the literal sense.

751. Because we find in our inquiry that that expression is rather liberally understood here?—Yes, it has been considered in its legal sense as well as in its genuine and real one.

752. You think a theatre on that principle would not succeed in this country?—I am by no means sure that it would not; I think it very likely would. If it were entirely restricted to the regular drama, I think very likely it would. If any such scheme as appears to be contemplated were really put into execution, I should recommend by all means that the theatres should be each restricted to a particular kind of entertainment.

753. Each to be confined to its own description of performance?—Yes, I should think so; I should think that would be better than that they should be running against one another, and endeavouring to bribe away each other's performers, which was especially guarded against in the patents of Charles II. : for he says one theatre shall not employ the actors of another without special permission in writing from the governor of such theatre.

754. Would you not attribute the superior success of Mrs. Yates at a small theatre, in comparison to her success at a large theatre, to her playing now at a small theatre, whereas formerly she played at a large theatre?—I admit the former part, but not the latter. I do not admit that the other theatre was too large for her; it is very likely she may play with more effect there than at Covent Garden, but I do not admit that the reason is because Covent Garden was too large. There are degrees of power; every actor would not act as effectively in Covent Garden as in a smaller theatre, but that does not prove that a small theatre is so good as a large one; it does as far as the natural powers of this or that actor are concerned; a person of weak power ought not to engage in a theatre of such dimensions as Covent Garden.

755. The play of the countenance, which forms so great a part of the pleasure we derive from good acting, of course the size of the theatre has an effect in making it more or less visible?—There is not the least doubt of it; it may be too large, that is admitted; but who shall say what is the precise distance from which to judge? because you may see better than I do, another may hear better than I do, and according to that scale we should be obliged to have a theatre for every individual.

756. When Miss O'Neil, and other celebrated persons who have engaged very much the attention of the town by their talents, were on the stage, have they or have they not been able to produce an effect in every part of the theatre? The object is to know whether those eminent performers (I have mentioned the name of Miss O'Neil, but I refer also to your own family more particularly,) have not been able to produce an effect in every part of the theatre when they have performed, the theatre being of its present size?—All their reputation having been made in these theatres, Miss O'Neil's reputation having been made in these theatres, and the other persons to whom you have alluded having also made their reputation in these theatres, I conceive they must be perfectly well adapted to their powers, otherwise I should suppose they would never have achieved their reputation.

757. Then the inference is, that persons may possess, as actors, talents sufficient to produce an effect in a small theatre, though they do not possess talents equal to produce an effect in a large theatre?—I would not exactly put it in those words. I should say a more restricted power might certainly produce a better effect in a small theatre than it would in a large theatre.

758. Then the consequence of having nothing but large theatres would have the effect of completely shutting out all persons possessed of powers capable of being appreciated in a small theatre only?—It would certainly militate against a very great reputation; but I should think it would not have the effect of shutting them out altogether.

759. Would not the fair inference from that be, that as there are a great variety of powers perhaps with the same degree of excellence, in order to appreciate that excellence it would be necessary to have a great variety of theatres?—If it be necessary to have more, I do not see any very valid objection to that; but that would be building theatres for restricted powers instead of efficient ones.

760. What is your opinion, from experience, of theatres built of various sizes in order to bring forward persons of mediocre talent; what effect would that have upon the profession?—I should think it would be destructive of the profession.

761. We are not supposing one of more mediocre talent, but with less powers?—

If it be of less power it is more mediocre. I think if you were to do what you suggest you would be building a theatre for infirmity and not for vigour.

762. But as all first-rate performers have begun in small theatres, beginning on a small theatre does not prevent their reaching that excellence for which nature has designed them?—I assure you a very small theatre is destructive of good acting; instead of being favourable to an actor, it brings him so near the audience that he cannot abstract his mind from the audience.

763. Only that proves that that does not prevent their talents from reaching their destination?—I cannot pretend to say.

764. You have introduced on the stage children to act?—Children's parts.

765. Young Master Burke?—At the minor theatres.

766. At the great theatres?—No, he never played there.

767. Miss Poole, then?—She plays little child's parts, and she happens to be a person that may be considered to be an exception, for her voice is a peculiarly fine round voice, and not at all an infantile voice; so that that instance is a very unfortunate one. I do not think she would be a bit better in a small theatre than in Covent Garden, for she is perfectly competent in power to fill that theatre.

768. Would not the small theatres tend to prevent that exaggeration of acting which is obliged to be introduced in the large theatres?—If does not follow that the actor is to exaggerate because he acts in a large theatre.

769. He must exaggerate anything said aside?—That is not necessary. If you, as the audience, would but be attentive, you would hear every syllable.

770. I have heard it from the stage box?—I maintain, that if the audience will only behave themselves properly in an English theatre as they do in a French theatre, they would not hear one word exaggerated: the fault is in the audience instead of the theatre.

771. Do you not think that is the fault of the entertainment?—When you see Macbeth, John Bull is perfectly quiet, as he always is when the representation of any murder is going on. You will hear that scene distinctly though it is acted in a whisper; and if you were always equally attentive you would hear every other just as well.

772. But a representation of a murder will attract as well as anything else then?—I am afraid such a representation is very attractive. I am sorry it is so.

773. It was tried at one theatre: Thurtell?—That was not at a legitimate theatre.

774. Was it attractive?—I believe it was; but they added to the attraction by introducing the very gig that had carried the murderer down to the scene: a most atrocious thing.

775. The inference then that is to be drawn from what you have stated with regard to actors of more feeble powers is this, that the great plays of Shakspeare, and the other great dramatic authors, would in the end be represented in small theatres by persons of very inferior talent to those who must necessarily perform the characters, in order to give effect to them, at the great theatres?—Certainly.

776. In your judgment, would the great authors suffer very much by being so represented, and would the taste for their writings be greatly diminished by being represented by inferior performers?—I think they would.

777. Do you not think it would be a great advantage to authors to have a number of different places to take their productions to for performance?—Not if they could not be well represented.

778. Do you not think, if that were the case, a great number of inferior productions would be brought before the public?—Certainly.

779. You were talking of the degree of attention which is requisite; do you not conceive that the noise almost always arises from the one-shilling gallery?—It does very frequently; they are commonly very riotous. You questioned me just now with respect to authors: they generally prefer bringing their pieces to Drury Lane or Covent Garden to bringing them out at a smaller theatre; for instance, one of the great advocates for minor theatres, Mr. Serle, instead of bringing out his play at the theatre where he is engaged, brought it out the other day at Drury Lane; that is a proof that he thought it could be better done there. You cannot hope to have them better done unless you have better actors; and where are they to be found; for those that are good are already engaged in these theatres: then where are you to get them? It can only be after the lapse of years that these things can rise up; for it is not increase of theatres that will give you an increase of fine actors. The qualifications of a fine actor are a gift that God gives, and they are not to be multiplied as theatres may be.

Mr. C. Kemble.

18 June 1832.

Mr. Samuel James Arnold, called in; and Examined.

Mr. S. J. Arnold.
18 June 1832.

780. OF what theatre are you the proprietor?—The English Opera House.

781. Have you a copy of the Lord Chancellor's decision with respect to that theatre?—Yes, I have.

[*The Document was delivered in.*]

782. You do not consider your's a patent theatre?—No, certainly not; I act under an annual licence from the Lord Chamberlain.

783. Do you consider yourself as coming under the denomination of one of the minors?—Hardly; I cannot call those minor theatres which are authorized by the Lord Chamberlain to act any particular part of what is called the legitimate drama; because if so, whenever the winter theatres play English operas, they become minor theatres.

784. Do you consider the Adelphi a minor theatre?—Certainly, for they are only licensed to act burlettas.

785. You are licensed only for English operas?—Yes, and minor entertainments.

786. Have you signed any of these petitions on the part of the minors?—No.

787. You have no cause to complain of the patent theatres?—Not at all; they complain of me.

788. Do you complain of the rivalship of the minor theatres; are you afraid of competing with them?—Certainly, an illegal competition.

789. Would you object to more theatres being licensed in Westminster than there are now?—Most undoubtedly, for I think there are sufficient.

790. In other parts of the town; take, for instance, Finsbury?—No, certainly not; not on my own account.

791. As detrimental to the interests of your theatre?—I do not think it would injure me.

792. Or in any part of Lambeth?—Why the communication is so close between Westminster and Lambeth, that I think there they might affect me.

793. How many months are you licensed for?—Six.

794. If you had the power, should you like to keep your theatre open longer?—I should like to keep it open as long as the public would continue to visit it.

795. You think it would answer your purpose to have a licence for 12 months?—I have no doubt of it.

796. You have been entirely confined to musical entertainments?—Entirely. I have never attempted to exceed my licence, which confined me to musical performances.

797. Do you think it would be to your advantage if you were permitted to play other things?—Undoubtedly it would be very convenient and agreeable to me to be able to play farces without music. I do not want to step out of my English opera; my object has been (and I hope to accomplish it) to establish something like a national school of music; that has been my object from the beginning.

798. You would very much dislike more theatres to exist than there are at present?—I think when the theatre is opened which is about to be established, it would nip the flower in the bud if any opposition was to be started up at a short distance from me.

799. Then if the Lord Chamberlain were to license any theatres he pleased, you would think it very detrimental to those theatres which at present exist?—Certainly.

800. Now do you consider it would be of any advantage to you if you were permitted to play tragedy, comedy, and the regular drama at your theatre; do you think you could afford to give a regular drama in such a manner as would be satisfactory to the public and productive to your theatre?—Unquestionably not.

801. You think then that any attempt at a theatre such as yours, which is licensed for the performance of operas and so on, to encroach on the drama as it is given at the winter theatres, you think it would not be advantageous to the undertaker or satisfactory to the public, in consequence of the inferior manner in which the productions must be brought out?—I think so, certainly. I think it would be a great disadvantage to the patent theatres, and no advantage to me.

802. Is your theatre large enough to give a representation of the legitimate drama?—It certainly will be; it will be a little larger, but yet hold considerably less money than the last.

803. I apprehend

803. I apprehend you mean to say that the expense of maintaining a company for tragedy and comedy, in addition to those for operas, would be so great that you could not afford to have those performers who would give satisfaction to the public; and that, in fact, it would be a ruinous concern?—That is my opinion.

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804. Then you do not desire in the least degree to exceed, with regard to the nature of the performances, those which you are licensed to perform?—Except, as I said before, that eternal music through the whole night. I should be glad to omit the music in the afterpieces.

805. Are you of opinion that by having a licence for the whole year instead of six months, at the end of the year you would be able, by the state of your finances, to say that you had produced better entertainments for the public than under the present circumstances you can do?—Assuredly I do.

806. At cheaper prices?—At the prices I have always had.

807. What are they?—Five shillings for the boxes, three shillings for the pit, two shillings for the gallery, and one shilling for the upper gallery, which I mean to abolish in my new theatre.

808. Are you of opinion, that if you had a licence for the whole year, you would be able to diminish those prices to the public?—No; because I must improve the excellence of my performances, and I think less prices would not be convenient.

809. We all know your performances have been very excellent, I therefore wish my question to apply to the performances as they have been given; and I wish to know whether, taking the performances such as they have been, and you had a licence for the whole year, whether you could afford to reduce the price of admission?—I think not.

810. You would like to have the power of playing farces?—That I should like to have, certainly.

811. Now, you have had some connexion with the great theatres, I think, in the way of management?—Yes.

812. In your opinion, would the interests of the legitimate drama, Shakspeare and the great dramatic authors, and the public taste for that particular branch, be improved, or materially injured, by the increase of the number of theatres at which those representations might take place?—My opinion is founded on reflections on this subject for many years; and upon the experience I have had, my opinion is very decided, and it is, that the higher order of the drama would be destroyed by enlarging the privilege of performing the higher order of the drama.

813. If the public, for example, were admitted at very low prices into theatres where the plays of Shakspeare and other dramatic authors are given, do you conceive they must necessarily be given by actors of so inferior a class as to reduce their effect?—Yes, I do; and I think the size of the theatres would be very much against their doing justice to the higher order of the drama, such as Shakspeare's plays.

814. What do you think of the size of the Haymarket; do you think that is calculated to represent the legitimate drama with effect?—I wish I had the plans of my new theatre here, to show you what I consider to be the pattern of all excellence.

815. Will that be larger than the present Haymarket?—It will be wider; the stage will be wider, but the front of the boxes will be about the same distance as the Haymarket.

816. In speaking of the size of the theatres, are you not aware that our drama was created in small theatres, and that Shakspeare's and Jonson's plays were acted in theatres not half the size we see at present?—Yes, but with a blanket for a scene; they had no scenery or dresses.

817. Do you not know that players acted Shakspeare's plays in cocked-hats and not in any costume?—Yes, even in Garrick's time.

818. That did not prevent the production of good plays or the production of good actors?—But the taste of the public has so much improved since that time, they are not contented unless what they see is attended with perfect costume and good scenery.

819. Do the plays of Shakspeare require better actors than Garrick?—I should think not; but the public would like to have better, if they could get them.

820. Suppose Shakspeare was alive at this moment, and went to see Hamlet, or Julius Cæsar, or Coriolanus acted at the Haymarket, or at Drury Lane or Covent Garden, which do you think Shakspeare would prefer?—Drury Lane or Covent Garden, no doubt.

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821. You are speaking of the minor theatres, that the size of them would not allow them to bring out the legitimate drama with that degree of splendor which is in a large theatre?—Yes; and in the next place, the dispersion of talent, by its diffusion amongst many, would deprive the larger theatres of so considerable a portion of their talent as to render both parties unable to act the legitimate drama as it ought to be acted.

822. Would not the encouragement offered for an increased number of actors produce such a nursery as would more than counterbalance the objections you now mention?—It might in time; but I should be sorry to reform the drama as it now stands, with the prospect of my grandson deriving the benefit of it, for I should not, nor would my present generation.

823. You mean it would not be to your particular advantage?—I am speaking of its effects; and I say it would not have that effect which you speak of, if power were given to the minor theatres to perform the legitimate drama.

824. Is the profession of the stage in that prosperous condition at this moment as to induce men of talent to adventure upon it?—I conceive that wherever talent is discovered it is always most liberally patronized by the theatres, most enormously patronized.

825. Did not the patent theatres oppose your application for the extension of time last year?—Of course.

826. Did you not consider that a hardship upon you?—Yes; for seven years I held my licence from year to year unrestricted, and it was only till I built my late theatre that the theatres opposed me.

827. Have not the proprietors of the minor theatres some right to complain of you?—No, because they have built their theatres without legal authority, and they knew they were going to act illegally.

828. The Adelphi has a licence from the Lord Chamberlain?—I am speaking of the theatres out of Westminster.

829. The Lord Chamberlain has no power over them?—I conceive he has the power to suppress any theatre within Westminster, but not those that surround Westminster.

830. Do you not think the just cause of complaint which the great theatres and yourself have a right to make, is founded on so many theatres all within one small space of ground, as Westminster and in the Strand?—I think that Westminster being the very heart of the metropolis, the public convenience has been well consulted by placing them as they are now placed.

831. You do not object to their being dispersed over the town?—Undoubtedly not.

832. Have you ever made any calculation as to the number of theatres this town might support?—No, I have not made any calculation to that effect; but I should suppose, if it was found expedient to have theatres, not exactly for the legitimate drama, but classified, that they might be at remote parts of the town without being very injurious to the patent theatres.

833. Each theatre restricted to different kinds of representations?—Yes.

834. As it is in Paris?—Precisely.

835. Do you happen to recollect how many theatres there are there now?—No, I do not, they fluctuate so frequently; there are sometimes about 16, and then two or three of them get ruined, and are shut up again.

836. How many are there in London?—Upon my word it is hardly possible to say; there are not, I should think, less than 14 or 15.

837. How much fewer theatres that is for a town twice the size of Paris?—Yes, but then the population of London and Paris are different beings. The French run after their amusements; but the theatres there are in a ruinous state at this time, almost all of them; their minds are now running after politics instead of pleasure.

838. Do you not think the population would become more a play-going population if theatres were distributed over different parts of the town?—Yes; perhaps those in remote parts of the town might frequent those theatres which were near them, who would not come to the great theatres; and so far only I think that would be a benefit.

839. I should think it would have that effect?—Yes; but then you come to the old question, whether you would not, while you were trying the experiment of raising other theatres, be destroying the theatres which are already established; and I think it would injure them most materially.

Mercurii, 20^o die Junii, 1832.

THOMAS SLINGSBY DUNCOMBE, ESQ., IN THE CHAIR.

George Colman, Esq., called in; and Examined.

840. WILL you have the goodness to state to the Committee what situation you hold in the Lord Chamberlain's office?—I hold under the Lord Chamberlain the office of Examiner of all theatrical entertainments.

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841. How were you appointed?—I was regularly sworn in. My appointment was made out in the Treasury, and went through the Privy Seal, and then through the Lord Chamberlain's office.

842. In what year?—In the year 1824, in February 1824.

843. What is the form of oath that was administered to you?—The oath that is administered, or a great part of it, is the oath that is generally administered to persons holding situations in His Majesty's household. Then I am particularly sworn (after fidelity to His Majesty, as usual), to serve His Majesty faithfully as the Examiner of plays, and to be obedient to the Lord Chamberlain.

844. What do you conceive to be serving His Majesty faithfully as to the examination of plays?—To take care that nothing should be introduced into plays which is profane or indecent, or morally or politically improper for the stage. I had the honour of sending in to the Chairman of the Committee two or three days ago, but I believe the packet has not arrived till this morning, a paper giving my general opinion upon matters bearing upon this inquiry. I believe if I were to read that it would save the Committee a vast deal of trouble, and if any further questions should arise upon my statement, I am here to answer them.

845. There is a great deal of information in that statement, but it will be more intelligible to the Committee if it is given *viva voce*.—I am afraid I cannot state so much *viva voce*, as I can only dryly answer the questions.

846. The Committee wish you to answer questions as to matters of fact: as to your opinion of the necessity of a licencer, we will come to that afterwards.—As to my office, I believe questions have been asked relative to fees.

847. The Committee will ask you that presently, if you will have the goodness to answer the questions that are proposed to you?—Certainly.

848. What compositions or what productions upon the stage do you conceive, as Examiner, you are empowered to license, or empowered to prohibit?—I have not the power to license or to prohibit anything; I am the Examiner of plays.

849. Deputy of the Lord Chamberlain, you mean?—Deputy, as far as reading plays goes, but not as to the power of licensing or rejecting. I have no power over the theatres as reflected from him.

850. But when a play is submitted to you for examination, how do you proceed upon it?—"The Examiner is a very subordinate person, and no further interferes directly from himself with the managers than by recommending them to omit any passage palpably exceptionable, and all oaths, as well as all religious expressions and allusions too sacred for the stage." I observe previously in this statement, "the Lord Chamberlain is the licencer, to whom the Examiner forwards an outline, and sends his opinion, of the entertainments which he has officially perused, and then the Lord Chamberlain signs, or does not sign the form of licence, as he may think proper." I may observe here, that as to sending an outline, that is a voluntary act, because my predecessor never sent any outline; but I thought it might be more satisfactory, and I have gratuitously sent it, that the Lord Chamberlain might see what the subject of the play was.

851. What do you consider palpably exceptionable, that is at your own discretion?—It must be very palpable to everybody before I should interfere. I allude to political and personal allusions, downright grossness and indecency, or anything that would be profane, which any candid man could not but say was improper, about which there could not be two opinions.

852. The Committee have heard of your cutting out of a play the epithet "angel," as applied to a woman?—Yes, because it is a woman, I grant, but it is a celestial woman. It is an allusion to the scriptural angels, which are celestial

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bodies. Every man who has read his Bible understands what they are, or if he has not, I will refer him to Milton.

853. Do you recollect the passage in which that was struck out?—No, I cannot charge my memory with it. I do not recollect that I struck out an angel or two, but most probably I have at some time or other.

854. Milton's angels are not ladies?—No, but some scriptural angels are ladies, I believe. If you will look at Johnson's Dictionary, he will tell you they are celestial persons, commanded by God to interfere in terrestrial business.

855. Supposing you were to leave the word "angel" in a play or farce, will you state your opinion as to what effect it would have on the public mind?—It is impossible for me to say what effect it would have; I am not able to enter into the breasts of every body who might be in gallery, pit, or boxes.

856. But you must have some reason for erasing it?—Yes, because it alludes to a scriptural personage.

857. Must an allusion to Scripture have an immoral effect?—I conceive all Scripture is much too sacred for the stage, except in very solemn scenes indeed, and that to bring things so sacred upon the stage becomes profane.

858. What would be the result of using ordinary oaths, such as *Damme*, or any thing of that sort?—I think it is immoral and improper, to say nothing of the vulgarity of it in assemblies where high characters and females congregate; I certainly think it is improper, and beyond that, I believe you will find there are Acts of Parliament where swearing is restrained under a penalty.

859. Do you speak from your experience as to the immoral effect, or is it your opinion merely?—It is my opinion of the practice in general. I have seen a great deal of the stage undoubtedly, and so far I can speak from experience. I think nobody has gone away from a theatre the better for hearing a great deal of cursing and swearing.

860. How do you reconcile the opinion you have just given with your making use of those terms, such as *Damme*, or any of those small oaths which you say are immoral and improper, to say nothing of their vulgarity, in some of your own compositions which have met with great success on the stage?—If I had been the examiner I should have scratched them out, and would do so now; I was in a different position at that time, I was a careless immoral author, I am now the examiner of plays. I did my business as an author at that time, and I do my business as an examiner now.

861. Do you suppose that those plays of yours (which were so pleasing to the public, and are acted still with great success, from which you have not the power of erasing those small oaths) have done much mischief to the morals of the town?—They have certainly done no good, and I am sorry I inserted the oaths. As a moral man, one gets a little wiser as one goes on, and I should be very happy to relieve my mind from the recollection of having written those oaths.

862. Do you mean to say you regret being the author of "John Bull"?—No, that is a different thing; I might not be sorry to have made a good pudding, but if there are any bad plums in it, I should be glad to have them out.

863. But do you not think that what you call the bad plums contributed to the success of the piece?—No, certainly not; it is from habit; the actors think it hammers the thing stronger if they use a "damme," for which they are liable to 40 s. penalty. I will give you an instance in one of my own plays. Habit has made it forcible and strong to say "damme," but if "hang me" were generally adopted, it would be as strong; that is perfectly harmless to me, though not to the person hanged, and it would be quite as forcible to the audience. Sir Simon Rochdale, in John Bull, says, "Damn me, if it isn't the brazier!" Now, putting a gentleman in that position is wrong; in the first instance, morally so; if he happened to make a mistake, and it was not the brazier, he would be damned. Now, if he said "Hang me, if it isn't the brazier!" would not that do as well?

864. In that play also you talk of Eve, there is a very good joke about Eve; one of the characters has no more idea of something, than Eve had of pin-money. Do you call that improper?—Yes, that had better be omitted.

865. But the audience are always struck with that?—Yes; but I think all allusions to the Scripture had better be avoided; and recollect, I only recommend to the managers to leave it out: if they do not choose to leave it out I say nothing further about it. My directions to them, if directions they can be called, begin, "Please to omit the following underlined passages," and they do omit them or not as they please.

866. According

866. According to the Act of Parliament of the 10 Geo. 2, under which your appointment is made, is not a play or any new piece intended to be represented, to be given in to the Lord Chamberlain's office 14 days before the day of representation? — Yes; it is sent to me.

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867. Supposing, at the expiration of those 14 days, no answer is given to that play either by licence or refusal, can the theatre represent it?—No, certainly not. The Act of Parliament says 14 days at least; but, however, I will explain that, if you will permit me.

868. The Act of Parliament says, "that from and after the 24th of June 1737, no person shall, for hire, gain or reward, act, perform, represent, or cause to be acted, performed or represented, any new interlude, tragedy, comedy, opera, play, farce or other entertainment upon the stage, or any part or parts therein, or any act, scene or other part, added to any old interlude, &c., unless a true copy thereof be sent to the Lord Chamberlain of the King's household for the time being, 14 days at least before the acting, representing, or performing thereof." There is nothing in that clause which at all prevents the performance of that piece, if you make no return to the copy that is given to you?—I beg your pardon; I do not conceive that; there is no actual definite time fixed; but however, that goes to a point which never yet has arisen, and I should imagine never could arise since that Act of Parliament, for to accommodate the theatres in every point of view that it possibly can be done, they have always their licences long before the 14 days have expired. If it happens that the Lord Chamberlain is out of town at a great distance, I venture so far to take the responsibility upon myself: finding the play perfectly harmless, "I will be responsible to the Lord Chamberlain for your representation of it; act away, and when the Lord Chamberlain returns I will send you the licence." Every care is taken to facilitate the business of the theatres under the Lord Chamberlain's control; every possible accommodation is given.

869. On the manager of a theatre receiving back the play or the piece that has been submitted to your inspection, you compel him to pay two guineas?—I do not compel him, I demand it as a prescriptive claim.

870. Suppose he refuses to pay the two guineas?—I cannot help it.

871. Can you refuse to deliver his play?—I should imagine so.

872. Can you refuse to license his play?—I do not license the play.

873. If he does not pay, you will not license it?—I have not the power of licensing or suppressing it.

874. You will not pronounce an opinion upon that play?—I pronounce the opinion of the Lord Chamberlain; a notice being sent to the managers, saying it is licensed, or cannot be licensed.

875. Could the manager of a theatre who submits that play to you, act the play after you give him a licence, unless he paid you two guineas?—Certainly.

876. Suppose you give him no answer to the copy of the play he wishes to represent?—I always submit my opinion to the Lord Chamberlain, and supposing my opinion is favourable, and the Lord Chamberlain grants his licence, it is my duty to send that licence to the manager of the theatre. He receives that licence in the first instance, and then I expect, and my expectations are never disappointed, to receive two guineas; but if I do not receive it, I do not know what I must do. I must inquire what redress I could have under those circumstances; but it is incumbent on me, as a duty, to send the licence to him, and he must have it if it is granted.

877. Under what authority do you exact the two guineas?—I will tell you that. These fees are two guineas for the delivery of every licence, which sum has, to the best of my knowledge and belief, been regularly received by those holding my office ever since the Act of Parliament passed, in the year 1737, which placed theatres under the control of the Lord Chamberlain. Fees therefore appear to be established by a prescriptive claim of 95 years, and fees and emoluments are included in the terms of my stamped appointment. The fee of 40 s. was exacted in remote times, by the Master of the Revels, whose office seems from records to have been equivocal. A fee of two guineas for each licence has been paid time out of mind to the examiner, who is regularly and legally sworn into office, and his appointment is signed and sealed by the Lord Chamberlain; so that the examiner's fees are very materially less in the present day than they were in former times, according to the comparative value of money at the different periods.

878. But what proof have you that the examiner of plays, in 1737, received two guineas for his inspection?—I cannot conjure the dead from their graves, but I believe