

Mr. W. Downton.

22 June 1832.

1518. How much will the present Drury Lane hold?—I believe 600*l.* or 700*l.* or upwards.

1519. In short, double?—Yes, it is double. How any man can play better where he neither can be seen nor heard I do not know, for no man can be seen or heard naturally at these theatres.

1520. If the monopoly were done away, do you consider that in the minor theatres the legitimate drama would be substituted for those smaller pieces, interludes, and such as are performed there now?—That I cannot possibly say; there perhaps will be a description of people who will follow that species of entertainment which is performed at the minor theatres. The fact is, that some of the minor theatres just now do perform the legitimate drama in defiance of the law.

1521. If it were legal, they might perform it much more; would that be the case?—Yes, if they had actors, I think the legitimate drama would always be attractive; but the persons who used to attend the theatres 20 or 30 years ago do not come now. I know many of the highest characters, who say, “We do not come to the theatres now.” His late Majesty, George the Fourth, said to me, when I had once the honour of seeing him at Brighton, “I do not go to those theatres because they are so large; I am not comfortable.”

1522. Is not the objection, that at the large theatres they cannot see or hear, and at the small theatres they cannot get the description of amusement they admire?—Yes, that description of persons.

1523. Do you not think the general performance of the legitimate drama would improve the public taste?—No doubt of it; and that is the reason of the falling off, for at the time I mention there were eight or ten actors of the first class. I do not speak it from any unkindness to my brethren, but there are no such actors now; theatres have been managed by persons who are perfectly strangers to dramatic affairs.

1524. At what theatre did you first appear?—Do you mean as a novice?

1525. Yes.—I played in a barn at Ashburton in Devonshire, or a cow-house; I believe it was not so good as a barn.

1526. And from thence you have gained the reputation you now enjoy?—If you are pleased to allow me any.

1527. Has not the greater part of your theatrical career been passed on the boards of the major theatres?—Yes; 36 years at Drury Lane; never at Covent Garden.

1528. And therefore you are indebted for your reputation to the boards of a large theatre?—I played, I think, for two or three seasons at the Lyceum theatre, which is now burnt down, and I got more into reputation with the public during those three years than I have done during the whole of the time besides.

1529. If you were to study your own feelings of what is best for your reputation, you would prefer a small theatre to a large theatre?—Most undoubtedly. I have heard the contrary from Mr. Kean, who ought to know as well as myself, but I never heard it before.

Mr. John Braham, called in; and Examined.

Mr. J. Braham.

1530. YOU are not the proprietor of any theatre?—Thank God! I am not.

1531. Your talent is in the musical line?—Yes.

1532. Which do you prefer, the stages of the large theatres or the minor theatres?—I only performed once at a minor theatre. I should imagine that singers find some advantage in singing in smaller theatres; they prefer not exerting their voices too much, and they would be able to give more attention to the science rather than to mere sound.

1533-4. You think the space in the great theatres is rather too much for the general convenience of the singer, from the constant exertion required?—I should think so from the generality of singers.

1535. Your reputation has been derived from both?—I have sung at theatres, concerts, oratorios, churches, in short at every species of musical exhibition.

1536. Are you acquainted with the laws which affect the drama at present?—No, I am not.

1537. You have been performing lately at one of the minor theatres?—I performed at the Coburg one night.

1538. Did you find the audience there perfectly respectable?—Perfectly so.

1539. As

1539. As far as you could tell, you considered the audience respectable in general? —I thought so. They appeared to me to be perfectly respectable, and even elegant; they appeared to appreciate every thing that was done. With regard to myself, I was too much indulged perhaps, but I found every little effort of art was appreciated by the audience.

Mr. J. Braham.

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1540. Do you conceive, in short, as an actor as well as a singer, that the exertions and talents of an actor may be as well appreciated in a large theatre as in a small theatre?—I can only answer as a singer.

1541. As a singer, you think so?—As a singer, decidedly.

1542. Is the Coburg the sort of sized theatre which you think upon the whole most advantageous?—I consider it extremely advantageous. I expressed my opinion to Mr. Davidge that it was the most favourable house I ever sung in for sound.

1543. Better than one that is smaller?—Drury Lane before the alteration, in the time of Mr. Elliston, was extremely favourable for vocal sounds; after the alteration took place, I found it quite different. There was before that time, what I believe there is in every theatre, a sounding note; if you sounded a certain note the building vibrated; it does not now vibrate to any sound, it does not produce a kind of echo.

1544. That must have been rather in consequence of a change of shape than size?—Very likely.

1545. In point of fact, it is not much reduced in size?—It is reduced in size; but I think, in consequence of the reduction, a great deal of solid matter has been added to the building, which perhaps has destroyed the vibration.

1546. Then it is the construction and not the size which is in fault?—The size has been reduced in consequence of a greater quantity of solid matter upon the same space. If you take, for example, a glass, and strike it with your finger, it will produce a vibration, a continued sound, but if you place your finger on part of it that sound will be deadened, and I think theatres may be liable to the same accident. There is no rule laid down for harmonic buildings; but some theatres may be favourable to sound from accident, rather than from scientific principles, and that therefore may be injured by altering it, by laying a great quantity of bricks and mortar, and destroying the vibration.

1547. But I suppose there are certain rules to show why it is probable a particular shape may be best?—Yes, I believe the elliptic shape is considered by architects the most favourable.

1548. Have not theatres been found to be favourable in spite of that?—Yes, there is no scientific principle to build upon.

1549. No scientific principles at all?—No; only the nearer it comes to the shape of an ellipsis the more chance you have.

1550. Then you consider Drury Lane and Covent Garden too large?—No, I do not consider them too large for a person who has strength of organ to fill the theatres.

1551. It requires an unusually strong organ?—It does.

1552. You consider the Coburg more convenient on the whole?—Yes, I found it easier to sing there than at any other theatre; but a theatre may be small and bad for sound. The present Haymarket theatre is smaller than the others, and yet is the worst theatre for sound in the kingdom; the Adelphi is almost equally bad.

1553. Do you happen to be acquainted with the theatre of La Scala at Milan?—I sang there.

1554. Is that favourable for sound?—Yes; and so is the Opera House here.

1555. La Scala is larger than any theatre we have?—Yes.

1556. And yet is favourable to sound?—Yes.

1557. Have you sung at St. Carlos?—No, I was engaged to go there, but some accident prevented me.

1558. La Scala is larger than Drury Lane?—Yes, it is larger than any theatre I ever sung in, but the building may be so favourably constructed that it may not depend upon its size with regard to hearing favourably or not, but from some accidental circumstance of the shape or the materials of which it is composed.

1559. A small theatre may be so constructed as to be unfavourable to sound?—Yes.

1560. Do you not think that the reason why the Opera House is so favourable to singing is, that the stage goes so far forward into the house beyond the proscenium?—No; I do not consider so.

Mr. J. Braham.

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1561. Do you happen to know whether Covent Garden or Drury Lane were composed of more timber than the houses of the new ones?—No, I know nothing of the details of the building.

1562. In singing, do you distinguish between the applause you receive from the different parts of the house, the gallery and boxes?—Certainly.

1563. Do you think there has been any decided improvement in the musical taste of those who frequent the galleries of the theatres?—Certainly, very much.

1564. Do you think there has been a taste introduced for Italian music?—Very much.

1565. And that English ballads are less admired?—The taste for Italian music is much improved; but there is always a beauty and an appeal to the heart in ballads which will never be lost except to those who pretend to be fashionable, and to despise the voice of nature.

1566. Do you perceive that the galleries appreciate more the beauties of foreign music than they did formerly?—Certainly.

1567. Will the same observation extend to country theatres in which you have acted?—In some of the provincial theatres, Bath, Bristol, Liverpool, Edinburgh.

1568. In the principal towns?—Yes.

1569. To what do you attribute that improvement?—To the introduction of the German authors and the music of Rosini, but particularly the music of the German composers. Covent Garden, for example, has brought forward a German opera in the first style of excellence, both as regards the music and the performers; I allude to Oberon, which has improved the taste of the public very much, and *Der Freischütz*, *Frá Diavolo*; and those operas which we heard with great applause now, would have been hooted off the stage some years ago.

1570. How did the opera of *Der Alchemist* take?—I do not know, I never heard it: it was performed only a few nights and withdrawn.

1571. In what way do you think the salaries of actors would be affected by throwing open the monopoly; would it be advantageous to the actors, or the contrary?—I think some actors must be engaged who would command salaries, but the body of performers would perhaps be injured.

1572. The moderate performers would be injured in proportion to the increase of licensed theatres?—No, they would be injuring the legitimate theatres, but it would be thrown open; they would have their choice of the minor theatres.

1573. Do you think upon the whole it would be advantageous to them in point of salary?—In point of engagement it would, but not in point of salary.

1574. More might be engaged, but the salary would not be so great?—Yes.

Mr. David Osbaldiston, called in; and Examined.

Mr. D. Osbaldiston.

1575. ARE you proprietor of the Surrey theatre?—Yes.

1576. What performances have been lately performing; have you been giving the regular drama lately?—Yes, we have.

1577. Did you find that drew good houses?—Mixed up with what we call the minor drama, it does; if we played it solely, I do not think it would be continually attractive.

1578. Are you manager of the Surrey theatre?—Yes.

1579. Mixed up you mean with other pieces?—With melo-dramatic pieces which we have written for ourselves; original pieces.

1580. In cases where you have not adopted the star system, where you have not engaged any great actor, do you find the legitimate drama answer in the long run?—Yes.

1581. Independent of the performances of one great actor?—Certainly.

1582. Which should you consider you drew the greatest returns from, some evening on which you performed the illegitimate drama, or some evening on which you performed the legitimate drama?—It depends a good deal on circumstances. If we had performed any of the legitimate dramas which had not been played at the theatres for 12 months, it will generally draw money; if we produce a piece of our own writing, that will bring money; if we revive a piece that was done two or three years ago, that will bring money.

1583. In short, novelty will be the attraction?—Yes; we have had as great receipts from the legitimate drama as from dramas of our own production.

1584. Do

1584. Do you think there is any great partiality in the present administration of the law with regard to the prosecution of theatres?—There is a great partiality shown with respect to the minor theatres, if they are not allowed to play.

Mr. D. Osbaldiston.

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1585. You perform in spite of that?—Yes, we do,

1586. You consider, then, the public is inclined in your favour against the strict monopoly of the two great theatres?—Yes,

1587. Have you ever had Mr. Kean to perform at your theatre?—Never.

1588. What great actors have you had to perform at your theatre?—We have had Mr. T. P. Cooke from Covent Garden, and Mr. Reeve, who was also at Covent Garden.

1589. Have you found that the talent of those actors appeared to be appreciated in spite of the small size of your theatre?—Certainly.

1590. You are at present licensed by the magistrates?—Yes.

1591. In any alteration of the law, do you consider that would be the best mode of licensing theatres, or granting it to the Lord Chamberlain, or leaving it to the public, and making it compulsory on the magistrates?—I think it is indifferent how we are licensed so that we get a regular licence, and we know upon what ground we are proceeding.

1592. Suppose you were not allowed to perform the legitimate drama; suppose that were clearly defined, and you were not allowed to play tragedy and comedy, and left a wide range in other respects, do you conceive you should be able to draw houses sufficiently large to repay you?—Yes, if we were allowed to have recourse to the legitimate dramas already written; the dramas of Shakespeare to be played occasionally.

1593. In that case you would not have the power of purchasing the copyright of new tragedies and new comedies?—I should not care if we had not the privilege of playing new tragedies until they were played a certain number of years at the great houses.

1594. Have you the census of the population of your parish?—Yes, I have.

1595. What number of persons will your theatre hold?—I should think about 2,200 or 2,300.

1596. What class of persons generally constitute your audience?—They come from all parts, I fancy.

1597. Are they people from the vicinity of the theatre, or from the west end of the town?—I think more persons from the vicinity of the theatre than from the west end of the town.

1598. If the present restrictions were removed, do you think it would tend to improve the character of the performances you represent at your theatre?—I think the character of the performances at the Surrey theatre cannot be much better, for we mix up the legitimate drama with what we do, but we should be on a surer foundation.

1599. If you were on a surer foundation with respect to the law, you might be induced to embark still greater capital and still greater exertions in the theatre?—No, I do not think we should.

1600. You would be only anxious to keep up your present respectability?—Yes.

1601. The audience you draw is always of a respectable description?—It is.

1602. If the present restrictions were removed, do you think you would be able to perform at a cheaper rate to the public?—No.

1603. How many persons are employed in and dependent upon your theatre for support?—Directly and indirectly, I should say, at a rough guess, 400.

1604. For how many months is your theatre licensed?—It is licensed for the whole year.

1605. I wish to ask whether you think it an advantageous thing that more theatres should exist than exist at present; if the monopoly should be entirely thrown open?—Certainly not.

1606. Then all your desire is, that the licence should extend to yourselves, to be put upon the same footing as others?—Yes, or at all events we should know on what footing we are, for according to the present laws we are not allowed to play at all.

1607. Then you do know on what footing you are?—Yes; but we might as well give up the theatre if we were only to give dancing and singing.

1608. You think if you were strictly to abide by the law the theatre could not go on?—I do not think we should receive 5*l.* a night. I would not give 5*l.* for the night's receipt for a twelvemonth.

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1609. Will

Mr. D. Osbaldiston.

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1609. Will you state what is the law of copyright? How soon could you at the Surrey theatre produce a new play which had been brought forward at the large theatres?—I do not suppose we have any right to do that at all, for I believe we have no right even to speak upon our stage, only singing upon our stage.

1610. Then your not being enabled to produce those pieces is not from your not having a right to do so, but not having a licence to perform plays?—We have no licence to perform plays at all.

1611. Then confining the question to a ballet brought out at the larger theatres, could you perform that at your theatre?—I cannot tell; I do not really know whether we have a right to do that.

1612. Have you produced at the Surrey theatre any ballet in very close imitation of some favourite ballet at the large theatres?—Never; we do not give ballets at our theatre; we have no ballet company. We do not produce ballets at all.

1613. What is the sort of piece you find most attractive in general?—The melodramatic style of performance, mixed up with the regular drama occasionally.

1614. The regular drama and melo-drama?—Yes.

1615. Then you would think it a very great hardship, and a very great loss, if the law were regularly enforced, and you were prevented from playing the legitimate drama?—Yes.

1616. How soon do you venture to produce any new play after it has been played at Covent Garden or Drury Lane?—I should never think of producing it during the run of that piece at the theatre. The question was asked me this morning to produce *Rienzi*, which I refused; I have been asked several times to produce the *Hunchback*, which I refused.

1617. Then it is a matter of taste with you whether you will do so or not, for there is nothing in the law to prevent you?—Yes, there is a law to prevent me.

1618. How soon can you do it according to law?—I cannot do it at all by law.

1619. It is merely by sufferance you are acting at this moment?—Yes; I believe I could equally be fined by the managers of the major theatres for playing one of our own productions as for playing their *Rienzi* or their *Hunchback*.

1620. Suppose the piece is not published, does not it happen that a copy is obtained from the theatre at which it has been produced and acted?—Yes; before it is published they sometimes do, but it is by the permission of the manager or author of the piece. We do not take it surreptitiously away, and perform it.

1621. Has it never been obtained from the prompter?—I never have.

1622. Do you know that others have?—I do not know that it is done in London; it is common in the country.

1623. By a fee to the prompter?—Yes, or by persons being in town, who procure those pieces.

1624. Do you know what remedy the author has?—No, I do not.

1625. The theatres, of course, could prosecute if they please?—There is sometimes an injunction laid upon the manager.

1626. They obtain an injunction from the Chancellor?—Yes.

1627. There is the remedy of an injunction from the Chancellor?—I believe so.

1628. In the instances in which you have brought forward the regular drama in your theatre, have you ever brought forward a play which has not been previously licensed by the Lord Chamberlain, and acted at the large theatres?—None of the pieces we create ourselves are licensed by the Lord Chamberlain.

1629. Have you ever brought forward things which may be strictly within the definitions of the regular drama, not burlettas?—I do not know that the pieces we produce are such.

1630. Have you ever produced pieces like the *Rent-day*?—Yes; *Black Eyed Susan* might be styled something like the *Rent-day*; it is by the same author, in fact.

1631. You never brought forward a coat-and-waistcoat comedy or a regular tragedy?—Yes, we did, a piece called *Thomas à Beckett*, which was also written by the author of the *Rent-day*.

1632. What was that?—A three act tragedy; an historical tragedy.

1633. Did that undergo any censorship whatever?—None.

1634. Did not you bring forward Lord Byron's *Foscari*?—No.

1635. Should you object to be put under the censorship of the Lord Chamberlain's office?—No, not at all.

1636. Do you think that power, as far as you have been acquainted with it or heard of it, has been used with discretion and impartiality?—Yes; I do not remember

remember an instance to the contrary myself. I have not lived in London so long as to remember things that have transpired more than five years since.

Mr. D. Osbaldiston,

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1637. Were you manager of a provincial theatre before?—I have been.

1638. What theatre?—At Truro, in Cornwall.

1639. Licensed by the magistrates?—By the mayor.

1640. You were not subject to any censorship there?—No.

1641. Could you perform *Massaniello* there?—We have performed it.

1642. Suppose that had been an original piece brought out at Covent Garden or Drury Lane, is there anything in the law which would prevent your bringing that forward at the Surrey theatre?—That was a tragedy of *Massaniello* which was performed at Drury Lane some time ago, not the opera.

1643. How many years ago was that performed?—I believe eight or ten years ago.

1644. Should the managers of Drury Lane have thought proper to apply for an injunction against you for performing that tragedy, do you think they would have succeeded?—I should hardly think they could, in the present state of the law.

1645. It having been produced ten years ago?—Yes.

1646. Then what would you place as the limit of time in which an injunction should be had by the theatres; is it the run which a piece is having at the theatres?—No; it more depends on the feeling of the proprietor of the piece and the proprietors of the theatre, against the proprietors of the other theatre.

1647. He can do it then at any time he pleases?—Yes, I fancy so.

1648. You say you were manager at a country theatre; what is the process at a country theatre, not a patent theatre, like Brighton or Liverpool; how would you go to work if you wished to bring out any piece like the *Hunchback* at Covent Garden?—We should get a printed play and produce it.

1649. Immediately?—Yes, immediately.

1650. You would infringe no right of Covent Garden if you played it the night after?—We should perhaps infringe real right, but custom has sanctioned it.

1651. As soon as you could get a copy?—Yes; I remember an instance with respect to *Therese*: I played it a month or six weeks after it was produced in London.

1652. You were aware there was a law against it?—I scarcely inquired about that, for it was so much the custom of all theatres to do it, that I followed the same course.

1653. The publication, you think, takes it out of the right you have stated as to a play that is not published?—It is understood in the minor theatres in London, that as soon as a piece is published they have a right to play it.

1654. Have you that right at the Surrey theatre, provided your licence enables you to do so, to produce those pieces after publication, as you have in the country theatres?—I should think they ought to have the same right.

1655. What way do you remunerate authors at your theatre?—It is either by a nightly sum during the run of the piece, or a bargain agreed upon between the manager and author for the piece entirely.

1656. What is the usual mode of proceeding?—One is as customary as the other with us.

1657. If a piece runs for a certain number of nights, there is a certain sum; is it greater if it exceeds a certain number?—No; there is a certain sum until the publication of the piece. If the author publishes his piece, the remuneration ceases.

1658. Is he at liberty to publish it when he pleases?—We make a bargain that he shall not publish it within three months, for we imagine if he publishes it, other theatres will perform it, and it will lose its attraction.

1659. Do you ever purchase the copyright yourself?—I never have myself. Mr. Elliston did previous to my management.

1660. You say that in the country you would act it as soon as it was brought out, if that be before publication?—That is the custom, I believe.

1661. That would be a breach of the copyright?—It would be a breach.

1662. Have they a remedy at law against you for that?—I do not know; I believe there may be, but it has been so long a custom.

1663. I thought you said it was the custom to wait until the piece was published?—No, not always; managers get down a copy and play it.

1664. As soon as they can get a copy?—Yes.

Captain *John Forbes*, called in; and Examined.

Captain
John Forbes.

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1665. WHAT theatre are you proprietor of?—Covent Garden.

1666. Do you hold a considerable share?—An eighth.

1667. Do you consider the interest of the property of Covent Garden theatre deeply implicated in the preservation of the present monopoly?—No question about it.

1668. Then if the whole monopoly were to be broken by a future Act of the Legislature, you conceive it would be just that you should receive compensation?—I conceive that otherwise it would be an act of the grossest injustice, for these reasons: the patent which was originally, properly or improperly, granted, has been recognised, as I will take the liberty of showing, by almost every Monarch since it was first granted, down to His present Majesty.

1669. But it was always granted upon some understanding; it was given as a trust, not as a gift?—There has never been any complaint of any breach of trust either from the Monarch or the Lord Chamberlain, the organ of the Monarch, that has reached the theatre, to my knowledge.

1670. Nor from the public?—Nor from the public.

1671. Do you ever read the newspapers?—Frequently.

1672. Have you ever heard any complaint that the drama has deteriorated, and the dignity of the drama has been injured by the patent theatres?—Yes, and I know how that arises. Many of those parties, reporters to the newspapers, send in dramas which in their estimation are invaluable, but in the estimation of the public are not worth one farthing. Those parties are irritated by their not being represented, and they give that mis-statement to the public which you have just now stated.

1673. You conceive it is the reporters of the newspapers who write the leading articles in the newspapers?—That is my opinion as to the theatrical articles.

1674. How can you tell whether those productions would be acceptable to the public or not till they are represented?—We have tried them frequently, and they have always failed.

1675. Have they never been brought out at minor theatres afterwards?—That I cannot say.

1676. If those productions are likely to be of no value to you as proprietor of the theatre, and not satisfactory to the public, what objection can you have to those productions which come under the head of the legitimate drama being represented at the minor theatres?—We object to it because it is an infringement of our patent rights.

1677. Not for the sake of the public?—I consider that any infringement of our patent rights, the law has the best means of judging of.

1678. You think your patent rights are of more consequence than the amusement or entertainment of the public?—We do not pretend to judge of that fact.

1679. You never consider the public?—We consider the public in this way, that there is no instance where a piece is given to us that it is not represented, if it is likely in any way to answer the purpose.

1680. But suppose the Lord Chamberlain licenses a legitimate drama at all the minor theatres, or even one, would you consider that an infraction of the law, or merely a violation of the compact and good faith that exists between you and the Crown?—If it is not out of Westminster, I do consider it an infraction of the compact between the Crown and us, and the law is violated also.

1681. What law?—The Act of Geo. 2; if you will have the goodness to refer to 10 Geo. 2, and 25 Geo. 2.

1682. Which clause of 10 Geo. 2 is violated by the legitimate drama being played at the minor theatres by the license of the Lord Chamberlain?—If it is out of Westminster the Lord Chamberlain has no control, and no means of granting a licence.

1683. The question I asked you is this; suppose the Lord Chamberlain licensed a legitimate drama?—It must be in Westminster, because he has no power out of it.

1684. Suppose he licenses it within the city of Westminster, would you consider it an infraction of the law?—No.

1685. But a violation of good faith?—Yes, clearly.

1686. And the Lord Chamberlain is perfectly independent of you?—We admit the Lord Chamberlain may do that; but as Lord Thurlow, who was a great judge, said, "Would the Crown do so?" He stated, the Crown had full authority to do that; "but would it not be a violation of faith; and would the Crown do so?"

1687. Suppose

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John Forbes.

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1687. Suppose the Crown did do it?—We must submit.

1688. Suppose the Crown took the entertainment of the public into its consideration, and in order to add to it, threw open the legitimate drama; what remedy would you have?—I do not know that we should have any remedy against the Crown; we do not enter the lists against the Crown.

1689. You have no exclusive rights by law?—We have by the patent.

1690. Not exclusive rights?—The patent is before the Committee, and they will be sufficient judges of that if they will refer to it.

1691. I can find no exclusive privileges given to you that might not also be given by the Lord Chamberlain to the minor theatres?—Yes, within Westminster.

1692. You allow that is so?—Yes; but then I state in equity we stand on the compact; as Lord Thurlow said, "Would the Crown do so?" Has not a very large sum of money been expended upon the faith of that? If you will have the goodness to refer to the book that is now before you, the 50 Geo. 3, you will find the Act of Parliament recognises the patent.

1693. You are not aware the Crown has already committed that breach of faith?—I am aware it has.

1694. Then that would be an answer to Lord Thurlow's question; the Crown has done it?—It has.

1695. Then we are justified in supposing it did not consider it a breach of good faith?—It would be so considered, but that we have no right to come and arraign the acts of the Crown. We do not presume to do so.

1696. Then your exclusive privileges are merely nominal?—I do not know that they are merely nominal in equity.

1697. In law they are so?—They are established by this Act of the 50 Geo. 3, c. 214, sec. 2. I am not presumptuous in saying we have rights. I think this point has been addressed to the Committee before.

1698. At that time Drury Lane had purchased the Killigrew patent?—That is the Act by which they did purchase it.

1699. What patent is it Covent Garden has?—Davenant's.

1700. From whom did Drury Lane purchase Killigrew's patent?—The two patents were in Covent Garden at the same time.

1701. Do you know when they both belonged to Covent Garden?—I have not the dates in my memory.

1702. But for a length of time they belonged to Covent Garden?—They did.

1703. And the Killigrew patent was sold by Covent Garden to Drury Lane?—Yes, by direction of his Majesty, George the Third. The compact was signed by his late Majesty as Prince of Wales, by the Lord Chamberlain, the Marquis of Salisbury, I think, and by the Duke of Bedford; those three parties consented to and recommended the sale of the patent, by the direction of his late Majesty, George the Third.

1704. Do you think it would be ruinous to the interest of those who have embarked their money in Covent Garden theatre, if the monopoly should be thrown open?—I will only take the liberty of citing what my opponents have said; they have all admitted it would be ruinous to us, and to the drama as well.

1705. You are mistaken; they have said no such thing. State what is your opinion?—My own opinion is unquestionably that it would be ruinous.

1706. And your opinion is, it would be a hard thing that you should be ruined for the sake of the public?—Yes, unless the public think it right to remunerate us. These parties who are so anxious to take our property are extremely tenacious of their own, that we should not take theirs.

1707. In the first place, you consider the present cry which exists among the public with respect to the monopoly at the two great theatres, and which has in fact so far succeeded as to produce this very Committee, has been brought about by some disappointed reporters of the newspapers?—You cited the newspapers as authorities, and I gave you my reason why I did not consider them so.

1708. Did you ever happen to refuse a play at Covent Garden theatre by Mr. Barnes of the "Times"?—I do not know.

1709. Or Mr. Thwaites of the "Herald," or Mr. Black of the "Chronicle," or any of the other editors?—I do not possess that information.

1710. These gentlemen write the leading articles in their newspapers. The leading articles, as well as the theatrical articles, have pointed out the inconveniences of the monopoly. But you say, newspaper writers are rejected dramatists, and therefore prejudiced; yet you have never refused plays by these gentlemen?—

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I do not know the fact; I heard the fact I have given from the parties whose province it is to judge of the plays.

1711. What is your opinion of the law as it at present affects your patent; do you not consider your patent is at present invaded?—No doubt.

1712. Then you would like to have the monopoly strengthened?—That is not for me to give an opinion upon; it would be putting me in a very invidious situation if I were to give an answer to that. I merely cite the law as it is.

1713. You do not wish the law to be altered?—I think if the law is altered, and it destroys my property without remuneration, it will be an act of extreme hardship. I say it might be a benefit to the public, to actors or artists, or any other description of persons, to divide our property, or the property of any gentleman I am addressing; it might be a benefit for the moment, but I say that benefit would be but of short duration; and they have the same right to divide your property as they have to divide mine.

1714. In what manner do you consider that remuneration should be given to you?—I would much rather that should come from another quarter.

1715. In what manner do you think that remuneration could be drawn?—It might be drawn in various shapes. If these theatres, for example, as was stated in this seat a little while ago, were put up to lottery, a mode of remuneration might arise; or, for example, as in the large grant that was given to the Duke of Bedford's ancestors of a slice of London, when the present inhabitants of that part of the town require any part from the Duke of Bedford, they come and make an agreement with his Grace to build upon that estate. The same thing might arise with reference to the minor theatres. If they want my property, it will be but a similar case; if they come and make an agreement, they may take that part of it.

1716. That you think would be a sufficient remuneration?—I do; either of those two modes: but I do not mention that presumptuously; you put the question, and I am giving the best answer my judgment is capable of.

1717. Those two would be advisable?—Yes; I do not know that the Government would be inclined to do that of itself, nor do I suggest it.

1718. How could you calculate the remuneration that would be required?—I am not prepared at this moment to calculate the amount of it; but in our petition to the House of Commons, the different sums are stated which have been embarked. It is stated also on what faith we embarked our property. I consider we have a much better title to our property than there is perhaps to any property in the kingdom at this moment, because it is not only like the Duke of Bedford's estate, a Royal grant, but it is recognised by every Act of Parliament which refers to the subject; and it was recognised in the last case in which by His Majesty's direction it was investigated by the Lord Chancellor, the Vice Chancellor, the Chief Justice of the Common Pleas, and Mr. Justice Park, last year.

1719. Have you ever had reason to complain of the Crown violating any part of the compact up to the present time?—Frequently.

1720. In what instances?—We complained to the Lord Chamberlain on a very recent occasion of the increase of these minor theatres, and their performing the drama, and more particularly the occasion of our complaint about three months back was Mr. Rayner setting up a theatre in the Strand, in defiance of the Lord Chamberlain, and in defiance of the law.

1721. What was his answer?—The Lord Chamberlain undertook to prosecute the parties, but nothing has been done. I have heard circumstances relating to the subject which perhaps may not be true, and therefore I will not repeat them.

1722. You consider the minor theatres are infringing your patent at the present moment by acting the legitimate drama?—No doubt of it.

1723. Then what injury do you apprehend would result to the patent theatres if the minor theatres were allowed to act the legitimate drama?—I conceive you would never have a play well acted in this country again.

1724. How would there be a greater injury than at this moment?—The injury would be increased.

1725. Is Covent Garden in a prosperous state?—At present it is not.

1726. Since when has it not been prosperous?—Since the year 1820.

1727. To what do you ascribe the change?—The increase of the minor theatres, the late hours of dining, and the Monarch not giving it that support which was given before by his presence.

1728. Do you believe there exists a real desire in the public for more theatres than there are at present?—Upon my word I doubt it very much.

1729. You

1729. You say you are not aware there have been proceedings taken by the Lord Chamberlain against Rayner, but I believe there have been?—I do not know the fact.

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1730. Have you not the power of instituting proceedings yourself either in a court of law or before the magistrates?—We have.

1731. Why do you not exert it?—Because the law is so dilatory it would absorb all the money we could raise in any shape to do it.

1732. It is just as dilatory in the way of the Lord Chamberlain?—Not quite so; for if you will refer to the 10 Geo. 2, you will find he can do it.

1733. But you can do it by information before a magistrate?—There is great difficulty, the solicitor stated, in getting at the evidence, and in one instance he could not even get the Christian name of the party.

1734. Then you think the law might be amended in some respects with regard to theatrical affairs?—It is probable it might.

Luncæ, 25 die Junii, 1832.

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Captain *John Forbes*, called in; and further Examined.

1735. YOU stated the last time you were examined, that the only objection you had to opening the monopoly of the large theatres, was the difficulty of granting them compensation, and you considered it would be exceedingly unjust to break up the monopoly unless compensation was granted to the two large theatres?—I did state that.

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1736. You stated your opinion, that the principle question was as to compensation to yourself and the other proprietors of the two large theatres, in case the monopoly was broken up; now, do you consider the amount of the compensation should be in proportion to the value of the property in the two theatres?—I do.

1737. Supposing all the debts of Covent Garden theatre were paid, do you think a large surplus of property would remain?—I do.

1738. Do you consider the value of the house would be very considerable to the proprietors, supposing debts which are now upon the house were all paid?—No doubt of it.

1739. You conceive the amount of the compensation should be proportioned to the value of the theatre?—No doubt of it.

1740. At the same time, it appears from the evidence before the Committee, that the property has been very unproductive, that it has not been at all profitable to the proprietors since the monopoly was granted?—I never admitted that.

1741. It appears from the evidence; you say you do not admit that?—Not in any way, because the books will show the contrary.

1742. The scheme you suggested of providing compensation, was that of a lottery?—It was suggested by another party, and I acceded to it.

1743. That is supposing Parliament were willing to grant a lottery?—Yes, it was suggested by Mr. Sheridan.

1744. Of what value do you consider Covent Garden theatre?—I have never given the thing a consideration.

1745. Is not that easily to be ascertained?—It is.

1746. What is the actual amount of debts in the property?—The debts at present, I should think, in round numbers, about 160,000 *l.*

1747. Does that consist in part of the 75,000 *l.* which is stated in this paper?—Yes.

1748. How is the rest made up?—By simple contract debts and debts upon bond.

1749. The money which has been embarked since?—The greater part has been advanced since; indeed the whole, except 6,000 *l.* or 8,000 *l.*

1750. You have an eighth share in Covent Garden theatre?—Yes.

1751. Of what value do you consider that?—It must depend entirely on the proceedings of the Government: if they break faith with us, the value is nothing.

1752. What do you consider it to be now or previous to the appointment of this Committee?—I have never given that a consideration.

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1753. Do you receive any annual income from it?—While the debts are paying off, that is an annual income. If I owed 20,000 *l.*, and I pay off 4,000 *l.* a year out of the profits of my business, surely that is an annual income of 4,000 *l.* a year for five years.

1754. You receive 4,000 *l.* a year and pay 4,000 *l.* a year?—Yes; that is an annual income, because at the end of five years I am less in debt by 20,000 *l.*

1755. You mean it is an annual income, whether you lay it out in paying debts or buying commodities?—No doubt, because I am better at the end of five years by 20,000 *l.* than I am at present; *ergo*, I have an annual income of 4,000 *l.*

1756. Have you invested 20,000 *l.* in Covent Garden theatre?—Yes, more.

1757. What interest do you receive upon that annually?—I do not receive interest until the debts are paid.

1758. How many years will it be before the debts are liquidated?—It is not intended to liquidate the claims of the shareholders; they hold upon bonds coeval with the extent of the lease; the other debts will be liquidated in the course of a certain number of years.

1759. Then you received no interest for the money you advanced?—I receive interest if I pay off my debts.

1760. Who receives interest now?—There is some part upon interest, and some part not upon interest, and the interest accumulates whilst the debts are paying off by the proprietors of the theatre.

1761. How many shareholders are there?—There are 152 shareholders in 500 *l.* shares.

1762. Then you consider the 76,000 *l.* was about the value of the property?—As I stated before, I have never given the thing the least consideration.

1763. You consider there are 152 shareholders entitled to 500 *l.*; do you consider the shares worth 500 *l.*?—They considered them so, or they would not have advanced their money upon them.

1764. You consider 500 *l.* was an equivalent for a 500 *l.* share?—Yes.

1765. Then we may ascertain by that what the property is worth; you consider the property is worth 76,000 *l.*?—I do not understand how that arises, the theatre cost 300,000 *l.*, the patent cost 60,000 *l.*

1766. You state there are 152 shareholders, at 500 *l.* each?—Yes, that is 76,000 *l.*

1767. And besides that, you say there has been a considerable sum of money embarked since?—Yes.

1768. Upon the faith of those patents?—On the faith of the patents, of course, as well as the Acts of Parliament.

1769. Out of the 60,000 *l.*, did not you receive 20,000 *l.* from Drury Lane?—The 20,000 *l.* was paid before the new theatre was built.

1770. You received 20,000 *l.* from Drury Lane, for Killigrew's patent?—Yes, I believe that was the sum.

1771. The 60,000 *l.* includes both patents?—No, I believe that is the price of Davenant's alone.

1772. Then how did you become possessed of Killigrew's patent?—I do not know.

1773. Having received 20,000 *l.* back of the purchase money, that reduces it to 40,000 *l.*, that is what your patent is worth?—The value of the property is the amount which has been invested, in consequence of the patent and the Act of Parliament.

1774. You bought that theatre with the 60,000 *l.* as well as the patent, it was not the mere piece of paper you paid 60,000 *l.* for?—I am speaking without book, as I am not aware of that fact.

1775. Having embarked your property in the speculation, you are not aware of that fact?—The property came to me by marriage.

1776. Has a copy of your patent been given in?—Yes.

1777. What has been the practice hitherto with regard to the shareholders; have you paid off any part of the principal, or have you paid them only interest?—We have paid them interest generally; some of them have not even got their interest.

1778. Then you have not paid off any part of the principal?—No.

1779. But paid the interest when you could?—Yes.

1780. Of what value in the market are your shares?—I do not know.

1781. Have any been sold publicly of late?—I do not know.

1782. In short, you are not aware of the real value of your property?—I am not.

1783. But you think that property would be considerably deteriorated if the minor theatres were allowed to play the legitimate drama?—Yes, I think not only that property, but the property, if such it can be deemed, arising out of the industry of every performer in either of the patent houses.

1784. How can you anticipate that as to the performers, because they would obtain salaries at the other theatres?—They have attempted it at the minor theatres, and how have they been paid?

1785. Would they not be better paid, if the minor theatres had the opportunity of producing more attractive pieces?—I think not. There has been a calculation made that a certain sum of money was given to the theatres annually by the public, that sum of money we have ascertained, by the best experiments in our power, of late years has not been increased, therefore if it be divided it must be so subdivided as completely to ruin all the prospects of the superior performers.

1786. Has not that calculation been answered, because it has been shown you could not suppose that sum would not increase if the character of the performances should be more attractive, but it has been limited, because the patent theatres have not been attractive?—The minor theatres have acted legitimate drama, in defiance of the law, and they have not found that sum increased.

1787. What is the sum named?—I do not recollect at present; I think about 1,200 *l.* a day was the calculation, but it is some time since I turned my mind to it.

1788. Are you aware that the performers take a different view of their own interest, as they are in favour of the minor theatres playing the legitimate drama?—The evidence I have heard, with the exception of one of the performers, has tended the other way.

1789. What do you think of Mr. Downton's evidence?—If I were inclined, I could account for that, but I am not obliged to do so.

1790. Mr. Downton's was in favour of the minor theatres?—It was so.

1791. Mr. Braham's was in favour of the minor theatres?—I did not understand it so.

1792. Have the shareholders free admission-tickets?—They have.

1793. How many apiece?—One, either personal or transferable, once a year.

1794. No plan of compensation, except that of a lottery, suggests itself to you?—The plan I mentioned on Friday, which is in evidence.

1795. Who is the new lessee of Covent Garden theatre?—Mr. Laporte.

1796. How many bidders were there?—There were two.

1797. What does Mr. Laporte give?—Altogether it comes to nearly 11,000 *l.* a year.

1798. Has he taken it for a term of years?—For seven years.

1799. You said on Friday, the plan you proposed was, that if the proprietors of the minor theatres wanted your property, they should come to the patent houses and ask to make some agreement with them, as with the Duke of Bedford for leave to build?—I did say so.

1800. That would leave them quite at your mercy, as to the terms you would propose?—It is like every other property; like every other royal grant in this country, and the whole property of Ireland.

1801. Do you complain of the Lord Chamberlain licensing Italian and French operas at present at the King's Theatre?—I do not recollect that we have made formal complaint of that; but I think we have reason to complain of it, as I will show, if the Committee will allow me to go into the evidence which I was required to furnish. I am now prepared with the compact made with the Opera-house.

1802. What information have you to give with respect to that?—It is an agreement signed by R. B. Sheridan, Thomas Holloway and William Sheldon, and approved by the Prince of Wales, the Duke of Bedford and the Marquis of Salisbury. The sixth clause states, "It having been agreed on all sides that Mr. Harris should derive a just compensation in respect to his dormant patent from the Haymarket property, at the same time the various and necessary charges laid on this theatre rendering it very desirable that the arbitrator should add as little as possible to those expenses, it is agreed that the Haymarket theatre shall be charged only with an annuity of 250 *l.*, redeemable for 5,000 *l.*, towards that compensation; and that all further expenses attending the settlement with Mr. Harris shall be borne by the proprietors of Drury Lane theatre, upon the said dormant patent

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being annexed inseparably to that theatre, with the consent of the Duke of Bedford." 7th. "In this case, it is to be understood as a part of the settlement *bonâ fide* between the three theatres, that the patents of Drury Lane and Covent Garden shall never be exercised for the performance of Italian operas, and that the Haymarket theatre and patent shall be for Italian operas only, with such occasional aid as has been usual from balls and masquerades." 27th. "To be referred to John Maddocks, Esq. and Arthur Piggot, Esq. to prepare a proper deed for the carrying the above outline into execution; and in which deed are to be inserted all such clauses, provisions and declarations, as in their opinion shall be proper or necessary for effecting the trusts proposed, and securing the rights and interests of the several parties according to the true spirit and meaning of this outline of the arbitrators." 31st. "*Every part of this arrangement to be subject to His Majesty's approbation.*"

1803. Has not the King's Theatre received a subsequent licence from the Lord Chamberlain?—That I do not know; it is part of that arrangement that a licence shall be granted for 21 years. Upon this subject, I will take the liberty of reading an opinion of Mr. Hargraves, who was the counsel we consulted at that time. He says, "A plan, of which the proposed transfer is a part, has been approved in writing not only by His Royal Highness the Prince of Wales, as well as by the Duke of Bedford and the Marquis of Salisbury, His Majesty's Lord Chamberlain, subject to his approbation, but has in effect been approved by the King himself. The approbation of His Royal Highness and the Marquis of Salisbury appears from the Opera arrangements signed by them; for, according to the sixth article of that arrangement, Mr. Harris is to be compensated for his dormant patent. The Haymarket theatre is to contribute to the value of 5,000 *l.*, and the further expense is to be borne by the proprietors of the Drury Lane theatre, on having such dormant patent inseparably annexed to it. The approbation of His Majesty appears in effect from a letter of the Marquis of Salisbury to Messrs. Sheldon, Needham and Burton, the trustees of the Opera undertaking, dated at the Lord Chamberlain's-office the 24th February last; for by this letter, Lord Salisbury officially informs those three gentlemen of his having laid the extract of the Opera arrangement before the King, and of His Majesty's not disapproving it. This negative manner it seems is the usual form of giving the royal approbation. To suppose that a transfer of the royal patent thus sanctioned by His Majesty, by the Heir-apparent to the Crown, and by the Lord Chamberlain, whose office is so peculiarly connected with the theatres, should be hereafter quarrelled with by the Crown or its officers, would be, as it is submitted, to suppose that the Crown may break faith with those who, under the royal sanction, embark in plans of vast expense and magnitude."

1804. What is the date of the compact?—1791.

1805. Then a licence was granted to the King's Theatre for 21 years?—Yes.

1806. That must have expired?—Yes.

1807. Have you a copy of the new licence?—I have not.

1808. The new licence may not restrict the Italian opera in the way that the licence of 1791 did?—If it does not it is a breach of the compact.

1809. The Committee have a copy of the licence granted to the King's Theatre, and that reserves to the Lord Chamberlain the power of licensing the performance of German and French operas on a separate nightly application made by the King's Theatre; therefore, on application, it is quite clear the Lord Chamberlain has the power of licensing German and French operas; so that it is worded different from the agreement which you have just read?—Will you permit me to say this is not to be dealt lightly with, because it was the act of the Monarch; it was further the deliberate act of the Legislature, and I have now before me the Acts of Parliament which confirm it, as well as other royal documents.

1810. Who do you mean as dealing lightly with it; if anybody, it is the Lord Chamberlain, and that is what we wish you to prove if you can?—I have already proved it by this agreement, with the signatures of the Prince of Wales, the Duke of Bedford and the Marquis of Salisbury, and approved by the King.

1811. That licence has expired, and there is an end of that compact?—This Act of Parliament is perpetual, the 52 Geo. 3.

1812. According to that, you have your remedy in your own hands, as it only says you shall abstain from acting Italian operas?—I am very glad the suggestion comes from the Committee, because I am prepared to prove that had we not considered that Act as permanent, we should have let the theatre for 3,000 *l.* or 4,000 *l.* a year more, with the permission to perform Italian operas.

1813. If

1813. If you had the power of performing Italian operas, you could let the theatre for 3,000*l.* or 4,000*l.* a year more?—That is so.

1814. Should you consider that an adequate compensation for the minor theatres being allowed to perform the legitimate drama?—Certainly not; that is a separate thing altogether; that would take out of our hands the means of performing the English drama.

1815. But if the Legislature give you the power of playing Italian operas, do you mean to say the minor theatres do you more damage than 3,000*l.* or 4,000*l.* a year?—Unquestionably more. I will prove by the books they do us damage to the extent of 20,000*l.* a year; I will not give it on my *ipse dixit*, but if the Committee think proper, I will attend with the books, and they are the best authority, for they were made up without the previous knowledge of this Committee.

1816. How do you calculate that?—By the receipts of the house.

1817. Suppose this evening the Coburg theatre was shut up, what difference would that make to Covent Garden?—It is a different thing to calculate that, because that is an individual case.

1818. Then how do you calculate the damage that has been done to Covent Garden by the minor theatres?—By the receipts of the house having fallen off so very much after the increase of these minor theatres. I think it was 1,200*l.* a day that was calculated to be given to the theatres by the public, and up to the time of the increase of these minor theatres, the receipts were 20,000*l.* a year more than they are at present.

1819. Do you suppose the minor theatres are necessarily the cause of that loss, because the loss has happened since?—I took the liberty of stating so on Friday.

1820. At the same time you stated the theatrical population had fallen off, without any reference whatever to the minor theatres, but in consequence of the late hours, the want of the patronage of the King, and so forth?—My answer is before the Committee in writing.

1821. Do the profits of the theatre depend very much on the concourse of strangers into London?—Yes, very much.

1822. Do strangers go to the minor theatres as generally as they go to the large theatres?—No doubt.

1823. Do you not consider that late hours, the want of the patronage of the King, certain religious feelings, and other circumstances, may have contributed to decrease the theatrical population for 20 or 30 years past?—I have stated that already in my evidence, but the principal reason is the increase of the minor theatres.

1824. That would be only auxiliary to other reasons?—It is not an auxiliary but a primary cause.

1825. Do you mean to say the minor theatres abstract 20,000*l.* a year from Covent Garden theatre?—I do.

1826. How do you set about proving that?—By the receipts of the house from the time of rebuilding up to the year 1820, and from 1820 up to the present time.

1827. Are there no other circumstances likely to operate upon the public?—I rate that one circumstance at 20,000*l.* a year.

1828. What proportion of that sum do you suppose is abstracted by the Coburg theatre?—I stated before that would be a very difficult thing to determine.

1829. If you put them together you can make out the items?—I very much doubt it.

1830. How do you calculate the whole?—I confess it would be somewhat objectionable the calculation; but you asked me the amount, and I answer to the best of my judgment and belief.

1831. What damage do you think the Adelphi does you?—The Adelphi does us a very material damage indeed.

1832. To what amount?—I should say the Adelphi alone must be at least 2,000*l.* a year.

1833. The Olympic?—The Olympic I am not quite so sure about; it is only open part of the year; the Adelphi you may say is open the whole year; perhaps it might be 700*l.* or 800*l.* a year.

1834. Do you not think the class of persons who attend the minor theatres is different from the class who attend the large theatres?—No, in the aggregate they are the same.

1835. Must not the difference of price, supposing the minor theatres did not exist at all, exclude from the large theatres a great number of persons who now

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go to the minors?—The difference of price is not so material, because when those persons go to the patent theatres they pay pretty much the same as at the minors:

1836. How does that come to pass, when the price is 7*s.* to the boxes?—There is a great part of the public who can go to the gallery for 1*s.* and at half-price for 6*d.*; and therefore they can go for the same price to the patent theatres as to the minors.

1837. That is at half-price?—At whole price; for they can go for 1*s.* at whole price.

1838. But to a different part of the house from a part of the house to which they would go in the minor theatres?—Yes.

1839. For instance, instead of going to the boxes in the Adelphi, they go to the pit of Covent Garden theatre?—Just so.

1840. Can you inform the Committee what the annual receipts of Covent Garden theatre have been within the last three years?—In the last three years, 134,000*l.*

1841. What were they each year?—In the present season about 42,000*l.*; the last season was about 42,000*l.*; and the season before that was turning 50,000*l.*

1842. Were the preceding seasons more or less profitable?—They fluctuated very much; three or four seasons ago it was 70,000*l.*; another season, 55,000*l.*; and another, 63,000*l.*; they fluctuated very much.

1843. Have not the receipts been as high as 90,000*l.*?—Yes, higher.

1844. Were the minor theatres in as full operation as they are now?—No, not in any one instance.

1845. In point of fact, the receipts have never been so low as they have been during the last three years?—Never; by the increase of the minor theatres.

1846. But frequently fluctuating?—Yes, perhaps 10,000*l.* a year fluctuating.

1847. Perhaps you can give us in a paper of the annual receipts of the theatre since the rebuilding to the present time?—Certainly; the average amount of receipts from the rebuilding up to 1820, is 86,000*l.* a year.

1848. What the Committee wish to ascertain is the year of fluctuation, in order to see how the increase of minor theatres operated upon the receipts?—The Committee shall be furnished with the documents that show that.

1849. Do you think that the minor theatres within Westminster, or those out of Westminster, do you the most damage?—As to the number, I think pretty nearly equal.

1850. Which does you the most harm?—I think the Adelphi.

1851. The Adelphi does not play the legitimate drama?—I am rather of a different opinion.

1852. It is not licensed for it?—No, it is not.

1853. You think it is violating the law?—Certainly.

1854. Every night?—Certainly.

1855. Then why do you not prosecute it?—We have instituted prosecutions repeatedly. There was one action tried by the Chief Justice of the King's Bench, about six weeks or two months ago, and he directed the jury to give a verdict for us, because he said he was bound on his oath to administer the laws as he found them, and the jury had taken the same oath when they entered the box. He stated there was no question for the jury to determine, they were bound by their oaths to give us a verdict.

1856. The jury formed a different opinion from the judge?—They did not.

1857. They confirmed the judge's opinion by their verdict?—They did.

1858. What was that?—That each party should be amerced in the penalties that were sued for.

1859. Who had to pay them?—The defendants.

1860. Were the penalties paid?—There is the mischief; we lay out money to prosecute, and whom do we prosecute? Men of straw. Mr. Chapman failed; he was one of the parties; and where was our money? We laid out our good money seeking for bad, which we never got.

1861. Was Mr. Chapman the manager? How came he to be responsible for the whole of that money?—He was one of the parties we sued. There was another party at the Queen's Theatre, Mr. Macfarren.

1862. Mr. Chapman was not at the Adelphi?—No, it was the City Theatre he was sued upon.

1863. Why have you never sued the Adelphi?—As I stated before, we sued different parties; and after two years elapsed we got a verdict, but they are men of straw, and we get nothing.

1864. They

1864. They are not men of straw at the Adelphi. You seem to select, as subjects for prosecution, persons from whom you could not by any possibility recover any penalty; why have not you taken Mr. Yates or Mr. Mathews?—I have already stated the amount of money required would be more than we possess.

1865. Why do you not proceed by a warrant before a magistrate?—We did proceed by a warrant before a magistrate, and I regret to say (if it is necessary, I will prove it by the evidence of the nobleman who is present) the magistrates stated they would not convict for the patent theatres, but they would if the Lord Chamberlain proceeded. These are magistrates upon their oaths, as well as the Chief Justice.

1866. If these minor theatres injured you to the amount of 20,000 *l.*, was it not worth your while to institute prosecution after prosecution till you put a stop to them?—We get a verdict after a lapse of two years, when the mischief is done, and the parties are gone; the birds are flown, for they are merely birds of passage.

1867. It seems to be perfectly clear that the present state of the law is far from satisfactory to all parties?—I do not consider the present state of the law is unsatisfactory, but the present administration of it is far from creditable to those whose duty it is to administer it.

1868. Who are the parties?—The evidence I adduce will state the name of those parties.

1869. Will you state them now?—I have only stated what has fallen from another party; the nobleman is in the room, and that nobleman I am sure will not shrink from confirming what I have stated.

1870. The Committee wish to know if you allude to the magistrates or to the Lord Chamberlain's office?—It is the magistrates I am speaking of. It cost at least 400 *l.* to recover the two penalties of 50 *l.* each, and two years elapsed before the verdict was given. We went before the magistrates, because the parties had no licence, and the magistrates put us to prove that they had not. The Chief Justice said, "I am bound to administer the law as I find it, and upon the 10 Geo. 2, c. 28, they are liable to a penalty of 50 *l.* if they act without a licence." The fourth clause is, "And be it enacted by the authority aforesaid, that from and after the said 24th day of June 1737, it shall and may be lawful to and for the said Lord Chamberlain for the time being, from time to time, and when and as often as he shall think fit, to prohibit the acting, performing or representing any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue; and in case any person or persons shall, for hire, gain or reward, act, perform or represent, or cause to be acted, performed or represented, any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any new prologue or epilogue, before a copy thereof shall be sent as aforesaid, with such account as aforesaid, or shall for hire, gain or reward, act, perform or represent, or cause to be acted, performed or represented, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue, contrary to such prohibition as aforesaid, every person so offending shall for every such offence forfeit the sum of 50 *l.*, and every grant, licence and authority (in case there be any such) by or under which the said masters or manager or managers set up, formed or continued such playhouse, or such company of actors, shall cease, determine and become absolutely void to all intents and purposes whatsoever."

1871. That relates to the censorship, and as long as the theatre complies with that part of the clause, which says the piece shall be sent in 14 days before representation, that is sufficient?—It says they shall not act.

1872. That has nothing to do with your patent rights?—Our patent rights are acknowledged in this Act.

1873. Is that penalty recoverable by an action, or before the magistrates?—Both.

1874. Then why have not you proceeded before the magistrates?—I stated before, we did proceed, and we had counsel there, Mr. Adolphus; we proved the acting, and the magistrates put it upon us to prove they had no licence from the Lord Chamberlain. The Chief Justice of the King's Bench scouted such an idea, and said he was bound by his oath to administer the law.

1875. If the magistrates did not proceed according to law, why did you not proceed against the magistrates?—I stated before, that money will not buy these things.

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1876. It appears, then, the law is strong enough to enforce these claims, but you cannot put it into execution?—If magistrates who take an oath to do their duty will not do it, I cannot help it.

1877. Who was the sitting magistrate?—Sir Richard Birnie and Mr. Halls.

1878. Could not you try it before other magistrates?—It is in the district in which it must be taken.

1879. Did the magistrates hear witnesses on both sides?—Yes.

1880. And they decided the onus of proof lay upon you, to show they had no licence?—Yes; and the Lord Chief Justice said they were bound to prove they had a licence.

1881. Did you not make any complaint of the magistrates at that time?—I do not believe there was a complaint; for these things are so numerous, that we should have nothing to do but complain from morning till night.

1882. Did you not complain of the magistrates?—I gave it as my humble opinion we ought; and I thought we ought to have got a mandamus from the King's Bench to compel them to do their duty, but I was overruled.

1883. If you thought they neglected their duty, it was your duty not to leave it where it was?—That was my opinion.

1884. Covent Garden theatre seems to have been very ill-used by the Lord Chamberlain, by the magistrates, and by the minor theatres; what course would you recommend to remedy that evil?—That the magistrates should do their duty.

1885. What would be the result of that?—That our rights and interests would be maintained. If the Committee will allow me to go on, I will show the various Acts of Parliament which enjoin them to protect us; also the decision of the King and Council in 1816, which I will read; 10 Geo. 2, c. 28; 25 Geo. 2, c. 36; 28 Geo. 3; 50 Geo. 3, c. 214; 52 Geo. 3, c. 19; 1 Geo. 4, c. 9.

1886. If the magistrates were to do their duty, at least in your opinion, the minor theatres would be confined to dancing and singing?—No question about it.

1887. That you would not object to?—No, I do not object to the law as it is.

1888. Do you object to burlettas?—What they are licensed for we do not object to.

1889. They are licensed for the performance of burlettas?—They are so.

1890. What do you conceive is a burletta?—A musical piece.

1891. Then anything that has a song in it is a burletta?—By no means; that is an evasion of the law.

1892. It is a musical piece?—It is termed so; but it is improperly termed so.

1893. In your opinion?—I have had the best opinions the country affords upon that subject.

1894. What is the best opinion?—That a burletta is exclusively a musical piece, not a piece with one or two songs put into it.

1895. What Italian word does it come from?—I believe you will find that in Barretti's dictionary.

1896. What do you consider the best authority in the country, from whom you derive your information?—Parties whose education has made them acquainted with the law.

1897. Who are they?—Barristers.

1898. You say you have derived it from the best authority that exists in the country?—I said so.

1899. Can you name any individual?—In conversations I have referred the question to different barristers, and they told me there could not be a dispute upon the subject.

1900. According to your own expression just now, a burletta would mean a laughable thing?—It is the same thing; a joking, laughing, musical thing.

1901. It has nothing to do with music, has it?—I believe it is a usual word in Italy.

1902. Your opinion is that a burletta means a dramatic piece, in which the whole is song or recitative?—Just so.

1903. Suppose the minor theatres were only allowed to perform musical pieces, yet if they continued to draw as good houses as they draw now, or as they would draw by the performance of the legitimate drama, you would suffer as much as you suffer now?—That is a suppositious case, but the fact proves otherwise. When they performed according to their licences, they did not deprive us; they do now. We merely go by practice.

1904. What houses did they draw then?—I never had any means of knowing what houses they drew.

1905. You

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1905. You never happened to hear?—No.

1906. Have they trespassed in point of time as well as in pieces they represent?—I do not know.

1907. Do they act longer than they are licensed for?—Their licence, I believe, is for a year, but I am not certain.

1908. They do not act throughout the year?—I do not know the time they act; the licence is annual.

1909. The Act of the 52 Geo. 3, to which you refer, is merely an Act for incorporating the proprietors of Drury Lane, and enabling them to sell their shares?—It enables them to purchase the patent first of all.

1910. It does not give them any exclusive rights, but enables them to sell their shares?—The patent gives them those rights.

1911. The arrangement to which you are referring of the Opera-house was in 1792?—Yes.

1912. Are you not of opinion that the great increase of the metropolis since the year 1792 might make it extremely necessary for the public that a greater latitude in the number of theatres should be allowed than was allowed at that time?—If it is allowed, it is allowed at our expense.

1913. Do you mean to say, that although the metropolis is doubled in size, it should never be provided with more theatres?—I am very far from saying that; but ours is a grant from the Crown, recognised by various Acts of Parliament, and any infringement of that grant is an infringement of our rights.

1914. Will it be reasonable that your patent should continue uninterrupted, contrary to the interests of the public, having no reference to the increase of the metropolis?—I stated before, when a man wants the property of the Duke of Bedford, which is also a royal grant, he goes and pays for it.

1915. What further do you wish to state?—I have read the opinion of Mr. Hargrave, which I will hand in.

1916. Have you any other paper which you wish to give in?—There are Sir Arthur Piggott's, Mr. William Adams', Mr. Richards' and Mr. Const's joint opinions. They say: "As the Lord Chamberlain is the servant of the Crown, and although the exceptions in the Act of 10 Geo. 2, c. 28, and 25 Geo. 2, c. 36, recognise the licences by the Lord Chamberlain as legal protections for persons to whom they are granted to perform plays, &c.; yet there is no Act of Parliament by which his power is expressly granted, or the extent of his power is defined, nor anything from which it can be collected at what time it was first exercised, although the 5th section of 10 Geo. 2, c. 28, by restricting the power of the Lord Chamberlain for the time being to the city of Westminster, and to such places in which the King shall reside, and the 4th section of 25 Geo. 2, c. 36, which distinctly recognises the licences granted by the Lord Chamberlain as distinct from licences of the Crown, certainly have the effect of protecting the persons who act under such licences in those places from all the penalties of those Acts; but as there is no specific power conferred by either of those Acts, it may certainly be considered as not being any part of the subject intended to be restricted, but that the power and authority (if any) remained as it was before. It therefore becomes material to inquire how long such power has been exercised, and to what extent it has been exerted; for viewing it originally as a branch of the prerogative, the Crown, by the grant of these patents, seems to have conferred a privilege which cannot be broken in upon by any inferior authority, nor does such a conclusion appear at all unreasonable, for it is not more than is universally acknowledged, and has been established in the case of the patents to the Universities, &c. &c., to permit them only to print certain books; and although the subjects differ, the analogy as to the monopoly seems very strong; and as on the faith of it such heavy sums of money have been advanced, the proprietors appear to have a strong claim to the protection of the Lord Chamberlain in the enjoyment of their undisputed patent rights. As to the third query, we are decidedly of opinion that the licences granted by the magistrates in session under 25 Geo. 2, do not authorize the parties to perform plays, nor any other of the entertainments of the stage described in the former Acts, but were intended only for those places which were kept for public dancing, music, or other public entertainments of the like kind, and were never held to warrant the persons to whom they were granted to exhibit entertainments of the stage for hire or reward; and burlettas and pantomimes, consisting of plot and acted by the *dramatis personæ* in character, must be deemed to be entertainments of the stage, and are not in our opinion the species of music and dancing meant by the Act to

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be licensed by the magistrates." I will also beg to state to the Committee, upon the subject of seeing and hearing in the patent theatres, that I have sat in the centre of the dress circle and distinctly heard every whisper in the part of Juliet; I have also sat in the back of the one shilling gallery and I have heard the same.

1917. Do you mean a stage whisper?—All the whispers in the acting of Juliet; I have distinctly heard them in the back of the shilling gallery. I have tried also in the Lord Chamberlain's box, which is immediately joining the stage, and I could not hear them there.

1918. The shilling gallery then is a better situation than the Lord Chamberlain's box?—The back of the dress circle is the best place in the house to hear, with the exception of the shilling gallery.

1919. Can you see the play of the countenance as well in the shilling gallery?—Yes; to make a little of a pun of it, I have a *keen* eye.

1920. Mr. Kean says he can see as well at the back of the shilling gallery as from the private boxes?—I can see it from a considerable distance; it is frequently an advantage to see an actor at a distance, particularly when an elderly person enacts the part of a young one, which frequently occurs. The next document I beg to submit to the notice of the Committee is as to the opinion of the public with regard to the size of the theatres. When Covent Garden was burnt down, the company, consisting of J. Kemble, C. Kemble, Cooke, Lewis, Incedon, Munden, Fawcett, Young, Jones, Blanchard, Emery, Liston, Mrs. Siddons, Mrs. Dickons, Mrs. C. Kemble, Mrs. H. Johnstone, Mrs. Gibbs and Mrs. Davenport, (the best company perhaps the theatre ever had) performed in the great theatre at the Opera-house, and the receipts averaged 338 *l.* 11 *s.* each night, the last week before they went to perform at the small theatre of the Haymarket; the same company performed in the small theatre in the Haymarket, and the receipts averaged 153 *l.* 9 *s.* 7 *d.* nightly.

1921. How much will the Haymarket hold?—Between 300 *l.* and 400 *l.*

1922. How much will Covent Garden hold?—I believe about 600 *l.*

1923. Not more?—We have had a great deal more on nights of excitement; the people went into the lobbies, and merely went because they should say they had been there.

1924. It would not hold 700 *l.*?—I am not sure that it would fairly hold 700 *l.*; but thus it will appear to the Committee, that in the large theatre the receipts were more than double the receipts in the small theatre with the same company in the following week; that was in the year 1808.

1925. What was the piece that was performed?—The Exile was the first piece for five nights, with the afterpieces of Tom Thumb, the Review, the Portrait of Cervantes, Who Wins, and the Poor Soldier; then follows Macbeth and the Forest of Hermanstadt; the receipts that night were 416 *l.* 19 *s.*

1926. When Macbeth was played at the small theatre, what were the receipts?—£. 267. 16 *s.*

1927. What was the afterpiece when Macbeth was performed?—The Forest of Hermanstadt at one, and the Portrait of Cervantes at the other.

1928. Perhaps it might have been the Forest of Hermanstadt that drew the 460 *l.*?—No, we attributed it to Macbeth; for we altered it principally for our own benefit: if the Forest of Hermanstadt had produced more than the Portrait of Cervantes it would not have been altered.

1929. You played the Forest of Hermanstadt to Macbeth at the Opera-house, and the Portrait of Cervantes at the Haymarket; did not the Forest of Hermanstadt draw as well as Macbeth?—No; we ascertained that by the money we received at half-price.

1930. What did you receive?—The half-price did not satisfy the theatre, in consequence of which it was altered.

1931. There is no half-price at the Haymarket?—There was when our company was there.

1932. What was the amount of half-price that night?—That is not extracted here; the reason was, that we wished to put the Committee in possession of every information as shortly as possible, without inveigling them in figures.

1933. Do you suppose it was 200 *l.*?—No, never above 60 *l.* This was drawn up as much as possible against the interests of the theatre, because we wanted to show the Committee what was done one week at a large theatre, and what was done in the following week at a small theatre. These dates are November and December; but when I refer back to September and October, I find Macbeth and

Raising

Raising the Wind, 545*l.* 7*s.* at the great theatre in the Haymarket. So much for the comparative receipts of a large theatre and a small theatre, with the same company.

1934. What was the greatest receipt at the Haymarket?—£.267. 16*s.* 6*d.*

1935. Then the piece had been previously acted at Covent Garden?—One week only had elapsed between the two actings.

1936. Some of the novelty was gone off?—It had been repeatedly acted, but it was only the want of what we conceive the public demand, which is a large theatre. I have further evidence, to which I will draw the attention of the Committee. When Covent Garden theatre met with an accident by fire on the 17th November 1828, the company continued their performances in the English Opera-house. These accounts are not in our writing, but in the writing of the clerk in Mr. Arnold's theatre, which was afterwards burnt down. The first performance is Richard the Third and Charles the Second; and the receipts amounted to 145*l.* 0*s.* 6*d.*; that was on the 17th November.

1937. What would the Lyceum hold?—£.300. Then on the 13th October, before the accident occurred, with the same play similarly acted at Covent Garden, with Raymond and Agnes, the receipts were 350*l.* 13*s.*

1938. That is half the receipt of Covent Garden at the Lyceum?—Yes; there was every auxiliary alike in the two theatres. In the next page there is As you Like it, Bombastes Furioso, and Rosina, 88*l.* 6*s.* 8*d.*, at the Lyceum; October 1st, at Covent Garden, As you Like it, with Peter Wilkins, 179*l.* 5*s.*; the next is the Merchant of Venice, and the Barber of Seville, 192*l.* 13*s.*, at the Lyceum; October 16th, at Covent Garden, the same play was acted, with the Carron Side, and the receipts were 248*l.* 3*s.* 6*d.*

1939. If that is the case in a small theatre, why are you so alarmed at the legitimate drama being performed at the minors?—Because they already abstract from the value of my property to the amount of 20,000*l.* a year.

1940. Do you conceive, under the patents of the two theatres, the Crown has not the power of granting another patent?—We never question the rights of the Crown. I stated on Friday what Lord Thurlow said on this subject: "it is unquestionable that the Crown has the right to grant other patents, but would the Crown do so?" would it not be the grossest act of injustice? The next is the Belle's Stratagem, with the Deserter of Naples, 74*l.* 13*s.* 6*d.* at the Lyceum; October the 7th, the same play, with the Barber of Seville, 112*l.* 9*s.* at Covent Garden.—[*Here the reading was stopped. The sequel shows a similar diminution of receipts in the Lyceum as compared with those of Covent Garden. The account was handed to the Chairman.*]

1941. Do you think the minor theatres do Drury Lane equal damage, to the amount of 20,000*l.* a year?—Yes.

1942. That is 40,000*l.* a year?—Yes.

1943. What damage do you suppose the Italian Opera does you?—Whilst the minor theatres were kept in their proper places we did not complain of the Italian Opera in any shape; besides, I consider we had no right to complain; we had made our bargain, and by that bargain we were bound to abide.

1944. Do you include in that 20,000*l.* the damage done to each of the large theatres by the theatres out of Westminster?—I do.

1945. How far out of town do you go?—Our patent goes 25 miles from Westminster, with the exception of royal residences.

1946. How far does the damage reach?—There are no theatres that I know of at any distance.

1947. There is a theatre at Richmond?—The Crown has an undoubted prerogative to grant a patent at Richmond, it is a royal residence.

1948. Does that do any damage?—No; and if it did, we could not help ourselves. The patent theatres and the minors are confounded, because the Coburg and the Surrey are very nearly as large as Covent Garden or Drury Lane. Mr. Davidge stated that the stage at the Coburg was 40 feet wide; he said it was as large as Drury Lane.

1949. It holds more people?—Yes, and therefore it is a misnomer to call it a minor theatre; it is to all intents and purposes a major. The next point I beg to draw your attention to, is what has been the immediate cause of appointing this Committee, namely, the rewards given to authors. I will state the remuneration which has been obtained. I have a document which proves that for the last ten years the two patent theatres have paid to authors 1,500*l.* a year each, that is together 3,000*l.* a year.

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1950. You have paid authors 3,000*l.* a year?—At Drury Lane and Covent Garden.

1951. What have you paid this year?—£.1,750, and Drury Lane nearly the same. I wish to get rid of the notion of there being any want of encouragement to authors on the part of the theatres.

1952. In the number of authors, do you include musical composers?—No, they do not receive anything but the copyright. Musical composers are generally desirous of writing music for the stage. Sometimes it is otherwise; for instance, for the authorship of Oberon we gave 400*l.* to Mr. Planche, who undertook to produce the manuscript, and we gave 500*l.* to Weber for the music. I trust the Committee will think there is no want of encouragement to authors.

1953. What did you give Mr. Sheridan Knowles for the Hunchback?—It is included in the sum of 1,750*l.* for authors last season.

1954. Is it the practice, if there be no specific contract between the author and the theatre, to give 100*l.* the third night, 100*l.* the sixth night, 100*l.* the ninth, and 100*l.* the fortieth night?—Yes; but there are very few pieces will go 40 nights. They are always very liberally dealt with.

1955. That is the rule, but there are special contracts made with authors?—There are special contracts. With reference to this subject, I beg to state what remuneration authors receive at the minor theatres. The City Theatre agreed for four pieces at 10*l.* each, and they were produced, but they were never paid for, because Mr. Chapman failed. The maximum given by the Coburg Theatre, as was stated to this Committee by Mr. Davidge, is 50*l.*; our maximum is 900*l.*

1956. For what piece?—Oberon.

1957. You never gave that for a tragedy or comedy?—We have given 500*l.* for a tragedy or comedy.

1958. That is rather more than half what you gave for Oberon?—Yes, we gave 400*l.* for the manuscript and 500*l.* for the music.

1959. Did that include the copyright?—I understand that did include the copyright of Oberon, because having laid out so large a sum of money as that, we wished to secure it. In general it is part of the profits of the authors, who publish their works in any shape they please. We sometimes make contracts for the copyright.

1960. Oberon is the exclusive property of Covent Garden?—Yes, I understand so. At the Queen's Theatre, Mr. Macfarren failed, and he played every thing. Rayner, in the Strand Theatre, likewise failed under circumstances of excitement; placarding the oppression of the patent theatres, and performing the regular drama. These are all within a few weeks.

1961. What is your average remuneration for a three-act piece, a translation from the French, with music?—It depends entirely on the merits of it.

1962. What is the average?—From 200*l.* to 400*l.*

1963. Mr. Peake is a very successful play-writer; do you imagine Mr. Peake has made much by his works?—Yes.

1964. When you pay for the music, is not the bargain usually so much a night?—It is just as they choose to make the contract; we are not tenacious upon that subject; we would rather pay by the night.

1965. Is it not generally so much for nine nights for a piece?—Yes; we would rather abide by that practice, because then they take all the risk; but when people follow a trade, they get as well acquainted with it as their neighbours with whom they compete.

1966. But the bargain generally is so much for nine nights, and so much more if it exceeds the 20th night?—Yes.

1967. Has it not been a very common practice to stop on the 19th night?—No. I am probably speaking before authors, and I am therefore on my trial. If they think there has been any act of illiberality, I am willing they should come forward and state it.

1968. That is not the case?—No.

1969. What is the most you gave for any composition by Mr. Peake?—I think 200*l.* was the most that ever was given; that was for the Chancery Suit, and it was only acted a few nights. I now hold in my hand a volume of Mr. Moore's Life of Lord Byron, from which I will read a passage with reference to authors:

“When I belonged to Drury Lane Committee, and was one of the Sub-committee of Management, the number of plays upon the shelves were about *five* hundred. Conceiving that amongst these there must be *some* of merit, in person and by proxy
I caused

I caused an investigation. I do not think that of those which I saw there was one that could be conscientiously tolerated."—Moore's *Life of Lord Byron*, vol. iii. p. 183.

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1970. There was no money paid for those?—As much as they were worth.

1971. There was no money paid, and therefore there was no loss to the theatres?—I state this to show there has been no want of encouragement to authors.

1972. Who is the person that decides upon the merits of plays at Covent Garden theatre?—Sometimes one and sometimes another. On one occasion, I will take the liberty of stating, there was a play of a man we wished to please, and I put it into Mr. Fawcett's hands. I had not read it, but I was obliged to decide myself whether the play should be produced or not, as we were anxious it should, and after Mr. Fawcett had read it, he came to me and said, "Bring this out? Why, it is no more like a play than it is like a leg of mutton!"

1973. As you have the monopoly of performing the legitimate drama, will you give a list of the tragedies and comedies, or legitimate dramas, you have produced at your theatre?—For one season, or for a number of years?

1974. For the last ten years.—That can be done, but I am not in possession of such a list at present.

1975. Was not *Clari* first brought out at your theatre?—Yes.

1976. What did you give for that?—£. 100.

1977. Has any new piece of yours you produced run so long as that?—No, I believe not.

1978. When you have bought the copyright of new plays, do you not sometimes make a bargain with the other theatres to allow them to perform them occasionally?—No, I believe very rarely; I do not know an instance.

1979. Does not the production of a new play depend very much on its being agreeable to particular actors?—I am very glad that suggestion has come from the Committee, because I will state some particulars as to that. The greatest pains are taken in every possible way to obtain the best plays; they are read attentively, and the party will not trust his own judgment; but unless it is exceedingly good, he submits it to a second, and sometimes a third party; and the play is then read in the green-room.

1980. That is when it is accepted?—Yes.

1981. But before a play is accepted, must it not, generally speaking, go through the ordeal of the approbation of the leading actor or actors of the theatre?—No. Sometimes we find, on reading the play over, that they will not act their parts; but in reply to that question, I beg to state, that after a play has been read in the green-room, I have seen the performers delighted with their parts, and I have seen that go on until the day of the night of representation; and then I was more nervous than when every one of them hated it, because three times out of four when they are delighted with their parts, the play does not succeed; and I have seen when they were of a contrary opinion, it has succeeded. You see this is what the theatres are subject to. We cannot bring out a piece under 200 *l.* generally, and some pieces cost us 2,000 *l.* You see what risks we run, and often our sole hopes are blasted in an instant.

1982. How do you account for the performers being so deceived?—You cannot account for it; it is the most capricious thing in the universe.

1983. You stated a new play is immediately read; is that the fact?—It is sometimes immediately read.

1984. Do you not know that *Tobin's Honey Moon* remained 16 years without being read?—I do not know the fact; it was before my time; we frequently have only the first act of plays, and we are anxiously waiting for the second and third.

1985. That is, if you know the author; if you know by experience the author is likely to succeed?—Yes.

1986. But if the author is not known, and if the play is sent in without some special recommendation, you do not mean to say it is immediately read?—No; but I have read what Lord Byron says upon the subject with reference to Drury Lane.

1987. There probably would not have been 500 plays on the shelf if they had been read?—That is the account of Lord Byron I have read.

1988. Have any of them been played since?—I do not know; I stated that on the subject of the inferred want of encouragement to authors.

1989. What other information do you wish to give?—I beg to state, that in the time of Buonaparte, 36 theatres were open in Paris, and the proprietors were

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ruined, and neither authors nor performers were paid. He restricted the number to eight, and limited the performances. With reference to the weekly remuneration to performers, the books will afford abundant information, if the Committee wish they should be produced. This is a document which may be sworn to, if required, and it will show the weekly expense with regard to performers. At the latter part of the season, which is much the least expensive part, the most expensive being at Christmas, the six nights' salary amounts to 786 *l.* 10 *s.* 6 *d.*

1990. For how many performers?—That is a difficult question to answer.

1991. That does not include the supernumeraries?—No, the expense of supernumeraries is 385 *l.* 13 *s.* 10 *d.* It is sometimes above 500 *l.*

1992. What are those expenses for?—The last is the weekly expense for attendants, carpenters, scene-shifters, painters; in fact, for the whole arrangement of the theatre.

1993. How many persons are dependent on Covent Garden theatre?—I should think certainly 2,000.

1994. Directly and indirectly?—The number constantly employed is about 1,000; at particular periods the theatre is full of people.

1995. You have no idea how many people are employed upon an average, directly and indirectly?—No.

1996. Do you mean to say your expense averages more than 1,000 *l.* a week?—Yes, between 1,100 *l.* and 1,300 *l.* These are expenses that are paid every Saturday morning.

1997. What are called the current expenses?—Yes, besides tradesmen, taxes, rent, and remuneration to authors.

1998. Have you any objection to give that account in?—None whatever. [*It was handed to the Chairman.*] Covent Garden Theatre cannot be conducted for so small a sum as 50,000 *l.* a year.

1999. And your receipts last year were 42,000 *l.*?—Yes; in consequence of these minor theatres, there was a very serious loss last year of 8,000 *l.* and upwards; I believe about 10,000 *l.*

2000. Then how came it Mr. Laporte was so ready to take the theatre?—That is not my business; he is the party responsible for his acts.

2001. He has just taken it, you say, for seven years?—Yes.

2002. In the face of these tremendous losses?—Yes, and not only that, but these losses were not cloaked from Mr. Laporte; I showed him the receipts of the house from 1820 to 1832.

2003. Do you think political excitement affects the interests of the theatres?—No doubt of it.

2004. Have you ever heard that in the year 1819, when the Manchester meetings took place, the theatres were greatly injured?—No doubt of it; and when a general election is going on, that is one of the most destructive things that can be.

2005. You have attributed the decline of Covent Garden and Drury Lane almost exclusively, at least you said primarily, to the minor theatres?—I was taking the average of the receipts from the rebuilding.

2006. Did you not say the minor theatres were not only an auxiliary, but a primary cause of the decline?—I did.

2007. Now, do you not consider political excitement one of the primary causes?—It has acted in this ratio; from the rise of these theatres we have lost 20,000 *l.* a year in this way; we do not obtain it; but since this political excitement has taken place, it has been a great loss to us of 8,000 *l.* or 10,000 *l.* a year.

2008. You have received so much less since those things have taken place; but can you decidedly say these things were the causes of that, because many things happen after other things, which are not caused by them?—I have stated that to the best of my judgment and belief, and not only that, but I confirm it upon oath.

2009. We may have a bad harvest this year after the Reform Bill has passed, but can we say it is caused by the Reform Bill?—I merely state facts; the loss has been 20,000 *l.* a year, since 1820; since the minor theatres have grown up into existence.

2010. But precedence does not prove a cause?—No; but this is not only precedence, but succedence.

2011. Do you not think the passion for theatrical amusements is on the decline?—I do.

2012. Do

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2012. Do you not think that is another cause?—I stated that in my evidence on Friday.

2013. Have you heard that the copyright of a very successful play fetches by no means so large a sum now as it would 30 years ago?—No doubt of it. The taste for the legitimate drama is depraved by inferior representations in the minor theatres.

2014. Does not that arise from a diminution in the public taste for theatrical literature?—It is very probable.

2015. You say Mr. Laporte pays between 10,000 *l.* and 11,000 *l.* a year; how much of that sum will he receive back by letting the different houses about the theatre, the refreshment room?—That is 500 *l.* a year.

2016. Is that what you call the saloon?—Yes; but we include all that in the receipts of the theatre, and I stated every item with the expenditure.

2017. Does the box-keeper pay any footing upon coming in?—Not one farthing; I cut away every perquisite in my power, and made the thing as honest and as honourable as could possibly be. I have done every thing to accommodate the public, and I am glad the question was put that I might state that.

2018. £.500. a year is all that is paid within the walls of the theatre?—There is 50 *l.* a year for the rent of a house, and 300 *l.* a year for the Piazza Coffee-house. He has all that.

2019. Why does the Piazza Coffee-house pay you 300 *l.* a year?—It is a part of our property.

2020. What is the other house?—It is a house belonging to the theatre, and Mr. Laporte contracted to get all the property.

2021. What description of house is that?—It is where Saul the carpenter lives. It is up the passage in Princes-place, next the box-office.

2022. That is where Saul the carpenter resides?—It is where he resides, and where any one else may reside, for he lets it out in lodgings.

2023. It does not come under the denomination of a house of ill fame?—It does not; and if it had any such appellation attached to it, it would have been removed.

2024. Are neither of the proprietors of the large theatres owners of houses of that description?—I do not know; in Covent Garden theatre we are not; we are as ready to answer to our characters as any men.

2025. Do you wish to state anything further?—If you take the average expenditure of the public in theatres, including the minors, you will find it is about the same as when they did not exist to the extent they now do. I will not trouble the Committee with any further evidence, but I will hand in the documents, and in doing so, I trust the compact will be clearly understood; that the interests being the personal interests of myself and my property, it will be made a subject of consideration.

2026. With respect to the encouragement of authors, was not Mr. Kenney the author of *Massaniello*?—That was at Drury Lane; Mr. Dunn is here, who will be very ready to answer that.

2027. Was not Mr. Kenney the author of the *Irish Ambassador*?—Yes, he was.

2028. Has Mr. Kenney been paid for that?—I believe not entirely.

2029. Is not he a creditor of Covent Garden?—Yes; the receipts of the theatre have been so extremely low from the circumstances I stated, that it has not been in our power to pay more.

2030. Do you know the fact that he has not been paid?—The treasurer informs me that he has not been paid, and I believe that is so. He has been paid a part, not the whole.

2031. How many nights has it been performed?—Thirty nights.

2032. Can you state how much he has been paid?—I can tell you what Mr. Kenney's agreement was.

2033. Has that agreement been fulfilled?—In part it has. I have stated the receipts of Covent Garden theatre have been so low, there being nearly 10,000 *l.* lost this season, that it is but reasonable to conclude it was not in the power of the proprietors to pay more.

2034. Have you paid the salaries of the performers, and not paid authors?—We have.

2035. Should you not consider that a hardship?—I should. It is a hardship we should have remedied if we had had it in our power.

2036. You say the authors have no reason to complain?—Of that isolated case they have. I do not know what the sum due to Mr. Kenney is, but I believe the sum due to authors is a trifle.

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2037. Have the performers been paid?—Not regularly.

2038. Are they paid up to this time?—Yes.

2039. Has not the Irish Ambassador been a successful piece?—It was, but it has not been attractive; it was a successful piece, but it has not been well paid for by the public.

[*Mr. J. P. Collier handed in the following statement, which was read by the Chairman:*]

“ Captain Forbes having stated in his evidence that the proceeding against the proprietors of the Strand Theatre had been abandoned, it is necessary to mention in behalf of the office of the Lord Chamberlain, that the suit has not been relinquished; but that, in consequence of unavoidable legal delays, the trial has been postponed until Michaelmas term. That proceeding was instituted in vindication of the authority of the Lord Chamberlain, because the Strand Theatre is within his Lordship’s official jurisdiction. With regard to playhouses beyond that jurisdiction, the parties interested in the patent theatres have been left to the remedy given to them by the statute of 10 Geo. 2, c. 28.”

Mr. Thomas James Serle, called in; and Examined.

Mr. T. J. Serle.
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2040. I THINK you are the author of the Merchant of London?—I am.

2041. Is that piece performing at this time?—No, Drury Lane is closed.

2042. It was performed until the close?—Very nearly; until the benefit and ticket nights.

2043. How many nights?—Nine.

2044. What profit did you expect to get for it?—Ninety pounds for the nights performed; had it been played 15, I should have had 150 *l*.

2045. Was that one of the most successful plays that has been performed at that theatre?—It was considered successful in its performance, but I believe, to speak candidly, it did not bring them money.

2046. Have you ever written anything else?—Nothing but occasional translations, in which I used myself to play when I considered the character such as would fit me as an actor, at the minor theatres.

2047. You have acted at the large theatres as well as the minors?—I have.

2048. Did you perceive there was any difference in the efficiency of your acting at the large and small theatres?—Decidedly; I consider it perfectly impossible, except with a particular frame of body, to render acting at all effective in a theatre so large as Covent Garden. If I might venture to enlarge upon the point, I should say, in every other art a man may choose his materials, to make them colossal or not, but as we have only our natural physical powers to act with, such as they are given to us, we cannot so extend them as to fit our powers to the size of any theatre.

2049. Then you think an actor in a large theatre may owe his success not to skill but physical organization?—There must be a combination of both.

2050. But a man may be a very successful actor in a small theatre, who would not be able to show his talent in a large theatre?—I am certain of it.

2051. Do you mean the average run of actors would not be able to fill a large theatre?—I think the average run of physical power would not be sufficient to fill a large theatre.

2052. I believe you have paid considerable attention to the question which occupies this Committee, and you have written upon the subject?—I have, in the Monthly Magazine.

2053. Have you any property in either of the small theatres?—Not the slightest of any kind.

2054. What would be the consequence of breaking up the monopoly of the patent theatres?—I think the effect of absolutely destroying the monopoly, as a monopoly, would be beneficial, but still some limitation would be necessary; because I think as acting, or rather as the composition of companies, must be a matter of considerable management and complication, to throw the trade absolutely open would be perhaps to disperse those means too much which are necessary to produce complete effect.

2055. In what manner could the monopoly be limited?—I think the principle of monopoly should, for the sake of the art, be entirely destroyed, by placing it in the power of the public to say, wherever they felt the necessity of a theatre, wherever they felt they were not adequately entertained, they might call for a new one.

2056. Then

2056. Then you would leave it to the majority of the inhabitants of a particular parish to sign a requisition to the magistrates?—I would; if not a majority, a portion.

2057. And to make it compulsory on the magistrates to licence it?—Yes; to take care the theatre should be large enough for its purpose, and should involve a sufficient outlay of capital to make the manager responsible for the style of entertainment.

2058. Now I ask you as an author, and as a man well read in dramatic history, what the effect of that would be upon authors?—I am certain it would be beneficial; I do not think they would be rewarded possibly to the same extent for great instances of exertion as they are now, and I am sure they would not lose so much time in getting their plays performed; that they would be enabled to have, what they ought to have, more of the control of the stage, and instead of writing for certain actors, the author would not have to go to the actor, but the actor would have to come to him.

2059. Then you consider the general practice is for a successful author to adapt his composition to the talent of a particular actor?—No, because those authors who write the best do not condescend to do it; but they are obliged to consider the interests of actors, and frequently postpone their plays in consequence. I have by me a letter from Mr. Bartley, which I will place before the Committee, in which a play of mine is said to be fit for Covent Garden theatre, but postponed, because it would not be fit to be Miss Kemble's second original part.

2060. What should you say the size of a theatre should be at the least?—I can give perhaps no better idea than the Coburg or the Surrey, or the late English Opera-house, with some alteration of construction.

2061. Is the Théâtre Français as large as Covent Garden?—I have not been in Paris.

2062. Are you aware that the stage of the Coburg theatre is as large as that of Drury Lane?—I rather think that must be an error. I have walked the stage of Drury Lane and the stage of the Coburg, and I believe the depth may be as great, but the width certainly is not.

2063. The manager gave that in evidence?—He gave, I believe, the admeasurement of the Coburg theatre, but I do not believe he gave the actual admeasurement of Drury Lane.

2064. I understand you consider the opening of the monopoly, with the limitation you have mentioned, would be beneficial to the actors?—It would.

2065. You consider it would be so far beneficial to the actors, because it would enable many actors who cannot obtain from their physical organization that influence over the public which their skill would enable them to do, that it would be beneficial to them by allowing them that arena which is suited to their powers?—I do.

2066. Then as you consider it would be beneficial to actors and authors, who form part of the public, what effect do you consider it would have on the great theatres?—I consider any alteration of the law, throwing open the legitimate drama, must have an effect contrary to the interests of the great theatres, and considerably affecting those interests, for they are ill suited to the representation of it themselves; and if any theatre were legally authorized, and therefore rendered equally respectable, to play the legitimate drama in their neighbourhood, with the same company, it would have a ruinous effect upon them.

2067. Owing to their size?—Yes.

2068. Supposing they could contract their size, could they draw sufficient profit to repay the outlay of capital?—I think if a classification were to take place, if they were not to employ three companies instead of one, their receipts would probably equal their expenditure.

2069. Since you think it would injure the interests of the large theatres, in what way do you think the public could be accommodated in the manner you suggest, without injuring the interests of the great theatres? Is there any plan of compensation that has occurred to you?—No plan of compensation has ever arisen in my mind, unless it could be obtained from the Government, and that perhaps by way of lottery. For the actors to compensate, who would benefit by it, would be impossible, because it must be recollected they are the less fortunate, and consequently the poorer part of the profession, and could not bring forward sufficient funds by a very considerable sum.

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2070. If

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2070. If there was an Act of Parliament obtained for granting a lottery to the great theatres, do you consider that would be no risk, that they would be certain of remuneration?—I should think they would. There is so great a spirit of theatrical speculation afloat, that as soon as we see one manager ruined we see another ready to take the theatre, in the very face of accounts; and consequently, that dramatic spirit would have an excellent opportunity of venting itself in a lottery, and it would be exceedingly successful.

2071. No other plan has occurred to you?—No; no other I am sure would be likely to succeed, if it were to be drawn from the individuals likely to be benefited by it.

2072. Have you had a large acquaintance with dramatic authors?—I have had some.

2073. Do you think, upon the whole, they have considered themselves well treated or have been satisfied?—I do not think they consider the sums paid them too small, but I consider they think the opportunities considerably too few, and the time consumed in getting their pieces read and decided upon considerably too long, so that they cannot produce the same number of pieces they could do had they been allowed the full devotion of their time to the art.

2074. That is not the case with those who have already succeeded?—It was the case with Mr. Knowles with respect to the *Hunchback*; Miss Mitford with respect to *Rienzi*, which lay four years in Covent Garden; and with respect to *Foscari*, which lay four years in Covent Garden: these are instances.

2075. Do you consider the throwing open the monopoly would be beneficial to the great actors, in point of salary?—That is a question upon which I can only give the opinion of others rather than myself; Mr. Macready thinks he would be the better for it.

2076. What do you think yourself?—I do not think they would be essentially the better for it.

2077. Do you mean you would restrict the theatres to different kinds of representations?—I think you must consider, first, within what distance, in so large a metropolis, it is possible for any person wishing to choose a particular performance, to see a performance of that kind which he desires; and with due regard to that distance, it would be fit perhaps to classify them.

2078. Then you would restrict the theatres?—Certainly; I think it would be advantageous.

2079. Do you not think the ability of an actor to make himself heard, depends more upon his articulation than the body of his voice?—Yes, certainly.

2080. Have you not heard persons with very thick voices who could not be heard?—Yes.

2081. And persons with thin voices, who could be distinctly heard?—Yes, certainly I have.

Mercurii, 27^o die Junii, 1832.

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Mr. Thomas James Serle, called in; and further Examined.

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2082. WHAT do you consider to be the cause of the decline of the drama?—Some of those which have been adduced, I think, may mean something, such as the lateness of the dinner hours; but I think the great cause of the decline of the drama has been its separation from the literature of the country. It has become a difficult matter in the theatres to hear the language of a play from the size, consequently managers have been obliged to resort to spectacle; the public have left off going to see and to hear, and consequently the stage itself has deteriorated in public estimation.

2083. How long have the minor theatres been performing against the law?—The theatre with which I have been latterly connected has been open 14 years, and, I suppose, constantly playing against the law; the Surrey, I think, 20 years. The law, as it stands at present, I believe, permits no performance even in pantomime in which the scene is shifted, or any dramatic action represented.

2084. Have

2084. Have not the late attacks against the minor theatres been rather more vigorous than they were before?—They have; and notice was served upon every manager of a minor theatre, stating that not only the legitimate drama must be abandoned, but that if any species of dramatic performance were resorted to, according to the words of the Act, the theatre would be proceeded against; which notice was given on behalf of the proprietors of Covent Garden and Drury Lane by their solicitors.

2085. You consider that in that they overstretched the spirit of the law?—If they did not overstretch the spirit of the law as it was originally framed, at all events they went beyond the present practice and the feeling of the public upon the subject.

2086. Do you consider that if it were lawful to act the legitimate drama at other theatres besides the two great ones, dramatic performances would be cheaper?—Certainly.

2087. Do you consider that that would produce a greater taste in the public for dramatic performances?—I think there are two points in which the public might be acted upon so as to produce a greater receipt, to make it a cheaper amusement, and so to manage the hours of performance as to make it a more habitual amusement.

2088. You think the performances will last a shorter time?—Certainly.

2089. Do not you consider that the enormous rent of the two great houses operates unfavourably upon the drama also, as it subtracts something from the profits of the authors and actors?—I do so consider it; I think the rents of the theatres are unnecessarily large, because, first, an unnecessary outlay of capital has been made; next, because a certain value is charged in those rents for the licence; and I consider that wherever an interest is paid upon a value of that sort in the shape of rent, whether it be for the privilege of a patent for the great houses or a licence for a minor house, it must become a tax either upon the profession or upon the public.

2090. Do you conceive that there is any difference, so far as the public is concerned, between granting a licence for the season and granting a licence for the year?—A very considerable difference: the granting a licence for a year provokes competition; the granting a licence for any particular time induces such an arrangement of the seasons as will enable the principals, at least of the same company, to serve in two theatres.

2091. Do you think that any theatre ought to be licensed for all the year round?—I think every theatre ought to be licensed for the whole year, in order to provoke competition. As the theatres are at present arranged, a very considerable number, if not a great majority, of the performers at Drury Lane and Covent Garden fill the situations at the English Opera-house and at the Haymarket.

2092. Drury Lane and Covent Garden have the power of remaining open the whole year, and do not avail themselves of it?—Because they agree with the Haymarket that they will give the Haymarket three clear months, as the licence for the Haymarket is now for four months, but it would be for seven if they infringed upon those three months.

2093. Do you think that if that arrangement did not exist with the Haymarket theatre, it would answer for the great theatres to remain open?—If it answered their purpose, they would do so; the Haymarket, at any rate, would get seven months, and remain open in competition, instead of being closed by combination.

2094. Do you consider that the manner in which the legitimate drama is surreptitiously performed at the minor theatres now is any criterion of the manner in which it would be performed if the performance was lawful?—I do not consider it any criterion at all, because those who have already arrived at something like a respectability in their art are of course deterred, if they have any other means of exercising their art, from going to theatres not legally authorized.

2095. Which should you prefer for a performance, the large stages of Drury Lane and Covent Garden, or one of the minor stages?—A theatre, in my opinion, should not be so large as Covent Garden or Drury Lane for the performance of the historical tragedies. It should possess considerable stage room; but as it is utterly impossible for an actor to extend his power *ad libitum*, the theatre should be confined within such a space as that the actors should exercise that power easily.

2096. Would it not be possible to combine such a sized stage with a smaller theatre?—Certainly.

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2097. Do you conceive that your own play would be performed more to your satisfaction at a moderate sized theatre, or in one of the large theatres?—In a moderate sized theatre, where every word could be distinctly heard without pain.

2098. Captain Forbes mentioned that it was no use prosecuting Mr. Chapman because he was a man of straw; do you know what was the exact cause of Mr. Chapman being a man of straw; do you happen to know whether he was ruined in consequence of a prosecution against him; or whether he was ruined by performing the drama previous to the prosecution?—I have heard him say that he is prepared to show that had it not been for the prosecution entirely taking up his time, and costing considerable money, he should have been a gainer instead of a loser by his theatrical speculation.

2099. With respect to Mr. Rayner, do you conceive the same observation holds good with respect to him?—Mr. Rayner told me that he has cleared 600*l.* between Christmas and Easter, and the cause of his now letting the theatre, which is let for 1,000*l.* a year, is, that he had miscalculated the sum that was necessary for the building of it, having expected to complete it for 1,200*l.* or 1,300*l.*, and it costing him between 3,000*l.* and 4,000*l.*

2100. Do you consider that the saloons attached to the theatres have any influence either in promoting the attractions of the theatres, or in decreasing the respectability?—I think that they have done a great deal towards destroying that constant attendance upon the theatres of respectable people which they were in the habit of giving before. I do not know what was the practice in Garrick's time, but I am quite sure that they would never have been attached to the theatres by the actors themselves, who would never have ventured upon such a breach of morality for the purpose of attracting the public.

2101. Whom do you consider that that breach of morality arises from?—From those who have a share in the theatres; from those who have rebuilt them.

2102. Did they not exist in the old theatres?—They might; but I do not think they are the kind of alliance which the actors themselves would have sought as an attraction.

2103. Do you happen to know whether the young ladies that frequent the saloons enter gratuitously in any instance?—I know nothing of that part of the management of a theatre.

2104. With respect to the remuneration to actors, supposing the legitimate drama was allowed at all the theatres, do you consider that the actors would be equally remunerated?—I was asked that question before, and I replied, that I had not sufficiently considered it, but my own impression was, that they would not; I have, however, thought of it since, and when I recollect that Mr. Liston has 60*l.* a week at the Olympic for six months together, and that Mr. T. P. Cooke has been largely remunerated at the Surrey for a considerable time together, besides the various temporary engagements that have been made at the minor theatres, I have reason to think they would be equally remunerated in the gross, though it might affect some individuals variously.

2105. As a proof of the advantage that the minor theatres are of in giving an opening to actors in general, is not Mr. Abbott at this moment about to enter into some engagement with one of the minor theatres?—He and Mr. Keeley have both engaged to perform in the new comedy of Mr. Jerrold's which was rejected at the Haymarket, and now purchased by the managers of the Strand theatre.

2106. Then you consider that a proof of the advantage of competition to both actors and authors?—I do.

2107. Is not Mrs. Orger also going to one of the minor theatres?—I understand she is going to the Olympic.

2108. You stated that the only scheme of compensation you can think of would be by a lottery?—Yes.

2109. You do not think it would be worth the while of any theatre that has not now the right of acting the regular drama to purchase it?—I think that right has been always considerably overvalued, consequently it could not be purchased at anything like what would be considered a remuneration.

2110. Supposing it were fairly valued, should you consider it worth the while of any minor theatres to contribute a proportion of that value for this right of acting the regular drama?—The proportion must be a very small sum; it would also have this objection, that the interest of that value must be charged upon the rent, and so become still a considerable tax upon the profession, at it is now in the shape of rent upon the large houses.

2111. Still

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2111. Still, if you consider that the loss of the minor theatres, in not being able to act the regular drama, is considerable, and that their gain, in being permitted to act it, would be proportionably great, how do you consider that the proportion would be so very small which they might in justice be expected to pay?—I do not think it would be advantageous for all the theatres in London to play the legitimate drama; I think it would be advantageous to classify the styles of performance to which each theatre should be restricted; that the inhabitants of the extreme east end of the town should not be obliged to come to Westminster for the legitimate or any other part of the drama; but still, where there are theatres tolerably near together, it would be better to classify them than to allow all to play every kind of performance.

2112. Would it be worth the while of those theatres that wish to act the regular drama to pay a fair proportion of the compensation?—A fair proportion it might; but I consider that the value of that privilege has always been raised upon a fictitious foundation, and that the payment for any privilege must operate either as a tax upon the actors or the public.

2113. In what respect do you consider it has been fictitiously estimated?—I think that the value has arisen from a privilege, which privilege ought never to have existed as a value; that, for instance, if the personal conduct of any other manager would entitle him to such privileges, that ought not afterwards to be made a matter of bargain and sale, enabling any other person who had not his talent to raise thereby a rent upon the privileged place.

2114. When the question of compensation is considered, do not you think, in common justice, it would be fair to consider the fortunes of those persons who have embarked large sums upon the theatres, whether upon a right or a wrong understanding of the real value of the patent?—I think, certainly, it would be fit to consider them, but I think they ought to be compensated by the Government which has permitted those things, and not by the actors who have been already wronged by them.

2115. Then do you incline towards the opinion of a lottery?—I do.

2116. Have you ever much considered the question of compensation?—I have in every way that has lain within my means of considering it.

2117. Has any alternative but that of a lottery been ever suggested to you?—Never.

2118. What do you consider to be the objection to a lottery?—None, unless some objection on a false score of morality; if there is no objection upon that ground, I can see no other objection of any other kind.

2119. Do not you consider that the fair way of estimating what should be paid by the minor theatres, would be to estimate what they might gain by it?—If it were advantageous to keep up the principle of a monopoly at all.

2120. Supposing the wish to be to do away with it as soon as possible, without injury to any individual?—But such a plan as the purchase of a part would only be to extend, and not to abolish the monopoly; I think one of the most useful principles would be entirely to abolish the principle of monopoly; to allow the public to say where they were sufficiently entertained, and where they were not sufficiently entertained.

2121. You say that you think it would not be desirable that the regular drama should be acted at all the theatres, and therefore you would have some classification; do you mean that that classification should not be previously determined by the licence, but should be determined by public taste?—I would have it thus, that within a certain distance a certain number of theatres should be started, whether for the purposes of the drama, legitimate or illegitimate, properly classified, and that if the public, upon an increase of any particular district, or the misconduct of any manager, had not afforded them that opportunity of amusement to which they consider they have a right, that they should then have the liberty, by the majority or a portion of householders within a certain district, of demanding a licence for another theatre, for the purpose of that theatre whose licence was abused.

2122. Do you think that all theatres ought to be classified, or that the major of the theatres ought to have the power of playing all descriptions of drama?—Certainly not, because I consider that one of the greatest arguments against them is this, that from their size they are tempted to make other things than literary works their staple commodity, and that, being obliged to resort to spectacle, they do not, therefore, depend upon histrionic or literary art for their support.