

Mr. T. J. Serle.

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2123. Would you confine them entirely to spectacle?—They might, I conceive, from their very situation, as having now patent rights, claim some priority of choice as to what species of performance they would prefer, confining themselves to taking care that if they choose the legitimate drama, they should adapt their theatre to the performance of it.

2124. Do not you think you might leave that to the effects of competition; because if they perceived that the legitimate drama was not attractive at their theatres in consequence of the size, and that the legitimate drama was preferred elsewhere, they would give it up?—If you throw it open altogether, but if you classify you cannot do that.

2125. Do you suppose it was ever in the contemplation of the Government, when they licensed the two great theatres, that French plays should be exhibited there?—Certainly not; I believe the patents express for the encouragement of the English drama, both as regards English literature and English acting.

2126. Are not you aware, at the same time, that the Opera-house is restricted to 60 nights performance?—I know nothing of the Opera-house.

2127. In addition to the instances that have been mentioned of pieces that, having been rejected at the large theatres, were brought out at the minor theatres, do you recollect whether *Luke the Labourer* was not rejected at the large theatres?—I do not know; *Fazio* was, I believe, rejected at both theatres, and then acted at the Surrey, and afterwards acted at Covent Garden.

2128. Was there not *Black Eyed Susan*?—That was first played at the Surrey, and then transferred to the large theatres.

2129. Do you believe that the minor theatres deprive the great theatres of 40,000*l.* a year of their receipts?—Certainly not, the sum is by much too large, as might be easily perceived by the items that Captain Forbes mentioned; I think he put the *Adelphi* down at 2,000*l.* a year, and the *Olympic* at 1,600*l.*, which must be to them infinitely more destructive than all the rest of the minor theatres put together.

2130. Do you believe that those persons who contribute the 3,600*l.*, if the *Adelphi* and the *Olympic* were not open, would necessarily go two nights to the great theatres?—Certainly not; I think that competition in this respect produces a taste for the art, as well as consumes the money which is expended upon it.

2131. Do you find that at present any of the theatres are principally supported by the neighbourhood in which they exist?—Generally, I think, except in the case of some remarkably attractive piece, which, gaining a great reputation from the newspapers and from public report, draws people from all parts of the town, and even from the country, to witness it.

2132. Is not the Surrey theatre supported from all the western parts of the town?—Occasionally, if there is any piece that excites that kind of general attention to draw from beyond the immediate vicinity.

2133. Which of the theatres would you say is principally supported by its own neighbourhood?—I should say the *Pavilion* theatre, at the east end of the town, and the *Coburg* decidedly from its own neighbourhood. *Astley's*, I think, draws from every part of the town, as having a peculiar performance of its own, to which most people go once a year.

Mr. Peter Francis Laporte, called in; and Examined.

Mr. P. F. Laporte.

2134. HOW long have you been in England?—About 12 years.

2135. What theatre have you been proprietor or manager of since your residence?—That of the French plays, when they were at the Tottenham-street theatre and the Opera.

2136. And the *Adelphi*?—I consider that to be the same thing as the French plays. After the burning of the *Lyceum*, they were obliged to go from one place to another, but it was the same thing.

2137. Have you not been manager and proprietor of the Italian Opera also?—Yes.

2138. And now you are so of Covent Garden?—Yes.

2139. When you had the French plays at the Tottenham-street theatre, under what licence did you perform them?—Under no licence whatever; at the English Opera-house it was under a licence from the Lord Chamberlain.

2140. How did you manage at the Tottenham-street theatre?—Like many others, we were suffered, and went on.

2141. Did

2141. Did you receive money at the doors?—We did; that is, if not exactly at the doors, at night we had a regular letting-place, to take boxes and tickets. *Mr. P. F. Laporte.*

2142. Did the patent theatres ever dispute your right or power?—They did not. *27 June 1838.*

2143. Upon what term have you taken Covent Garden theatre?—For a seven years' lease.

2144. Have you taken that upon any understanding that you possess any exclusive powers or privileges with regard to the drama?—I took the thing as it was. I was fully aware of this inquiry going on, but yet I thought that I ran no risk in taking it according to the ancient rights, or at least customs, that were established in those theatres.

2145. Then with regard to your theatre, you do not consider that it would be prejudicial to your interest the drama remaining as it is, and the minor theatres acting as they do the legitimate drama, but you are prepared to take your chance?—If there is no increase upon what goes on at present, I think I may take my chance.

2146. You are not afraid of the Coburg, for example?—It depends upon what pieces the Coburg performs; if the Coburg performed the same pieces as those which I give a great deal of money for at Covent Garden, it would injure me.

2147. Supposing it performed a piece of Shakspeare's?—I think it must be a great injury to me.

2148. But you are aware that they have done it up to this time?—They did it very seldom, and I think not much to their advantage.

2149. Then in all probability they will not continue it?—I hope not.

2150. Then are the Committee to understand that as long as no other theatre interfered with any new piece you bring out, you do not much mind what they do with the old pieces that have been represented, but you wish to have the exclusive power over any representation you bring forward?—I think that is but right.

2151. And you would wish to be protected in that way?—Decidedly.

2152. Do you consider the French opera and the German opera that is now licensed by the Lord Chamberlain an infringement of your compact or understanding in taking that theatre?—I consider it a very unfortunate thing for the patent theatres.

2153. Do you think the Lord Chamberlain is exceeding his power in doing it?—I am not acquainted enough with the Lord Chamberlain's powers, nor would I presume to judge how far they go.

2154. If you had the power of playing Italian operas, would you have given more for that theatre than you have done?—Perhaps I would.

2155. Would you like to have the option of playing the Italian operas?—Yes.

2156. Where do you think is the most encouragement given to theatres, in France or in England, by the public and by the government?—I think in France.

2157. Is not there a tax upon the minor theatres in France?—No, quite the contrary; there is an encouragement given to enable the proprietor to bring forward the great sort of drama, which is expected to be the best.

2158. To which of the theatres?—To all the royal theatres, such as the François, Opera and the Comique Opera.

2159. Do not the minor theatres at Paris contribute a portion of their receipts towards the three great theatres?—They do, a large portion.

2160. Then how do you reconcile that with your opinion that the theatres are more encouraged in Paris than they are in England, as there is no tax here upon minor theatres?—No, and that is why the great ones cannot support themselves.

2161. Is not the cause of the drama better supported here, taking it as a whole, than it is at Paris?—I do not see how; the minor theatres in all countries, being cheaper and having less expense, have more chance to support themselves than the larger ones.

2162. What proportion of the receipts of the minor theatres at Paris are contributed to the large ones?—One-tenth.

2163. Are they not obliged to contribute to the poor?—They contribute to the poor, but they make the public contribute that, because they are allowed to increase what is taken for the purpose.

2164. What proportion is given to the authors?—Twelve per cent. of every night's receipt.

2165. Do you think that the minor theatres are more flourishing there than they are here?—I think they are.

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2166. Do you think the public taste in France is in favour of minor theatres?—The public taste is decidedly for the best performances, and whenever there are good performances at the large theatres they go there in preference to the small ones; but the smaller theatres being cheaper they have a claim upon many more people.

2167. Has not the question been very much agitated at Paris, whether the legitimate drama ought to be confined to the two great houses?—It has been.

2168. How many theatres are there in Paris?—About 14 open at a time.

2169. Do you think that in France the legitimate drama ought to be confined to the two great theatres?—I think it ought.

2170. You are aware that the question has been very much debated?—It has.

2171. Have not the theatres royal a regular allowance from the government?—They have.

2172. Do you know the amount?—It is very large indeed; the Opera has as much as nearly 40,000 *l.* sterling a year; the François about 8,000 *l.*; but then the François were very rich in former times, they had a great deal of funded property. I think the Opera is now given to a lessee, who receives 32,000 *l.* from the government, taking all the chances.

2173. Have the theatres flourished during the last year in Paris?—They have, as much as can be expected in these times.

2174. Has the public excitement there been prejudicial?—In Paris, public excitement is sometimes favourable to the theatres, because everybody likes to go and get entertained at night after business.

2175. How is a theatre managed in the provinces?—The provincial theatres are divided into three classes, and each class pays a certain price to the authors.

2176. Is there any connexion at this time between the theatre you have and other great theatres with regard to the management; is it at all likely that they will be at all united under one management?—Decidedly not.

2177. Are not the actors at the minor theatres at Paris bound to go to the theatres royal if they become so distinguished as to make it desirable to do so?—There is in France an idea that the theatres exert a great influence upon the manners of the nation, and therefore the large theatres, in which the best music and the best drama is to be produced, are greatly encouraged, and there is a public school, called the Conservatoire, supported by government, in which new performers are educated, and those new performers are decidedly the property of the large theatres, and they are not allowed to go on the small theatres, except after trying their skill at a large theatre, and then, if they do not answer, they may go where they can.

2178. If persons, having begun to act upon the small theatres, become distinguished, have not the large theatres a right to demand their services?—They have not; but such is their desire of getting for the first theatres the best talent they can, that sometimes government makes sacrifices to obtain them, and I could quote several actors who received large sums, one who receives a thousand a year from the government to go nowhere else but to the François.

2179. What do you understand you shall continue to be able to act at Covent Garden?—I conceive that what has been acted till now, I have a right to continue the same.

2180. That is to say, both the regular drama and spectacle, pantomime, opera, and in short the various things which have hitherto been acted, you imagine that you shall continue to be able to act?—I do, of course.

2181. Are you prepared to say that you should not call upon the lessors of the theatre to maintain those rights which you imagine yourself to possess in virtue of their patent, if they should be invaded?—I did not go so far into the question; but I considered, on taking the theatre, that the lessors would give me what has hitherto been performed at the theatre.

2182. Supposing you found that that was no longer so?—Then I would give up my lease.

2183. Have you the power to do so?—Yes, there is an understanding that it should be so.

2184. Is there any clause in the lease enabling you to give it up?—There is no lease granted at present, but that was the understanding with the proprietors, that if they lose part of their property, of course they must lose part of their rent, or even to set me at liberty, because if the theatre were to be done away with, or thrown open to large competition, of course there is not talent enough in England to maintain more than one or two theatres.

2185. Then

2185. Then if the monopoly was thrown open, you would throw up your lease? *Mr. P. F. Laporte.*  
—Decidedly.

2186. You have the power to do so?—There is no special arrangement entered into, because there is no lease granted, but such is the understanding. *27 June 1838.*

2187. Then, in short, you would suffer no injury by the breaking up of the monopoly, beyond that of losing your engagement?—Yes, I would, indeed, because I must prepare for the next season.

2188. If you think that you should throw up your lease on the monopoly being thrown open, you must be of opinion it would be very injurious to Covent Garden?—Certainly it would; but the proprietors of the theatre fully understand that if the monopoly was to be thrown open, they would accept my resignation.

2189. Can you define what you mean by the monopoly being thrown open; what state of things would induce you to throw up your lease?—If the regular drama was to be performed everywhere, after a little there would be such competition for actors, few as they are, that they would be called away to the other theatres.

2190. Is not the regular drama performed at this moment at all the minor theatres, and should you be in any worse situation than you are now?—But we are not in a good situation now, and it has been expected that the law could be so defined as to prevent those infringements by the other theatres.

2191. Did you expect that it would be more restricted?—I expected that the rights of each theatre would be classified.

2192. Have you looked into the finances of Covent Garden theatre?—Yes.

2193. And you know that their affairs have not been very flourishing the last year?—Yes.

2194. Do you attribute that failure to want of management, or to the state of public taste?—I think there are many causes within the last few years that have reduced the theatres to that state they are in now; I think the dinner hour is the main point; then the many nights offered to the public at the Italian Opera-house I consider to be very injurious; and then taking into consideration also the state of the country, and the excitement of politics and occupation, which has not permitted the public to attend to amusements so much.

2195. But you think that in Paris the excitement does not operate unfavourably?—I think we cannot draw a comparison between the spirit of the French people and the English, the French are such a play-going people; and I believe there never was such a fine house, the French Opera-house, as when the Prussians were under the walls on the 30th of March.

2196. You once had a theatre that was not licensed?—I had.

2197. Now you are the manager of a legal theatre, have you it in contemplation to attempt to prosecute any of the minor theatres?—I think the prosecution, if any, must rest with the proprietors, and I would not make myself a party to it.

2198. Should you call upon the proprietors to prosecute?—I think that is their affair, they must manage better than I can; if I felt myself injured by it, I would call upon them to put me in as good a situation as they can.

2199. What is the manner of reading plays at Paris, does it rest with one person, or is there a certain committee established for the purpose?—It is different almost at every theatre; there is a committee in the large theatres; there are some where a committee is established, and some others where the manager himself takes the reading of the plays.

2200. In Paris are there many instances of plays being detained for some years by the committee before they are read over?—The answer is given the very day that it is read.

2201. How long is that generally?—There is reading every week.

2202. Is it always read in due course, or is there any preference given to favourites?—There is a preference which the manager has of selecting what he considers of actual advantage to the theatre.

2203. Then, in fact, the committee there are merely agents of the manager?—They are judges and advisers.

2204. What is the manner of licensing plays there?—There is no licence at all.

2205. Do you find that there is any want of a licence; are there many indecent plays permitted?—The public would not suffer them; the public is the best judge.

2206. How long has the censorship ceased to exist?—It has ceased since the fall of Charles the Tenth. Before that time there was a licence, because they were so afraid of political allusions.

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2207. Are there many political allusions now in the plays produced at Paris?—  
There are.

2208. With respect to the manner of rewarding authors at Paris, does not he derive a profit from every time his play is performed?—He does.

2209. Does he really *bond fide* obtain it?—He does.

2210. How is it in the provinces?—In the provinces it is divided into classes, and each town, according to its importance, pays a certain sum for each play nightly.

2211. How does the author know that his play has been performed?—There is an agency in every town, and it is collected every year.

2212. Is it pretty regularly remitted?—Always.

2213. What sum does the author generally receive from the profits?—In the large places, such as Lyons and Marseilles, which are supported by government, they receive nearly one half of what they receive in Paris; in minor towns they receive according to a scale, I could not say exactly at present.

2214. Does not it rest with the author to allow his play to be performed or not; and if he chose to say, "I am not disposed to take the terms you offer me," might not he refuse to have it performed?—There are no terms, except the 12 per cent. upon the receipts.

2215. But he might refuse to have his play performed?—Yes.

2216. Is not his play for a certain number of years the property of his wife and his children?—For 10 years; there is now a talk of making it a downright inheritance for ever.

2217. Do you not consider that that would be a great encouragement to persons to produce plays that would be permanent?—Decidedly.

2218. And it would tend to give a lofty character to the drama?—Decidedly.

2219. Was there not also a law passed that rendered copyright free from the arrest of creditors?—I know of no such arrangement.

2220. The minor pieces that are produced at Paris are generally considered exceedingly good; but is it not the general impression that the higher order of the drama is not so good as the minor pieces?—It is.

2221. What do you consider the cause?—The minor theatres being so cheap, the manager can obtain the best performers, because the public come there.

2222. Is not the drama better in those departments at Paris than it is in the tragedies and comedies that have been produced?—It is much easier to produce a short performance of that description.

2223. Do you consider that that arises from this, that the author is only able to go to two theatres?—Decidedly not; there is never an overflow of good pieces; besides, it has been talked of several times to increase the number of theatres the moment the public should show that they are not satisfied with only two.

2224. Supposing the public were to express a desire to have more theatres at which the legitimate drama would be allowed, you think that they would be increased?—They would decidedly.

2225. Do you estimate the desire of the public in proportion to the manner in which the theatres are filled?—Yes.

2226. Do you think that would be a fair calculation to go upon?—Decidedly.

2227. Is not the Théâtre François of very great size?—It is.

2228. Which is the largest, that or the Covent Garden theatre?—I think about the same; I think Covent Garden is a little smaller.

2229. Have you not many publications attributing the want of merit in the recent tragedies to the overgrown size of the Théâtre François?—No.

2230. Do you consider that the Théâtre François, from the form and the shape of it, is better constructed for seeing and hearing than Covent Garden?—I do not think it is.

2231. Is it the same shape?—No; Covent Garden is longer, and the Théâtre François is more of a semicircle.

2232. Could you name any five-act plays, comedy or tragedy, that have been successful, that have been written in the last five or six years?—I could, a great many; Henry the Third, Louis the Eleventh, and many others that do not strike my memory now.

2233. Do you recollect any comedies in five acts?—Yes, L'Ecole des Viellards, and many others.

2234. You state that you think the late hours and the public excitement are main causes of the decline of the theatres; do not you think that the introduction of

of French plays and other foreign entertainments has also given a different turn to the public taste, and thereby subtracted from the receipts and attendances at the great theatres?—The attendance at the French plays has been very moderate indeed.

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2235. Have not the public remunerated you by their attendance for your expense and trouble?—For the two or three last years we have not been very fortunate.

2236. Have not your French speculations answered very well?—Very well, indeed; it was a novelty; it answered for a short time, the same as the German now answers.

2237. Do you consider Covent Garden to be too large, or do you consider the construction of it perfect?—Very good indeed.

2238. Do you think that the private boxes are advantageous to the theatre?—I think they are, according to the present wishes of the intelligent classes of society.

2239. Does not it often happen that people who are in waiting in expectation of having a private box given to them do not attend the theatre?—It does, because in fact there are not enough private boxes; I would say that private boxes are clearly an advantage for the sake of the higher classes of society.

2240. Supposing you had your option to make six or ten more private boxes, would you do it in Covent Garden theatre?—Supposing the public would be satisfied with it, I would do it instantly.

2241. Do you consider that if the public were to express a great desire generally to have the legitimate drama performed at the other theatres in Paris, the public would obtain that desire?—Yes, they would, because the power that would grant that extension has also the power of granting indemnities.

2242. In what manner would indemnities be granted?—To support the theatre so that they are no losers; the large theatres are so supported that they cannot be losers, because the government gives a sufficient sum to pay for losses, so that the authors and performers and everybody are sure to get their money.

2243. Does not the French government interfere in the administration of the theatres?—To a certain extent they do.

2244. Much further than the English government does?—Much further; there is a committee appointed for those large theatres, to report upon their good management.

2245. Do they direct a particular piece to be performed?—No; but the wants of the proprietors come within the budget, so that it is for the Chamber of Deputies to grant the allowance or not.

2246. Is not the proprietorship of a theatre invested in individuals as it is here?—Yes.

2247. But with the understanding that the government will protect them from any considerable losses?—Yes.

2248. Are not the accounts regularly laid before the Government every year?—Yes.

2249. Are all the theatres in that predicament?—All the large theatres; they must make sacrifices, in order to keep up the dignity of the stage.

2250. Have you any idea whether the pecuniary losses that have been sustained upon the large theatres in Paris are at all in proportion to the losses that have been sustained here by the two great theatres?—I think the losses are not so great there, because the French are more of a play-going people altogether, but yet the Opera costs government about 40,000 *l.* a year for about 160 nights; the Théâtre François costs much less, because the property is vested in a company, and that company was very rich from former success, they had a great deal of funded property, so that I do not consider that that theatre costs government more than 8,000 *l.* or 10,000 *l.* a year.

2251. Are there any other theatres to which government contributes?—There are five theatres to which government contributes.

2252. Do you know the amount that government contributes?—I think very little short of 80,000 *l.* sterling.

2253. Does it appear in the budget as an item?—It does.

2254. Then is it not probable that the theatres, as mercantile concerns, are very losing concerns?—Yes, because no sacrifice is spared there to keep up the dignity of the drama; it is thought much more important there than it is here.

2255. Does not the government derive some emolument from the theatres?—None at all; a good performer is never suffered to be anywhere except in a large

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theatre, and as there is no compulsion, he must be paid accordingly; and there are some performers who are paid by government a very large salary to go nowhere else but to the principal theatres.

2256. Do they ever act in the small theatres?—Yes, in the melo-dramatic theatres.

2257. Was not there a process against Perlet for acting?—Yes, there was; he was articled to the National School, and when he chose to go to another theatre, he was called to his duties.

2258. Then it would appear that although the French are a more theatre-going people than we are, yet they do not support their own theatres?—Yes, it is altogether according to chance. I consider that the large theatres in Paris might be conducted at a cheap rate; but the government, in protection of the public, will not allow a cheap rate to be taken; and they say, you must spend every thing that is necessary to have a good theatre, you must allow no good performer to escape you, and if there is a loss at the end of the year, we will pay for it.

2259. Do you consider that they could go on so advantageously to themselves without an allowance from the government?—Not without reducing the scale of the expenditure, and consequently the quality of the company.

2260. Would there be sufficient attractions if it was so reduced?—If they could get one or two good pieces, they might carry them on for some time, but I think in the long run they would fail.

2261. Are not the small theatres able to support themselves without the aid of government?—Yes, because of their expenditure being so small.

2262. Is not that an argument in favour of the small theatres being a better mercantile concern than the large ones?—They are certainly; light pieces are much easier found than large pieces.

2263. If the French theatres were not supported by government, would they not fail?—They would.

2264. Then are not the large theatres in the two countries in the same predicament, inasmuch as they both equally want support?—They do.

2265. Do not you consider that a hardship upon certain performers being restricted to a certain number of theatres?—Indeed I do not, for so few as the theatres are, there are not performers enough.

2266. Is it not a hardship upon a performer, taking the liberty of the subject into consideration, to be confined to two or three theatres?—They are not confined; they may act upon a different line, because every theatre has a classified line of business; a vaudeville there cannot play comedy.

2267. Are all the theatres in Paris restricted to a certain specified representation?—They are.

2268. Is not the legitimate drama played occasionally at the Port Saint Martin; is not a good performer often removed from the Port Saint Martin to one of the great theatres?—There is a very narrow line between a tragedy and melo-drama, and there are melo-dramas that have been produced at the Port Saint Martin that would do honour to a French drama.

2269. Then cannot a performer that succeeds at Port Saint Martin be compelled to be removed to a large theatre?—Certainly not, he may be bought in.

2270. Suppose he is a pupil of the Conservatoire?—If he is a pupil of the Conservatoire, he is articled for a certain number of years, and his education having been at the expense of the government, of course the government has a right to his services.

2271. As the number of actors is very limited in France, would their number be increased if the competition was thrown more open?—Decidedly not; there is plenty of encouragement there, because the first theatres are made so important that it is the aim of all performers to arrive there.

*Samuel Beazley, Esq. called in; and Examined.*

*S. Beazley, Esq.*

2272. HAVE you not been concerned in the construction and alteration of several theatres?—Yes, I have built six or seven theatres; the late English Opera-house; I have built the whole interior of Drury Lane, and I have built the Dublin theatre and the Birmingham theatre, and several others.

2273. And you are now engaged in the construction of the new English Opera-house?—I am.

2274. Were

2274. Were you not also concerned in the alteration of Drury Lane?—I rebuilt the whole of the interior of Drury Lane.

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2275. How many years ago is that?—About 11 years ago.

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2276. What do you consider to be about the best size with regard to hearing and seeing at a theatre?—I do not think that a theatre should exceed above 50 feet in diameter, that is from box to box, or 55 feet from the curtain to the front box. With the permission of the Committee, I will state the dimensions of the theatres we have in London, and I have the plans also here; I think it should not exceed the present size of the two large theatres.

2277. Do you think that is the proper size?—I think that is a proper size for the performance of historical plays, and of tragedies and comedies.

2278. Would it not be possible to have a stage sufficiently large, and at the same time to have the place for the audience not too large?—I should think it very difficult to construct a theatre with a large stage and a small theatre, without bringing the audience so close to the stage as to destroy in a great degree the dramatic illusion.

2279. Are you not aware that that very circumstance exists at the Coburg theatre?—I have been in the Coburg theatre once or twice, and when I was there, it struck me that I was too close to the stage, for the size of the stage, on account of the width of the stage; the Coburg is a semicircle, but it is impossible that that can be upon any extensive scale, because it would make the stage so very large.

2280. Did you consider that you were too near on account of the actors or on account of the scenery?—On account of the scenery and the actors both, and particularly with the sort of pieces they performed when I was at the Coburg, because it was a melo-drama.

2281. Do you believe that all the audience in Covent Garden and Drury Lane have a fair chance of seeing and hearing?—I think those at the back of the boxes had not a fair chance, and I think the defect in our theatres is the great depth of the boxes.

2282. Then you consider it is from the faulty construction of the boxes rather than from the size of the theatres?—Certainly.

2283. Do you consider that those persons in the centre or in the galleries can sufficiently well perceive the countenances of the actors upon the stage?—I have myself seen Mademoiselle Mars in the Théâtre François in the upper part of the boxes, and I have never lost any of her effects, which are very nice effects, not great, palpable effects.

2284. Did not she appear diminished in size?—No, I do not think so at all; there is no theatre I have been in in which the distance has been sufficient to have that effect. It has scarcely that effect in the Italian Opera in the gallery. The Italian Opera-house, which is the best theatre we have for hearing, is ten feet wider than any English theatre, and nearly 90 feet from the curtain to the front.

2285. Do you consider they can hear well in all parts of the Opera-house?—I think in every part of it.

2286. How did you account for the sound being better in the Italian Opera-house than in Covent Garden?—I should think from the great use of wood in its construction, and I think that would have created too much vibration, if the vibration had not been damped by the draperies that the boxes are filled with.

2287. Supposing the interior of that house was arranged according to the construction of one of the English theatres, would not that impede the sound?—No, I do not think it would.

2288. When you re-constructed Drury Lane theatre, was it left entirely to your own discretion, or were orders given you to provide room for a certain number of persons?—It was left generally to my own discretion. I think I had no particular orders, but not to make it too small.

2289. You think that 50 feet is the best size?—I think it is.

2290. Both for sound and for scenic effect?—Yes; and you get by that a proscenium of such a calibre that you can perform anything.

2291. Are you not aware, that at the Italian Opera-house the singers complain of the efforts they are obliged to make in order to be heard; are not you aware that they call that house the tomb of singers?—I am aware of that with respect to some particular singers; but I think it depends more upon the management of their voice than upon the construction of the theatre. I have known Miss Stephens say that at Drury Lane theatre she sang with perfect ease, and the same in the



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Dublin theatre; it depends upon their articulation; there are certain persons of great physical force that I did not hear so well as others, persons of much less physical force, but who articulate more clearly.

2292. Should you say, as a general position, that the more stone there is in the construction, the theatre is less favourable to sound?—If that stone is near to the speaker, certainly.

2293. You think that no theatre should be larger than Drury Lane and Covent Garden?—Certainly not.

2294. What shape do you consider the best for seeing and hearing?—I think a little variation from the horse-shoe shape is the best you can adopt.

2295. Who built the Coburg theatre?—A Mr. Bonelli, I think, a very experienced person, who built a great number of theatres.

2296. What is the shape of that?—That is a semicircle.

2297. What are the dimensions of the English Opera-house which you are now building?—The new will be 42 feet across.

2298. What are the dimensions of Covent Garden?—Fifty feet.

2299. What are the dimensions from the stage to the boxes in the English Opera-house?—Fifty-four feet from the curtain.

2300. What is the distance at Covent Garden?—At Covent Garden it is 63.

2301. Since you are constructing the English Opera-house so much smaller than the two great theatres, are you not of opinion, that a theatre may be smaller than the two great theatres, giving great effect to all scenic representation?—I think so, certainly, but not giving such good effect to the representation of historical plays and tragedies which require long processions; I think that spectacle is a great adjunct to legitimate drama.

2302. You think a large theatre is better for spectacle, whether it is employed in legitimate drama or any thing else?—Yes.

2303. Do you get the same price for a large theatre as for a small one?—I am myself only an architect, not a builder; we are paid a commission by a per-centage, and of course as a large theatre costs more than a small one, our per-centage would be larger, and also probably it would require more science in the construction.

2304. Then supposing it were possible that a gentleman in your profession should be actuated by any kind of mercenary feeling, he would be inclined to advocate a large theatre rather than a small one?—I should imagine that he would.

2305. You have yourself produced several pieces?—I have adapted several pieces.

2306. So far as they have gone, have you been satisfied with the remuneration you have received?—Perfectly.

2307. Do you consider that the law that relates to dramatic copyright could be improved?—Upon that I am no judge; with regard to myself, I have always been very well satisfied with the remuneration I have received.

2308. What is the size of the Haymarket theatre?—It is 35 feet across from box to box, and 47 feet from the curtain to the boxes.

2309. Is not that rather smaller than the new theatre you are building?—Considerably smaller.

2310. Do not you think that the legitimate drama is very fairly acted at the Haymarket?—I think it is very well acted.

2311. Then you think it is large enough for that object?—I think it is; but I question whether it is large enough for the performance of large plays, such as *Coriolanus*, and the performance of such a play as Mr. Shiel's play of the *Apostate*, with all the necessary appendages.

2312. Is it your opinion that historical plays cannot be acted in a theatre less than the Haymarket?—Certainly not; I think that a theatre too small is much more destructive of dramatic illusion than one too large.

2313. Did you ever have any pieces performed at the Adelphi?—Yes, I have.

2314. Were you satisfied with your remuneration there?—Perfectly I have received a great deal more money at a large theatre than I have at a small, but I was perfectly satisfied with both.

2315. What sum have you received in one year from Drury Lane?—I received 840*l.* from Covent Garden in one year.

2316. For how many pieces?—For three pieces. One was the *Steward*, a comedy; another piece was *Ivanhoe*; the third was a single act piece, the *Cozening*.

2317. How many nights were they performed?—The *Cozening*, I believe, ran a great

a great many nights, and *Ivanhoe* a great many nights; the *Steward* about twenty nights. S. Beazley, Esq.

2318. What proportion of the receipts do you suppose that you got?—It is impossible for me to tell; I have always made my arrangement with the manager upon the old plan of 33*l.* 6*s.* 8*d.* for the first nine nights, and then 100*l.* the twentieth night. 27 June 1832.

2319. Is that the general plan?—That is the general plan, I believe, which brings it to 100*l.* the third night.

2320. You have stated that the processions and the adjuncts add very importantly to the effect of historical pieces; but may there not at the same time be a considerable diminution in the excellence of the acting or in the power of conveying that excellence to the audience?—I have never felt it so myself; and I think Mr. Shiel would say that he would not have liked his play of the *Apostate* to have been acted upon a less theatre than *Covent Garden* theatre.

2321. Do you consider that the size of the new theatre you are building is equal to any purpose?—I do; I should have built the theatre larger if we had greater funds, and a large space to have covered.

2322. How many persons will it hold?—I should think from about 1,500 to 1,700 persons.

2323. How many does *Covent Garden* hold?—About 2,500 people; we generally reckon by money. I should think that *Covent Garden* and *Drury Lane* would hold about 600*l.*, and that would hold about 400*l.*

2324. Of course you have avoided the faulty construction of the boxes?—Yes; there are only three seats; and I did the same in *Drury Lane* in the dress boxes.

2325. Do you recollect what was the expense of the alteration of *Drury Lane* theatre, when you re-constructed the interior?—Between 17,000*l.* and 18,000*l.*

2326. If it was an object to reduce either of the large theatres still further without altering the stage, what sort of expense would that involve?—In *Covent Garden* it would require a great deal more than *Drury Lane* theatre. At *Covent Garden* theatre, I think, it would cost about 15,000*l.* without touching the stage, but I am afraid it could not be done without touching the stage; I think it should be put at 20,000*l.*

2327. What would a second reduction of *Drury Lane* cost?—I should think about 10,000*l.*, but much of that depends upon the scale of the reduction; the great difficulty will be, that in reducing the circle you alter all the levels, so that you will have to adopt all the lobbies to the new levels.

2328. Is there a saloon or not in the theatre you are building?—Yes, there is a very handsome saloon.

2329. If you consider the plan of the *English Opera-house* is so much the best, how is it possible that the *Italian Opera-house*, which is on a very different plan, should be so eminently excellent?—I do not think the outline of the *Italian Opera-house* is so very different, it is merely a modification of that form; it is no doubt a very elongated horse-shoe, but then the stage is within nearly 30 feet of the audience.

2330. Then, in fact, those who sit in the centre are not much further from the stage than they are in other theatres?—No; it has been elongated twice, and it is that which gives it its present form.

2331. Although there are certain principles and rules which are favourable to the conveyance of sound, does it not after all very much depend upon accident?—I am decidedly of that opinion; there are certain principles that you must not violate with regard to space and with regard to materials, but in general the doctrines of acoustics are perfectly inapplicable, and if you attempt to build a new theatre upon those principles the object may be defeated at last. It was the case with the theatre at *Lisbon*, which was considered the best theatre in *Europe*, and after a short time they found that the sound was lost, and it was discovered that it was in consequence of certain passages having been stopped up, and when they re-opened them the sound returned.

2332. Had those openings been made at first for the purpose of the sound?—No, they were mere accidents.

2333. Is your time and labour increased in the construction of a great theatre in an equal degree to the increase in the remuneration which you obtain as compared with contracting for a smaller theatre?—That is a question that it is rather difficult to answer. The mere labour of making the drawings larger and making a larger design would not perhaps be equal to the larger remuneration; but taking the

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the additional responsibility of all the bearings. I think the extra remuneration is very well earned by a person that builds a large theatre; but as to the labour of the actual architect, I should say there was not a great deal of difference, but there is a great deal of difference in his anxiety and his responsibility. If you had to put a roof, as I had at the Birmingham theatre, of 84 feet span, without any support at all, you would feel a great deal more anxiety than you would about one of 64 feet, as I put to the last British Opera-house.

*Mr. William Charles Macready, called in; and Examined.*

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2334. HAVE you any share in any theatre?—No.

2335. You are at present engaged for Drury Lane?—I am.

2336. Has there not been a very considerable time in which you have not been engaged at either of the two large theatres?—Not for two years; I was absent from London.

2337. Was it your own option that you were not engaged at that time?—One year it was, when I went to America, the rest of the time it was not at my own option.

2338. Do you consider that if there had not been several minor theatres open at that time performing the legitimate drama, you would have had it in your option to be engaged at that time?—I dare say I should, and I think it is probable that I should even without, but that particular circumstances shut one of the theatres against me; it was a personal question.

2339. Have you acted at one of the small theatres?—Yes.

2340. Do you conceive that you were able to act sufficiently well there?—I feel it to be much easier to act in a small theatre than in a large one, and I should say that for merely domestic scenes and for simple dialogue, where there is nothing of pomp or circumstance attending it, I should prefer a small theatre; but for Shakspeare's plays, I should think very few of them can be found which can have due effect given to them in a small theatre.

2341. Should you consider that the Haymarket would be large enough to allow a fair acting of Shakspeare's plays?—I speak from having seen Kean act in the Haymarket. In scenes where only two persons have been upon the stage, I have lost myself to the size of the theatre, but when a great number have occupied the stage, I have felt the want of space, and too great proximity of the performers to me.

2342. Supposing the legitimate drama were to be allowed to the small theatres, would it not appear that, if the public generally shared in your opinion, the large theatres could not be much injured, because, as they would perform Shakspeare's plays better than the small theatres could do, they would not be injured by that competition?—I do not wish to be supposed to say anything against the interests of the small theatres, but that is only one of the ways in which they would injure the large theatres; they would offer so many markets for talent, that they would take those as nightly auxiliaries that ought to be stationary actors in large theatres, in order to make an efficient regular company, which never could be the case if we had opportunities of going for large sums of money to the small theatres; it would be better for us, but I think it would be for the loss of the public, inasmuch as there would be a great many plays tolerably done, but it would be almost impossible to congregate an efficient company in any one theatre.

2343. Do not you think that in consequence of there being more theatres open more good actors would be found?—I am sorry to say that we do not find it so at present; I do not perceive that it is so in France, nor did I observe it in America.

2344. Did not you perceive that in France there is a great deal of good performance?—They are very good actors indeed in the small theatres, but then they require a very small company.

2345. Do most good plays require a small company?—You are obliged in our theatres to have large companies both for tragedy, comedy and opera.

2346. Would it require very large companies for most comedies?—For Shakspeare's comedies.

2347. Are not many of our pieces now taken from the French, and could not those be performed with a small company?—Yes.

2348. Do you consider, therefore, that if the legitimate drama were acted upon a small theatre, it would be injurious to the public, by dividing that force of actors which exists at present in the country?—I think so. If there were not some distinction  
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between the theatres that prevents many actors of the patent theatres from going to small ones, they would go there.

2349. You do not think that it is an evil that would cure itself?—I do not see how it could.

2350. Do not you think that if the larger theatres were able by large capital to get better companies, that the public would so encourage those theatres that the others would not be able to flourish?—I think that small theatres would proceed upon the plan of engaging the best actors as auxiliaries; they would be able to pay them for a fortnight or a month's engagement much more than a large theatre could pay them for the season, which is the way in which they now engage them: I think that actors being paid by the night in London is particularly injurious.

2351. Do not you find that that is the plan at present?—The last two years I think that has not been the case, with one or two exceptions.

2352. Are there not very few great actors that engage to enter into all the business of the house?—They ought to do so of course; it must be according to his profession. I do not conceive that a tragedian, for example, has any right to scruple to perform that character, supposing it to be the grade of first, second or third in which he may be engaged.

2353. How many times a week do you perform?—I am quite at the mercy of the manager in that respect; as many as he pleases.

2354. Have you found in the course of your experience that a great number of pieces have been written solely for you?—Never, but in the case of one or two plays in which I did not act, namely *Caesællan*, and a play written by Miss Mitford, called *Rienzi*.

2355. Was it not in consequence of *Rienzi* being written for you, and your not acting in it, that the play was detained for some time, and afterwards acted in another theatre?—From mine being a nightly engagement, it expired before the play could be got ready; in consequence of that, I was anxious then, for Miss Mitford's sake, that it should be acted; and I presented it to Mr. Elliston, who refused it, and it remained unacted till Mr. Price came to the theatre; and, I believe in consequence of a young lady coming out, it was brought out.

2356. Are you aware that at one time a great number of theatres existed in London when the population was so much smaller; and are you aware that at that time there was no complaint of a want of audience?—There is extant a petition of Massinger and Field, in consequence of the ill success of their theatres; and in *Hamlet*, we find that Shakspeare himself complains of the public being run away with.

2357. Did not the public at that time attend those theatres and support those theatres; and were they not witnesses at that time of some of the greatest plays that were ever produced, and therefore can it be said that the public suffered by the state of things at that time?—They did not suffer certainly as it regards the compositions; in fact, I do not know how to account for the constellation of genius that then arose.

2358. Do not you think it could be accounted for in some measure by the number of houses which existed then?—No, because I think we have evidence of the poverty of authors at that time: and we may recollect that there is a complaint in one of Shakspeare's choruses of the small sum which they had to represent one of his historical plays; but I imagine that those men wrote because their genius was irrepressible in them, whether those theatres existed or not.

2359. Would not the public have lost many of those plays if those theatres had not existed?—Those plays of Beaumont and Fletcher that were unsuccessful were not lost, they were published.

2360-1. Do you think there is the same quantity of dramatic talent to be found in the provincial theatres at present as there was 15 or 20 years ago?—No, I think not.

2362. How do you account for the difference?—That is a very perplexing question. I think it is so very unrequiting a profession, that no person who had the power of doing anything better would, unless deluded into it, take it up.

2363. If the field was more open, and the performers had the power of representing the legitimate drama at the minor theatres, do you think that it would increase the number of performers?—I cannot see how.

2364. Supposing the quantity of talent to be greater than the demand, what is to become of the surplus?—We can only argue for what will be from what has

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been, and I never recollect a period when we were overstocked with good performers.

2365. You yourself prefer acting upon a large stage to acting at one of the minor theatres?—So far as my personal convenience is interested, and as far as my impression goes, I should prefer the theatres being thrown open, but I think it would be a loss to the profession itself. I think it would press hard upon performers who could not command what I call auxiliary engagements, for I think they would be ground down in order to pay those performers who had the good fortune to be considered more attractive to be engaged in a temporary way; I think the public would suffer in consequence of the efficient companies being broken up.

2366. Do you find the public prefer witnessing large performances upon the great theatres, or that they prefer witnessing the performances at the Haymarket, for example?—I can better answer that question by referring to the period when Covent Garden was burnt down, and when the company was particularly strong, consisting of Mrs. Siddons, Mr. Cooke, Mr. Kemble and others; at that time, when they played in the Opera-house, I believe their success was very great indeed; they were obliged to leave that and go to the Haymarket; it was expected that, because they would be seen and heard so much better, the houses would be full to the end of the season, but they fell off directly, and I believe they did not make their expenses there.

2367. Do you consider that a solitary instance of that sort is a strong argument either one way or the other?—I think the necessary appurtenances are wanting in a small theatre; as a spectator, I feel the actors are too close upon me.

2368. Are you speaking of tragedy?—Yes.

2369. With regard to comedy, does not that appear to great advantage upon a moderate-sized theatre?—Provided the audience are sufficiently far removed, which I do not think they are in the Haymarket.

2370. Do you think that persons in the centre boxes of Covent Garden and Drury Lane witness the *School for Scandal* with as much satisfaction as at the Haymarket?—I could wish Covent Garden and Drury Lane somewhat reduced, but not very much.

2371. Do not you consider that the state of the laws at present is not quite satisfactory to any party?—Certainly.

2372. Then as something must be done, do you conceive that that something should be to restrict the present monopoly or to open the present monopoly?—I think it should be to define the rights of the minor theatres, and not to allow them to perform the legitimate drama.

2373. How would you define the legitimate drama?—I know no other way than by taking what has been considered as the rule hitherto, by appropriating the five act plays as belonging to the large theatres.

2374. Would you allow the minor theatres to purchase new pieces, either tragedies, or comedies, even if they were in five acts?—Yes, I think so, because if you retain Shakspeare as the property of the large theatres, the leading actors in general would prefer to be in the theatre where Shakspeare is played, and therefore it would prevent that competition for the actors, which I think would be a great injury to the large theatres, by dispersing their companies.

2375. Then you would not mind their being able to have the new plays, because you think they would not be able to act them?—I do not think they would be able to act them so well.

2376. Then you do not see any objection to allowing the minor theatres to have the power of purchasing any new plays that may be produced, of whatever kind they may be?—I think not. I think it is an injustice to authors that they should not have an open market; but the large theatres would be able to pay authors so much better, that the authors that would be successful at the large theatres would not go to small ones; but it may happen that an eminent author may have written a piece which is not fitted for a large theatre, and it would be very hard that it should lie upon his hands when he might find a market for it in a small theatre.

2377. How many years have you been at Drury Lane in your present engagement?—My present engagement is of two years' standing.

2378. Can you recollect how many times you have played Shakspeare's characters in those two years?—I think the play of *Macbeth* has been done six times in  
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the last season, and Richard has been acted, I think, five times, and Hamlet once, and the Winter's Tale once.

2379. Does it appear, then, that Drury Lane theatre avails itself very often of Shakspeare's plays?—Under the present management it does not.

2380. So that the public are deprived, in point of fact, of Shakspeare, unless the proprietor of Drury Lane thinks proper to give it?—That is the state of things.

2381. Do you not conceive, then, that by limiting the performance of Shakspeare to the two great theatres, you leave it to the caprice of the proprietors of those theatres?—Yes; but they pay for that caprice, and the losses have been very heavy indeed in consequence.

2382. During the time that the lions and those spectacle pieces were represented, had they not large houses?—I believe they lost money by the lions.

2383. Is not the public opinion rather set against the exhibition of those monsters now?—I think persons seldom go twice.

2384. Do you think it right that French plays should be exhibited at Covent Garden and Drury Lane; was that the original intention of those theatres?—Certainly, it was not the intention; but I think that our taste is not injured by the production of such performances as Mars'. Speaking for myself, I should be happy to be saved a journey to Paris by seeing them here. I do not see whom it can injure.

2385. Are you of opinion that your line of acting has been properly appreciated at the minor theatres, or would not such talents as those of Mr. Liston in all probability be preferred to yours?—No doubt they would be greatly preferred in a very small theatre, such as the Olympic; perhaps in theatres of the size of the English Opera-house, for a continuance, they would wish for a change.

2386. Are the tragedies of Racine the most attractive of the Théâtre François?—Not now, because Talma is no more.

2387. Generally speaking, have you not understood that Racine did not attract great audiences in the Théâtre François?—I generally understood that the *chef d'œuvres* of Talma were attractive.

2388. Then was it Talma or Racine that drew houses?—Both, I should imagine.

2389. Is it not the fact that the immense population of France, amongst whom the strongest theatrical taste prevails, has not since the death of Talma produced one great actor?—No, I believe not.

2390. To what cause do you attribute it?—Simply to this, that persons who could find any other occupation would not take to one in which they are depending entirely upon the humour of the public.

2391. Is there not a great demand for genius upon the stage in France?—It would be paid amply no doubt in France, much more highly than here.

2392. Is it not the fact that there is no very eminent dramatic writer in France? There is Jouy and De la Vigne.

2393. Do you not conceive that of late years the diffusion of intelligence and of literature throughout the country has been such as to afford to individuals in their own homes and in their libraries those resources which were formerly sought for at the theatres?—No doubt; and to that is very much to be attributed the decline of the drama.

2394. So that without any reference to minor theatres or to political events, you consider the general diffusion of literature to have been among the causes of the decline of the drama?—I do, particularly to the novels and romances which have been written, by which a person can procure the same excitement and amusement at his fireside for the small price he pays to a circulating library.

2395. Have not you understood that about 30 years ago a bookseller would, for a successful play, give nearly three times as much money as he would now?—More than three times; 100*l.* was a low price for a play then, but now frequently 10*l.* is offered, and sometimes even that is considered a hazard.

2396. Then, under the present system, authors do not get any great remuneration?—Not by the publication of their plays; but for the performance of their plays, I have never known the case of an author who has not been rewarded to the amount that has been mentioned of 33*l.* 6*s.* 8*d.* a night. The case of Mr. Serle I have not heard of before. If his case had been mentioned to me before, I should have recommended him not to allow it to be acted for that price, which I consider was not equal to its deserts.

2397. You consider that what Mr. Beazley has stated is the average remuneration?—

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tion?—I never understood any other; I think an author is unjust to his brethren who takes less. I always understood 50 *l.* every three nights for a farce, and 100 *l.* for a play.

2398. So that the booksellers give less encouragement than they formerly did?—They scarcely give any now.

2399. Do not you consider that as a proof, that amongst the reading public the passion for the drama has greatly decreased?—Very much indeed.

2400. Do not you think that it arises from the impression that the new plays that are produced are not very good?—Those that have been very successful on the stage have sold very well; but a bookseller will not speculate upon a play so readily as he will upon a novel.

2401. You have performed in the country a great number of tragedies which have been first produced in London, and you receive for those performances in the country a part of the profits resulting from those performances?—Yes.

2402. But the author received nothing?—Nothing.

2403. Do you conceive it would be a benefit to dramatic literature that such an arrangement should be made as would insure to the author any portion of the profits of his play from the performances in the country?—Most undoubtedly, I do; I think it would be only justice to him and a benefit to dramatic literature; at the same time, it should be done very carefully, inasmuch as sometimes the receipts of the provincial theatres may be very small; you may prevent the play from being acted altogether; and therefore, if it had a reference to the second or third night upon which it was performed, it would be hard, because a play which succeeded in London might fail in the country.

2404. Would you think it right to prevent a manager in the country from acting any play in the country without the author's sanction, and to leave the author to make his own agreement with the country manager?—Undoubtedly; and that was the law excepting in the case of publication. Macklin, for a considerable time, held the pieces he wrote in his own power, and threatened to prosecute country managers that performed his plays; I believe it is the author's property till it is published; but I think it is very hard that the author should not derive benefit from the acting of it even after it is published.

2405. You would think it right to give the author a species of copyright in the acting of his play?—Yes.

2406. Could not a country manager evade it by altering a few passages?—That was done in the *School for Scandal*.

2407. Might not he do it by altering the title?—That would not answer, because it would not attract unless he gave the same title.

2408. Do you recollect that Lord Kenyon decided in the case of O'Keefe, that acting was publishing?—I have a vague recollection of it.

Mr. David Edward Morris, called in; and Examined.

2409. ARE you the proprietor of the Haymarket theatre?—I am principal proprietor of it, I have seven-eighths of it.

2410. Do you consider your theatre one of the patent theatres?—It was originally a patent theatre; a patent was given by George the Third to Samuel Foote, for life; that patent expired with Mr. Foote.

2411. Do you consider that you have any peculiar privileges or rights attached to your theatre?—I consider the Haymarket has the power of playing the whole range of the drama.

2412. What other theatres do you suppose enjoy that right with you?—Only Covent Garden and Drury Lane.

2413. Do you consider that other theatres are infringing upon your rights?—Yes, the Strand Theatre, the Queen's Theatre, the Surrey Theatre and the Coburg Theatre, and I believe others in the city.

2414. Have you any complaint to make against the Lord Chamberlain?—I think the Lord Chamberlain has exceeded his power in granting foreign licences. The arrangement with Covent Garden and Drury Lane, and I believe with the Haymarket, was, that only the Italian licences should be permitted to play on Tuesdays and Saturdays; the Opera-house then being open twice a week; whereas now it has been open every night; French plays on the Monday, and Italian operas on the Tuesday, German operas on the Wednesday, and so on, which I conceive is greatly prejudicial

prejudicial to the interests of the Haymarket, and most severely felt in its receipts. Mr. D. E. Morris.

2415. Have you laid any complaint before the Lord Chamberlain?—I have sent a representation to the Duke, but I have not received any answer.

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2416. Does not Mr. Kean perform at your theatre?—He has been engaged for 12 nights, 10 of which he has played.

2417. Do the public appear as well satisfied with his representation of Richard, or any other character on your stage, as at the great theatres?—Quite as well satisfied.

2418. Does he ever complain himself that he does not perform as efficiently as at the large theatres?—Never; I think I have heard him say that the size of it is more congenial to his wish.

2419. How many persons does the theatre hold?—About 1,600 or 1,700.

2420. What sum of money does it take?—320 *l.* when it is full.

2421. What salary do you give Mr. Kean?—30 *l.* a night; I had given him 50 *l.* the year before last.

2422. Did you engage him last year?—Yes.

2423. At the same salary?—Last year he got 33 *l.* 6 *s.* 8 *d.* a night.

2424. Then it appears that Mr. Kean varies his terms?—He has varied them for the last three years; at first they were 50 *l.*, afterwards they were 33 *l.* 6 *s.* 8 *d.*, and the present year 30 *l.*

2425. The Committee understand from Mr. Kean that his terms were always the same?—I believe that he has taken less at other theatres.

2426. Do you complain at all of other minor theatres for acting the drama?—I feel the effect of the regular drama being played at those minor theatres most severely, in the fall of the receipts.

2427. As you have the law upon your side of the question, why do not you appeal to the law for the purpose of putting them down?—It has been in contemplation to do so, but the process is so expensive and so tedious before you get redress, that we are deterred from doing it.

2428. Then is the expense of the process of law as great as the loss you suffer from the theatres?—It is only very recently that we have felt it so severely, since the Strand theatre in particular, and the Queen's theatre, which have been very recently established.

2429. Would you, then, like to see the law altered?—I should.

2430. Do you consider that you would suffer more if the performance of the legitimate drama in minor theatres was lawful instead of illegal?—I should suffer still more by it.

2431. Do you suppose that the drama would then be better performed at the minor theatres, and that it would therefore draw more persons from your theatre?—Yes.

2432. Do you consider that you would be entitled to any compensation, supposing the minor theatres were suffered to perform the legitimate drama?—I think that if the theatres were to be increased, and regular dramas were to be played at all of them, it would so much injure the Haymarket, that unless a proper compensation was made, it would ruin the establishment.

2433. In what manner could compensation be made to you?—I see no other way than by government.

2434. Supposing you were to put up your theatre to lottery, would that satisfy the proprietors?—It depends upon what scheme. Very recently, a gentleman of the name of Jerrold sent a play to the Haymarket, which I did not think it eligible to accept; it was taken away afterwards, I understood to the Strand theatre. A regular comedy is advertised to be represented at the Strand theatre, I think it is called the Golden Calf, that was the name of the play that was sent to me; I understand that that play is to be played as a regular comedy, by regular performers; and in addition to the Strand company, Mr. Abbott is, I understand, engaged, and Mr. Keeley and Mrs. Keeley, to play this piece at the Strand theatre, which has not even a justice's license.

2435. Is it not a fortunate thing for Mr. Jerrold to be able to take this play to the Strand theatre, and to have it performed there?—If he chooses to incur the penalty that he may be liable to: whether it may be fortunate for him eventually may depend upon circumstances.

2436. Was not it fortunate for Mr. Sheridan Knowles to know that he could



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take the Hunchback from the Drury Lane theatre to another?—Yes; but that was a regular patent theatre.

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2437. Supposing it had also been rejected at Covent Garden, would not it have been desirable for the public and for Mr. Knowles to have been able to take that play to another theatre?—It would have been a pity that such a play as that should be lost.

2438. Did your negotiation with Mr. Jerrold go off on account of terms?—No; terms were never in question.

2439. But you thought the piece would not attract?—No.

2440. Then why should it attract anywhere else?—As a regular comedy, people would go to it sooner than a melo-drama.

2441. What minor theatre do you consider most prejudicial to your interests at this moment, as acting the legitimate drama?—It is impossible to say which affects the receipts most, they all of them play the legitimate drama.

2442. Are not the audiences at your theatre composed of a different set of persons, and people who reside at a different part of the town, from the audiences that attend the Coburg theatre?—I cannot exactly answer that question; our theatre is well situated; but there are persons of good condition visiting those minor theatres.

2443. Is the audience as respectable at the Coburg theatre as it is at yours?—Sometimes it may be, and at other times perhaps not.

2444. You say you did not proceed against the minor theatres on account of the expense?—It is on account of the difficulty in obtaining the object: I have myself once proceeded by information. Before Mr. Laporte had a licence for the French plays, they were played at the Tottenham theatre, and the company was very strong, and the effect upon the Haymarket was so great, that I was advised to lay an information, upon which the magistrates convicted them. It had the effect for a time of stopping them; but when we went for the penalty the person fled to Paris, and I was thrown with all the losses of the law expenses upon me.

2445. Cannot you, at a very trifling expense, go to one of the magistrates and obtain redress there?—I never appealed to any magistrate, except in the instance I have mentioned.

2446. You say that your patent has expired; have you now any patent?—I have no patent; I am acting under a royal licence.

2447. Is that from year to year?—It is.

2448. Does it specify what you may act?—It specifies that I may act all such dramas and entertainments as have been acted at the Haymarket theatre, where always the regular drama has been acted.

2449. May you act melo-dramas and pantomimes?—Every species of dramatic entertainment: the licence specifies all such dramas as have been permitted to be acted at the Haymarket before.

2450. What do you understand to be the regular drama?—All the plays of Shakspeare, and all other classical authors; all plays that are licensed by the Lord Chamberlain.

2451. Do you call the Maid and the Magpie a regular drama?—No.

2452. Then you would have no objection to have the minor theatres act the Maid and the Magpie?—No; I think that is their proper branch.

2453. What would you say to Victorine?—I do not consider that of the same character as the Maid and the Magpie.

2454. By the regular drama, you mean comedy and tragedy in five acts?—Yes.

2455. Is not the Fatal Curiosity in three acts?—Yes.

2456. Would you have any objection to that being acted at the Adelphi?—Yes, I should; it is not necessary that it should be in five acts to be a regular drama; you may have a regular drama in three acts. There has been some complaint that tragedies have not been acted so frequently at the Haymarket; but upon looking at the books, I find that the elder Colman was acting George Barnwell and Fatal Curiosity in the dog-days, because he found tragedies at that time more attractive than comedies.

2457. Then the number of the acts is not to be the test of the legitimacy of the drama?—I think not.

2458. Then what is the proper test?—The character of the piece, where you require scenic effect and music.

2459. Is there a song, for instance, in it?—That is not enough to establish it a musical piece.

2460. How

2460. How many songs would you require?—I am not able to answer that; but I believe that Mr. Colman, the licencer, has established what is to constitute burletta; it is, I believe, five or six songs. Among managers, we regard *Midas* as a burletta; we regard the *Golden Pippin* as a burletta; we regard *Poor Vulcan* as a burletta.

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2461. Would you consider *Tom Thumb* a legitimate drama?—Yes; because it was written by a classical author, and produced at a regular theatre.

2462. How many months in the year does your licence enable you to act?—The original patent granted to Foote was from the 15th of May to the 15th of September; that arrangement went on to the year 1810, when the Lord Dartmouth, the then Lord Chamberlain, increased the period to five months, making it to the 15th of October, instead of the 15th of September; afterwards, in consequence of Covent Garden and Drury Lane invading the Haymarket season, the Marquis of Hertford gave Mr. Colman and myself a licence to play seven months, and the theatre was in possession of a seven months' licence till the year 1820, when the Crown leases expired, and the theatre was pulled down. I then built up the Haymarket theatre upon the faith of that seven months' licence; being in possession of it jointly with Mr. Colman for seven years. When the theatre was built, the Crown leases were all taken under the faith of this seven months' licence; and there is a clause in the Crown lease, that it shall be nothing but a playhouse; it was a clause put in by the Commissioners of Lands and Woods to keep it as a playhouse, and the licence was seven months. As soon as the theatre was built, I went for the licence, and I played under it. In 1822, the proprietors of Covent Garden and Drury Lane made a representation to the Lord Chamberlain, the Duke of Montrose, that it was prejudicial to their interests. The Duke of Montrose then convened all the parties, and he said he should make an arrangement with us which he conceived would be better for the interests of all the parties concerned, and he then restricted me from playing the seven months to playing only four months in the year, giving an understanding, which was registered in the Lord Chamberlain's office, that three out of the four should be played without opposition, that the other two theatres should be closed from the 30th of June to the 1st of October. This arrangement lasted for two years. I protested against it, because I thought it was prejudicial to the interests of the theatre, having built up the theatre upon the faith of the seven months' licence. I was ordered to attend at the Lord Chamberlain's office; the proprietors of Covent Garden and Drury Lane appeared, and Mr. Charles Kemble was the spokesman, and he said that the arrangement which had been entered into by the three theatres was prejudicial to their interests in whose favour it was done. The Duke of Montrose seemed surprised at this, as it was done with a view to their accommodation, but he said, if they did not like to abide by it, he had nothing further to say to them. He walked out of the room, and he immediately ordered a letter to be written to me, to say that I might immediately make my arrangements to collect my company, and play the whole of the seven months under the licence that I had built the theatre upon. I went on three years after the licence had been restored to me, till the year 1824, when, to my astonishment, I received an order from the Lord Chamberlain's office, that I was no longer to proceed under that licence, but that I must revert to the restricted licence, so that I have had the licence twice restricted, and no reason whatever assigned for it, and since that time I have been acting under the restricted licence.

2463. Then it would appear that Covent Garden is infringing upon your rights?—Covent Garden theatre is now going to do what they never did before, that is to open in the winter with a French company, and with increased attraction.

2464. Though it has not been their custom, do you dispute their power to do so?—I think it can scarcely be supposed, when the patents were granted to Covent Garden and Drury Lane, that they were to act French plays.

2465. If your licence permitted you to remain open the whole year, would you avail yourself of it?—Certainly; it is the restriction I complain of. I think as I hold a lease of the Crown, and the licence of the Crown, they should be co-existent.

2466. Then suppose the monopoly were done away with, and all the minor theatres were permitted to play legitimate drama, would you consider it a compensation for any loss you might sustain, by being permitted to play all the year round?—I think, if they were all allowed to play legitimate drama, it would be injurious to me.

2467. Would you not have all the year instead of seven months?—Part of the three months I have had have been unopposed; the state of the drama has never

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been such as it is at present. I have now an Italian licence, and a French licence, and a German licence, all playing opposite to me.

2468. Then you consider yourself very ill-used?—I do.

2469. When your patent expired had you any greater claim to the renewal of that patent, or to a Royal licence, than any other individual in the community?—It was done by favour. An arrangement was made before the death of Foote; Foote was ill a year and a half before he died; he treated with the elder Colman for the sale of his theatre; Colman agreed to give him 1,500 *l.* or 1,600 *l.* a year for his interest in it; and I understood he obtained from His Majesty a promise, not of the renewal of the patent, but that he should have the same powers under a Royal licence. Foote died the first half-year, and Colman got the Haymarket for 800 *l.*

2470. When a patent has expired, has the individual any claim more than any other individual for the renewal of that patent?—Unless he has a promise of renewal of the patent in another form, which I understood the elder Colman had from His Majesty. Instead of the patent, he gave him his Royal licence to continue all the powers of the patent, but that the form of it should not be a patent, but by a Royal licence, and from that time to the present it has been continued by an annual licence.

2471. Which it is in the power of the Crown to refuse you?—Yes; but there has been no disposition in the Crown to do that.

2472. Do you think you have any better claim than any other person to that privilege?—I do; because I have embarked large sums of money upon the faith of that licence, and I think my claim to remuneration is as good as Covent Garden or Drury Lane.

2473. Is not your case like that of a man whose lease is expired, and who considers himself entitled to a renewal from the landlord upon the ground of the money he has expended?—It has been done precisely upon that ground; the Crown lands have been continued to me, because I have been the previous holder.

2474. Would you consider such a tenant to be greatly wronged if the landlord told him he would not renew, and that he had laid out the money upon his own hazard?—Certainly I should.

2475. Have you ever had reason to complain of the two great theatres infringing upon your rights?—It was in consequence of that that the Lord Chamberlain extended the licence.

2476. But since that period have you had cause to complain?—At the time I mention they came up to the Lord Chamberlain, and got that arrangement made, to my great loss and inconvenience.

2477. Was not your licence granted in a certain degree subservient to the interests of the two great theatres?—At the period the patent was granted, Covent Garden and Drury Lane chose to close at a very early period, and that, I conceive, was the reason of His Majesty granting a patent for the Haymarket in the summer; those two theatres closed, one of them on the 19th of May and the other on the 21st, and then the King granted the patent to Foote for a summer theatre.

2478. Then yours is, in point of fact, a summer theatre?—Yes.

2479. Do not you know that Mr. Jones, the patentee of the Dublin theatre, did not succeed in getting a renewal?—I have heard of it.

2480. Did not the Crown give the patent to Mr. Harris?—Yes.

2481. Do you yourself decide whether a play, shall be acted or not?—Yes.

2482. Do you consider the intrinsic merit of the play or the adaptation of the play to the state of your company at the time?—To the state of the company.

2483. Then do not you think it would be a hardship if there should be a work of considerable genius as a drama rejected upon the ground, not of its own intrinsic imperfections, but of its want of aptitude to the company that happened to be playing at your theatre?—It must be considered a hardship by the author.

2484. If you had written a play which was admitted to have merit, would not you think it a great hardship to have it rejected, because there was no company fit to act it in a particular theatre, and if that play could not be performed elsewhere?—It would appear so.

2485. Do not you think that some means ought to be taken to prevent the recurrence of such hardships to authors; should not the interest of the authors be considered as well as the interests of the manager?—Certainly.

2486. Is your theatre in debt to any amount?—It is not; there is a rentcharge upon it of 1,037 *l.* a year.

2487. How

2487. How much is the annual average expenditure of the theatre?—£. 10,000. Mr. D. E. Morris.  
or 11,000*l.* a year.

2488. What amount does it bring you in a year?—It is impossible to say that.

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2489. Should you say that in the last two or three years it has been prosperous, or the contrary?—It has been declining.

2490. To what cause do you attribute it?—A great deal to the French company established in the summer, and the increased attractions at the Italian Opera-house.

2491. Do not you consider that the alterations of the hours of the fashionable world have a great deal to do with it?—I think that has something to do with it.

2492. Do you ever complain of an empty house at the Haymarket?—The Haymarket, small as it is, has never been half filled with persons that pay, and latterly not above one-third.

2493. Then, if your house is not in general half filled, and latterly has been but one-third full, it is presumed that you cannot have anything much to admire in the present system?—No; I look with great dread and apprehension to the state of things at present.

2494. How do you pay authors in general for a piece?—Sometimes a certain sum; there are no such fixed rules at the Haymarket as there have been in other places. I make it a rule while I am in treaty for a piece, to ascertain what sum is expected for it, to prevent any misunderstandings after the thing is produced, and I have acted upon that system; and whenever a piece has been particularly attractive I have frequently given a considerable sum more than I had agreed for.

2495. You complained of one of the small theatres having got possession of the Golden Calf; have you any intention of acting the Hunchback?—I have had some idea of doing so.

2496. Do you consider that that would be any sort of infringement upon the property of the theatre where it is now performed?—No; I do not consider it an infringement upon anybody's right; it is generally considered that after a play is printed it is public property.

2497. But that it is in no case the property of the minor theatres?—Certainly not.

2498. Since you are not satisfied with the present state of things, what course do you conceive ought to be pursued?—That is too weighty a question for me to throw out any hints upon.

2499. Have you any suggestions to throw out?—I have not.

2500. Supposing it were to be decided that the minor theatres should be allowed to perform the regular drama, do you think you should then be entitled to some compensation?—I think that if any property is to be injured, the persons ought to be indemnified that have embarked such large sums.

2501. Although you hold only a yearly instrument which might at any time be recalled?—There has been no instance of a licence granted in this way being recalled.

2502. If you had a greater number of months allowed you, do you think you could adapt your hours to the hours of the fashionable world, so as to act a five-act play or two farces in the course of the night?—I think it would not answer, because we have two galleries and a pit; and I think that although people might be induced to come at the late hours, it would be more injurious, in consequence of the loss that would be sustained in the galleries.

2503. Do not you think, that by doing away with the galleries, and making more private boxes, and availing yourself of all those advantages that would suit the company that would come at the late hours, you might rather be a gainer?—I think it would be a dangerous experiment to do away with the galleries in the Haymarket, and without that we could not begin later; they already complain of late hours.

Veneris, 29<sup>o</sup> die Junii, 1832.

THOMAS SLINGSBY DUNCOMBE, ESQ., IN THE CHAIR.

Mr. Thomas Morton, called in; and Examined.

Mr. T. Morton.

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2504. ARE you attached to any of the theatres in any way, by any engagement?  
—I am engaged as reader to Drury Lane theatre.

2505. You are an author as well?—I am.

2506. As respects the law of the drama generally, do you think it is as perfect as it can be at present, as respects authors and dramatic literature, and the drama in general?—I think it is susceptible of improvement, particularly with respect to that of which I may be supposed to be rather a better judge, as to the rights of authors.

2507. How would you propose to improve it?—I have not considered it sufficiently to venture an opinion.

2508. Of what do you complain?—Of the theatres acting plays without the authority of the authors of those plays.

2509. That is after publication?—Both before and after; there is no respect paid, I believe, now, to either manuscript or printed copies.

2510. There is a power of obtaining an injunction against the representation of a play that is not printed?—I really am very ignorant of the law upon the subject.

2511. Do you propose, after you have parted with a play that you have written, to a theatre, that you should still retain a power over it?—I think so.

2512. To the author?—To the author, unless the author disposes of his copyright to a management, or any other person; to an author or his assigns.

2513. Do you think it would be sufficient if the same powers were given to dramatic authors, as were given to writers of books by the Statute of Anne?—I think not; because the profit to the author is the representation.

2514. But what remedy would you give an author, supposing a theatre acts a piece of his without his consent?—I really have not considered this subject sufficiently; but I think if an Act was passed to prevent any theatre from acting my play without my consent, that would be sufficient security.

2515. You must have some remedy?—That I beg leave to decline entering into.

2516. Did you ever happen to see a Bill brought into Parliament on this subject, two sessions ago?—No.

2517. Do you think authors would receive a higher price by competition, if they had that power over the theatres?—Undoubtedly.

2518. You think you would?—Yes, certainly.

2519. Do you think Mr. Sheridan Knowles would have received more for his Hunchback, suppose it had not become public property as soon as it was represented?—Undoubtedly; it is so popular that it would be acted I suppose in every theatre in the kingdom.

2520. Do you think the managers of Drury Lane theatre would have paid him the same sum under those restrictions?—I think it would have made no difference *quoad* his remuneration at the theatres royal.

2521. Because no other theatre has a right to act it till it is published?—I really do not know exactly; I believe the law is exceedingly loose upon that subject.

2522. But you, as an author, ought to know whether any of your plays can be acted till they are published?—Indeed, I do not know; I never attempted to prosecute any one for acting them.

2523. Do you consider the country managers would be able to afford any remuneration to the author for a play that had been acted in London?—I should think they would; they ought; and I should think they would.

2524. Even in their present state of depression?—That I cannot tell.

2525. What description of theatre do you prefer writing for, the large stages or the minor; I mean for your own reputation?—I prefer certainly, for remuneration, the large theatres.

2526. But

2526. But do you think those pièces which you have written are exhibited and do you as much credit on a large stage, or do they do you more credit on a large stage than on a small stage?—Perhaps Drury Lane and Covent Garden are rather too large for comedy, I think.

2527. Your writings are chiefly comedies, I believe?—Yes.

2528. And you think that the smaller stage is the best adapted for the legitimate comedy?—I think the large theatres are rather too large, particularly Covent Garden.

2529. For both seeing and hearing?—For hearing, particularly. Yes, for seeing and hearing, I may say.

2530. But do you not think that tragedies appear to greater advantage on a large stage?—Yes, I do.

2531. Shakspeare's plays, for instance?—Particularly.

2532. Does not the question, whether a play goes off better at a larger or a smaller theatre, depend very much on the power or force of the actors?—Certainly.

2533. A large theatre, I suppose, is rather too much for the power of a feeble actor?—Certainly.

2534. But no doubt you have known many actors, Kemble and Mrs. Siddons, for instance, appear to more advantage in a large theatre than in a small one?—I think so, in acting those heroic plays.

2535. How are copies of manuscript plays obtained without any connivance with the authors?—I believe, by the copyist.

2536. By feeing the copyist?—By feeing the copyist.

2537. They can be obtained by the audience; some one of the audience taking them down?—Certainly, very easily; there was a case, I think, where Mr. Colman, senior, brought an action against some one for acting one of O'Keefe's pieces at Richmond, the Son-in-Law, I believe. It came to a hearing, and I think Lord Kenyon, but I dare not speak positively to it, I think Lord Kenyon held that a performance was publication.

2538. That was an unprinted play, of which the proprietors of the Haymarket had bought the copyright entirely?—Yes, of O'Keefe, and it was said that it would be necessary for Mr. Colman to prove special damage before a jury; as well as my memory serves me, however, Mr. Colman failed in obtaining what he considered justice.

2539. According to your experience, what is the average remuneration obtained for a successful tragedy or comedy?—In my experience it has varied exceedingly; it is now much less than it was formerly, when the theatres were better attended, when they had not so many rivals to contend against.

2540. Do you attribute this deterioration in the value of dramatic productions to the number of theatres?—Greatly, certainly; I consider that there is but a certain sum of money that is devoted in this town to public amusements, and if there are 20 houses open to receive it, none can be very full.

2541. Do you not attribute the want of remuneration that is complained of by dramatic authors to a deterioration of the audience in point of numbers?—Yes; they cannot afford from the receipts to give the remuneration they formerly did.

2542. Do the profits obtained by dramatic authors at all bear any proportion to the profits obtained by the writers of successful novels, or any other species of writing?—Indeed, I do not know that; but certainly one of the causes of the deterioration of the drama, I should attribute to the fine talents of the country being employed in periodical literature and in novel writing.

2543. Is it not from a want of sufficient inducement to cultivate the drama?—It may be so; I cannot tell; perhaps it is the easier mode, and certainly a safer mode of obtaining literary fame.

2544. Do you not think a dramatic author, in consideration of the ordeal he has to go through, ought to be paid more than a man who publishes a book?—I find it a difficult thing to write a book; and Voltaire, I think, said, he found nothing in literature difficult but the writing of plays.

2545. When you first began to write plays, was it the practice to remunerate authors by the third night?—By the third, sixth, ninth and twentieth nights; that was the case with the first play I ventured on the stage.

2546. For what reason was that mode of remunerating authors given up?—It was given up because afterwards successful authors obtained more than that remuneration; they obtained a greater remuneration than that.

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2547. They obtained more by making their own bargains?—The usual thing for them was to have the receipts of these nights after the expenses, so that they stood the risk or had the benefit; formerly, it was put up on the third night, “For the benefit of the Author.”

2548. But then the expenses of the house were first paid?—They deducted the expenses of the house; when I wrote the first play, the expenses were a hundred guineas, and then I had the receipts after the payment of that hundred guineas.

2549. Did it not often happen that, from causes totally independent of the merits of the play, a very stormy night, or an illumination, or something of that sort, for instance, the receipts of the house were very small?—Oh, yes, I have often watched the clouds; very often.

2550. So that also was a reason for authors being dissatisfied with that mode of payment?—Certainly.

2551. I believe the arrangement that was made, when that was given up, was made by Mr. Cumberland, was it not?—I do not recollect; my bargains with Covent Garden theatre were very different. My object was to share in their prosperity, or to take my share in their adversity, as well as I could; my bargains were made on that principle.

2552. When you gave up that mode of remuneration, what was the bargain that you made?—The bargains were, when I ceased to take nights, I had equivalents for those nights; when I ceased to take the results of the third, sixth and ninth nights, I had, as an equivalent for those nights, a certain sum given.

2553. For each night?—For each of those nights.

2554. For the third, sixth, ninth and twentieth nights, supposing the play to be acted so long?—Yes, I have had remuneration for the fortieth night.

2555. Is there not some old arrangement considered to exist where no particular bargain is made between the authors and managers?—I believe there is now; I think it was established first at Drury Lane; I think so; I believe, under the committee, that there should be 33*l.* 6*s.* 8*d.* given each night; that would be 300*l.* for nine nights.

2556. For a first piece?—Yes.

2557. And 100*l.* more on the twentieth night?—I do not know; I never wrote at that time for Drury Lane.

2558. Do you consider that that arrangement only existed at Drury Lane and not at Covent Garden?—I do not know; I had never a play brought out in which that arrangement was attended to.

2559. With regard to an afterpiece, what was the remuneration for that?—I really do not know; I have had 200*l.* for the farces I have written. When the *Children in the Wood* was produced, I had the receipts of the six nights, amounting to that sum, but then Mr. Colman gave me 50*l.* for the copyright; and also when I produced a farce last summer, or two years ago, at Mr. Morris’s theatre, I had 150*l.* for it, I mean *Separation and Reparation*, and reserving, what happened to be of no value, the copyright, to himself; but with regard to *A. Roland* for an *Oliver*, and the *Invincibles*, I have had 200*l.* for them.

2560. How often was it acted?—They have been acted many times.

2561. More than the twentieth night?—A great many more.

2562. So that 400*l.* was generally the remuneration to an author for a successful first piece under 20 nights?—That was it, if there be a general rule.

2563. At what theatre was that?—At Covent Garden.

2564. Have you ever written for any minor theatre?—Never.

2565. What was the general price you got for a play for publication; for a successful comedy?—The lowest price I got was, I think, 100*l.* or 90*l.*, and the highest 300*l.*

2566. From the publisher?—No, I had it from the theatre; Mr. Harris, senior, thought it to his interest to buy the copyright from the author, and then to hold it back and not publish it for a given time, thinking, probably, that the reading would prevent people from coming to see it.

2567. Then Mr. Harris got it from the publisher?—He bought of the author, and then he sold it to the publisher, Longman’s, giving them an allowance for the delay; he thought it to his interest to keep it back. For instance, *Speed the Plough* was not published till more than a year after it was performed.

2568. Was that represented at any other theatre; was it pirated in any way?—Oh, yes, in the country.

2569. You

2569. You think that ought to be restricted?—I think so.

2570. Do you consider that if a play was pirated and acted in the country, it would be worth the author's while to bring an action against the manager?—It would not.

2571. Do you consider it possible to give any summary remedy before a justice of the peace, to enable an author to recover?—Upon my word, I had rather not say anything about that.

2572. Did you ever happen to sell a piece out and out before it was represented at all?—Oh, yes, frequently; at least in more than one instance.

2573. What was the general sum for that?—That entirely depended on the situation of the theatre; if the prospects of the theatre were very brilliant a larger sum was given; but if they were in a state of depression, a reasonable allowance was made for that.

2574. That depended also on the merits of the piece?—That the manager judged of, I suppose.

2575. You have seen some of your successful comedies that have been acted at Covent Garden or at Drury Lane, acted at the Haymarket, have you not?—I have a particular feeling about that; I do not like to see my own plays acted.

2576. Do you mean to say you never see them?—I mean to say I never do.

2577. But suppose you were obliged to go and see them, on what stage should you prefer seeing them acted by the same company, Drury Lane or Covent Garden, or the Haymarket; I mean with regard to the size of the stage?—I think that Covent Garden, particularly, is too large, as I said before; I think it is larger than Drury Lane; at least you are farther removed from the front of the stage, which is a disadvantage; but I think the Haymarket theatre perhaps is rather too small. I think in a theatre a size beyond that of the Haymarket theatre you would hear and see perfectly well, and not have the disadvantages which you have in a small theatre. I think you are too near in the Haymarket theatre.

2578. Your compositions, of course, have been submitted to the licenser, Mr. Larpent?—Yes.

2579. Has the power or duty of examiner of plays, in your opinion, been exercised capriciously at all?—Not at all.

2580. Never?—There have been slight objections made to expressions, but they were of no value.

2581. Do you think those objections were valid or frivolous?—Mr. Colman always explained to me, "I have taken out this; I have taken an oath that I will do so."

2582. The licenser takes an oath, does he?—Yes, I believe he does, for the due administration of his office of licenser; and the Act, I believe, compels him; or at all events he takes a general oath to fulfil his office.

2583. And were those corrections which he made followed by the performers?—Yes, I think so.

2584. Do you recollect any of the phrases that were erased?—Any oath, or any very strong political allusion.

2585. Can you recollect any that were erased from your plays?—No, I cannot. I remember Mr. Larpent objecting to the word gammon being put into a play of mine.

2586. On what ground?—He said there was a gentleman in Hampshire who had been very much hurt by a play of O'Keefe's; I think it is in *Wild Oats*; "What is your name?"—"Gammon." "Then you are the Hampshire hog." This rather hurt his feelings; and if it offended an individual's feelings, there was of course no harm in removing the word.

2587. Mr. Gammon happened to be acquainted with Mr. Larpent?—I suppose he represented it was disagreeable to him. I never had a very important alteration made.

2588. Do you think generally the censorship of the licenser is any obstacle to the well-being of the stage?—I think it is highly essential to the well-being of the stage that such an officer should be appointed.

2589. I think you said you considered the competition of the minor theatres had been injurious to the profits of the patent theatres?—I think so.

2590. Do you not suppose that is only one out of many causes, for instance, the alteration in our hours?—Oh, yes, certainly.

2591. And the attendance on the Court?—Certainly.



Mr. T. Morton.

2592. And the strong religious feeling must also be considered?—Yes, certainly; no doubt about it.

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2593. And when you say only a certain sum of money is expended in amusements, should you not be of opinion that that sum of money would increase with the population of the capital?—Yes, with the population of the capital doubtless. I do not mean to say a specific sum is devoted; I mean an annual specific sum according to the happiness of the country, and its peace and comfort, and its attention to dramatic literature.

2594. But as the population is considerably increased, probably that sum is considerably larger than it was some years ago?—I should think it would increase in ratio to the population.

2595. Have you anything else to suggest or to say to the Committee?—Not a word.

Mr. Thomas Potter Cooke, called in; and Examined.

Mr. T. P. Cooke.

2596. ARE you the proprietor of any theatre?—No.

2597. You are a performer at the Coburg?—I have been recently at the Coburg theatre, for the last fortnight.

2598. You have played at most of the theatres?—Most of the London theatres.

2599. What sized stage do you prefer for your powers of acting?—I should prefer a medium sized stage certainly, not too small; I think it depends entirely on what you are acting, as to the size of the theatre.

2600. You have played at the Adelphi, I think?—I have, a great deal.

2601. You found that theatre too small?—For serious acting, I should say, it was too small, for effect in spectacle and melo-dramatic acting; but certainly not for recitative.

2602. Is the Coburg as large as Drury Lane or Covent Garden?—It is a very large stage, but as to the actual dimensions, I cannot say; but it approaches very nearly to Drury Lane and Covent Garden as to the width of the proscenium.

2603. You are aware of the law as respects the drama at present, that these minor theatres are not allowed legitimately or legally to play the legitimate drama?—Certainly.

2604. What would be the effect upon those great theatres, or upon the drama, if all the minor theatres were legally allowed to play the drama?—Why, I could scarcely venture an opinion what would be the effect on the larger theatres; but I should think it would be most desirable that the smaller houses should be guaranteed in what they are now doing, that is to say, in melo-dramatic acting.

2605. But supposing the minor theatres had a licence to act what they may think fit, do you think they would act the regular drama, such as tragedies and comedies, in preference to the melo-dramatic performances which they are now acting?—Certainly, I should think not as matter of private speculation.

2606. How many of those persons do you think, who attend the Coburg theatre, would go to the large theatres; suppose the large theatres were open, do you suppose many of the persons who form the audience of the Coburg theatre would attend the great theatres?—I think it very possible that many of the audience of the gallery might be thrown on the gallery of the other theatres; but with respect to the Coburg audience, I think it is almost restricted to that theatre.

2607. Filled by those who live in the neighbourhood?—Yes; speaking as I feel of the character of the audience of the Coburg, which is within so short a distance of the Surrey; in the Coburg, you find the character of the audience essentially different.

2608. Then you are of opinion that the theatres on that side of the water do not materially injure the receipts of the great theatres?—I should certainly think not; I should think they are in a great measure supported by the surrounding neighbourhood.

2609. Are the boxes also filled by the neighbourhood, or only the gallery?—We have generally found the receipts in the boxes very slight indeed, compared with the pit and gallery.

2610. What does the Coburg theatre hold?—I should imagine, at the time that Mr. Glossop had it, nearly 250*l*.

2611. You think the theatre would hold that if it was quite full?—Yes, probably approaching to 300*l*.; I cannot speak as to figures, but I think I have had 250*l*. at a benefit there, or nearly so.

2612. In

2612. In acting at the large and small theatres, do you find much difference in the necessity of exercising your voice?—No, I can speak practically as to that; I was playing a little while ago at the Pavilion theatre, at Whitechapel, and on the same evening I played at Covent Garden.

2613. And did Covent Garden require more voice?—No; I was quite astonished; I found I was almost speaking too loud at Covent Garden theatre.

2614. What size is the Pavilion theatre?—It is approaching very closely to the size of the Haymarket theatre. That may be from the peculiar structure of Covent Garden theatre.

2615. Did you ever find any difficulty or want of liberality on the part of the great theatres in giving engagements to yourself?—I have no reason to complain, but on the contrary; I have received a larger salary at Covent Garden than I ever received in my life; I received 60 *l.* a week there.

2616. Suppose you were not engaged at a minor theatre, you would not be excluded from the great theatres?—That is quite a matter of question; my talent might not be in requisition. It is quite a question with me whether they would engage me for a permanency, my talent not being of that description which can be made generally available.

2617. Then you of course not being engaged by them, would feel it a great hardship not to have the field open to you with regard to minor theatres?—Most unquestionably I should.

2618. What do you think would be the effect of a greater number of theatres upon the profession of an actor; do you think it would be beneficial to his profits, and to the respectability of the profession generally?—Judging from the present moment, I never knew a time when so many theatres were open in London as at present; and I never knew a period in which the profession perhaps was at so low an ebb. I mean to say, when so many professional persons were out of employ.

2619. How do you account for that?—I think it may be accounted for in some measure by the number of theatres that have opened recently; for example, there are two theatres now at Paddington, and they will get a feature, what is termed a starring feature, and all the other subordinate parts are filled up by persons who never put their foot on a stage before, and persons who have a great desire for the stage, shopmen and others, that they get almost for nothing; the consequence is, that in progress of time these persons evince some degree of talent to fill up the subordinate walks, and so place others out of employment.

2620. You suppose multiplying the number of theatres would greatly tend to lower the salaries and profits of actors?—I think it would tend to degrade the dignity of the drama, if I may so express it. I think it exceedingly desirable that the number of those theatres which have been established, perhaps should be established by law.

2621. I suppose you consider the profession to stand as well before the public in point of respectability as it ever did, at this moment?—Yes, I have no question about it, at least in my recollection.

2622. What size are those Paddington theatres?—I never visited them; but I think they are exceedingly small; I saw the exterior of one of them, it seems to be built of weather boards, a trumpery building; it is up a gateway.

2623. Those are theatres which are not very likely then to interfere with eminent performers like yourself; you would not condescend to play in them if they were to offer you?—I have been offered an engagement, and have declined.

2624. And therefore they have some difficulty in getting stars, I suppose?—I suppose they have.

2625. Then I cannot see how they can interfere much with other theatres?—No; they can do very little injury to the larger theatres, decidedly not; for I think there is a neighbourhood round there, that in time a theatre would almost be wanting there; in Paddington and the western part of the metropolis there is an immense neighbourhood.

2626. Do you know anything of the Finsbury district?—Very little; I have played at the City Theatre.

2627. What sort of an audience have they there? As to number?—I have played there once or twice. I have only played on benefit nights, therefore it is scarcely fair to calculate from that.

2628. Have you played there to respectable audiences?—It is impossible on the stage to judge; they seemed exceedingly kind and well-disposed, a gallery kind of audience.

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2629. Then there is a plentiful supply of young actors always ready to come forward?—From that school; but I should think the school is a very bad one.

2630. From what source generally have the actors in the large theatres been supplied; from the minor theatres in the metropolis, or from country theatres, or where from?—Latterly many of the actors have been supplied from minor theatres, certainly a great many have been; I could enumerate some; Mr. Keeley, Mrs. Fitzwilliam, who has been at Drury Lane, and Mr. Power is another instance.

2631. Has it not generally been the case that the best provincial theatres have been considered as the best schools for actors?—Yes, in the early part of my professional life, because the minor theatres in London were so restricted, that you could not open your mouth in them, except in recitative.

2632. But the most eminent performers have come from provincial theatres; Mr. Kean, for instance?—Yes, he was from a provincial theatre.

2633. Is it not more probable, considering the provincial theatres have the power of acting the legitimate drama, and do act it, that that should be a better school than a minor theatre with their present performances?—Some of the leading provincial theatres are considered so: but from their having adopted lately the most attractive pieces, the melo-dramatic pieces of London, the school there is broken up in a great measure for what is deemed the legitimate drama, tragedy and comedy.

2634. Then the result is, that the legitimate drama, consisting of tragedy and comedy, is not so attractive as melo-dramas and spectacles?—I believe not, I have been told so.

2635. I believe formerly strolling was considered a good beginning?—Yes; you can scarcely name any actor who has not been a strolling player.

2636. Perhaps you may not know that strolling companies are pretty nearly abolished all over the kingdom?—There are very few, I believe, who do not obtain regular licences for acting in their respective towns.

2637. Those that were licensed by the magistrates for 40 days?—I believe that is only abolished; indeed, those that have regular licences have not been very successful lately.

2638. Under what authority do those travelling theatres at fairs, Richardson's and others, perform; what licence have they?—That I am not acquainted with; they have merely the licence that is given to all the booths of the fair, for the three days, I believe.

2639. They come generally under the regulations of the fair?—Under the regulations of the fair.

2640. Do you not think that the minor theatres in London would be a better school than the provincial theatres; that the test of the metropolis would be much better for rating, if you consider it rating, to be engaged at patent theatres?—Actors prefer, generally speaking, coming through the provinces, because a minor theatre is not so good a stepping-stone as being perfectly unknown to the metropolis before you arrive. I question whether Mr. Kean would have made so great a sensation in London if he had gradually risen in a minor theatre.

2641. I believe Mrs. Siddons first acted in a strolling company?—Yes.

2642. Miss Farren?—Yes.

2643. And Miss Mellon also?—So I have heard.

2644. The York theatre has been a great nursery?—A very great one, and the Bath theatre recently, and the Dublin theatre; Miss O'Neil and Mr. Conway.

2645. And Liverpool?—And Liverpool.

2646. Have you witnessed the performance of Mr. Kean on both stages?—I have.

2647. On which stage do you think he appears to the greatest advantage, the stage of a patent theatre or of a minor?—If I speak from my own feelings, I like him best on a large stage. I judge of him from acting by him, close to him.

2648. Is the Haymarket large enough for him?—I have been recently told that his powers are somewhat diminished in voice.

2649. From what you have seen of him, you think him quite as effective on a large stage?—I should think the style of serious acting required to be looked at at a distance rather than close, for I think when you look at it close there is a species of exaggeration about it.

2650. Do you think the Adelphi theatre too small for such melo-dramatic pieces as Luke the Labourer?—That is a domestic piece. We have played exceedingly easy pieces, such as the Pilot; indeed, they have aimed more at expense and show, but I should not say it is calculated for it.

2651. Do

2651. Do you not think that the *Pilot* would have appeared to greater advantage if it had appeared at Drury Lane or Covent Garden?—It was afterwards at Covent Garden, and I can scarcely judge the effect of it; we can judge the effect of it at the *Adelphi*; the run was prodigiously great.

2652. It rather failed at Covent Garden?—No, it did not fail, it was turned into an afterpiece.

2653. Where do you think *Black Eyed Susan* had most effect?—I think at the Surrey theatre, which I think is admirable as to its size.

2654. How much smaller is the Surrey than Covent Garden?—I can scarcely say what the span of the stage is; I should say about one-third smaller.

2655. Can you tell what is the average price paid at these small theatres for a melo-dramatic piece?—I can scarcely tell; they have been paid, I have heard, so variably; sometimes pieces have been purchased, at another time the author has been under a regular salary for the theatre, and written what pieces were wanted.

2656. So that you can state no average?—No.

2657. Have you no general suggestions that you wish to make to the Committee?—Nothing; only, mixed up as I have been in the early part of my profession, and attached to the minor theatres, I am, as every one else is, most anxious that they should be guaranteed the right of acting melo-dramatic entertainments; at all events, my general feeling is, that it would be better if a certain number of theatres were licensed for that description of entertainment.

2658. You would have them classed?—That is my feeling.

2659. And you do not think it would be to the advantage of the drama to throw everything open, and to let every theatre act what they choose?—Judging from what I see at present, there is no restriction; but if any of the minor proprietors felt it would be more advantageous to them to play the regular drama, they would do it.

2660. Would it be advantageous to the drama, do you think, to let everybody act as they pleased?—No, I think not; and it would be most destructive to any property that was embarked in it.

2661. You are aware, I suppose, that any one night that you have been playing at the Coburg, you are liable to a penalty of 50 *l.*?—I have always felt that.

2662. It never has been enforced against you?—It never has been enforced against me.

2663. You feel that you are liable to it?—I have always felt it.

2664. Then you consider it would be no great advantage to minor theatres to allow them to act *Shakspeare*?—I cannot say; but judging from what I feel at present, I think not; I know we have frequently acted them, but have not found them the most productive species of performance; they have not been so productive by any means as melo-dramatic pieces.

2665. You said you would rather have a licence for the whole; I suppose you mean you would like to have as large a licence as you could?—Yes, I should like to have as large a licence as I could.

2666. But you have not found that description of performance so productive as melo-dramatic pieces?—Certainly not; the regular tragedy and comedy has not been nearly so productive as melo-dramatic entertainments.

2667. If there is novelty?—Yes.

Mr. *David Edward Morris*, called in; and further Examined.

2668. I THINK you said you had it in contemplation to play the *Hunchback*?—Yes.

2669. Do you consider it would be any violation of good faith between your theatre and Covent Garden?—I should conceive that I have a perfect right to play it, the play having been published.

2670. You think, then, you have a right to play it on account of the publication?—Yes, that after the publication it becomes common property to those theatres who have a right to play the regular drama.

2671. Was not there a general sort of understanding between those patent theatres, that one of them should not act a play which had been brought out at the other of those theatres for a season or two?—I am not aware of it.

2672. You obtained an injunction against Covent Garden once to restrain them from playing *X. Y. Z.*, which was brought out at your theatre?—Yes, an injunction was obtained by me against the Covent Garden proprietors for playing that

Mr. D. E. Morris. piece, because it was written by Mr. Colman, and paid for by the Haymarket proprietors, and an injunction was prayed for it on the night they announced to play it.

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2673. Had it not been published?—No, it never was represented; it was sold; the money was received; it was sold to the Haymarket theatre, and money was paid on account of it.

2674. But it never had been represented?—No; the real fact was, that Mr. Colman had received certain sums on account of this play, of the Haymarket proprietors, and he afterwards sold it to the Covent Garden proprietors; and I proceeded against the Covent Garden proprietors to restrain their acting it, and an injunction was obtained against them; and it was only suffered to be played on the very night on which the injunction was obtained, on condition that they should be liable to me for the receipts, for any profits that might arise from it.

2675. Did you not make another application once, for another play of Mr. Colman's, that Covent Garden was anxious to represent, and also obtained another injunction; was it Paul Pry?—There never has been any legal proceeding on the subject of Paul Pry, in any case; it is a very recent production.

2676. It never has been played at Covent Garden?—Not at Covent Garden; it has at Drury Lane, by permission.

2677. The play is not published?—No, it is a manuscript belonging to the Haymarket theatre; it was played, I believe, at Drury Lane theatre for half a dozen nights, by permission.

2678. It is played in the Opera?—Yes.

2679. Is that by permission?—No; they have not a right to play it.

2680. I believe it has been the practice of the Haymarket theatre to buy the copyright of plays?—Several plays; it has been the practice.

2681. Can you mention some instances?—Particularly O'Keefe's works: the Son-in-law, the Agreeable Surprise, Peeping Tom, the Young Quaker, and several other plays that belonged to the Haymarket theatre.

2682. Those are four of O'Keefe's that are not published with his works?—Yes.

2683. On an average, how many plays are offered to you for performance in the course of a season?—Perhaps 100 or 150 plays and farces; one and two and three act pieces.

2684. How many do you in general bring out in the course of a season?—Perhaps five or six only.

2685. You once, I believe, had an action brought against you for losing a play belonging to some author?—Never; I never had a play, that I recollect, lost at the Haymarket; I am particularly careful.

2686. Could you suggest any plan by which authors could be better remunerated for their productions, without injury to the theatres?—I cannot; I think that authors are better remunerated now than they formerly were; they are a great deal better remunerated now than they were 20 or 30 years ago; they are more sure of the profit; they go on safer grounds.

2687. But are their profits larger?—Certainly, as far as my experience would give me to understand. I have referred to the old books of the Haymarket theatre, which are in my possession, since the days of Foote down to the present time, and I find that the sums given to some of the most successful authors of those days, O'Keefe, for instance, and others, are by far less, perhaps one-third less, than the sums given to an author now.

2688. What was the sum given for those four pieces that were bought out and out, and not published?—The farce of the Son-in-Law, written by O'Keefe, the sum paid for that was 40 guineas; it was produced in 1779, and the sum paid was 40 guineas; it is a manuscript, now belonging to the Haymarket theatre.

2689. I believe that piece had a very great run?—Immense at the time.

2690. And was nothing paid further than that?—Nothing was paid further than that. Another piece, a play called the Summer Amusement, written by Mr. Andrews; this was a regular full play; and in the year 1780 he received 64 *l.* 10 *s.* for it.

2691. I believe that play was not acted many nights?—Yes, it was acted for several seasons; the sum paid for that was 64 *l.* 10 *s.* Then in 1781, the following year, another successful farce of Mr. O'Keefe's was played, called Dead Alive, in which Edwin, the celebrated Mr. Edwin, was particularly eminent; and the sum for

for that was 40 guineas: then in the following year comes the still more celebrated and successful piece, called the Agreeable Surprise, which is still a Haymarket manuscript; the sum paid for that was 40 guineas; so that here are three farces of O'Keefe's, which were all most successful, and they all appear to be remunerated at the same rate.

2692. Those sums were paid by agreement, not according to the receipts of the house?—I cannot tell precisely; but these were the sums absolutely paid for them. I conceive at the period these sums were paid the authors had no certainty of receiving anything at all, but they went upon their chance of the profit on the sixth night of representation. At this period (I am now speaking of the farce), the remuneration to an author, or rather his chance of remuneration, was whether there was a profit on the sixth night; for that night was called the author's night of the farce.

2693. Not the third night?—No, it was on the sixth night; he had no profit till it had been played six nights; if it run six nights, then he received whatever sum there was, after deducting the expenses of the house; the receipts of the house at that period were 60*l.* At that time, the highest salary given to the most eminent performer was 10*l.* or 12*l.* a week. I remember John Kemble when he came out, at a much later period than I am now instancing, when he came out in Octavian, in Colman's play of the Mountaineers, his salary was 12*l.* a week, and no more.

2694. What were the prices then?—The prices were the same as they are at present; we have never varied them since the days of Foote.

2695. Was the theatre much smaller than it is now?—The difference was somewhere about 40*l.*; the old theatre held 280*l.*, and we have had 320*l.* in this.

2696. Has not Mr. Colman received a large sum for some of his plays; has he not received 1,000*l.*?—I believe something very near that for the Africans; but the Covent Garden people have set the example of giving Mr. Colman an unprecedented sum, which he never received before, which was 1,000*l.* for John Bull; but then it must be added, that no play ever succeeded to the extent that John Bull did; I understood that they cleared 16,000*l.* the season Mr. Colman brought out John Bull.

2697. Was that 1,000*l.* paid in consequence of an agreement made before it or not?—It was in consequence of the success, I believe; in consequence of the great success.

2698. Do you know how many nights it was played?—I do not; I made no memorandum.

2699. Had Mr. O'Keefe any permanent engagement for the Haymarket theatre?—None whatever; I have some memorandums of other pieces, if you wish me to state them.

2700. If you please.—Now we come to a regular comedy written by O'Keefe, the Young Quaker, which is a five-act regular comedy, a full play, and he received for that 102*l.* 12*s.* Then I conceive that for this regular play he must have stood on the then understanding, that for a five-act comedy he should have the profits of three nights, the third, the sixth, and the ninth. I see by the sum running up to an odd sum, 100*l.* and a fraction, that must have been the amount of his profits for three nights; and the understanding at that time was, that he was to have the surplus of the profits for three nights, after deducting the expenses of the house.

2701. Have you any other memorandums?—Then came another piece of O'Keefe's, Peeping Tom, for which I see 50*l.* was paid; then here is another piece by the same author, in which Edwin was very successful, a piece called the Beggar on Horseback, he only received 30 guineas for that; it was not so successful as the rest, and he only received 30 guineas for it.

2702. When was that?—That was in 1785. Then here is the Children in the Wood; I believe that came out in 1794, and the sum standing in the Haymarket books that he received was 61*l.* 8*s.*

2703. Have the kindness to state what you paid to Mr. Poole for Paul Pry?—These contracts are generally matters of honour between the managers and authors, and they may not feel disposed to have them published exactly.

2704. The author giving you his consent, you will have no objection to mention it?—Certainly not.