

Mr. D. E. Morris.

29 June 1832.

2705. Any questions that have been put to Covent Garden or to Drury Lane have been answered, I must say, most explicitly by them, without the slightest reserve, both with regard to authors and their receipts, and therefore we are only asking you the same questions as we put to them, but you decline informing the Committee?—I think it was 400 l.

2706. Was that by a nightly payment or by agreement?—The real fact is, I purchased the copyright; I purchased the piece out and out, taking my chance of it; it was a hit-or-miss piece.

2707. Was 400 l. paid for it at once, or was it paid in consequence of the success of it?—It was paid in different sums, fifties and hundreds; but the actual sum that I bought the piece for, taking it on myself whether it succeeded or not, taking it as you would buy a lottery ticket, whether it turns out a blank or a prize, I gave him 150 l., which was the sum he asked; the remaining sums were paid by me on account of its great success, as the Covent Garden people paid Mr. Colman on account of the success of his John Bull; but the property of it was in the Haymarket theatre for that sum, if I had pleased to go no further.

2708. Sweethearts and Wives?—I think a similar sum was paid for that.

2709. And those authors were highly satisfied?—I have every reason to suppose they are; and I believe that is as much as Covent Garden has given to Mr. Knowles for his Hunchback.

2710. Upon the whole, do you conceive an increased remuneration which is now given to authors is sufficient for the labour and talent they exert, and the severe ordeal they have to go through, compared with the general rise of prices since the time of O'Keefe?—Indeed, at the Haymarket we have not been able to establish so regular a scale of remuneration as they appear to have done at Covent Garden and Drury Lane. In the first place, the season is very restricted; in the next place, the house holds only half as much; and we do not, speaking generally, though I have given two instances where we have given as much in cases of great success as at the winter theatres, but generally speaking, I do not think the Haymarket has been able to give so much as Covent Garden or Drury Lane; but still it is my rule, before I produce a piece, to come to an understanding with an author as to what remuneration he expects, and the thing is settled before the piece comes out.

2711. Are you aware of the prices paid for works to be published, novels and such things?—I have had very little experience in those matters.

2712. You cannot tell whether you think the remuneration paid to dramatic authors is sufficient to invite ample talent to engage in it when there is a field of publication otherwise open to them?—I am not competent to say; I do not know the sums that are given.

2713. Do you suppose if the managers of all country theatres were obliged to agree with an author before they were allowed to represent a play of his which had been acted in one of the London theatres, his profits would be materially increased?—No; I should think the scanty and uncertain audiences of provincial theatres would enable them to pay scarcely anything; if anything, it would be a very inconsiderable sum, and when it was offered, it would be hardly worth a gentleman's consideration. I should conceive also they would have the greatest difficulty in getting the money from a provincial manager, and from the uncertainty and thinness of their audiences, they could not afford it. At all events, they could not afford to give any considerable sum; it must be the smallest sum, and obtained with the greatest difficulty.

2714. Do you consider any material profit would be obtained from other London theatres, if they were obliged to pay an author for the representation of a successful piece; suppose a piece were brought out at your theatre, and Drury Lane or Covent Garden, before they acted it, were obliged to treat with the author, do you conceive any material profit would accrue to the author from that circumstance?—I should think not.

2715. It would not be their wish to do it perhaps?—I think not.

2716. In the case of a successful piece, it would not be worth a provincial manager's while to pay 10 l. or 20 l. for the liberty of acting it?—Perhaps in some of the principal provincial theatres, such as Bath, Norwich, Liverpool, Edinburgh and Dublin, or other theatres that have a patent, I should think it would.

2717. If you were about to produce the Hunchback, would it not be worth your while to pay a sum of money for it?—I do not know that it would, having been so frequently acted, and so recently acted. I have not at all made up my mind to do it.

2718. You

2718. You would rather have it for nothing, I suppose?—I certainly should not produce it unless I had; I should not give any sum for it.

2719. You would not think it worth your while to pay 50*l.* for it, with a new Hunchback, with Mr. Kean to play the Hunchback?—Perhaps I might be induced to give 50*l.* if I could get it well cast, and there was a chance of success; it would be a speculation.

2720. What is the origin of the first licence?—The Haymarket originated in a Royal patent, not in a licence; I have a copy of it with me, if you wish to see it.

2721. Was it given to Foote?—Yes, it was given to Foote for his life; a Royal patent by George the Third, to Foote, for his life.

2722. Can you produce it? [*The Witness delivered it in.*]

2723. Is it to act every thing?—To collect a company of comedians. I believe it runs in the same words as other patents do.

2724. Is it ever a part or article of an engagement of any of the performers who may be engaged by Drury Lane or Covent Garden, that they shall be restricted from playing at your theatre?—Under a recent understanding from the Lord Chamberlain, the Covent Garden and Drury Lane proprietors cannot refuse their actors playing at the Haymarket from the 30th of June till the 30th of September.

2725. During those three months?—Yes.

2726. But do they ever prevent them afterwards when your theatre remains open?—They are engaged there generally, and whenever they want them they call them off; they can only play by permission.

2727. I believe Foote was acting without any authority before this patent was granted?—I believe there was something like giving tea in the morning; there was something he had before the patent was granted.

2728. Something like Mathews's performances?—Yes.

2729. You say the principal theatres, Brighton for example, have been playing Paul Pry, which you consider an infringement of your copyright; if the Brighton Theatre has the power of doing it, why has not Drury Lane or Covent Garden?—They have not any power, they have the temerity to play it; but they are liable to have an action brought against them at any time.

2730. But it appears by Lord Kenyon's decision, that an action would not hold good against any theatre, *Colman v. Wathen*. That was about O'Keefe's Agreeable Surprise, was it not? Colman brought his action, and got a verdict with nominal damages, in order to raise the question. Then there was a motion made to set this verdict aside, and then Lord Kenyon, chief justice, held that the action could not be maintained; that repeating anything from memory was not publication within the statute; and therefore any person has the power to employ a short-hand writer?—But you get an injunction, and injunctions have never been refused whenever they have been prayed for. Covent Garden or Drury Lane formerly played several pieces belonging to the Haymarket theatre. I applied to the Court of Chancery, and prevented their playing most of the pieces I have named to you, Peeping Tom, the Agreeable Surprise, the Son-in-law, and particularly in the case of the Young Quaker, which was put up to be played by Mr. Arnold, who had only a licence for English Operas.

2731. If you were to apply for an injunction against provincial theatres, you could get it?—You must establish your legal right to it, and then an injunction has never been refused.

2732. Was there any agreement with the other patent theatres at the time of granting of this patent?—I am not aware of it.

2733. When Foote died, how was the theatre gone on with?—The elder Colman entered into an agreement with Foote before his death, to purchase the Haymarket theatre. I am told that was done with the consent of His Majesty, and when the patent expired all the powers of the patent were put into a Royal licence, which was taken out annually from the Lord Chamberlain. Since then we have been playing under a licence instead of a patent, but the powers of the patent are kept alive to the present time.

2734. You have been playing ever since that time under a licence from the Lord Chamberlain?—Under a licence from the Lord Chamberlain.

2735. And you consider yourselves empowered to act every branch of the drama?—Every branch.

2736. You were understood to say on Wednesday last that the Lord Chamberlain had licensed Mr. Laporte to play French plays at Covent Garden; what I wished to ask was, whether you are aware that he is able to act them, without

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a fresh licence, under the patent, and whether you mean to state that the Lord Chamberlain has given a separate licence for that purpose?—I did not mean to state that the Lord Chamberlain had given a fresh licence to Mr. Laporte; I only stated, I understood it was acquiesced in.

2737. Are you not aware that he has that power without any fresh licence?—I should not conceive that, acting under the patent, he had a power to act French plays.

2738. All that he has the power to act is Italian operas, I understand?—Yes; one can do nothing more than suppose that when those patents were granted, they could not be supposed to be granted to play French plays instead of English.

2739. If they have the power, you have the power also?—If their patents run in the same spirit which Foote's patent does, which is to collect a company of performers and play plays. I could not conceive that under my licence, which is in the spirit of Foote's patent, that I have the power to play French plays without a fresh licence.

2740. If there is no specification to the contrary, I do not see what could deter you; it is a new case?—It is a new case, I conceive.

2741. Have you ever considered the question, whether, under the Acts of Parliament, you think there is any doubt whether the Lord Chamberlain has any right to license a play in a foreign language?—I have never seen the warrant of the Lord Chamberlain's appointment, and without seeing the warrant you cannot tell; and perhaps then you might not be able to define what his powers are exactly.

2742. What do you mean by his warrant?—The appointment of the Lord Chamberlain. The present Lord Chamberlain has granted licences that no other Lord Chamberlain ever did; he has granted licences to persons applying for them, which other persons had refused. I know myself, that I have seen a letter signed by the Duke of Montrose, where he would not licence any French plays. I have also heard that applications were made to the late Lord Chamberlain for a licence to act German plays, which was refused. I have heard that these applications were made to former Lords Chamberlain, and that they never would grant it. I can only suppose that it is because they fancied they had not the power to do so, or else that they might have a spirit or wish to preserve perfect established property.

2743. I believe it is generally considered that the Chamberlain cannot grant a licence for longer than a year; upon what does that rest; there is no provision in the Act of Parliament with respect to it?—Perhaps it is from custom, and to keep the theatres in check in case they acted anything improper; that he should have the power as justices have with respect to a publican's licence, if he does anything improper.

2744. Would he not have the power to withhold his licence whether it was granted for a year or not, at all times?—Yes.

2745. Subsequent to this licence of yours, which originated in a patent, what was the first licence that the Chamberlain ever granted?—Mr. Arnold's was the first licence after the Haymarket.

2746. So that there was a great lapse of years before the Chamberlain again exercised that power?—The first licence for the Haymarket, I believe, was the first year that it was opened under the elder Colman, in 1759 or 1760, or something like that.

2747. The Pantheon, I believe, was at one time licensed?—It was licensed for Mr. Greville, I think, a temporary licence when the Italian Opera was burnt down; it was licensed for Italian burlettas.

2748. Prior to that, was not there a licence many years before to Shelden?—I never heard of that.

2749. There was a great lapse of years between the time of granting your licence and the granting of Mr. Arnold's, and yours was in consequence of a patent, and with the King's consent?—As soon as Mr. Arnold's licence was granted, I applied to Mr. Mash of the Chamberlain's office; I had heard that a licence had been granted, and I applied to him, expressing my surprise. He told me that Lord Dartmouth, the then Lord Chamberlain, had ordered him to make out a licence for Mr. Arnold, and that he thought the Lord Chamberlain had exceeded his powers; and he had advised Lord Dartmouth to mention the matter to His Majesty, or the licence might not be recognised, or that the winter theatres or the summer theatres might have reason to complain. But after that the Lord Chamberlain did mention the matter to His Majesty; that at first Lord Dartmouth granted

granted or ordered the licence to be made out for Mr. Arnold : and Mr. Mash told me he had remarked to the then Lord Chamberlain that he thought he had exceeded his powers. That was the only time that a licence was granted after the Haymarket.

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2750. Your licence at the Haymarket was signed only by the Lord Chamberlain, not by the King?—By the Lord Chamberlain only.

2751. It was not unfrequent in former times, I believe, at the Haymarket, during the time that was not its regular season, for permission to be sometimes given to some performer to have a benefit there?—Most frequently we had 20 or 25.

2752. I believe that was done very much in Lord Salisbury's time?—Yes, very much, and in others.

2753. Was not the consent of the patentees of the winter theatres asked at those times?—I believe, never ; I know of no instance ; other entertainments were given besides these occasional plays for benefits ; oratorios were permitted at the Haymarket. The late Dr. Arnold had a licence ; Mr. Colman let him the theatre, and he had a licence to play oratorios there, which succeeded very well.

2754. Mr. Arnold's licence was granted for English singing and dancing, I believe?—Yes, for English recitative, operas and burlettas.

2755. It was not granted to Dr. Arnold?—No.

2756. How do you define a burletta ; it is rather odd, English recitative, operas and burlettas seem to be all the same thing?—There are three or four things which we all agree are burlettas ; *Midas*, *Poor Vulcan*, the *Golden Pippin*, and the *Dragon of Wantley*, and so on ; and we define what the English opera should be by *Artaxerxes*, which is a complete recitative opera from beginning to end.

2757. Has the Lord Chamberlain consulted either you or the patent theatres, that you are aware of, previous to his licensing the German and French Operas?—No.

2758. Have you memorialized him?—Yes, I have sent a remonstrance.

2759. Have you received no answer?—None, at present.

2760. What do you conceive the damage to be to your theatre in consequence of these performances ; have you made any calculation?—The receipts at the Haymarket are experiencing very great depression at present from various causes ; first of all, I think from the German and French operas. Under the old understanding between the patent theatres, Covent Garden and Drury Lane, and the Haymarket and the Italian Opera, it was settled by His Majesty and the Lord Chamberlain, that nothing more than an Italian opera on Tuesday and an Italian opera on Saturday should be permitted, with the exception of about four benefits, which generally came on Thursdays, given to their two leading singers and dancers ; but now it is open every night. Monday night, there is *Robert le Diable* ; Tuesday night, the Italian opera ; Wednesday night, the German opera, and so on every night in the week.

2761. That is a serious injury to you?—The receipts of the Haymarket are most depressed.

2762. As compared with this time last year?—Yes.

2763. They do you more harm than all the minor theatres put together?—That is a difficult thing to say.

2764. Which would you prefer being put down, the minor theatres or the fine representations?—They are equally prejudicial ; the German plays and the French plays certainly have been frequented by persons in a higher class of society ; that affects the boxes, but I do not think it affects the pit and gallery so much as the representations at the minor theatres ; the pit and gallery are most excessively affected by the minor theatres playing the regular drama.

2765-66. I conceive that a theatre opened in your immediate neighbourhood injures you more than a theatre opened at a distance?—I feel more oppressed by theatres such as the Queen's theatre, the Strand and Surrey theatres, than by Sadler's Wells or the City theatre, or theatres which are almost as far off as Hammersmith or Turnham Green.

2767. Have you received no message from the Lord Chamberlain's office with regard to your remonstrance?—I have received a verbal communication, which was, that while the present inquiry was pending, his Grace could not give a decisive answer to my remonstrance, but an answer, I had reason to suppose, would be sent.

2768. But in the mean time you are sustaining great prejudice?—I am.

Mr. Douglas Jerrold, called in; and Examined.

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2769. I BELIEVE you are an author?—Yes.
2770. What plays have you written?—The last play was the Rent-day, at Drury Lane.
2771. That was a very successful piece?—It was successful; it ran upwards of 40 nights.
2772. Did not it come out at the Adelphi first?—No; it was first presented to the Adelphi, but I withdrew it from that theatre, because I would not submit to the alterations that were suggested by Mr. Yates.
2773. Where did you present it after that?—To Drury Lane.
2774. It was accepted there?—Yes.
2775. How could you withdraw it from the Adelphi; had they not paid you for it?—No, certainly not. I could very well withdraw it, for it was not acted.
2776. Was not something similar to it represented at the Adelphi under another name?—No; there was a piece which had some of the features of it. It was pirated, and played at Sadler's Wells.
2777. What other theatres have you written for?—I wrote Black Eyed Susan, and several other pieces, for the Surrey.
2778. Have you not submitted a piece lately to Mr. Morris for representation at the Haymarket?—I have.
2779. Which he has refused?—Yes.
2780. Was that in consequence of the terms you required?—No, it was not; he said he did not think it would suit his company.
2781. Have you given it to any other theatre?—The Strand theatre.
2782. Who is the proprietor of that theatre; who is the ostensible person?—I do not know who is the ostensible person; it is taken in the name of Mrs. Waylett. I believe Mr. Lee is the acting manager.
2783. Has it been acted yet?—No, it is played to-morrow night.
2784. That theatre is acting in defiance of the law at present?—I believe it is playing at bo-peep with the law; I believe it is quibbling with the law.
2785. Is it not under prosecution?—I am not aware of that.
2786. Have you any suggestions to offer to the Committee with reference to the copyrights of authors. Do you think any improvements could be made in the law as respects authors?—I think certainly there ought to be some penalty inflicted upon any manager who represents any drama without the author's consent.
2787. How would you have that penalty to be recovered?—I am not sufficiently versed in forms of law to state that, but I should imagine before a magistrate.
2788. Would not it be a difficult question to put to a magistrate, whether the pieces were the same, as in the case of translations, where two authors have translated the same French drama, how could a magistrate be enabled to decide upon the identity?—I do not think you would have so many translations then.
2789. Why do you think not so many?—Because it would be worth the while of men of original talent to devote their energies to the theatres.
2790. Do you think you should obtain much remuneration from the provincial theatres, or from the other theatres in the metropolis, in that case?—I think in the aggregate, I might obtain a great deal by receiving a small sum from each theatre. I will instance Black Eyed Susan, which was played 400 nights in the course of the first year after its production.
2791. In different theatres?—Yes, 150 nights at the Surrey, I think; perhaps 100 nights at Sadler's Wells, 100 nights at the Pavillion, 30 nights at Covent Garden theatre, and at other houses, as the West London and the Olympic, a few nights. For that piece I received altogether as much as Mr. T. P. Cooke has informed the Committee he received for six nights' acting at Covent Garden theatre.
2792. Sixty pounds?—Yes.
2793. That was from the first theatre?—Yes.
2794. Do you suppose if the other theatres had had to remunerate you, they would have acted it?—Certainly. It would have amounted to a great sum to me if it had been paid even on the humble terms of 5s. a night throughout the country.
2795. Was it published?—It was.
2796. Then the Surrey theatre has lost all control over it?—Yes, but I could have had no control over it, if it had not been published.

2797. Did you receive anything from the publisher?—I received 10*l.* for the copyright, which, with 50*l.* I received from the theatre, make the 60*l.* I only received 60*l.* altogether. If it had not been published I should not have received more money, as in the instance of the *Rent-day*. That piece was played in the country a fortnight after it was produced at Drury-Lane, and I have a letter in my pocket in which the manager said he would very willingly have given me 5*l.* for a copy of the piece, had he not before paid 2*l.* for it to some stranger.

2798. Some stranger?—Yes, I have no doubt where he got it from. There is an agency office where they are obtained.

2799. What agency office?—Mr. Kenneth, at the corner of Bow-street, will supply any gentleman with any manuscript on the lowest terms.

2800. How does he procure them; is it by a short-hand writer in the theatre?—He steals them somehow; he has no right to them.

2801. This is previous to publication?—Previous to publication.

2802. It must be done by a short-hand writer?—I do not know how it is done. I offered to sell correct copies of the *Rent-day* for 5*l.*, because an author receives a double injury: in the first place, they are not paid for their pieces, and in the next place, they are represented by the skeletons of their dramas; so that, as it was emphatically said by a sufferer, the author was not only robbed but murdered.

2803. You could have procured an injunction?—If I had gone into Chancery.

2804. You consulted no lawyer?—No; I understood generally that was the only means of obtaining redress.

2805. Do you consider the remuneration to dramatic authors is not sufficient to attract first-rate talent to that branch of composition?—Certainly not, when periodical writing and novels are so highly paid for. A gentleman will get 1,000*l.* for a novel, and Mr. Sheridan Knowles only got 400*l.* for the *Hunchback*.

2806. Did you apply to Covent Garden for additional remuneration for *Black Eyed Susan*?—I did; and I received a letter from Mr. Bartley, the manager, in which he expressed something more than surprise at the request, and said the representation of that piece at Covent Garden theatre had done me a great deal of good. I have not yet discovered that.

2807. In point of reputation, he meant?—The reputation I acquired did not give me sufficient influence to get a piece brought out the next season at Covent Garden.

2808. But certainly the reputation of being the author of a piece which had been played so many nights would do you good?—Not at Covent Garden. It was played 30 nights there, and Mr. Cooke left Covent Garden to play at the Surrey.

2809. On what stage did it appear to the most advantage?—On the Surrey, certainly; in fact, it was infinitely better played at the Surrey than Covent-garden.

2810. What did you receive for the *Rent-day* at Drury Lane?—£. 150.

2811. How many nights has it been acted?—I am not certain, for I was out of town towards the close; I believe either 43 or 44.

2812. Did you receive the 150*l.* at the close?—On the twenty-fifth night.

2813. Have you considered at all what legislative provision could be made which would benefit authors in that respect?—I think a very heavy penalty upon any manager who should represent a piece without the author's consent.

2814. That penalty to be obtained by summary proceedings before a magistrate?—Yes.

2815. Would it not be difficult to prove the identity of a piece, in consequence of alterations?—Of course it must be considered according to the spirit, and not to the letter of the piece.

2816. Would it not puzzle some country magistrates to decide whether it was from a plagiary or not?—Some country magistrates might; but I think in large towns it could be done very well. I do not think the author could be enabled to get any money for the copy of the piece if it was acted at the greatest room in the town, by people who may be there one night and gone another; but in circuits, like the Liverpool, Norwich and York circuits, he would; also at the Dublin theatre, and in Scotland.

2817. Are not all those provincial theatres, Manchester and York, depressed at present?—I believe they are, from political excitement and the general depression of the times; I believe they are worse in the manufacturing districts.

2818. Do you mean that depression has only originated since the late political excitement?—I think since the peace every thing has been depressed to some extent.

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2819. Do you think it has arisen from any religious scruples or dislike to theatrical performances?—Yes; I think sectarianism has done much towards it.

2820. Are strolling players quite extinct now?—No, they are not.

2821. Are there as many of them as there used to be?—I do not think there are so many as when Mr. Munden played in a barn.

2822. Do you think strolling pays them; do you think they make any money?—I believe they are a very temperate race, and do with a little.

2823. Do you think they are enabled ever to lay by any money?—No, I do not think they are, they may be ultimately. It is only when they come here they are enabled to lay by.

2824. Not in the country?—No, I think not.

2825. You would have a new play, or anything that was written, put upon the same footing as a novel or any other composition?—Precisely.

2826. The author of a novel has only a right of action, which would be worth nothing to you?—That would be something.

2827. You would have it regularly entered at Stationers' Hall?—Yes, that would be something; because there is no doubt authors would make common cause with one another to preserve their copyrights; it would be worth their while.

2828. I believe in France the copyright remains in the heirs of the author?—I believe it does.

2829. Do you think that would be advisable?—I would have it for a certain time, say 28 years, so that if a man wrote plays he should vest his capital in his works, and leave them to his children.

2830. The copyright of any work is only for 28 years?—Yes.

2831. You think that would be something?—Yes, I think that would be a great deal; and by those means you would induce men of original talent to write for the stage; at present the intellect of the country is almost excluded from the stage.

2832. What is the general price of the copyright of a play for publication?—Since translation, the price has gone down to nothing. I believe Mr. Holcroft got 300*l.* or 400*l.*; I may be in error, but it was a great sum, 300*l.* I believe, for the copyright of the *Road to Ruin*; and I know Mr. Sheridan Knowles was able to get scarcely anything for the *Hunchback*.

2833. There surely must be a considerable sale of a successful play in the lobbies of the theatres?—No, there is not since translation. The public have ceased to look upon plays as part of the literature of the country.

2834. You think that authors have had recourse to translation in consequence of the inadequacy of the remuneration, that it is insufficient for the toil of original composition?—Something of that; but I think many men have written plays who, if there had been no translations, would never have been heard of at all.

2835. Perhaps in that respect it is an advantage?—No, I think not.

2836. Are there many English plays translated into French?—We do not give them a chance; we have very few original plays; we take all from them.

2837. Are those which are original ever translated?—Some are.

2838. Is the same price paid by managers for a translation as for an original piece?—Yes; and there is the mischief. There is no premium held out for originality.

2839. Do you think the number of authors would increase if the legitimate drama were thrown open to the minor theatres?—Yes, I do; I argue as Mr. Morton does: I speak of what would be from what has been. Fifteen or twenty years ago I saw pieces represented and tolerated at the minor theatres which would have disgraced *Bartholomew Fair*, and now they produce pieces which not only please the people who go to the minor theatres, but are taken to the large houses as a principal means of attraction.

2840. Was not that always the case?—I do not recollect.

2841. Was not *Midas* first produced at the Royalty theatre?—Mr. Garrick was produced there, and played the legitimate drama.

2842. Do you call *Midas* the legitimate drama?—No.

2843. How do you describe the legitimate drama?—I describe the legitimate drama to be where the interest of the piece is mental; where the situation of the piece is rather mental than physical. A melo-drama is a piece with what are called a great many telling situations. I would call that a melo-drama. I would not call a piece like the *Hunchback* a melo-drama, because the interest of the piece is of a mental order.

2844. A piece rather addressed to the ear than to the eye?—Certainly.

2845. Is

2845. Is Tom Thumb a legitimate drama?—Tom Thumb is a burlesque.

2846. That goes under the head of the legitimate drama now?—Yes, and so does the Lions of Mysore.

2847. With reference to the size of the theatres, which size do you prefer writing for as an author; which would tend most to your reputation?—I prefer a small theatre, the size of the Surrey, or the late English Opera-house.

2848. For every sort of composition?—Perhaps heroic compositions appear to more advantage at Covent Garden or Drury Lane.

2849. Now, the Rent-day you call a legitimate drama?—I call it a drama.

2850. Do you think your reputation would have been increased if that had come out first at the Adelphi?—It was certainly better played at Drury Lane than it could have been played at the Adelphi.

2851. Suppose the same Company had played it at the Adelphi?—I think the effect would have been stronger.

2852. Have you any general observations to make with regard to the stage?—I think that actors and authors ought to have the selfsame privileges which are enjoyed by the professors of any other art, and which at present they have not. If a painter produce a picture, and from intrigue or, misjudgment, or to take a more liberal illustration, if there be not room enough to hang that picture in an exhibition-room, the painter is not compelled to roll his picture up and take it home, but he may exhibit it in Bond-street, or any other part of the metropolis; but an author or an actor cannot do that, or if they do, they are told they do it in defiance of the law.

2853. The field is not large enough?—No.

2854. According to law?—No, I think it is monstrous a manager should say to an author or an actor, you shall not write or speak within 20 miles of London, for that is the sovereignty which is contended for by the proprietors of Covent Garden, so that he must go beyond the 20-mile stone before he can open his mouth.

2855. Do you think there has been any systematic combination by the patent theatres against authors and actors, to curtail their powers?—Against the minor theatres there has been, I think. I conceive by their own acts they have shown a combination. It was stated, I believe by Mr. Macready, that he thought the drama would be considerably deteriorated if small theatres were allowed, as you could not possibly represent a perfect play. I do not think so. Mr. Cooke has instanced the case of a theatre at Paddington, where he was asked to play; he would not go, nor do I think any actor of high standing would attempt to dignify the theatre by acting with a body of men quite unacquainted with their art. I think they would find their level. There is a theatre of the same sort at Chelsea, and I have no doubt the persons who attend those performances are snatched from the tap-rooms and skittle-grounds.

2856. You think they are not persons likely to rise in their profession?—I think they may be as good as Mr. Munden or Mrs. Jordan, for they played at theatres not of greater dignity than are now open in the suburbs of the town.

2857. Which do you think the best school of acting, the minor theatres or the provincial theatres?—The provincial theatres, as the law now stands, for the minor theatres are not allowed to play the legitimate drama.

2858. But the minor theatres do at present?—At present they do, but not much; the Coburg theatre seldom plays it.

2859. Was Black Eyed Susan licensed?—No; it was sent to the licenser from Covent Garden.

2860. Was any alteration made in it?—Yes, some passages were ordered to be omitted.

2861. Will you state what they were?—The boatswain has to say, in speaking of William, "He plays the fiddle like an angel." He struck that out.

2862. Does the actor leave out that passage always in Covent Garden?—I believe not.

2863. You think the actor uses the expression although it is struck out?—I never saw it but once at Covent Garden, and I think he used that expression.

2864. Do you think the Drama ought to be put under the censorship of the Lord Chamberlain?—No; I think you might as well have a censorship of the press.

2865. Will you state your objection to the control of an examiner?—I think it is apt to be exercised very capriciously.

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2866. Do you know of any instance?—Yes, one at Drury Lane. I had a piece called the *Bride of Ludgate*, in which Charles the Second figured as the hero, and he was disguised as a priest, come to marry a young couple. Mr. Colman said he thought, in the present situation of the bishops, he ought not to come as a priest, but I must make him a proctor. I sacrificed the worth of something, which was perhaps very worthless, but I was obliged to submit to that alteration, which I thought very capricious and absurd.

2867. Has it been represented in the country?—Yes.

2868. Is it represented there as a proctor or as a priest?—It is represented, I suppose, as it is printed, which is as it was altered.

2869. How did the piece act?—It played very well; it was a piece which would have succeeded better at the Haymarket than Drury Lane.

2870. Do you think it would have been more attractive if the character had been a priest?—I do not know that it would have made a great alteration as to the receipts, but it would have done more for me, or I should have been more satisfied with it; it would have been a more perfect drama; at present that alteration makes it somewhat loose and disjointed.

2871. Do you not suppose if there was no censorship there might be political allusions introduced into plays, which might create an excitement which it is not desirable to create in dramatic representations?—I think managers would study their own interests, as they would know they would be proceeded against if they were to overstep any bounds of decorum; I think their own sense would guide them.

2872. Then the managers would become the censors?—Certainly, as they are at present, as to the fitness of the piece.

2873. It would be only changing hands?—They are as it is.

2874. This new piece you have given to the Strand theatre, that will not be submitted to the licenser at all?—No, none of the pieces there are submitted to the licenser, nor at the Coburg, nor at the Surrey, nor Sadler's Wells, nor the Queen's, nor the Pavilion, nor the Garrick theatre, when it was open.

2875. But they are actionable, are they not?—I believe not; they act under magistrates' licences; they are actionable for speaking at all.

2876. But for performing plays not licensed?—Certainly not.

2877. The magistrates have nothing to do with that?—No.

2878. The magistrates' power only extends to authorizing them to act licensed plays?—Yes, they are not under the control of the Lord Chamberlain; they are not licensed by him.

2879. The Lord Chamberlain's licence is as to the theatre, but the licence as to plays is a different thing?—I am not aware of any penalty they may incur.

2880. Do you think those persons who fill the minor theatres of an evening would go to the great theatres?—Some of them would, for the minor theatres beget a dramatic taste.

2881. Do you think the minor theatres can do damage to the amount of 40,000 *l.* annually to the two great theatres?—No, certainly not.

2882. Have you ever made any calculation of what you think would be about the injury?—No; but I do not think the minor theatres did any injury to Covent Garden while they played the *Hunchback*.

2883. Then it is the defect in the entertainments of the patent theatres that makes them not so attractive?—I think it is in a great measure.

2884. Do you think if the legitimate drama were performed at all the theatres, they would all succeed, or the proprietors would have sufficient to remunerate them?—No doubt there would be many mistakes, but I think they would ultimately classify themselves.

2885. What do you mean by mistakes, acts of bankruptcy?—No, in the way of imprudent speculation; the same as when the Beer Bill was passed, every shop was a beer-shop, but they did not last above a quarter.

2886. What class of performances do you think would be acted at the minor theatres, if they might act anything they chose; do you think they would play Shakspeare?—Sometimes; but I think they would gradually get a very good drama of their own, as they have been getting for some years; so good, that it is worthy of being transplanted to Drury Lane.

2887. Such things as the *Wreck Ashore*?—Yes; domestic dramas, I take it, would be pretty well the staple commodity.

2888. Do

2888. Do you think there are too many theatres at present in existence?—No, I do not.

2889. Not taking them altogether?—No.

2890. Do you not think it would be better if they were more dispersed; some of these Westminster theatres?—The theatres have flourished very close to one another; Drury Lane, Covent Garden, the Olympic and the Adelphi, are all close.

2891. The overflowings of one will go to another?—Yes, it is frequently reckoned upon that the overflowings of one go to another.

2892. Have you ever known the overflowings of the English Opera-house go to Drury Lane or Covent Garden?—I have not known that, certainly, but I think it is very likely; people come out determined to go to the theatre, and if they are disappointed at one place they go to another.

2893. Do you think the patent theatres have any title to compensation in the event of the legitimate drama being played at the minor theatres?—Why, every improvement in science may be called an injustice upon some vested interest. When the railroad was invented, or rather when the York coach was invented, it did an injury to those who had property vested in the York waggon; I look upon it as exactly the same thing. I think the public would gain by the theatres being thrown open.

2894. Those persons who set up the York waggon did not suppose that they were possessed of any exclusive privileges, which the patent theatres conceive they possess, but the proprietors of the York waggon took the field with all the chances against them; therefore I do not think your illustration exactly applies?—I am arguing as to the reason of the question; but as to what they might conceive, that argument might be held invalid as applied to royal authority.

2895. Do you think those persons who built Drury Lane and Covent Garden theatres would ever have built those great houses, and employed their property in them, unless they conceived they had justly exclusive privileges?—Perhaps not.

2896. That being the case, do you not think they are entitled to some indemnification?—I should be very glad if they could be indemnified; I am not prepared to say how.

2897. Suppose they were indemnified by being empowered to dispose of the theatre by lottery, do you think the public would be eager to take shares in that lottery?—Yes, I think they would; I think there is such a dramatic taste abroad, and such a desire to speculate in shares, that I think it is very likely.

2898. You think the shares would be taken?—I think it is very likely.

2899. Do you think if the legitimate drama could be acted at the minor theatres, it would in some degree tend to fill the large houses by increasing the love of the drama, and the desire in the public to go to the theatres generally?—No, I think not.

2900. You think it would not serve to fill the large houses?—No.

2901. Do you think it would draw audiences from the large houses?—Yes.

2902. Then in that way it would prejudice the large houses?—Yes, I think it would.

2903. Do you give that opinion in consequence of the size of the patent theatres?—Yes, in a great degree; I think it would prejudice the large theatres with their present companies; it would not if they had, as they have at the other houses, what are termed working companies. At the Adelphi, for instance, you will see the whole of the company in one night; at Drury Lane or Covent Garden not one-third of the company are acting; the rest are unemployed. With their present expenses they would suffer injury, but not if they were properly cut down.

2904. Are actors paid whether they play or not?—Yes, except nightly actors; there are some few exceptions.

2905. When the agreement is that he shall act on such nights?—I believe engagements have been made that an actor shall have so much a night guaranteed to play so many nights a week.

2906. In that case he is paid whether he acts or not?—Yes.

2907. Is there any class of actors paid by annual salaries, so much a season?—I believe not.

2908. What is the engagement?—By the week.

2909. Then if that is the case, why is it necessary for the large theatres to engage so many more actors than they use?—I do not think it is necessary. They split upon that very rock.

2910.

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2910. That

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2910. That they have engaged two-thirds more than they want?—Yes. I think the theatres will not answer till they classify themselves.

2911. At the minor theatres they employ the whole of the company they have?—Yes.

2912. Do you think the minor theatres corrupt or improve the morals of the town?—I certainly think improve.

2913. Do you think these minor theatres improve the morals as well as the great theatres?—Yes, I think that is shown by the march they have made for some years past. They have improved themselves, and must necessarily have improved those who have gone to them.

Mr. Edmund Lenthall Swifte, called in; and Examined.

Mr. E. L. Swifte.

2914. ARE you in any way connected with the theatres?—Not in the least.

2915. But you have turned your mind to the consideration of the subject?—Very much, within the last few months.

2916. Not till within the last few months?—Not until the question came to be agitated, and then I turned my mind very attentively to it.

2917. What directed you to give it your consideration?—The interest I felt, if I may presume to call myself so, as a man of literary habits, and my instinctive sense of justice.

2918. Where do you find injustice in the state of the law as respects the drama?—In the monopoly that it creates; in confining the representation of the regular drama to two theatres in London.

2919. Do you think the public are anxious the regular drama should be played at all the minor theatres?—From all I can see or hear, I think they are anxious for it.

2920. You think there are not a sufficient number of theatres at present legally entitled to play the legitimate drama?—I think not, with reference to the size of the metropolis, and the buildings which have connected its adjacent villages, and which have created so large a population within the compass of what we now call the metropolis.

2921. But if population is the cause of more theatres being required, ought not those theatres to be filled which now exist where that population has increased?—Yes, I think any new theatre the law would permit for the representation of the legitimate drama would be filled in those districts where it shall appear by the reasonably expressed desire of the respectable inhabitants a theatre is wanted.

2922. What part of the town, in your opinion, most requires an additional theatre?—I should think an additional theatre is not wanted near the Surrey, or near the Coburg, perhaps not immediately at Sadler's Wells, though it is very little I have seen of them; but I scarcely look upon the very small theatres as places for the performance of the legitimate drama, the very small theatres, such as the Pavilion and others.

2923. Are you a dramatic author; have you ever written any plays?—Yes; I wrote an opera, which was performed about 11 years ago at the English Opera-house.

2924. What was the title of it?—Woman's Will.

2925. For an opera, do you conceive a minor theatre is preferable to a larger stage?—I should think for an opera of domestic interest, not requiring any great or extensive decoration, a theatre of moderate size would be better adapted than a very large one.

2926. If you wished to witness the representation of Hamlet, had you not rather go to Covent Garden or Drury Lane than a minor theatre?—If I could get within a reasonable distance of the stage, but not to be placed at the back of the shilling gallery, or in the front of the two shilling gallery. I am tolerably far sighted, but I should hardly calculate upon seeing the play of the countenance, or hearing the voice, to such great advantage; certainly I could not see the fine play of the countenance at so great a distance.

2927. Do you mean to say you think that sort of play should be represented on a stage of that size; that is, your observation applies rather to the size of the stage than the size of the theatre?—I should desire a larger stage, but a moderate auditory. I am no architect, and perhaps speak unskillfully; but I mean that the audience part of the theatre should be constructed pretty much as it is at the Surrey and the Coburg, where I have great satisfaction when the regular drama is performed, because

because there is a large stage, and you may see and hear in almost all parts of the theatre.

2928. Then you think in the Coburg you are not so near as to destroy the illusion?—No; I never saw Mr. Kean to so much advantage to my own feelings as when I saw him in Othello at the Coburg, and I sat in that part of the pit which they would call in France the parterre. I have seen him several times at Drury Lane, from the front of the dress circle, but I never saw him with so much satisfaction as when I saw him from that situation in the Coburg.

2929. In the event of the minor theatres being permitted to play the legitimate drama, do you conceive Drury Lane or Covent Garden would be entitled to any compensation; have you ever studied their patent rights?—I have considered it with reference to an alteration in the law; and I should presume to say that the great theatres are not entitled to call for any compensation for an alteration in the law, whatever they may be entitled to call for upon the cancellation or modification of their patents.

2930. If a lottery were proposed, do you conceive the public would subscribe to take shares?—Yes.

2931. An alteration of the law would modify their patents?—With great submission, I mean to say, that if the statute of George the Second, which passed in the year 1735, were repealed, it would leave the patents in the same situation as they were before its enactment.

2932. But not in the same situation as they are now?—No, not in the same situation that they are now; but I conceive the public and all the realm might be altered without in any way affecting the patents as intended to be granted by the Charles's.

2933. Do you not suppose they would be placed in a different situation from that in which they were when persons adventured their money on the faith of those patents?—Certainly; but if the money was ventured on the faith of the patents, and the patent rights are abrogated, no injury can be done; for if the money was ventured on the faith of a public Act of Parliament, it was ventured on legislation, which everybody knows is subject to constant repeal.

2934. A patent is no more security than an Act of Parliament?—No.

2935. The King may alter it as he pleases; is one a better security than the other for a creditor to lend money upon?—No; but the Legislature may more regularly deal with its own enactments than the patents of the Sovereign.

2936. But the King may alter a patent?—Yes.

2937. The fact is, it is a more capricious title than an Act of Parliament; but had you embarked your fortune in Covent Garden theatre, should not you think it hard that the monopoly should be thrown open?—I think if I had embarked my money in the large theatres, I should feel as I now feel, that the opening of competition, under certain regulations, would do no injury to the large theatres, but would rather serve them.

2938. You heard the opinion Mr. Jerrold gave upon that point?—I did.

2939. You do not think with him, that the minor theatres would injure them, inasmuch as they would draw audiences from the great houses?—I cannot imagine that with reference to the immense population of the metropolis, which we may fairly reckon at 2,000,000; not the metropolis technically speaking, but the circle 20 miles round it.

2940. Do you think the play-going population is anything like two millions?—No, I calculate the whole population, and upon that I calculate the play-going population.

2941. Do you consider it as one-fifth?—No, one-tenth. A play-going population of 200,000 to be dispersed amongst a given number, any one theatre cannot be said to injure any two.

2942. But, in point of fact, is there anything like 200,000 people in London and its vicinity who go to the theatres?—I think not, because they have not the opportunity to go to the theatre; they have not the legitimate drama performed in the manner it ought to be; for if I may be permitted to make an observation, I have observed lately when I have gone to the minor theatres, where certainly the audience is composed of what I should call (if I may say so without offence) the lower part of the middle classes, I have observed that every exhibition of the regular drama, or any exhibition at all approaching to the performance of the regular drama, has been more felt and more liked by the audience than any mere spectacle or buffoonery has been, and from thence I infer that there is among us

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a great regard for the national drama, and that regard would be manifested by a constant attendance upon it, if enabled by its legalization.

2943. Then what description of piece do you think would be performed at the minor theatres if they had the power of performing anything they chose?—I should think in all the minor theatres of a proper size for it, (and I conceive that should be one of the conditions of the licence for their erection,) that every species of the regular drama would be performed.

2944. Would Shakspeare's plays draw audiences at small theatres?—Wherever the stage had the capacity of exhibiting pieces that have great decorations incidental to them, such as Julius Cæsar, the Tempest, and others; I think wherever they could be performed by the capacity of the stage, they would be attended to by the people, at least if not immediately, at no very great length of time, so as I already see from the tendency of the public towards the regular drama, to lead them perhaps exclusively to it.

2945. Such a play as Hamlet perhaps would not draw?—I cannot conceive why it should not.

2946. If it did, it would be only for the merits of the play, where there was no spectacle?—I never saw Hamlet performed but it was not felt; whether performed well or ill, Hamlet has been felt by every person in the house. I have always seen a deep and great feeling attending it in town and country.

2947. Do you mean to say the theatres open at present are filled, or anything like it?—No, I think they are not; and it is partly by the insufficiency of the performances as to the regular drama, and next by the peculiar circumstances of the times. I can offer the Committee one inference as to the diminution of attendance upon theatres, because I hold the custody of the Crown Jewels at the Tower, which I open to the public, and I have opportunities of hearing facts concerning the other parts of the curiosities of the Tower. I happened, without any reference to this subject, to converse with a friend on the 28th of May last; and talking of the great diminution of visitors to the Tower, I took up my books for the last few years and looked to every 28th of May (when it happened on a Sunday I took the day preceding, the 27th May), and in taking the last 10 years, the first seven of those 10 years averaged 50 persons a day, and the last three years of those 10 averaged only 16 persons a day.

2948. That is the last three years?—Yes; and I attribute that to the depression of the times and public agitation, and the greater competition of one thing or another. I know, in 1830, there were 6,000 persons visited the Tower less than in the year before, and I dare say 10,000 last year would be under the mark.

2949. Do you consider that the power to act the regular drama would assist in a great measure in filling the minor theatres?—I think it would elevate the public taste; and considering that the public admiration of virtue and abhorrence of vice should be strongly excited, I think when the legitimate drama is performed, the stage would be an admirable school for morals for the people; and when that was regularly performed, it would be a much better amusement than passing their evenings in the alehouse or places of that description.

2950. Do you think a play which was properly called the regular drama would be more attractive at the minor theatres than such a piece as Victorine?—No; I conceive Victorine is a species of the regular drama.

2951. Do you conceive the public would have any objection to the theatres remaining open on the Wednesdays and Fridays during Lent?—I am sure I should not myself; I hardly think others would: provided Sunday be kept sacred, I can hardly conceive any man would object to the theatres being open on Wednesdays and Fridays.

2952. The Martyrdom of King Charles; you never felt any objection to the theatres being open that night?—No, I never heard any one think about it.

2953. They are always shut on the Wednesdays and Fridays during Lent, and on King Charles's Martyrdom?—Yes.

2954. When you said if you had money ventured in the patent theatres, you would not think it hard if the monopoly were thrown open, I think you meant to say, you would not think it hard, because you would be no loser?—Upon that ground.

2955. If you were a loser you would think it hard?—If I were a loser, I should certainly think it hard. I believe every man who is a loser thinks it hard; it would not be easy to separate his feelings upon it.

2956. Do

2956. Do you not think the decrease of visitors to see the Crown jewels is to be attributed to other attractions that exist?—Very much, I think, to the greater attraction; but for the last three years it has been generally so to the Tower; and I understand it has been so in all places, unless there has been some immediate novelty.

2957. You think all public exhibitions have suffered?—Yes.

2958. Are you aware the number of visitors to the Zoological Gardens has increased?—Yes, as a novelty.

2959. That has increased every year?—Yes.

2960. Have you anything further to state?—I do not know how far I am entitled to make observations, except where questions are put to me, but my own idea of it is, that with reference to the old statute of George the Second, which was passed 95 years ago, a great difference is to be made between the state of London then and the state of London at present; that what might have been perfectly just and right then, I consider might be perfectly unreasonable and worse than useless now; and that the circle of 20 miles round London would create altogether a circumference of nearly 140 miles; and considering the very dense population in that, I think it would be a very great hardship to say the regular drama is not to be performed except at one spot.

2961. It is performed at Richmond now?—If it is performed within 20 miles, unless at a royal residence, I conceive it is not legally performed; I know it is now performed at the minor theatres.

2962. But it is by licence at Richmond?—That is a royal residence. I wish to be understood not by any means as advocating the erection of very small theatres, because I conceive that all theatres should be subject to a requisition, that is, not licensed without the requisition of a certain number of respectable inhabitants; that they should be subject to the magistrates for their proper and due conduct, and also subject to the certificate of a proper inspector that they are safe, and that they are of a certain size.

2963. What is your opinion upon the subject of licensing; do you think plays might be under the control of a licenser or not?—Why, as I consider that the principle of altering the present law should be on the basis of a perfect equality, not imagining that the minor theatres ought to be put in a better situation than the majors, I cannot conceive why the minors should be exempted from the licence of the Lord Chamberlain.

2964. Do you conceive it advisable there should be no licenser of any theatre?—I said, the licence, I conceive, should be given as a matter of right, a licence to erect a theatre.

2965. At this moment a play cannot be performed until it has been submitted to the Lord Chamberlain or the Examiner, and approved; do you conceive that is a useful or a prejudicial institution?—I consider if it is exercised with proper discretion and liberality, it is useful, and I cannot conceive why the power of the Lord Chamberlain should be abridged; and to bring the majors under it, and liberate the minors, would be departing from that principle of equality which I never recommended.

2966. I never presumed it was to be taken from one and given to another, but I asked whether there should be a licence at all?—Yes, I should be sorry to see that abolished.

2967. It is a species of publication which ought to be under control?—Certainly, because the mischief done in one night; I should be sorry to see it put an end to.

2968. It is done under circumstances which make the publication more mischievous than reading a newspaper or pamphlet?—Yes.

2969. Because it is addressed to the passions of the audience, who are excited at the moment?—Yes, I think it would be a dangerous experiment. I was asked about the question of a lottery. I wish to say upon that, if a lottery were to be granted for it, and if that lottery were granted on considering the value of the great theatres, that is, their claims under the Legislature and under the patents, in that case it would put the fortunate owner of the prize in the same situation that the two houses at present are, which would not mend the matter.

2970. If you put a clause in the Lottery Act which would inform the public the legitimate drama should be played at all the other theatres, they would gain this prize of the theatre with their eyes open as to throwing open the monopoly?—Then the price of the chance must be lessened by that deteriorated value, and

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consequently there would be no fund adequate to compensate to the full expectations of the proprietors.

2971. Then you think the public would not subscribe to a lottery, unless the theatre had exclusive privileges?—Not if the proprietors were to be responsible to the subscribers; and perhaps in that case the fortunate holder of the ticket would expect to have the theatre as they held it.

2972. Not at all, if he subscribed under a different understanding?—Then I conceive he would subscribe for a deteriorated value, and there would be a smaller fund to pay them.

2973. The price of the ticket would be lessened?—Yes.

2974. Then you consider the large theatres are worth more now with the monopoly than if dramatic entertainments were thrown open?—I believe the public in general so consider them; and also the proprietors of the theatres. For myself, I do not; for I think they would be benefited by the competition they would be compelled to adopt.

Lunæ, 2^o die Julii, 1832.

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Mr. Charles Mathews, called in; and Examined.

Mr. C. Mathews.

2 July 1832.

2975. HAVE you a share in any theatre now?—I am half proprietor of the Adelphi.

2976. Have you ever been a proprietor of any of the large theatres?—Never.

2977. How many years have you been on the stage?—Thirty-seven; 28 on the London stage.

2978. From your experience, what do you consider would be the consequence to the drama generally if the legitimate drama were allowed to be performed at other theatres besides the two patent theatres and the Haymarket?—I think it would, in the course of a very short time, brutalize the regular drama; I think it would be a very great injury to the drama.

2979–80. Why do you think so?—Because the actors at the minor theatres, generally speaking, are inferior, talent being better paid at the larger theatres, and therefore if the regular drama were open to the public, and if you were to see the plays of Shakspeare very badly acted, in time that would bring disrepute on the stage generally.

2981. Your objection seems to refer to the plays of Shakspeare?—Not at all exclusively to the plays of Shakspeare, but to the drama generally. Every man speaks according to his own interest of course; but I should say, for God's sake protect me from the regular drama, do not compel us to let the public expect the regular drama.

2982. Do you not call Victorine the regular drama?—That comes, perhaps, nearer to it; but if the Lord Chamberlain chooses to allow us to play a piece infringing on the regular drama, we do not object of course; but I should say, protect us from the regular drama. We act nothing but what is licensed from the Lord Chamberlain, and I should be sorry if we had an opportunity of acting the Heir-at-Law.

2983. How would you define the regular drama?—Decidedly the works of our greatest dramatists or poets, Shakspeare, Otway, Rowe, and in modern times in comedies, Sheridan, Colman and others.

2984. That is an illustration; I do not consider an illustration a definition. How do you define the regular drama; what is it? Does it consist of three, four, or five acts, or what does it consist of?—It does not consist of any number of acts; it is the legitimate tragedy, comedy and farce. I should illustrate it by the Théâtre François; there they act the legitimate drama, they act the plays of Racine, Molière, and so on, and a very few modern pieces at all, and by having one theatre allowed to perform, and confined in its performances to the legitimate drama, it was a standard for language and taste.

2985. Is not the regular drama a term of criticism?—No, I should think not; I should say that the Théâtre François never had acted anything equal to our Christmas pantomimes.

2986. Do

2986. Do you consider tragedy and comedy legitimate drama?—That was at one time the legitimate property of the patent theatres, and I think it ought always to have remained so.

2987. You think that many of the plays of Shakspeare are the regular drama?—It is not for me to say what I think, but I am speaking of what is termed the regular drama.

2988. You refer to old plays, and you say very few new plays are acted at the French theatre; do you think it to the advantage of national theatres that very few new plays should be acted?—I think it would be a great advantage to have new plays, if we had talent to supply us; and I recollect the time when we were regularly supplied; about 25 or 30 years ago, Covent Garden and Drury Lane were almost regularly supplied every season with two or three comedies, and sometimes tragedies, and a great number of legitimate farces.

2989. You consider that the legitimate drama has declined since that time; from what causes do you think?—I think one of the causes is the great number of theatres that are open.

2990. Do you know how many theatres were open in Shakspeare's time?—I should think altogether not more than seven; there were at times seven open, not more than seven ever.

2991. Do you not consider there were then too many theatres for the population?—They might be exceedingly small; the Globe theatre would not hold anything like any minor theatre holds now.

2992. By referring to that time, it would appear that a good many theatres which were small, were as productive of good dramas as the two large theatres which are now open, with several small ones?—I should say, as far as my reading bears me out, they were, for the population, better supported.

2993. There being seven small theatres?—Yes, for the population, I should say so.

2994. I think you admit that you violate at your theatre the Lord Chamberlain's licence?—No, we do not, because we send a piece for his approval, and he approves of the piece, and writes his permission, which is in this term, "I hereby permit you to play the piece that you have sent to me, under the title of *Victorine*," or whatever it may be.

2995. Then the Lord Chamberlain violates his own licence, does he not?—His licence is to Charles Mathews, to perform burlettas, music and dancing, with spectacle and pantomime.

2995*. *Victorine* does not come under either of those denominations?—No, it does not.

2996. Then it is not you who violate your licence, but it is the Lord Chamberlain who violates his own licence?—I purchased into the theatre under the faith of the licence, for which I consider I paid a very large sum, and before I came into it, pieces of that description had been licensed by the Lord Chamberlain, and they have been licensed since by three several Lords Chamberlain.

2997. You admit your licence does not permit you to play those pieces; they are not burlettas?—It does not express what is or what is not a burletta. It is a difficult thing to define; it is much more difficult than the legitimate drama.

2998. You think it is more difficult to define than the legitimate drama?—Much more so.

2999. Would you call *Victorine* a burletta?—We call any pieces burletta with a certain number of pieces of music, which constitute, in the opinion of the Lords Chamberlain, for the last twenty or thirty years, a burletta.

3000. How many pieces of music are there in *Victorine*?—I should say seven.

3001. Is there any dancing?—Yes; there are always songs or duets, or something to constitute the number of pieces of music, and without that they would not be licensed.

3002. And they are performed, are they?—Yes.

3003. In *Victorine*?—Yes.

3004. What injury do you conceive your theatre does to the annual receipts of the patent theatres?—I cannot undertake to say: I think there are a great number of visitors to small theatres in consequence of their being at a smaller price. I think there are a great number of persons who will pay four shillings, but who would not pay seven shillings.

3005. Would you put it at 4,000*l.* a year?—Decidedly not.

3006. Would you put the injury you do to the annual receipts of the two great theatres at 3,000*l.*?—No, I would not admit the injury; for, in the first place,

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I do not know how it is to be proved; in the next place, I disbelieve it. It is almost impossible to ascertain what is the Adelphi audience. There are certain followers of these theatres who do not go to the larger theatres, perhaps on account of the price.

3007. Do you think you do them injury to the amount of 1,000*l.* a year?—It is impossible to say. I should be very sorry to do any injury to them.

3008. It has been stated to the Committee, that the Adelphi alone does an injury to the amount of 4,000*l.* a year to the receipts of Covent Garden and Drury Lane?—We only perform for six months, and 4,000*l.* is a very large sum to take.

3009. Do you consider that the Coburg theatre does any injury to you?—I cannot ascertain; but I should say, no. I am quite certain the Strand Theatre has done an injury to us; for I have been four seasons there, and we have had an evident falling off of half-price at the Adelphi theatre from the time the Strand theatre has opened; “and though they do no good to themselves, they do much harm unto us, Hal.”

3010. Therefore you would like the Strand theatre to be shut up?—Very much indeed.

3011. By exactly the same rule, the Haymarket theatre would like you to be shut up?—I dare say they would; but I should say, I would have the same feeling towards the large theatres as I should wish, if this were to be settled by law, they should have towards us. I should wish to see them established in their own legitimate rights, and the minor theatres only allowed to act certain pieces belonging to themselves. But I am in the same situation as Covent Garden and Drury Lane. If I do not say I wish their rights to be protected, how can I ask for mine to be protected?

3012. Then you consider, that if the legitimate drama were allowed at minor theatres, it would be against your own interest?—I think it would injure the drama altogether and the love of it.

3013. Do you consider it to be the legitimate right of the great theatres to play French plays?—Entirely in the French language?

3014. Yes.—I should say not.

3015. You consider that the drama would be brutalized in consequence of the bad representation of great plays at minor theatres, if they were allowed to be acted there: has Shakspeare been very often acted at the great theatres, do you know, of late years?—I should say it has.

3016. In proportion to other performances of the illegitimate drama?—I am quite convinced that the disposition of the proprietors of both theatres is to play Shakspeare, and all the classical authors, if the public would follow them.

3017. Do you happen to know how many plays of Shakspeare were acted at Drury Lane during Kean's time?—I do not know how many; but there was a disposition to perform them always, only the public neglected them.

3018. I understand you, then, that the public have neglected Shakspeare's plays when they have been performed at the large theatres?—Unquestionably.

3019. Have you ever performed at the great theatres?—I was at all the theatres. I went to the Haymarket, I went to Drury Lane, and then to Covent Garden, where I remained till my accident drove me from it.

3020. Do you consider that you play as effectively at the large theatres, at Drury Lane or Covent Garden, as at a minor theatre?—I cannot say so effectively; but when I returned to Drury Lane, after having been used to small theatres for many years, I cannot say I felt any inconvenience in acting there; I played Sir Fretful Plagiary and other parts, but I could not say, “I am neither seen nor heard here.”

3021. You did not act less effectively, but rather more so, on a small stage?—There is certainly one convenience about a small stage, that it shows the features better than a large one.

3022. And it allows the voice to be better heard?—I recollect when Colman was proprietor of the Haymarket, that we played alternately there and at the Opera-house; and it was much easier to speak in the old Opera-house than in the Haymarket. And with respect to the size of the theatres, if I may be allowed to quote an opinion, I will state the opinion of John Kemble, which I think I can do in his own words: I never can repeat a conversation without I do it in the tone of the person who gave it. “It is a common complaint to speak about the size of the theatres;

theatres; the public will tell you they like small theatres; Sir, they lie; they like large theatres. They go to the Opera because it is a large theatre; and when my sister and myself and Mr. Cooke acted in *Henry the Eighth*," (and we all remember how the play was done,) "when we acted at the King's theatre we played to 600*l.*; and when we went over to the theatre opposite, we never got 200*l.* to the same play."

3023. How do you attribute the failure which at present exists, or the ruin which has occurred to the great theatres, if the public are so much more attached to the great theatres than they are to the minors?—It is not my opinion that they are attached; I am only giving you the opinion of a proprietor of a theatre at the time.

3024. Then you do not concur with Mr. Kemble?—I am only stating what his opinion was.

3025. Do you coincide with that opinion?—Yes, I do.

3026. Then how do you account for the ruin which has occurred to the great theatres?—From a certain fortune; I cannot tell exactly why, but I think the Italian Opera has done more mischief to the drama than any falling off of the taste for it. I do not think that the feeling is dead at all; it is only scotched, not killed, as is shown in the case of the *Hunchback*. Nothing could be more simple or legitimate than the means by which that play has been produced, or by which the public have been pleased with it. They see no objection to the theatre when it is the fashion to go there; but I look upon the encouragement of the Italian Opera and French acting, which is now given, to be one of the greatest causes of the decline of the drama.

3027. You think a good play has a power of reviving, as it were, the taste for the drama?—No doubt of it.

3028. Do you conceive that the licencer's licence of a particular play does more than state that there is nothing immoral or improper to be acted in it; do you think the licencer's licence is at all granted with reference to the licence under which you act; suppose you were to produce a play, which exceeded the terms of your annual licence from the Lord Chamberlain, do you think that proof of the play having been licensed by the censor would defend you against any action or information for a penalty in having exceeded the terms of your annual licence?—Certainly I do.

3029. My opinion is, that the censor's licence only extends to the immorality of the piece; and he says, there is nothing improper in it with reference to the provisions of the licence under which it is to be acted?—I conceive the licencer's leave to act the pieces we send him is perfectly legal, and warrants us in acting that piece in every possible way.

3030. And it would be a defence to you for acting a tragedy or any other piece not included in your patent?—I have always considered that was his power.

3031. Have you ever acted anything which had not been submitted to the licencer?—Certainly not; I speak of since the time I have been in the *Adelphi* myself, and I can say, certainly not in one single instance, unquestionably.

3032. Have you had pieces refused by the licencer?—I do not recollect one.

3033. Have you any general suggestions to throw out to the Committee?—No, I do not know that I have. I should certainly very much like to have the minor theatres restricted to their own performances, and that property should be protected. That is what I think would be an advantage to large theatres; that minor theatres should not be allowed to do what they now do, which is literally to steal the pieces belonging to the great theatres; for when they are performed, they send short-hand writers to take them down, and they then act them without any ceremony. That, of course, is very hard upon the managers of the theatres where those pieces are produced, who pay authors for original pieces, and pay them for their copy-right, which is sometimes a very serious sum.

3034. That is the charge you make against the minor theatres?—Yes.

3035. Did not the large theatres once take *Black Eyed Susan* from a minor theatre?—I do not recollect an instance of their doing so; it did not belong to us. I do not think they have ever done that without permission, or without it has been published.

3036. Do you think the superintendence of the theatre can be better placed than in the hands of the Lord Chamberlain?—The minor theatres?

3037. Yes, and those under his licence.—I should say not, if his power were defined, but if, as in the case of the *Strand*, which is an outrage on all former usage, they are allowed to act without any licence, it is rendering his power null and void.

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3038. Why have you not laid an information against the Strand theatre?—That is a question every one asks another. I recollect hearing of a mad bull getting abroad, and 3,000 or 4,000 people cried out, "Turn him round," but everybody said, "Who is to do it?" To lay an information is an unpopular act. I have been inquiring every day why they have not been stopped.

3039. Do you consider the magistrates have the power of stopping them, if you lay an information against them?—I have been told not.

3040. Do you conceive that the present law, giving a penalty for performing without a licence, can be made effectual?—There is not a question that it could; but it would be a very unpopular act for the proprietor of one minor theatre to attack another. I have given 10,000*l.* for the licence of the Adelphi theatre; I look upon that as a part of the purchase-money, it being granted on the faith of the Chamberlain having the power of giving us a licence, which he would not deprive us of without we were guilty of some outrage; yet I find they are keeping that theatre open in the very same street with myself.

3041. Did you ever take any proceedings against them for the recovery of the penalty?—No.

3042. Are you at all aware of the difficulty of proof there is?—Yes, I have heard of the difficulty of proof.

3043-44. You object to minor theatres acting the regular drama. You know, if any law were to be passed, it would be necessary to define what is the regular drama. You might say Shakspeare's and Otway's plays were the regular drama. Would you object to the proprietors of minor theatres purchasing tragedies or comedies from any new author; would you allow them to do that?—My own favourite plan always has been that the London theatres should be on the same plan as the Parisian. There should be the regular drama allowed at the two great theatres, as at the Théâtre François; it might be divided between Drury Lane and Covent Garden, and all the other theatres might play vaudevilles or *varietés*.

3045. Did you ever consider whether any plan could be adopted to give authors more remuneration, without injuring the managers of theatres, by taking away the right of acting plays without the consent of the author?—I think the rights of authors ought to be protected; and it would be one of the best sources of reviving a taste for the drama, for more pains would be taken by authors whose property was protected; and they ought not to be allowed to play them in a country theatre without a small remuneration, as in the French theatres, where every author receives something. A very considerable sum is paid to an author, 2,000*l.*, 3,000*l.* or 4,000*l.* for writing a play; that ought to be protected. For instance, I have paid, in conjunction with my partner, a certain sum for a piece called the *Wreck Ashore*, and I saw it advertised to be acted at the Queen's theatre, *sans cérémonie*. It is true, I sent a remonstrance to them by a lawyer, and that particular piece was stopped, but that very night a piece of ours was played, called the *Bold Dragoons*, which was acted under the title of the *Dragoons of Normandy*. They send shorthand writers into the pit of the theatres now, and instead of the prompter getting that which was formerly considered his perquisite, they steal it without any ceremony at all, and it has become a kind of property among booksellers and adventurers.

3046. Do you conceive that giving dramatic authors a right of action would be a sufficient protection?—I think it would.

3047. Do you think they would be able to recover from other managers much recompense?—There are some, of course, who are more come-at-able than others; I should say such places as Bath, Edinburgh and Liverpool, and so on.

3048. I believe, in the French theatre, an author is entitled to so much of the receipts every night a play is acted?—Yes; we have no protection whatever now, for there are four instances before the town of pieces that I have purchased the copyright of, that are acted at Sadler's Wells and the Queen's theatre.

3049. How many months is your theatre open?—Six months; from the 1st of October to the night before Passion Week.

3050. Do you not open at other times for some other entertainments of your own?—It is open now with entertainments of my own.

3051. Under what authority?—Under the authority of the Lord Chamberlain's licence.

3052. But you are only licensed for six months?—I have a special licence for these performance, and a magistrate's licence also. The performance I am doing now does not come within any possible Act.

3053. Is

3053. It is not burletta?—No, it is an entertainment of the stage, and could not be stopped by any process on earth. Mr. C. Mathews.

3054. But you have applied to the Lord Chamberlain for his licence as for an entertainment of the stage?—That has been only within these two or three years. 2 July 1832.

3055. Why do you do that?—Because the Duke of Montrose particularly requested I would send a copy of it.

3056. Do you apply to Mr. Colman for the licence?—Yes, I do.

3057. Does he examine it?—Yes, he does; but he did not till within the last four or five years.

3058. But you are not compelled by law to do it?—It was not a vexatious thing at all on the part of the Duke of Montrose, but he requested that I would send a copy of it; I had never been subjected to it before, but he said his reason was, that there were a number of small theatres, and by and by, if I was going on with my performance without his licence, there might be indecency and political allusions. He only made it a sort of request that I would comply with it.

3059. That looks as if he thought it was within his power?—No; everything was done by Drury Lane to try and stop it if they could.

3060. Do you play during Lent?—I did not perform; the theatre was open in Lent, not on Wednesdays and Fridays.

3061. Did you not attempt to open it?—Yes, Yates opened it.

3062. Was it not stopped?—Yes, Mr. Mash said, by order of His Majesty; it was in Passion Week, and Mr. Mash came and saw the bills up, and said, “You must take down those bills, you are not allowed to perform to-morrow.” Mr. Yates said, “Why, I have the express licence of the Duke of Devonshire to allow these performances during Lent, and the four nights in Passion Week are expressly mentioned.” Mr. Mash said, “I have nothing to do with the Duke of Devonshire, but it is the express command of His Majesty that you close this theatre to-night.”

3063. Did he produce a written order?—No; he came to the box-office, and said, “Take down these bills.” Mr. Yates said, “This is a very extraordinary proceeding, for I have a special licence to perform;” on which Mr. Mash said, “Never mind that licence; I have the express command of His Majesty himself.”

3064. Did not Mr. Dibdin carry on entertainments something similar to yours?—Yes, for many years.

3065. Without any licence?—Yes; but if I may be allowed to speak on that subject, I mean to say, when I was considered a rebel originally at the English Opera-house, the committee came to ascertain whether I had changed a scene or not, and proceedings were instituted against Arnold and myself for keeping open this theatre on a magistrate’s licence only; and the present Lord Hertford endeavoured to prove dialogues, inasmuch as I spoke to myself in one voice and answered myself in another; but they could not go on with the proceedings. I was once refused permission by the mayor of a town, but by legal advice I put his authority at defiance, and he found he could not stop me. It does not come within any description whatever of that sort.

3066. You said Mr. Kemble had told you he and Mrs. Siddons attracted less at a small theatre than at a large one; do you not consider that actors of such extraordinary powers as they were appear to more advantage at a large theatre than at a small one?—I should say the magnificence of the style of the late John Kemble and his sister were seen to as great effect in a large theatre as in a small one; but there are a great number of persons whose countenance alone carries them to small theatres, for they cannot be seen to the same advantage in a large theatre as in a small one. But I never heard that objection stated during a fashion to run after every thing attractive; I never heard any people say they could not see Miss O’Neil; she was a beautiful actress, and everybody admired her. They did not say the theatres were too large then; but when they do not go to the theatres, they say they are too large. I find all the people who go in with orders say the theatres are too large; but those who pay for their admission are good-tempered.

3067. There are some great actors who play equally well in spite of the size of the theatre, but it is not a general rule?—No, those very actors who prefer a large theatre to a small one; I am not speaking for myself, for I cannot be said to be interested, but I never heard any objection formerly to the size of the theatres, and I did not feel any objection to it myself. When I played originally Sir Fretful Plagiary, I thought it depended on the expression of the face; but I did not find

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it was at all less at Drury Lane ; I played it for 25 nights, and I never heard anybody say they could not enjoy the performance because the theatre was too large.

3068. Have you studied the patents of the great theatres?—No.

3069. Do you not consider the representation of Shakspeare's plays is generally better at large theatres?—I should say, Coriolanus and those classical plays are seen to greater advantage at large theatres, and I do not think there ever was an objection to the size of the theatre when there was a great attraction.

3070. Do you think morning concerts and evening parties injure the theatres much?—I think morning concerts have done more injury to the theatres than anything you can mention.

3071. Taking place at theatres?—Sometimes at theatres, and sometimes in rooms ; and people who go there are so fatigued that they will not go to the theatres afterwards.

3072. Do you think minor theatres, generally, have been useful in the metropolis as a school for actors at the larger theatres?—Yes ; there is not a question of it. That could be illustrated by many instances.

3073. Do you think they are such good schools as the provincial theatres used to be?—Decidedly, I do.

3074. Do you not think there would be a better chance of good pieces being brought out at regular theatres when they were allowed at minor theatres also?—If the rights of authors were quite sufficiently protected ; but that is a *sine qua non*. I should say, they must be protected.

3075. But if they were protected, then you think the theatres of the metropolis would have the effect of producing a greater number of good pieces?—Yes.

3076. If you had a licence to act anything you liked, should you act regular tragedy and comedy in preference to the representations which you now act?—Decidedly not. Before I came here, I was not aware of the nature of the proceeding, for I was not aware that it was open to the public ; I was not aware what I should have to say ; I thought I was only to answer questions ; but I said, all my creed is this, protect the legitimate drama, and protect me from being compelled to act it. It is all wrapped up in that. I should say, protect the property of authors ; and when I pay an author for a piece, do not let it be stolen by others ; let the legitimate drama be confined to the two theatres, but do not give me permission to act it.

3077. So far as you know, is that the opinion of the proprietors of minor theatres generally?—I really do not know the proprietor of another minor theatre, to speak to.

3078. Is that Mr. Yates's opinion?—I do not think Mr. Yates, if I may be allowed to speak for my partner, has so strong an attachment to the drama as I have. I am a sincere admirer of it, and as long as I had a leg to stand on, I supported it. I only left it because I became a lame actor.

3079. If the minor theatres acted the legitimate drama, would there not be more encouragement to authors?—If minor theatres were confined to certain pieces of their own, to vaudevilles, operettas, and things of that sort, it would afford equal encouragement to the persons who supplied Drury Lane and Covent Garden with regular comedies. There would be no objection to their supplying the Théâtre des Variétés with minor pieces, such as they were authorized to act.

3080. Still the superior regular drama would go to the larger theatres, if the permission to act it was thrown open ; is that your opinion?—I think the public would benefit by each theatre being confined to its own particular class of pieces.

3081. You would give greater encouragement, then, to authors to produce small than great pieces ; you would give the option of performing small pieces to a great number of minor theatres, and you would confine the larger and more regular drama to the two patent theatres?—No ; because minor theatres could not afford to give a man more than 100*l.*, whereas a comedy has produced 800*l.* or 1,000*l.* at Covent Garden or Drury Lane.

3082. Suppose the minor theatres could represent them, they could afford to pay actors and authors?—To a certain extent ; a few of them could ; but they are much exaggerated as to their receipts and profits, for the Adelphi theatre will not hold one-fifth the audience that Covent Garden or Drury Lane will ; therefore they cannot pay for talent in that way.

3083. But the expenses of scenery, and so on, would not be so great in a small theatre ; they might pay a few actors just as well, but they would not employ so many actors, and it would not be necessary to have such expensive scenery. They

might still be able to afford to pay well a few actors, and still to pay well the authors for a popular piece for a few nights, or for a whole season?—Certainly.

3084. Can you name any performer who has played at a minor theatre who has afterwards been engaged at a patent theatre?—Mr. Keeley is one instance. He is now a great favourite with the public; he is at Covent Garden. He was known only through the medium of the Adelphi. Mr. Reeve was another, and though accidental circumstances have removed Mr. Reeve once more to the Adelphi, still they were accidental circumstances; and under more auspicious circumstances he might have been a flourishing actor at Covent Garden. He also was only known to the great theatres through the Adelphi.

3085. Are there many other instances?—Many others.

3086. Do you consider that if the minor theatres were allowed to play the legitimate drama (if it was badly acted it is an evil that would cure itself), that when they saw they could not perform the legitimate drama, they would fall again into those vaudevilles, without any law to compel them to do so?—That is a very extensive question, and not a very easy one to answer; but I should say there are very few readers of Shakspeare; they know him only through the medium of the drama, and it is quite possible a person might go there and see one of Shakspeare's plays for the first time at a minor theatre; and it would damp his desire for the drama, if he saw it badly acted.

3087. My question is, suppose a small theatre was allowed to play Shakspeare; suppose you found you could not get up Shakspeare so well as you could get up your little pieces, do you not think you would adhere to those small pieces which you had found more attractive to the public?—We should adhere to those which were most attractive.

3088. Consequently, if you found small pieces were most attractive, you would act them in preference to Shakspeare; and he would not suffer that degradation which he would suffer if his plays were badly acted at a minor theatre?—I think there are a large class of persons who frequent the Adelphi theatre in particular, who perhaps would never follow the regular drama anywhere, but would prefer those kinds of pieces which come more within their understandings. And those persons who have no taste for the regular drama have recourse to excuses. Those who do not go will tell you they dine too late, or the theatre is too large, or what you please; but they are all excuses.

3089. Does it not a good deal more depend on fashion whether people go to the theatre or not?—No; I think a fashion very often is created where there is really a good piece, as in the case of the Hunchback. I believe fashion is most fatal to the drama. I meet young gentlemen now, who formerly used to think it almost a crime not to go to the theatre; but they now ask, "Whereabouts is Covent Garden theatre?" although the same people would faint away if you thought they had not been to the Italian Opera. If they are asked whether they have seen Kean or not lately, they will say, "Kean? Kean? No; where does he act? I have not been there these three years." Formerly it was the fashion to go to the theatre, but now a lady cannot show her face at table next day, and say she has been at the theatre. If they are asked whether they have been at Covent Garden or Drury Lane, they say, "Oh dear, no! I never go there, it is too low!"

3090. When was it not the fashion to go to the theatre?—I think it has increased very much. I think I can remember when it was not the fashion to the extent it is now. I remember the time when it was no shame to go to see the legitimate drama; but it is now.

3091. Do you not think that may be the result of the acting not being sufficiently good?—I want to know when the actors have not been sufficiently good for them. There is no demand for a time, and then it becomes the fashion again. It was the fashion to go and see Miss O'Neil for a season, and Mr Kean for a season; if they were real and sincere admirers of those actors, they would follow them, but we find theatres at which they act drop down from 600 *l.* to 100 *l.*

3092. Have you ever seen any indifference on the part of people of fashion to go to Covent Garden or Drury Lane, when the performances were good, such as the Hunchback?—No; I have been contending for that. I made use of the expression, "it is scotched, but not killed." I do not believe the taste is at all extinct. I believe it is to be revived; but it would have a much better chance if it were not thrown open, in my opinion.

3093. Do you not think that fashion has not induced people to go to Covent Garden and Drury Lane, because the legitimate drama has not been played, but

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because those pageants and beasts have been substituted for the legitimate drama?—That makes me wish they should be confined; they should not act pantomime at Drury Lane or Covent Garden. I think only one theatre in London should be allowed to act pantomime.

3094. Then you think, in point of fact, the public taste has not made any great mistake in not attending Drury Lane this year?—I cannot go so far as that quite, seeing so many of them here; and seeing that my observations are put down, I am afraid I shall be unpopular with some parties, but I speak from what I think; I cannot take upon me to say anybody is right in not going to the theatre.

3095. You would not go to Drury Lane only for the purpose of seeing the lions?—If they had played there for 40 years, I would not have entered the building where such a performance was produced.

3096. You never would go if the character of the pieces was such as have been latterly given?—I will not say, as have been latterly given, without I had the bills to refer to. I am speaking of such pieces as the Lions. I say that is *infra. dig.* completely. I would not sanction by my presence such a performance.

3097. But do you not think it would be more *infra. dig.* for Mr. Yates or Mr. Reeve to personate these very lions?—I am not afraid to say that was done without my consent; I was not present; I was making a tour in the country, and was not properly attending to my own business, but it should not have been done if I had been present; it was not done by my sanction.

Mr. Eugene McCarthy, called in; and Examined.

Mr. E. McCarthy.

3098. HAVE you not some share in the Dublin Theatre?—I was lessee of three provincial theatres in Ireland; I was lessee of a minor theatre in Dublin, not the Theatre Royal.

3099. Was that theatre licensed?—No.

3100. Then it was acting against the law?—It was completely illegal, as far as the law stands at present.

3101. What did you perform?—The regular drama.

3102. Was it a small theatre?—About the size of the Adelphi, I should take it.

3103. What theatre was that?—The Fish-shamble-street Theatre.

3104. You performed the legitimate drama, and what besides?—Merely dramatic performances.

3105. Did you find the legitimate drama attractive?—Yes, in that theatre.

3106. Therefore, as you acted both the legitimate drama and melo-dramatic performances against the law, you could have acted whichever you chose?—Certainly.

3107. And you preferred the melo-dramatic performances as being generally more attractive?—I did.

3108. Are you now a proprietor of any theatre?—No; I have been stage-manager of two minor theatres in London.

3109. Are you now?—Not at present; I have been.

3110. Are you acting now?—No.

3111. You have, I believe, paid a good deal of attention to the subject of the drama?—I have recently devoted my attention a good deal to it.

3112. What do you consider would be the consequence of suffering the legitimate drama to be performed at minor theatres?—I am an advocate for the free trade principle in every respect; I conceive it would be of infinite service to the public at large, a service to dramatic writers, and consequently a service to the members of the theatrical profession.

3113. In what respect do you consider it would be to the advantage of authors?—Because there would be a wider field for the exertion of their talents, and consequently those talents would be better rewarded.

3114. Do you consider, from your experience, that a minor theatre manager could afford to give sufficient remuneration to an author?—I should conceive so.

3115. From your experience, as far as you have seen?—Yes, from my experience.

3116. And to actors the same?—The same.

3117. As far as your experience has gone, suppose there was no law to prevent the performance of the legitimate drama at minor theatres; suppose a proprietor of a minor theatre were allowed to perform whatever he pleased, would he not so far
consult

consult his own interest as not to act the legitimate drama, if he found he could not attract the public?—I conceive everything of that kind would find its level.

Mr. E. M'Carthy.

2 July 1832.

Mr. *William Thomas Moncrieff*, called in; and Examined.

3118. YOU are the writer of a great variety of pieces for theatres?—Nearly 200, I believe.

Mr.
W. T. Moncrieff.

3119. Of what description?—Various kinds of dramatic pieces.

3120. Have you written any that have been acted at the large theatres?—Several pieces.

3121. What pieces have you written for the large theatres?—Monsieur Tonson was one; the Spectre Bridegroom was another; the Cataract of the Ganges, and several other pieces.

3122. Which was most successful?—The Cataract of the Ganges had the longest run.

3123. How many nights was that piece performed?—Very nearly 100.

3124. What was the remuneration you received for it?—At that time I was regularly engaged at the theatre as a sort of hack author; I had so much a week expressly to furnish pieces at a very short notice; whenever the theatre was in want of a piece, I had about 24 hours' notice to write it.

3125. Was that frequently the case at large theatres?—Yes.

3126. Twenty-four hours notice for a piece?—Yes, I had, for a farce.

3127. At what theatre?—Drury Lane.

3128. How long ago?—I should think about seven or eight years ago.

3129. What were you then allowed a week for your services?—I had 10*l.* a week.

3130. On an average, how many pieces do you think you produced in the course of one season?—About four, from four to six.

3131. Were any of those successful pieces taken from minor theatres?—One of my pieces was, very much against my inclination, taken from a minor theatre, and played at Drury Lane in defiance of me; that was a piece called Giovanni in London. I objected to it greatly, for I did not consider it a species of piece to be introduced on the legitimate boards; they persisted, however, in playing it in spite of me, and told me I might apply for an injunction against them. I applied to a lawyer, and he said he should want 80*l.*, therefore, as I had not 80*l.* to dispose of, I had no means of preventing their performing it.

3132. What did you receive for it?—I was cheated of it altogether; I never got but 10*l.* for it. It was brought out by Mr. Elliston at Drury Lane.

3133. Was it published?—Not till two booksellers applied to me, each to protect himself against the other, neither of them having any right to publish it at all.

3134. Did Drury Lane give you anything for it?—No, they did not give me anything. Mr. Elliston said, "No, I will engage you on the stock, we shall want some things in the course of the season," and would give me an engagement, which I had for nearly three years, till I quarrelled and went away.

3135. You had 10*l.* a week, and produced four pieces in the season; how many weeks did you receive 10*l.*?—During the whole season.

3136. What was the total amount of the salary you received in that season?—I forget the number of weeks, it was a season, and the season consisted of 200 nights.

3137. Was it for the whole 40 weeks?—Yes, I had 10*l.* a week.

3138. You considered yourself sufficiently paid?—Very well paid.

3139. But it was at Drury Lane where your piece was thus pirated, and your lawyer, in consequence of your not having the money to go to law with, still assured you you had the law on your side?—He told me he could procure me an injunction, but it would cost me 80*l.*

3140. But Mr. Elliston played the piece in defiance of you?—Yes.

3141. And made money by it?—A great deal of money by it; he brought out Madame Vestris in it.

3142. Did you not write Black Eyed Susan?—No, Mr. Jerrold.

3143. What successful pieces have you brought out at minor theatres?—Tom and Jerry.

3144. Were you paid for that?—Yes, I got very well paid for that.

3145. What minor theatre was that?—The Adelphi; it had a most extraordinary run.

3146. How many nights was it performed?—I should think nearly 300.

Mr.
W. T. Moncrieff.

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3147. How were you remunerated there?—I think I had about 200*l.* for it; it was a bad engagement for me, for I left my engagement at Drury Lane on some promises that were not fulfilled, so that I consider I lost money by Tom and Jerry upon the whole.

3148. Do you consider that the principle of fair remuneration to authors is not strictly preserved in this country?—I am certainly not much acquainted with the French stage, but I know their mode of remuneration, and I think nothing better could be done than to adopt the same system in this country. As the drama is at present constituted, it is impossible for any man, whose misfortunes may oblige him to resort to that species of writing, to obtain a fair remuneration for his labour and talent; the laxity that has crept into the different theatres in London renders it impossible, except by mere accident. A man may write a good piece and get well paid for it, but he must wait a long time.

3149. Suppose the same system were to be adopted here as in France, that no work of an author could be performed at any theatre, whether metropolitan or provincial, without his consent; what would be the consequence suppose one small provincial theatre were to act a play without his consent; do you suppose he could not recover from that provincial theatre?—I have been ever of opinion that if I could have gone down to Norwich, suppose I had brought out a piece at Drury Lane or Covent Garden, Mr. Kenneth, or some other dramatic agent, would procure a copy of it, and the moment he does so he retails it out to various country theatres, at about 2*l.* or 3*l.* a copy, by doing which he makes a very considerable profit, often much more than the author of the piece himself; but I think if the author could go down to one of those theatres; if I could have gone down and seen my piece played there, I could have taken a person into the house, counted the house, and seen what was there, and could have had a copy of the piece with me to prove it was my piece; I think I could have brought an action to recover the profits of that audience.

3150. Under the present state of the law?—Yes.

3151. Not if you had published the play?—No; but if the piece was unpublished, such might be the case; it might be a risk and require money.

3152. You conceive a very successful author could not fail to be remunerated if the French law were adopted, which does not allow pieces to be performed at any theatre without the consent of the author, under the penalty of forfeiting the whole profits; you think if this law was adopted, an author would be remunerated in proportion to his success and popularity?—If the law were in existence, that half-a-crown an act should be paid as it is in France, instead of being one of the poorest men, I should be one of the richest.

3153. You suppose that if it were a lucrative profession, many persons who cultivate literature would be induced to exercise their talents in this branch of it; you suppose their talents would be directed to dramatic writing in preference to any other?—I have no doubt about it.

3154. Do you conceive that would be increased by allowing the legitimate drama to be played at minor theatres?—No, I think not; I think it would have a very bad effect, for the major part of managers are money-making men, they have no regard for the drama further than as a means of profit to themselves, as you have seen lately since they have been playing it; they have no sort of discretion; I have seen them play *A New Way to Pay Old Debts*, as a first piece, and then *Othello* as a farce, and both these pieces have been represented in a most disgraceful manner.

3155. If it were lawful to act the legitimate drama, would not persons of greater character and respectability take minor theatres and perform in them with greater advantage of taste and capital than they now command?—I scarcely conceive so.

3156. What do you mean by the legitimate drama?—It is rather an indefinite thing, certainly; I consider it to be a drama that represents fairly the manners of the time and the minds of men, divested entirely of all that melo-dramatic nonsense which we see.

3157. How could you define that by law?—That would require a more able legislator than myself.

3158. Tom and Jerry, now what do you say to that?—That was anything but a legitimate drama.

3159. But it exhibited the manners of the times?—Yes, it did that in some measure, but it was mixed up with all sorts of trash to draw an audience. I conceive that if the minor theatres were classed, it would have a most beneficial effect; and they

they would then become nurseries for dramatic talent, which they are not at present, for such is the spirit of parsimony among the managers, that sooner than pay an author for a piece, they will act Hamlet, and call it by some other name.

3160. If you had the privilege of copyright, it would leave a manager at the mercy of an author more than he is now?—Yes, more; but I think it would have a beneficial effect.

3161. Suppose, instead of writing these little pieces, your talent had happened to lie in the higher and more legitimate walks of the drama; suppose you had not that versatility you have now, but could only write tragedies and comedies, and suppose they were rejected at the two great houses?—I say, let the great houses have the privilege of representing Shakspeare and Massinger, and the plays of all the great authors who have appeared down to the present time; but let the minor theatres play any piece they can get written for them; if they can start a Shakspeare, in Heaven's name let them do it; but do not let them meddle with the present settled drama of the country.

3162. Is that no contradiction to what you stated before, that they ought not to play the legitimate drama? You stated just now that they ought not to play the legitimate drama; you wish to correct that now, by stating that you confine that opinion to such plays as are at present written, and that they should have the privilege of acting any plays they can get written for them?—Yes, I think it is for the benefit of the drama that the theatres royal should have the exclusive privilege of playing pieces that have descended down to this period; after that, if the minor theatres can get the legitimate drama written, and they find it worth their while, I should say it would be better to allow them to perform it.

3163. What you mean is, that minor theatres should have the power of acting any drama they can get written for them?—Yes, anything new that they can, by their liberality, get written for them; it would be a great encouragement to dramatic literature, and most beneficial to the drama in general.

3164. Then suppose you left Shakspeare and the old writers, that is to say, all the writers the great theatres have now the fair privilege of acting, by leaving them the exclusive monopoly would be giving a great advantage to the great theatres, almost in the light of a compensation?—Yes; but at the same time I give them the exclusive privilege of playing those pieces, I would restrict them from performing those monstrosities they have been playing; that would be fair play. Do not you trespass on our bounds, and we will not trespass on yours. From my long experience, and I have had long experience both in management and in various departments of the drama, I have ever seen those theatres which confined themselves to the peculiar class of pieces which seemed to be natural to their house, have always made money: for instance, the Adelphi plays a certain class of pieces, and if they were to go out of that class they would lose money, but by confining themselves to it, they get a great deal of money; the Olympic and Astley's the same; and the Coburg would be the same, but it has gone out of its way; if they had confined themselves to the pieces they had originally set out with, spectacles, such as the North Pole, and other things they set out with, they would have made as much money lately as they made before.

3165. Do you not think that things would find their level, and that managers would act those pieces they find most to their interest?—I have seen them do such very strange things that I really do not know what to say.

3166. You do not think they are so sensible as the rest of mankind?—Upon my word, I do not know; they are very mad at times.

3167. What are the pieces that have failed at the Coburg?—When I tell you that they have brought out in the last five years perhaps three or four hundred pieces, it is impossible for me to recollect among such an immense number.

3168. When did they make more money than they are now making?—When the theatre was originally opened by Mr. Glossop.

3169. For what?—For a sort of dramatic dramas and spectacles, and broad burlettas. I was originally engaged to manage that theatre, but it did not open at the period that was intended.

3170. But have they not gained money by Mr. Kean?—No, Mr. Davidge has lost money; the people would not go to see him, and Mr. Downton played to nearly empty benches. The engagement of all these stars has been unproductive to any of these theatres.

3171. In short, the star itself has not been productive?—It has been the ruin of the theatres, and the ruin of the drama.

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3172. Were all the pieces that you have had performed at the large theatres submitted to the licencer?—Yes.

3173. Every one?—Every one.

3174. And have you had many pieces refused?—I never had one.

3175. Tom and Jerry was not submitted to the licencer?—Yes, it was.

3176. To Mr. Colman?—Yes, the Duke of Montrose came to see it; there was a great outcry made against it, and the Duke of Montrose came to see it. I beg to correct myself, Mr. Larpent was the licencer, and not Mr. Colman, at that time.

3177. And Giovanni in London, was that submitted to the licencer?—That was submitted to the licencer, and I was astonished at it.

3178. You were astonished at his licensing it?—Certainly I was; I do not consider that piece ought to have been licensed.

3179. Have you ever considered the subject of licensing, whether it would be better to entrust it to one, two, or three persons, or to a committee?—I think it would be better, perhaps, to entrust it to two or three persons; I think there ought to be a sort of board.

3180. That is the case in France, is it not?—Yes; I think the drama cannot possibly be placed in better hands than under a general licensing board. I should certainly advocate that; I think it would prevent a great many disgraceful pieces from being brought out which tend to disgrace the drama.

3181. Did you ever attend to the history of the drama?—Yes.

3182. Do you ever recollect, that in Elizabeth's time the Master of the Rolls had two assistants?—I am aware of that; I believe he had.

3183. Do you think that might be revived with advantage?—I think so.

3184. One was a deputy from the Privy Council, and the other was from the Lord Mayor, I believe?—I think that was the case.

3185. Perhaps you might choose better than the Privy Council or the Lord Mayor?—Perhaps so. I conceive the audiences in Elizabeth's time were much better and much more refined than they are now.

3186. Yet Ben Jonson attacked them?—Yes, he was a very splenetic fellow; he was not like gentle William.

3187. Do you not recollect many passages in the plays of those days which the audiences would not permit now?—I wish to believe those were interpolations by the actors.

3188. Do you find the licencer is much more severe on any political allusions than with respect to the morality of them?—Certainly.

3189. And perhaps you think the public may be more safely intrusted with the inspection of pieces so far as their morality is concerned, than as to their political allusions?—Certainly. Mr. Colman has been rather particular; he would not let one mention the word "thighs," in the *Bashful Man*; he said those were indecent; and he would not let me insert "goblin damned," for he said it was blasphemy, and a number of things of that kind; therefore he was very strict.

3190. Do you consider him rather a capricious licencer?—Yes, very.

3191. You think it absolutely necessary to have a censorship?—I think it would be to the general advantage of the drama.

3192. Which piece do you say ought not to have been licensed?—Giovanni in London; it was written before I arrived at years of discretion, or probably I might not have written it.

3193. Was it not attractive?—Yes, immensely attractive; and is to this day. They put a lady in it with a pair of pretty legs, and that will always draw 80*l.* at half-price.

3194. It is not the property of any particular theatre?—No, any theatre may play it that likes; they are playing it now at the Strand theatre.

3195. What do you suppose you would have derived from that if the French system were adopted?—I should have got quite enough to have kept me very comfortably all my life, even from that piece alone.

3196. The inference from the success of that piece then is, that the public taste is not quite to be trusted?—I conceive it is a great deal the fault of the managers; I do not think the public are so much in fault, though it is the fashion to say they are. I think if the managers would give them more intellectual pieces, there would be no want of patronage on the part of the public.

3197. You said it ought not to have been licensed, and yet it was attractive?—

Many

Many persons went there because, as I have told you, there was a pair of pretty legs belonging to a lady, which made it attractive; and there is a great deal of popular music; it is a very amusing piece.

3198. But it may be very amusing without at all improving the taste?—It cannot improve the taste.

3199. It triumphed, then, not on account of its excellence, but in spite of its badness?—That was it.

3200. Have you any other general suggestions to make to the Committee?—Merely that I think the whole of the theatres ought to be classed, and put under general censorship, and that the minor theatres should have the liberty of playing such pieces as they could procure; and I think the patent theatres ought to be protected, as far as the protection I have named, so far as having the exclusive right of representing the standard plays of this country up to this period; and I think also, the rights of authors should be protected, by affording that remuneration and that favour I have mentioned.

3201. You say they ought to be protected; do you think it would be a protection if the minor theatres were allowed to perform legitimate dramas, which they might purchase, or anything else?—Yes; if you go to see the Hunchback so beautifully and correctly represented, it is obvious no minor theatre could present it in that way. I am certain of this, that if it had been brought out at any minor theatre, it would have been put on the shelf in three nights, and the author would not have got one farthing for it.

3202. Suppose some minor theatre had engaged Mr. Knowles, Miss Kemble, and Charles Kemble to perform in it, then it must have told equally well at a minor as in a great theatre?—No; the piece was generally throughout played with so much perfection, that I think you could scarcely find any community that could have played like it.

3203. Your opinion is, that the interest of the two great theatres would be protected if the minor theatres were rendered lawful, and allowed to perform any legitimate drama which authors might write for them?—Certainly.

3204. Do you not think that many dramatic authors could be so altered as to make it difficult to distinguish an old play from a new one; could they not take the School for Scandal, and so alter it as to give a right to the minor theatres to act it under the name of a new play?—No, I think the trouble of doing that would not repay them; I do not think there is any fear of that.

3205. Would it not be very easy to escape the law by such a process?—I do not think it would be worth their while at all.

3206. Do you not think it would be sufficient security to the major theatres if they were subject to the revision of licensors, who were to decide whether it was an old piece or a new piece?—I think it would have a general beneficial effect to have a censorship.

3207. You said you thought it would be a sufficient security to an author for his copyright, if he could go to any theatre in the country where his play was being acted, go into the house and then claim the profits of the house that night; in what way would you claim it?—It strikes me an action at law might be brought.

3208. And summary proceedings before the magistrates; do you mean by information?—That would be much better, but I question as the law now stands whether such a thing is possible.

3209. Do you conceive it would be of any use to an author, unless he had a summary proceeding before magistrates by information?—He must have a summary proceeding, or else it would be of no use to him. The best way, I think, would be for the Legislature to enact some scale of remuneration for ourselves; these managers would practise on the necessities of poor devils of authors, and they would get nothing at all.

3210. But that is not the plan in France?—I think it is three francs an act that is paid.

3211. The law states precisely that the proprietors cannot act any piece without the express and formal consent of the author in writing, therefore of course it remains with the author to make any bargain he pleases; there may be a special custom introduced, but the law itself recognises no such custom?—I was not aware of that; I know the scale of remuneration is three francs an act.

3212. Almost any barn could spare that here?—I certainly think so.

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3213. You would consider that sum even an ample remuneration?—I think so, after an author has got his money for it at the London theatres.

3214. That might amount to 100 *l.* a year from all the theatres?—I know if such a scale of remuneration was adopted, I should consider myself a fortunate man, for I think I should have got 7 *l.* or 8 *l.* a night very often.

3215. How should you get it?—There are dramatic agents; it might be done through the medium of those agents,

3216. Or you might compound with them for it?—Yes.

Mr. George Bartley, called in; and Examined.

Mr. G. Bartley.

3217. HAVE you a share in one of the theatres?—No.

3218. What are you?—I am stage-manager of Covent Garden theatre, and a performer there.

3219. How long have you held that situation?—Three years.

3220. What are the duties of stage-managers?—Very extensive.

3221. Do they extend over all the new pieces that are produced?—Over the production of them all.

3222. Is it you who direct what pieces shall be performed?—No, they are given into my hands by the proprietors; they have been, and I presume will in future, be given into my hands by Mr. Laporte, who is the lessee.

3223. Then you look at them, and see which of them you will recommend?—No; they have been in the habit sometimes of asking my opinion whether such a piece should or should not be acted, but I do not know that they have ever gone on my individual opinion in any one instance.

3224. They have been given you to be cast?—No, the proprietors will always take a part in the casting of a piece, they generally cast it themselves; Mr. Kemble was the person who generally cast the pieces; my duty was to bring them on the stage, to bring them out; and the general arrangement of what we technically call the business of the stage, is my department.

3225. It does not come under your province to send them to the licencer?—Yes, they are never sent to the licencer till they are given into my hands to produce, and that is the first step I have to take.

3226. How many years have you been there in that capacity?—Three years.

3227. During that time there has been no piece brought out that has not been submitted to the licencer?—Certainly not.

3228. Has he rejected any pieces during that time?—Never during that time.

3229. In short, he never does reject any pieces you think the public are likely to approve of?—He has never rejected any piece that has been sent for the last few years; he generally sends them back with a few observations upon them, and sometimes there will be particular words in a sentence that will be marked, and at other times he would wish a whole sentence to be expunged.

3230. You do not invariably adhere to it?—Yes. The prompt copies are always marked according to the instructions of the licencer, but I will not say the actors always attend to them, it is rather difficult to do so; for instance, we get a piece put into rehearsal at the time it is sent to the licencer, and he may take a week or a fortnight to look it over if he likes, though he is generally very kind in sending them speedily back; but the piece has been studied in the meantime, and the actors are in the habit of repeating those words.

3231. In short, in one way or other, the corrections of the licencer have been evaded?—Never in any strong instance, never in a whole sentence, that has been particularly attended to.

3232. In trifles, then?—In the marking out of a particular word in a sentence, it has been done, certainly, for it is a difficult thing for an actor to bear it in his mind.

3233. One has very often heard expressions commonly called oaths, such as “damn it;” I suppose they were not sanctioned by the licencer?—Certainly not.

3234. Those words have been interpolated by the actors?—Yes.

3235. What do you pay for the examination of each play?—Two guineas.

3236. Do you think the Chamberlain has the power of enforcing that by law?—I never went into the subject; I know it has always been paid; I do not know how it originated, but it has always been attended to.

3237. Do you think it necessary there should be a licencer?—Decidedly.

3238. And that it ought to be extended to all theatres?—To all theatres.

3239. And

3239. And do you think it is better that the power should be intrusted to one person?—I should think it was better intrusted to one office most assuredly, and to an individual, if his powers were defined.

3240. Why do you think so?—Because I think if it were intrusted to any body of men, it would take more time, in case of the law being infringed, to get a remedy; a body of men would not be able so speedily to put an end to any improper conduct as an individual; but I think it a very hard case indeed that a licencer, be he Lord Chamberlain or whoever he may, should be allowed to exercise his own opinion on a subject with respect to which another licencer might take a different view.

3241. You think there ought to be some appeal; defining his powers would render it impossible for him to go beyond them without positive proof to back an appeal?—There is a great deal more said about it than it deserves, I think.

3242. In short, your opinion is, that it has been fairly administered?—Indeed, I think so: now and then vexatious passages have occurred, but it appeared to me that the licencer chose to put a mark on any word he thought might be applied objectionably; for instance, there has been a great deal of discussion here about the word “angel,” and so on. Mr. Colman invariably marks that as an objectionable word: that is a word among many others, but I should presume in some instances he would not have objected to its being used, but if he let it pass in one instance, it would be said he ought in another; it might be very objectionable sometimes, and then they might say, you did not object to it in this play; I have always thought that Mr. Colman, by marking particular words, reserved to himself discretionary power to bear him out, when he said such things shall not be said.

3243. You think his power has not been exercised capriciously?—I think not.

3244. You have never been able to get over the strong instance of Alasco?—Yes; that renders it so hard a case on the patent theatres, that while they conform to what they understand to be the laws of the country, and while they pay every attention to the dictation of the higher powers, a minor theatre will start up like the Coburg theatre, and get a licence; and yet that theatre, on a play being published, can take that play and act it, in defiance of the patent theatres and the Lord Chamberlain and his licencer.

3245. Yes, because it is not within the province of the Lord Chamberlain?—Yes; and that constitutes the hardship on the large theatres, of which I complain; and for that reason, I think the theatres should be under one controlling power.

3246. That is not a hardship to the author of the play?—Decidedly.

3247. Suppose he wished to take it there, it would not be a hardship upon him?—Suppose Mr. Shee had declared he wished to take it there?

3248. Yes, that would not be a hardship upon him?—Not perhaps in that instance. I take it, it was acted there, because Covent Garden could not receive it.

3249. But was it not considered an instance of very vexatious interference of the licencer with respect to that play?—I am not aware that it was vexatious; it is a great while since I read it, but there were some strong political allusions contained in it, and there were some political events then pending which that play bore upon, and when I read it, the impression upon my mind was, that I did not wonder the licence had been refused.

3250. Where do you say Alasco was acted?—I think it was acted at the Surrey theatre.

3251. Not at the Coburg?—Not at the Coburg.

3252. You have been many years at Covent Garden?—Yes, ten.

3253. As stage-manager, have you examined the patent of the great theatres?—Never.

3254. So, then, you are not aware what exclusive privileges you possess?—I have been given to understand, when I have asked the question, that they had the power of acting any species of entertainment they liked.

3255. But you never looked into the law of the case?—Never.

3256. Are you of opinion that the minor theatres have been prejudicial to them?—Yes.

3257. State your reasons.—The minor theatres, since they have increased in number, have produced a great variety of minor pieces, minor in talent, a species of drama that you can best designate as melo-drama; and some of these pieces have been written upon very interesting subjects, and have been for a time popular, and from the number of these theatres there has been always some popular minor piece to be produced, such as the Wreck Ashore. I do not mean to particularize any pieces when I mention that; but Tom and Jerry and Black Eyed Susan, they have