

Mr. G. Bartley.

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been played almost exclusively by provincial theatres for a great number of years past, and consequently the managers have given a taste to country towns, or whether the public taste would only receive that species of entertainment, is not for me to say; I only speak to the fact, that these pieces are almost the only ones now performed in provincial theatres, and they do not require the same talent to act them as the plays of Otway, Shakspeare, Rowe or Colman, or Sheridan, or our settled drama; hence it comes that these persons in the country have no practice in what we call the regular drama. When I first came to London, 30 years ago, there were none of these theatres open, and the regular drama was the only thing that provincial managers could have recourse to. At that time, we heard of Mr. Elliston at Bath, Mr. Young at Liverpool, Mr. Mathews at York, Miss Duncan at Edinburgh, Mr. Richard Jones in Dublin, and I may venture to say, my wife in Bath, and a number of performers who came to London, tutored first-rate actors, and paid first-rate salaries; they only waited for the retirement of some performers to take their place. It was as well known to the dramatic world as it was afterwards to the public, that these persons were to be found at these theatres, but now we do not hear of them.

3258. Did you ever inquire?—Yes; at that time we always used to hear of these people, and know where they were, but we never hear of them now.

3259. How is that?—Because they never have the practice; they do not in general play those characters which are calculated to give them reputation. At the time I am speaking of, it would answer the manager's purpose to let Mr. Elliston act Othello, or Felix, or Benedict, each season three or four times. Now, even in the Bath theatre, not any one of these plays is ever thought of being got up by the regular company; they only play novelties, and therefore an actor, however great his talent may be, has no chance; the manager cannot afford to let him act Hamlet three times in a season.

3260. I do not see how this applies to the minor theatres?—Because it is giving such a quantity of these time-serving, popular dramas to those provincial managers to select from, that they make up their performances almost wholly of them.

3261. Have the large theatres as many melo-dramas and small pieces as the minors?—No, I should think not.

3262. Was not the first melo-drama produced at Covent Garden?—Yes, I believe it was; the Tale of Mystery was the first drama I remember to have been so called, and to have musical accompaniments.

3263. You seem to say that there is an injury done to the drama by the alteration of the practice in country theatres?—I think at present there exists no provincial school to rear good actors for the metropolis.

3264. I do not see how any regulation of minor metropolitan theatres would affect the country school of actors?—No, that leads into another question; I was asked whether I thought the present state of theatricals was advantageous for the growth of talent; I should say, certainly not for first-rate talent.

3265. Then the consequence, I understand, is, that you think there is a paucity of talent, because the legitimate drama is not played so much as formerly?—Yes.

3266. You do not think the legitimate drama has been preserved in the provinces?—No; because it has been so much infringed upon by other things.

3267. Do you not think it would be greatly to the advantage of the drama generally if the legitimate drama were more performed at various theatres in England, because you would create a purer taste and procure a better school of actors?—Yes, if they could get actors to act them, but it would be a work of very long time. I am thoroughly convinced they could not act what I mean by the legitimate drama of this country at a minor theatre in England; they have not talent to do it. It is with the greatest difficulty you can get a piece thoroughly well cast and played at large theatres.

3268. You say this was the case once; you state, at the time to which you refer, when the legitimate drama was played, the actors were better; why would not that be revived?—I do not mean to say it would not be revived, but it would be a work of time to accomplish it.

3269. It is not impracticable?—Certainly no men but practised actors can act Hamlet or Macbeth; no man, unless he was a practised actor, could do it unless he was a man of very great genius.

3270. And that shows a necessity for schools?—Certainly.

3271. Have you studied the powers of the Lord Chamberlain, or what you consider to be his powers?—No; I have always taken it for granted to be

(as we considered it to be) paramount, and we have obeyed every instruction we received. Mr. G. Bartley.

3272. Do you not think he is exceeding his power and doing great injury to you by licensing these foreign representations at the Opera-house?—O yes, certainly.

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3273. Or anywhere else?—Or anywhere else; there is no licence required at Covent Garden.

3274. Do you not think the public taste has rather taken to the foreign representations?—Yes, with foreign music; we have thought it to our interest to introduce foreign music in our performances, with English words.

3275. You say it is in consequence of the performance of these small pieces that the taste for the drama deteriorates; it would therefore be exceedingly bad if you were to open a great number of small theatres, and confine them to the performance of these small pieces that you think would deteriorate the drama?—God forbid there should be any more theatres in or round London!

3276. Suppose the law were settled that these theatres should be allowed to act, would it not be much better that they should act the legitimate drama, which you consider to be the best school, than those small pieces which you think deteriorate the taste for the drama?—No, I do not think so.

3277. Is not that a necessary deduction?—No; I think the talent of actors in and about London is not sufficient to sustain those plays with respectability.

3278. But they would rear talent?—Yes; but I heard a gentleman say here the other day, “Do not let us legislate for our grandchildren;” and I should say the same.

3279. But is it not rather unjust to assume that these small theatres injure the drama, when you consider they are not entitled to act the legitimate drama?—I do not know they have a right to act anything at all in comparison with the rights of the patent theatres. A theatre was built in the Strand; it was begun 30 years ago; the proprietor built it purely upon speculation, to get any licence he could; and there was a sort of inferior performance went on there a great number of years. At last the proprietors sold this property, and since that time that theatre has got into repute, and become positively a rival to the great theatres. I do not mean to say they have done so unjustly, or that they have infringed upon their rights at that particular theatre, but they have done a great injury to the receipts of the large theatres, and every theatre that is opened does the large theatres an injury.

3280. You say these theatres ought not to be allowed to act at all, and your reason is, the injury they would do to the two theatres; that makes your principal objection?—No; I object to the principle upon which they have established themselves. They have been allowed to go on, I do not know with what right, till they have become formidable opponents, and the proprietors of the large theatres have been much to blame; they should have tried to have brought this question about many years ago.

3281. They have the law in their own hands, I suppose?—You cannot say they have the law in their own hands when there is such great difficulty in getting the law executed.

3282. Would there be great difficulty in getting the law executed by applying to a magistrate?—They have found it difficult; it has been thrown out. I know an attempt was made, and there was a meeting at Bow-street respecting it, and the thing was thrown out, and it was considered a total failure.

3283. Was not the magistrate to blame?—I presume he was.

3284. Who was the magistrate?—Mr. Halls, I have heard, but I do not know. It would be very impertinent in me to say positively he was to blame, for I do not know the law.

3285. Was not that the opinion of the persons interested in applying to him?—Yes, it was.

3286. Why did not you take out ulterior proceedings to try whether he had the power or not?—I think they went to the Court of King's Bench and recovered penalties there at a very large expense, and the man went away: that was the same case that was proceeded with before the magistrates.

3287. Did the Court of King's Bench attach any blame to him for not interfering?—That question did not come before the Court.

3288. You proceeded against the same party, and not against the magistrate?—No.

3289. Why did not you proceed against the magistrate for not having executed the

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the law which you say exists?—I rather think they took it into Court to establish the right, and to see if they had the power. I believe the proprietors were so sick of the law in every way, and paid so dearly for it, that they were glad not to pay any more for a thing than was gone by.

3290. But it would have been a much more summary way to compel the magistrate to do his duty?—I think it would.

3291. You have declined to pursue the privileges you possess?—They do not do it; but that is a question rather for the proprietors than for me to answer.

3292. Why did not you apply to the magistrate again now that he has authority to act?—That is a question which should be asked of the proprietors, and not of me.

3293. Do you not think that they are to blame?—Yes, I should say they were to blame, except that these men have been wearied to death with law, and are sick of the name of it; they have been trying for the last year or more perhaps to wind up their affairs, and to bring them to such a point that they could let the theatre, and they were loth to involve themselves while they found it a losing concern.

3294. What plan have you to suggest that would relieve the broken fortunes of these two theatres; what power could we give them to retrieve it; is it beyond all hope?—I do not say so, but I would not speculate in either of the large theatres, or in any other theatre.

3295. Have you any plan to suggest that would improve their condition?—If there were fewer theatres open in London, that would improve their condition.

3296. In Westminster?—In and about London; I think there is no difference whether the theatre is on one side of the water or the other.

3297. Mr. Mathews says there is an audience attached to the Adelphi theatre, and that he does not injure Drury Lane and Covent Garden so much as has been supposed?—I think he is mistaken in that; I think the minor theatres opened in the neighbourhood of these great theatres may detract from each, every night, something like 60*l.* or 80*l.*, and the difference between that and what they receive is the difference between ruin and fortune.

3298. What are the receipts?—I do not know; I cannot answer these questions without I have the documents before me, and I never looked into the books.

3299. Do you not think if there were no minor theatres the performers would be much at the mercy of the two great theatres as to their engagements?—No, not at the mercy of the two proprietors; I think as far as the comfort and advantages of the performers were concerned, they were better off when there were fewer theatres than there are now.

3300. Are you not aware that agreements have been made between the two great theatres to limit and restrict the salaries of actors?—Yes, but not in an unjust manner.

3301. But they have been always violated?—Yes, even when these agreements were made.

3302. What theatre has violated them first, Covent Garden or Drury Lane?—Of course Drury Lane violated them first.

3303. Do you not think it is a hardship upon the performers?—No; for there was a liberal allowance to the performers at that time.

3304. But if it was violated, the performers did not consider it liberal?—If the performer is to have 20*l.* a week, or 20*l.* a night, he would prefer 20*l.* a night, of course.

3305. But it would be a great hardship upon the performer to have his salary reduced in this way?—I think the hardship but small, when they were in the habit of having sums offered them which the greatest actors were offered formerly; and when it brought the general expenditure of the large theatres to a limit there was a hope of remuneration from.

3306. Surely the performer has a right to take his talent to the best market?—Undoubtedly.

3307. What is the difference in the receipts of Covent Garden theatre before and after the minor theatres were opened, for there is a season when they are not opened?—Not now; in one way or the other, they are open all the year round.

3308. Do you think men of education and talent would have sufficient inducement, if the monopoly were thrown open?—I do not think throwing open the monopoly would be of any general advantage to the drama.

3309. Do you think men of education and talent would have sufficient inducement to become actors?—Not more than they have now.

3310. You

3310. You think it would be the same thing with regard to them?—Yes.

3311. They would be neither more nor less?—No, I do not think it would affect it at all.

3312. You think the competition of the minor theatres has very much diminished the profits of the large theatres?—I have no doubt of it.

3313. And you think the more their licence is extended the more injurious it would be?—Yes, I consider the more theatres are open the more injurious it is.

3314. And the more the privileges of those which already exist, the greater would be the injury?—I do, and I think it would be prejudicial to them too. I think it would be better to have the theatres as much as possible classified in the way the last witness suggested, and to bring them under one control, specifying the arrangements that were to be made for each theatre, and putting it under one control.

3315. And that to be the Lord Chamberlain?—Yes, I should think him to be as proper a person as any.

3316. Do you think if they were all under the control of the Lord Chamberlain it would be better than it is now?—I certainly do.

3317. Do you consider that the bread of yourselves and other actors would be in danger if the minor theatres had an extension of privilege?—No, I do not know that that would be the case. I do not think we should be advantaged by it; it would be more detrimental, I think, than serviceable.

3318. Can you name any eminent performer of the two great theatres who did not realize a fortune?—O yes, I could name a great many, but I think they may have had it in their power not to realize good fortunes, but certainly independence, if they had been prudent. Those that are prudent can realize very well.

3319. Are you not of opinion that the great theatres fairly remunerate the talent of actors?—Indeed I think they do, and they would willingly give more if they could.

3320. They necessarily must employ a smaller number of actors if there were more theatres employing actors?—Yes, a smaller number of persons would be employed.

3321. But the individuals employed are better remunerated?—Yes.

3322. Is not the expense of producing a drama in the magnificence of the two great theatres such as, however beneficial it may be to actors and authors, almost to preclude any profit to the proprietors?—Yes, I should think it is; in short, it is very difficult indeed to produce profit to the proprietors.

3323. Do they make a large profit by those spectacles, and things of that kind?—No, they have not made a large profit for many years, with the exception of one season, that I know of.

3324. I am speaking of particular occasions, when they make large profits by great spectacles, by those sorts of exhibitions which cost a great deal to get up?—No, I think they have lost money.

3325. Why do they produce them?—Because they are obliged to produce what they hope and fancy will please the taste of the public, and they find that efforts are made in other theatres, and they dread the appearance of want of activity and liberality upon their own part, and they are often led on to the production of pieces against their inclination.

3326. What sort of piece is most profitable?—That which can be brought out with the least expense. In the present season, the Hunchback was the most profitable piece, and it cost less money in point of getting up.

3327. Therefore small theatres would have been able to afford to get up that piece?—I do not think the small theatres could have afforded to pay Mr. Knowles 400*l.* for it.

3328. Does it not seem to be that the decline of the theatres is much owing to the decline of domestic literature, for whenever a good new play is produced the profit is immense?—Not immense; but when a good new play is produced and is successful, there will be profit. The Hunchback has been a profitable play, but very many worse plays than that have brought a great deal more money.

3329. Is the decline of the theatres owing to so many dramatic plays not being written?—You cannot get them written.

3330. But I ask whether, in your opinion, the decline of the theatres does or does not arise from the decline of dramatic literature?—Partly, certainly; if they could bring out more pieces of acknowledged talent than they do, I presume the theatres would be better attended; but that does not argue there are more pieces of talent written.

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3331. I was merely asking as to the fact?—As to the fact, if you could get two or three such plays as the Hunchback every year ; but I do not recollect any period of history when such a thing occurred.

3332. Are you not aware there are not so many good plays as there were in former times?—Certainly.

3333. You say you recollect no period of history when plays so good as the Hunchback were produced three or four at a time?—No, not since the time of the early dramatists.

3334. Are you aware that this Hunchback, which you so deservedly praise, was refused at one theatre, and that it could not be acted till it was taken from that theatre and subjected to another?—I do not believe that it was positively refused at either theatre.

3335. Was it not refused?—No ; I heard Mr. Knowles read a part of it before it was finished, and that was in the latter part of last spring, and he read in my presence at Mr. Kemble's house detached scenes only of the Hunchback, objecting to read any part of the minor plot of the drama. He merely read a few of the principal serious scenes, and he then asked Mr. Kemble to give him then and there 500 *l.* for the play as it stood. Mr. Kemble said it was impossible for the proprietors of Covent Garden to give him any such sum for an unfinished play ; that Mr. Knowles read the play exceedingly well, and before he implicated his brother proprietors, he wished to be allowed to read the play himself, and Mr. Knowles refused, put it in his pocket and left the house, and said, " You will hear no more of this." Then he went with it to Drury Lane (but it was not two years ago, for I am speaking now to what happened, as well as my memory serves me, 15 months ago). The play was completed, and taken to Drury Lane ; and all I know is, that Mr. Knowles returned to Covent Garden, and said he wished to act in it himself, and that it should be acted at Covent Garden. He said he found they were mad after opera at Drury Lane, and therefore, he said, he should take the play from them. I happened to be in the room at the time, and I said, " Are you still resolved to have 500 *l.* for it, for the treasury of Covent Garden is not in a situation to pay you 500 *l.* for a play that may not succeed?" He knew we all thought highly of it ; for after his reading it, I never saw him in the street or met him anywhere, but I asked him what had become of the Hunchback ?

3336. Was it refused solely upon account of his demanding 500 *l.* for it?—Yes, and it was not then finished, and he demanded that sum for an unfinished play ; that was at the latter end of last season, about 14 or 15 months ago. After that time it must have been finished, and he took it to Drury Lane, from whence he brought it in a little anger, and said to us, " When will you bring it out?" (Miss Fanny Kemble's play was then in rehearsal) and we said, " It shall be the next play acted, unless any indisposition on the part of the performers should render it impossible." With that he was very well satisfied.

3337. Is there any agreement with reference to the two theatres?—None has been *acted upon*, I believe, since I have been there. I only settled to be with Mr. Laporte after I left this committee-room last Monday. I have not seen him since that time, and I do not know what his arrangements are in any way.

3338. Do you mean to say these two great theatres have been losing concerns for the last few years?—Certainly ; Drury Lane must have lost an immense sum of money this season.

3339. Have the salaries of the actors been reasonably paid notwithstanding?—Yes, fully paid at both theatres.

3340. And could actors expect to get high salaries at the two great theatres if the drama were thrown open?—No ; I think our salaries have been for many years in a state of uncertainty, unless individuals should rent the theatres with large property, as in the case at Drury Lane at the present time.

3341. Do you consider that the small theatres ought to be more restricted to their licence?—Yes, I think so.

3342. Is there anything upon which we have not examined you, upon which you wish to say anything?—No, I do not know of anything particularly ; I think you have asked me all the points to which I wish to speak. I think I have already said that all the theatres ought to be under restrictions, and that they should be classed.

3343. When you say they should be under restrictions, you mean that they should be classified, and restricted to act a particular thing?—I think it would be the best plan, and most advantageous to all.

Martis, 3^o die Julii, 1832.

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

George Rowland Minshull, Esq., called in ; and Examined.

3344. YOU officiate as a magistrate at Bow-street?—I am a magistrate at Bow-street.

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Esq.

3345. Has it ever happened to you to be applied to on behalf of the proprietors of either of the two theatres of Covent Garden or Drury Lane, in order to enforce the law upon the performers or the managers of the minor theatres?—No, it has never happened to me individually, I was never the magistrate applied to ; it has happened, but not to me, nor have I been present when any examination of that sort has taken place.

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3346. It happened to Mr. Halls, did it not?—I think it did.

3347. You probably have had conversation with Mr. Halls upon the subject?—Nothing that I can repeat, nothing important, certainly not so as to collect his opinions upon it, or even to complaints hardly.

3348. Are you aware of any reasons that were assigned by Mr. Halls for not complying with the request of the persons who applied to him upon the subject?—No, I cannot answer that with any certainty.

3349. Supposing that you had been applied to to enforce the penalties which the law inflicts upon all persons performing the drama at the minor theatres, what would have been the course of conduct you would have pursued?—I would have endeavoured to make myself perfectly master of the law upon the subject, and then I would have put that law into effect.

3350. What do you consider that law to be?—I have never directed my attention to it with so much precision as to give an opinion to this Committee upon it.

3351. Then you are not at this moment competent to give an opinion as to the law, or as to the course which you would take to enforce the law, if applied to?—No.

3352. It unfortunately happens that Mr. Halls is unwell ; to whom may the Committee apply to obtain that information?—He is unwell, but I think he will be well enough next week to appear here, if it should be the desire of the Committee.

3353. How long have you been magistrate at Bow-street?—I have been at the Police longer, but I have been at Bow-street 12 years.

3354. Are you not aware of the licensing law with regard to theatres?—Yes, I am aware of the general principle of it, but I am not prepared at all to speak with any certainty upon it. I should, as in any other subject, if my attention was called to it, make myself, as well as I could, master of the subject ; but I have never been called upon to put those laws into effect, and therefore I have never considered them. I know generally that it is thought unlawful for any one to perform the regular drama, or for any theatre to perform the regular drama, except at the two great licensed theatres.

3355. Under what authority do you conceive the theatres in Westminster perform?—It must be by virtue of their monopoly, if it may be called so, or by their licence from Government.

3356. Are you not aware, as a magistrate, that the theatres in Westminster are opened under the licence of the Lord Chamberlain?—Yes.

3357. Have you ever heard that there is a theatre opened for public entertainment within the city of Westminster not licensed by the Lord Chamberlain?—Yes.

3358. What theatre is that?—I very seldom myself go to theatres, I am rather too old ; but in the Strand there is one, I believe, that was Madame Vestris's theatre, which is in the Strand.

3359. You mean the Strand Theatre?—Yes ; I never was there, therefore I cannot answer that with any degree of certainty whatever.

3360. The Olympic is licensed, you are perhaps aware, under the licence of the Lord Chamberlain?—No, I was not aware of that.

3361. You are aware of an Act of Parliament passed in the reign of George the Second for the licensing of theatres, and that no theatre should be licensed but by the Lord Chamberlain, and, of course, the King, whom he represents?—Yes.

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3362. You, being aware of that Act of Parliament, still say that you are aware of another theatre being opened in contravention of that Act of Parliament, and that is the Strand Theatre?—I am not aware whether they have obtained a licence from the Lord Chamberlain or not to perform in that theatre; I have never inquired into the fact.

3363. Did not you say that you thought there was a theatre opened which had not been licensed?—There is one opened, and I never inquired whether they had a legal authority or not; I did not consider it my duty to inquire into that, unless there was a complaint made to me against it. I should take it for granted that there was a licence or authority to do it, if no complaint was made.

3364. Supposing an information is laid before you in your magisterial capacity, that this theatre is acting without a licence, how should you act?—I should certainly give summonses to the parties to appear before me, and then I should make myself master of the law, and inquire into the facts.

3365. What evidence should you require?—I should require the evidence of those who had been to the theatre, and I should likewise ask the managers of that theatre under what authority they performed, and if they had a licence from the Lord Chamberlain, or from any other person, I should require them to produce that licence; and if they did not produce their licence, I should see whether the Act of Parliament required a licence, and if it did not, I should dismiss the case, and if it did, I should inflict the penalties according to law.

3366. In the event of the proprietors of that theatre not being able to produce the licence, you would have no hesitation in inflicting the penalty?—No, I should not, provided I thought I was authorized in doing so by the Act of Parliament.

3367. You would place the *onus probandi* on the informant with regard to the licence?—Yes; I should tell them that the regular course was to give notice to the manager of the theatre to produce any licence under which they were acting, and if they did not produce such licence, to give evidence that they have acted without any.

3368. The House of Commons has ordered the Lord Chamberlain to lay before it all the licences that he has granted within the city of Westminster, and amongst those licences the Strand Theatre is not included; should you not consider that sufficient evidence that that theatre was not legally licensed?—I should think that quite sufficient, provided they did not produce other evidence to prove that they were entitled in some other way to perform.

3369. Are you aware of a decision that Lord Tenterden gave six weeks ago, in the Court of King's Bench, relating to theatres?—I heard of it at the time, but I did not attend particularly to it.

3370. What description of evidence should you require from the parties who laid the information, to prove that plays were represented at that theatre without a licence?—I should expect the evidence of those who had been present at the place.

3371. Any spectator?—Yes, any spectator.

3372. Have you ever, in your capacity of magistrate, licensed any minor theatres?—No, they are licensed at the quarter sessions, and I very seldom attend the quarter sessions, being engaged at the office of Bow-street. I have never signed any that I recollect; I have heard them applied for.

3373. Are you of opinion, with regard to the theatres of the metropolis, that they increase or promote the crime of the metropolis?—I think whenever a great number of persons assemble together there will be pickpockets, there will be quarrels, and, more or less, there will be crime.

3374. Do many charges come before you from the theatres, in your office, as magistrate?—Not so many as might be expected; we have certainly complaints; pickpockets are taken there by officers appointed, but not so frequently as might be imagined.

3375. But do not you think that those persons who are at the theatre for an evening, if they are of bad character, might be worse employed than they are in the theatres?—Yes, if they go to see the performances, they could not be better employed, but if they go for the purpose of picking pockets, or of breaking the laws, they could not well be worse employed.

3376. Do the charges that come before you as a magistrate, from the theatres, proceed generally from the large theatres or from the minor theatres in Westminster?—From the large theatres the most frequent charges come before us, but we are very near the large theatres, the office is between the two, and there are more charges from the large theatres; we have had charges from the minor theatres, but

not so frequently; but there is a much greater concourse of people at the large theatres than at the minor theatres, and more opportunities of doing mischief.

3377. Supposing that a public-house were to be opened without a licence, should you not feel it your duty to close it?—We licence public-houses in our own division ourselves, and of course it would come within my knowledge if a public-house was opened, whether it was licensed or not, and if I should hear that any public-house was opened without licence, I should give directions for an information to be entered against it.

3378. Do not you conceive it equally your duty to put down unlicensed theatres, as to put down unlicensed public-houses?—No, I have never conceived it my duty to do so, unless a complaint was laid before me.

3379. You would require a complaint to be made in regard to theatres, but not with regard to public-houses?—Yes, I have stated the reason, because if a man had opened a public-house, for instance, next door to the office of Bow-street, I should know that he had not obtained his licence, and order an information to be laid against him; but if a theatre was to be opened in the street, or anywhere else, as I should not grant the licence or have had anything to do with it till I heard a complaint that it was not licensed, I should not take any notice of it whatever.

3380. Do not you think that the law as regards the licensing of theatres, is capable of amendment, whether as respects the magistrates' power out of Westminster, or the Lord Chamberlain's power within?—Yes.

3381. What amendments would you suggest?—Upon a subject of so much importance, I could not suggest anything very satisfactory, but I am very much in favour of letting all people get their livelihood in any way they best can, provided it should not be considered of any injury to the public; I am not sure, but I am of that opinion, in some degree, respecting public-houses.

3382. You are in favour of free trade?—I am in favour certainly of people getting their livelihood in the best way they can, provided they do it honestly.

3383. You think that the monopoly of the great theatres is a hardship at present upon the public?—I think that it is a hardship in some degree upon the public, and I likewise think that if it should be taken from them it would be a hardship to the great theatres, having expended large sums of money upon the assurance that they were to be protected; if it were to be taken from them without remuneration.

3384. You, as a magistrate, are prepared to protect them as far as you can?—We are prepared to put the laws into force, whatever those laws may be.

3385. You think if the legitimate drama was allowed to be played at all the smaller theatres, that all the larger ought to receive compensation?—That would be my private opinion, I do not speak so much as a magistrate.

3386. Do you think that the hours for opening and closing theatres ought to be altered with a view to the better order of the metropolis?—I do not know; I consider that theatres are more out of fashion than they used to be, from the alteration of the hours of dining, and many other circumstances: when I was a young man the theatres used to be a very pleasant amusement, but now a man must, in some degree, give up his dinner for it, or dine at a very unusual hour.

3387. Do not you think that the middle classes are the persons who would be inclined to support the theatres, and that they do not dine late?—Yes, certainly.

3388. Do not you think it might be an improvement if they closed earlier than they do at present?—It would be a great improvement to me individually, if I went there.

3389. If it would be an improvement to you, it would be necessarily to a large class of persons having necessary occupations, would it not?—A man of my age cannot speak so much for other people; most persons like a great deal for their money generally, and they are not satisfied unless they are worn out or fatigued.

3390. Supposing an information is laid before you as a magistrate, for a theatre having opened without a licence, and the defending party not being able to prove that they possessed a licence, should you deem it to be your duty to convict those parties and enforce the penalty?—Of course I should refer strictly to the law on the subject, and if I found that the law would bear me out, I should feel myself bound to convict upon the evidence I had received.

3391. You would not call upon the informer to prove the licence?—No, I should call upon him to give notice to the parties to produce their licence, and then I should, having done that, consider, unless they produced their licence or authority, that they had none, if they had had notice from the informer to produce it, and at the hearing before the magistrate did not produce it, and determine accordingly.

G. R. Minshull,
Esq.

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Mr. John Poole, called in; and Examined.

Mr. J. Poole.

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3392. ARE you the author of some very successful pieces?—I am.

3393. What is the most successful piece that you have brought before the public?—I believe with respect to the attraction and the money it has produced to the theatres, that *Paul Pry* is.

3394. That still retains its hold upon the stage?—Yes.

3395. Is it acted also in the provinces?—A great deal, as far as I have understood.

3396. What is the remuneration that you have received for *Paul Pry*?—The total that I received from the Haymarket theatre was 400 *l.*

3397. Do you conceive that if you had proportionate profits from every representation that *Paul Pry* has undergone in the different theatres, you would have received a larger sum than you do at present?—I have no hesitation in saying, in such case, I should have received as many thousands as I have hundreds.

3398. Have you considered the manner in which, supposing such a law was passed, the money would be obtained from the provincial theatres, because formerly, when this law was in contemplation, the gentlemen who did contemplate it were given to understand that there would be very great difficulty in obtaining from the managers of the country theatres the sum due to the author; do you conceive that that difficulty would exist?—No; I certainly think not with respect to the large ones.

3399. Do not you think if that law were to exist, there would be theatrical agents in all the towns who would be engaged in the business of collecting the sums due to the authors for them?—I have no doubt there would be.

3400. It would appear easy to collect the money and to transmit it to the author?—I think there would be no difficulty about that.

3401. Do not you think that it would be an advantage to the author to have more than two theatres where he can take his piece?—We have three theatres royal, besides the English Opera-house.

3402. Three theatres for the purchase of the copyright of a five-act comedy exist at present; do you think that there ought to be more?—There would be more opportunities of selling a five-act comedy; but I question whether a legitimate comedy would be of any use to the minor theatres.

3403. Supposing you were an unknown author, and you were to write a comedy, and it was to be refused at the large theatres, do not you consider that it would be an advantage to you at all events to have the opportunity of offering it to a small theatre, because supposing the large theatres could give you nothing for it, you would have an opportunity of having it performed, and be pretty sure of earning the profits from its success, if it were successful, by the various sums given you for it?—If the piece were unsuccessful in town, it would not be performed at all in the country.

3404. Supposing it were successful, and a small theatre could afford to purchase it, coming on the stage coupled with the law, the author would still be able to obtain a sufficient remuneration for his piece?—No, I do not think he would; and I do think it would do a great mischief to the drama; I would take it for granted that if a piece were rejected by both the theatres royal and the Haymarket, there could be no very considerable value in the piece.

3405. You think it would not be likely to be a valuable piece under such circumstances?—I think so.

3406. You do not think that there are any instances, then, in which it is likely that the large theatres would be wrong in their judgment?—One theatre might be wrong in its judgment, but I question whether they all three could, because they are conducted by experienced persons.

3407. Would there not be instances in which they would desire the author to wait for a year?—I cannot say that; besides, it might be as advantageous to the author to wait till the theatre had an opportunity to play his piece, as it would for the theatre that he should.

3408. Supposing he were a poor man, would it be an advantage to him to wait?—No, certainly not.

3409. Do you consider, in general, that dramatic authors are rich men or poor men?—I am not acquainted with any of 5,000 *l.* a year; and I believe, upon the whole, that they cannot be considered rich men.

3410. If

3410. If the generality of them cannot be considered rich men, it must be obviously for the advantage of the generality of them not to wait the pleasure of the managers to whom they shall produce their pieces?—Yes, certainly.

3411. In what respects do you consider that it would be disadvantageous to authors to have a variety of theatres to which they can take their pieces?—I am persuaded that it would be of disadvantage to the drama.

3412. It would not be disadvantageous to the author?—No; it would not be disadvantageous to the author, because if he could not get anything for his bad piece at either of the three theatres, he might get something at one of the minor theatres; but I do not conceive that the drama would gain anything.

3413. If the piece was bad, would not the public disapprove of the piece?—Yes, I have no doubt they would.

3414. Then the piece would be damned?—The piece would be damned, and there would be an end of it; but I do not see what advantage the drama could possibly obtain by giving the chance to bad pieces.

3415. Do you think that literature in general derives no advantage from having a large number of booksellers to whom an author can take his performance, more than it would if there were only two publishers to whom he could take it?—I think so; but I cannot look upon that as a case in point.

3416. You do not think that there is any analogy between dramatic literature and other branches of literature?—No; in other branches of literature the bookseller is the judge in the first instance, and he may purchase a manuscript which has been refused by a first or second bookseller; he takes it at his own risk; and I question very much indeed whether a bookseller, with the knowledge that Mr. Murray and Mr. Colburn had rejected a manuscript, would be very desirous to have it.

3417. But you are aware that many works have been refused by two or three publishers, and have been afterwards published, and proved very valuable additions to the works of science in the country: Dr. Arnot's work, for instance?—Yes, certainly.

3418. But you think that the managers of theatres are more likely to be infallible than booksellers, or persons to whom the booksellers intrust their works to be read?—I do think that experienced managers have a pretty good feeling as to what is likely to please the town.

3419. But it might so happen that an author might not take his composition to either of the two large theatres, but he might write it solely for the small theatres?—Yes, he might, if the small theatres were in existence.

3420. And such a production might be a valuable addition to literature?—I do not know; but I think that an author, writing with any ambition at all, would go at once to the larger theatres.

3421. Do you think that he would do so if there were five or six theatres which were large enough to give effect to his piece?—That would alter the case.

3422. Do not you think that the Coburg theatre is large enough to give effect to any comedy?—I do not know it, I have not been in it for a great many years.

3423. The English Opera-house?—I should prefer one larger. I should prefer for a comedy somewhat between the size of the Haymarket and the great theatres.

3424. But you consider that the Haymarket would be large enough to give effect to Paul Pry?—Yes.

3425. Do you think it would be large enough to give effect to all your other pieces?—Yes, to all.

3426. Would you rather see your pieces performed in the Haymarket, or in one of the larger theatres?—To me it is matter of indifference. I have seen some of my plays acted at the Haymarket theatre with great effect, which I have originally produced at the larger theatres; and I have also seen plays which I have written for the Haymarket theatre acted upon the larger stages, without any diminution of effect.

3427. But you consider that the effect is pretty equal?—Yes, I do. I admit that there are places about Drury Lane and about Covent Garden theatres where you can neither see nor hear distinctly; but in the good places of those two theatres you can hear distinctly.

3428. In the centre parts of the boxes?—I have never found any inconvenience in that part myself.

3429. Do you think that the people receive your pieces with as much pleasure in the large theatres as in the Haymarket?—I do not think there is any material difference.

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3430. Do they hear so well?—I should perhaps prefer the Haymarket rather than Covent Garden for any of my pieces.

3431. Have you written any of your pieces for any actor?—Generally speaking, we write for a company; we expect that we shall have available tools to work with when we come before the public.

3432. And have you also written for particular actors?—I have in one or two instances.

3433. Have you ever suffered from that actor not performing that particular piece for whom you had written the piece?—Yes, I have.

3434. Since you consider that it is common for a dramatic author to consult a particular company, might he not consult a particular company if he was in a small theatre, and produce an effect which he would not be able to produce at another theatre?—When I say that he would consult the company, I am speaking of a good company, and not an indifferent or a bad one: an author of good standing would not consult such a company as that.

3435. Your compositions are principally comic?—Yes.

3436. Do you consider that there is a strong force of comic actors at present in the country?—Yes, I think there are sufficient, if they were not distributed about the country so much as they are. I think, if they were all in one theatre, we should have more than enough.

3437. Do you consider that there are any celebrated comic actors besides the following; Mr. Charles Kemble, Mr. Liston, Mr. Downton, and Mr. Farren?—Yes, I do.

3438. Name any others that you know of?—I must not name Mr. Bartley, because I believe he is present.

3439. Does he act now?—Mr. Bartley acts. Mr. Keeley is a clever actor, and there are several of great importance; there are none of the eminence certainly of those four persons mentioned.

3440. Is Mr. Reeve a very clever actor?—I believe he is a very clever actor.

3441. Of those four that have been mentioned, has Mr. Kemble any engagement on the stage, or is he leaving the country?—I have understood that he is going to America.

3442. Has Mr. Downton any engagement on the stage?—Not in the large theatres, I think.

3443. So that of the four, only Mr. Liston and Mr. Farren remain?—Mr. Liston does not remain at the large theatres, he acts at a small theatre.

3444. Only two, then, of those four remain in the theatres, Mr. Liston and Mr. Farren?—Yes, of those that have been named.

3445. Does Mr. Liston prefer to act in a small theatre, or is it because he cannot have an equally advantageous engagement at a large one?—I really cannot speak as to Mr. Liston's motives, but I conceive that he goes to a small theatre because he receives a larger remuneration.

3446. Then it is to his interest to act in a smaller theatre?—If Mr. Liston has gone to a small theatre because he can get a larger remuneration there, it is to his interest; but I say so merely in a pecuniary point of view.

3447. Do you know for what species of entertainment the Olympic is licensed?—I have understood for the performance of burletta.

3448. What is burletta?—It is a difficult thing to define; but the common understanding of burletta, is a short piece with songs and dances.

3449. Do you consider that burletta is altogether a satisfactory term, that it is one which cannot be easily misinterpreted or evaded?—It is a term that is very often evaded, but according to the common understanding, I believe, it cannot be misinterpreted; there are pieces which are perfectly well known and understood to be burletta; *Midas* is burletta.

3450. Do you consider that it is possible to give any definition of the regular drama which shall be exactly binding in law?—No, except by negative. I could tell you what the regular drama is not; but it would be very difficult to define it positively.

3451. Did you ever see it defined?—I never did.

3452. It would be very difficult to give that definition to the regular drama which should be legally binding?—No, it would not be difficult if you were to take up the point now to say what should be legitimate drama, but it is a hard thing to say what is legitimate drama at present.

3453. How

3453. How would you define it?—I would say that comedy and tragedy without any musical accompaniment would be regular drama.

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3454. Then the sole distinction that you would make would be that of music; if there was music in your comedy, it would cease to be regular drama?—If music is introduced, as it is introduced into melo-drama, I think it would; but it is hard to fix a satisfactory definition at a moment's notice.

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3455. A comedy interspersed with songs, do you consider that legitimate drama?—I think that if nature were not outraged in any way whatever in the piece, that would be legitimate drama.

3456. Who should say whether nature was outraged?—That would become a matter of taste, as it must be; I do not consider the Lions of Mysore and pieces of that description as legitimate drama.

3457. It would not depend altogether upon the number of acts?—By no means; I think you might have as good comedy in one act as in five.

Mr. Richard B. Peake, called in; and Examined.

3458. YOU are the author of several pieces?—Of many.

Mr. R. B. Peake.

3459. What has been your most successful piece?—The piece entitled *Before Breakfast*, performed at the English Opera-house.

3460. Does that retain its hold upon the stage?—It was written for one performer, Mr. Mathews, who has not been in the company since.

3461. Is that a common thing among dramatic writers to write their pieces for one performer?—It occurred with so peculiar a talent as that of Mr. Mathews, when he has been engaged in the theatre.

3462. How many nights has that been acted in the theatre?—It was played 30 nights in the first season.

3463. How many pieces have you written altogether?—I think I have written 40.

3464. Do you consider that you have been fairly remunerated for the time and trouble you have bestowed upon those pieces?—Upon the average, I may say yes, that I am.

3465. Do you consider that it would be an advantage to actors and dramatic authors to institute a law similar to that which prevails in France with respect to the minor theatres?—I think it would.

3466. Do you consider that it would be advantageous for authors to have more theatres than Covent Garden, Drury Lane and the Haymarket, to take their pieces to?—I should conceive it would.

3467. What do you consider would be the effect upon the drama generally if more theatres were allowed where the legitimate drama could be performed?—I have a difficulty in answering the question.

3468. Do you think it would be likely to degrade the drama?—No; I think not.

3469. You think, at all events, it would be beneficial to authors?—Yes; I should think the larger the field the better it would be for the author.

3470. Do you think that any piece that is rejected by the managers of the two great theatres is likely to be a bad piece, and unfit for the stage?—I have never had a piece rejected, and therefore I cannot say.

3471. Would not that depend upon the reasons given for its rejection?—I should conceive it would.

3472. The terms which the author might require would also be a cause of its rejection, would they not?—There are generally understood terms for a certain species of production.

3473. Do not they vary very much?—I have not found them so.

3474. What is the last successful piece that you have written?—The *Evil Eye*.

3475. Where is that performed?—At the English Opera-house, Mr. Arnold's theatre.

3476. It is now coming out, is it not?—It was performed last night.

3477. Have you written much of the regular drama?—No, I have made but one attempt.

3478. Was it unsuccessful?—It was successful.

3479. Why have you not attempted the regular drama more?—From the great difficulty.

3480. What is the difficulty that you refer to?—I think the making a five act comedy a very difficult achievement.

3481. You mean as regards yourself as an author?—Yes.

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3482. You

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3482. You do not find it is very difficult as far as actors are concerned?—No.
3483. Do you mean that the difficulty arises from your writing it, or from your getting it on the stage?—I think from my writing it.
3484. Had you ever any difficulty in getting good playing upon the stage?—I have never noticed it.
3485. You have never attempted tragedy?—Never.
3486. Have you conceived that there are any means by which dramatic authors may be better remunerated without being heavier burdens upon the theatres?—No, I have not.
3487. You have never considered the question of giving them a better copyright for their writings?—I have often considered that it would be a beneficial thing for authors if it could be so arranged, but as to the means, I could not devise them.
3488. You know what property an author has in his copyright for publication of a novel or any other book that he publishes?—Fourteen years, and remedy by action for any innovation.
3489. Do you conceive that giving dramatic writers the same right as that would be an advantage to them?—I think that it would be a great advantage.

Mr. William Henry Settle, called in ; and Examined.

Mr. W. H. Settle.

3490. WHAT are you?—I am common law clerk, or second clerk in the office of Messrs. Lowdham, Parke and Freeth.
3491. Were you employed by the patent theatres to lay an information at Bow-street against one of the minor theatres?—We were the solicitors.
3492. Against what theatre?—Against the Tottenham-street theatre.
3493. What was the complaint against the Tottenham-street theatre?—For playing without letters patent or licence from the Lord Chamberlain.
3494. When you laid this information at Bow-street, did the magistrates give you any assistance?—Quite the reverse ; they evidently acted with a vast deal of partiality towards the defendants.
3495. Did the magistrates seem to have given much attention to the law with regard to theatres?—With great deference to those gentlemen, I do not think they understood the law with reference to theatres.
3496. Who were the magistrates?—Mr. Halls and Sir Richard Birnie.
3497. What evidence did you bring?—Actors belonging to the company of the defendant.
3498. Was their evidence received?—No, they refused to give evidence, having acted in some pieces against which the informations were laid.
3499. How did you proceed then?—We were advised by Mr. Adolphus, as the case was so difficult, to summon a great many of the actors, under the supposition that from some of them, even from one, we should get the fact, that they had played for hire, gain and reward, and without licence or letters patent, and also that Mr. Chapman, the defendant, was manager, in conjunction with Mr. Lee.
3500. You say that the magistrates acted with partiality ; what indication did they give of partiality towards the minor theatres?—I need not of course state here that it was considered a very unpopular measure on the part of the informer in bringing forward such an information, and there was a great noise and clamour in the office upon the least excitation of the people, and the magistrate smiled and took part with the people, and did not keep up the solemnity of the court, as he ought to have done.
- 3500*. How do you mean that he took part with the people?—He laughed at the evidence that we produced.
3501. You considered yourself unfairly treated?—Yes.
3502. What was the piece that was acted?—Various pieces ; there were various counts in the information ; one of the pieces was, How to Rule a Wife, and Guy Mannering.
3503. You say that your proceeding was unpopular?—Treated so very much.
3504. Do you mean that it was unpopular generally, or unpopular in the court?—Amongst the auditors ; the office was very crowded.
3505. What sort of audience had you?—It consisted generally of performers, and a great many belonging to the minor theatres.
3506. And your case was dismissed by the magistrate?—The case was dismissed, against the law.

3507. What

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3507. What evidence did you give?—I got some of the performers from the company; I called them, as it is impossible to get willing witnesses on these occasions, and they were informed by the magistrate that they had no business to give information without they liked, as they would subject themselves to penalties by so doing.

3508. Was not the magistrate right in that?—Probably he was.

3509. Did they give evidence?—Some sort of evidence, that was of no avail.

3510. What evidence did you give of their having acted for hire, gain or reward?—By payment of the money at the door.

3511. Did you prove that?—Yes.

3512. By somebody that went on purpose?—Yes, one of our own witnesses.

3513. Against whom was the information laid?—There were various informations; the one that we proceeded upon was against Chapman, the manager, for acting and causing to be acted.

3514. What followed; did you proceed generally as having acted and causing to be acted?—We tried to prove that he caused to be acted, by giving directions to the printer of the bills, and we called the printer to know from whom he received instructions, and who paid him; but he could give no evidence, he did not know who gave him the instructions that night.

3515. Did not the magistrates tell him that he ought to give evidence?—No, they did not say anything to him; we tried to fix Mr. Chapman as having employed him, but he said he could not tell on that particular night. The magistrates held that we must fix it for one night; we thought that a general employ for the whole week or month would fix him, because we selected a week in which they played in Lent, when other theatres were shut, in violation of the custom.

3516. Was that all the proof which you gave?—No, we called some of the actors to endeavour to prove that Mr. Chapman was manager, but they could not tell.

3517. None of them could tell?—No. A man named Brown, who played on a particular night, was examined; he was asked whether he played, and he said he should not answer.

3518. Did the magistrates give any reason for their dismissing the complaint?—Yes, they did; they stated, that having alleged in the information that they played without letters patent or licence from the Lord Chamberlain, the *onus* lay upon the informer to prove the fact; and although a similar case had been decided by Lord Kenyon that it was not necessary, he dismissed it: we tried it before Lord Tenterden afterwards, who decided it the other way.

3519. Did you not hear Mr. Minshull's evidence?—Yes.

3520. He put a very different construction upon the Act of Parliament?—Yes, but he confessed, at the same time, that he did not know the law upon the subject.

3521. But he said that he would convict upon the evidence of a spectator?—But I doubt whether he would, if he came to consider it; if you prove that a man is manager, you could only do that by persons employed in the internal part of the house.

3522. Do you think he would exceed his duty if he did convict upon spectators' evidence?—I think if he came to read that Act, the 10th, he would not convict.

3523. But Mr. Minshull said, it would not be necessary for the plaintiff to prove the non-existence of the licence?—He said upon notice, he thought not.

3524. He said he should require the proprietor of the larger theatre to give notice?—We had given notice to the manager to produce his licence, and also letters patent.

3525. Did Mr. Halls call upon the manager to produce his licence?—No, he said that the *onus* lay upon us.

3526. Do you conceive that the *onus* lay upon you?—No, because I was aware of a case decided by Lord Kenyon on the Game Laws, that was a case in point; it was a case that was tried before Lord Kenyon; it was an information under the Game Laws for sporting without a licence; of necessity, the information must allege, according to the words of the Act, that he did sport without a licence. The defendant's counsel objected, that no proof having been given by the plaintiff that he had no licence, he must nonsuit. But Lord Kenyon held, that the proof lay upon the defendant; that the proof that he had a licence lay upon him; and that was our law.

3527. But did you not carry that evidence to the Court of King's Bench?—Yes.

3528. Did not the Lord Chief Justice consider that sufficient to convict?—Most certainly. Mr. Campbell, our counsel, said, that he should give no evidence of the

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patent or of the licence. Lord Tenterden stated that it was not necessary to prove it.

3529. Then Lord Tenterden convicted upon that evidence which the magistrates refused?—Yes.

3530. You consider it was necessary to prove the management in order to bring home the penalty?—Yes, for causing to be acted.

3531. And that you failed to do when before the magistrates?—Yes, the witnesses would not speak, and the magistrates protected them.

3532. Did Mr. Adolphus, your counsel, put that case that was argued before Lord Kenyon before the magistrates, and argue upon it?—No, he brought another case, a similar case as to the owner of a smuggling vessel.

3533. Do you consider that you had any remedy against the magistrates for deciding against you contrary to law?—I was aware that there were remedies; but we thought it better to try the case, and show the parties that we could succeed.

3534. It would have been a cheaper plan to take your remedy against the magistrates, would it not?—I doubt that.

3535. What remedy had you against the magistrates?—We could have gone to the Court of King's Bench and have obtained a criminal information against them.

3536. In a criminal information, is it not necessary to prove that a magistrate has acted corruptly?—Yes, it is.

3537. Do you consider that you have a power under the Act of Geo. 2, to prosecute any actor that you see acting in an unlicensed theatre?—I have ascertained since I have been in this room, that it is so; but I knew a case of Mr. Thomas having taken some people up for acting without a licence, and the magistrates refused to hear it without an information was laid; but I understand that has been overruled; they took money at the doors.

3538. What was the cost of this proceeding against the theatres?—Very heavy indeed.

3539. Can you state to the Committee how much?—Yes, I should say about 700*l.* or 800*l.*

3540. Do you know what they recovered from the defendant?—Not a shilling; it was merely to ascertain the rights more than to get any penalties.

3541. Do you mean to say that they would not have obtained the penalties if they could?—No, I do not think they would; I had never any instructions to enforce them.

3542. Was Mr. Chapman put to any considerable expense?—No, very trifling.

3543. They were not sufficient to ruin him?—They were not more than 30*l.* or 40*l.*

3544. Did Mr. Chapman take the benefit of the Insolvent Act?—Not in consequence of that proceeding.

3545. If the patent theatres had proceeded to recover the penalties, could they have reimbursed themselves their expenses?—Certainly not.

3546. Did you put down the theatre?—No.

3547. Or obtain any good by the verdict you obtained?—No, I think not.

3548. Might not you have reimbursed yourselves by the goods of the theatre?—They did not belong to him; he rented the house for 700*l.* a year; he had no property; he did not even pay the taxes.

3549. That had no effect upon the other theatres?—None at all; I should rather say it encouraged them.

3550. Then the present state of the law is unsatisfactory?—The difficulties of getting verdicts under that Act are almost insurmountable.

3551. Arising from the fault of the law itself, or from those who administer the law?—Not so, for I think the law is very clear, but from want of evidence; we cannot get evidence from any but their own company, and of course they do not like to give evidence against their masters, and it is an impossibility to get them to do so.

3552. Do not you think that the best mode would be to proceed against one of the performers rather than against the manager?—I do not know: the same proof is necessary if any party plays or causes to be played, or acts a part; the same evidence is required.

3553. Have you served any notices upon the minor theatres that proceedings will be taken against them if they perform the regular drama?—There were notices given some time past.

3554. To what minors?—To all the minors except Sadler's Wells.

3555. Would proceedings against those be of the same nature as that which you have undertaken?—It was not acted upon, it was merely to warn them that they were infringing the law.

3556. Have you taken any other proceedings, excepting that which you have detailed?—No, neither information nor action.

3557. Did the magistrates in the course of this proceeding suggest any opinion as to the propriety of proceeding in this way?—I cannot say that they made any particular observation, but they seemed to treat it with a very great degree of contempt.

3558. The taking money at the door used to be constantly evaded, used it not?—Yes, it is now, I think, frequently.

3559. Is there any way that you can suggest in which the difficulty of procuring evidence would be lessened?—None. As one proof of the difficulty I had, I called on a very respectable gentleman belonging to the company to prove the handwriting of Mr. Chapman on the affidavit signed in Chancery, and he would not swear it was his handwriting, because it was signed in full; he had seen him sign before, but it was his initials. Every difficulty was thrown in our way.

3560. If we were to make the law still tighter, it would not be any easier for yourselves?—Yes; I think it might be. I should say that you might not require so much evidence; that the receipt of money at the door, and the proof that the man rented the house, ought to be sufficient, and that it was a theatre ought to be sufficient.

3561. Did they pay the taxes?—No, they did not pay the taxes; they evaded it in this way: they took the house at a gross rent, which evaded the taxes.

3562. Would you make the house liable?—Yes, the landlord, if it were let with a view of conducting theatrical business in it.

Mr. John Ogden, called in; and Examined.

3563. HAVE you paid considerable attention to the subject of the drama generally?—I have been an occasional visitor of the theatre for many years; and I have had a practical experience, as an auditor, of most of the houses, both major and minor, in town.

3564. Have you any suggestions to make to the Committee respecting them?—I beg to observe that I have not obtruded myself upon the Committee. I have been required to attend in consequence of some persons who are concerned in this question knowing that I am in the habit of expressing opinions on theatrical matters, and thinking, as a member of the public generally (not having any interest in any theatre either as actor or author), I might give an independent statement.

3565. What suggestions have you to make upon the subject?—I should say, as one of the public, that I should be glad to see the regular drama rescued from the blighting effects of the monopoly at present claimed and partially possessed by the patent theatres. I have, however, no private predilection for the minor theatres or hostile feeling towards the major: there are material points in the management of them all which I should certainly wish to see altered. I am therefore perfectly prepared to give an unbiassed opinion.

3566. Your opinion simply goes to this, that as one of the public, you are averse to the monopoly?—Yes.

3567. What monopoly?—The monopoly of representing the regular drama, which is understood to exist in Covent Garden, Drury Lane and the Haymarket theatres. I certainly think that monopoly very objectionable, both in principle and action.

3568. Does it exist?—I do not say that it practically exists to the fullest extent; but it exists to so great a degree, that I consider it prevents the development of much talent both in actors and authors.

3569. You would concur in giving the minor theatres the power of acting the regular drama?—Yes; but I would not confine that power exclusively to them and the majors. If this were merely a question between the existing larger theatres and the existing minors, I should feel comparatively little interested in the matter. My object would be to make the regular drama entirely open. I think that if talent had a free course in regard to the theatres, the state of dramatic literature would be much better than it is at present. When I consider the great anonymous and other talent that is exhibited even in periodical literature, I cannot but think that

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much of that diversified ability might be convertible to dramatic purposes ; and that there would be many eminent authors who would write for the drama, under more favourable circumstances, who now do not.

3570. Is there not a much larger remuneration?—There may be at present, but I conceive that that would not be the case if the regular drama were free to all the theatres.

3571. Have you signed any petition on this subject?—I have not.

3572. If the monopoly was done away with, do you conceive that the great theatres would be entitled to compensation for the loss that they might sustain?—I should beg to state that I consider that entirely a law question. Perhaps the executive Government could not be expected to mix itself up decidedly with this affair ; but if the Government would leave it to the attorney and solicitor-generals to determine whether the patents are valid under all the circumstances of the case, we should have some sure ground to proceed upon as to the question of compensation. If those officers should certify that the patents of the great theatres are valid, or that at any rate the proprietors are entitled to be paid for their interest in them, the question would next come, what they are worth ; which again would greatly depend on the profits, if any, they have made in any given reasonable number of years, of late date. If the patentees have not enforced the law upon minor theatres, I do not feel that the public are bound particularly to sympathize with them for any injury they may have sustained from those establishments. The law has been open to them ; if they have not chosen to enforce that law I do not conceive that the public, at any rate, can be rightly called upon to make them compensation for their injuries, real or supposed. But if it be admitted that they are entitled to compensation, it certainly then becomes a question how they are to be compensated ; and I conceive that might be done by enabling the minor theatres now existing, or that may exist for a certain number of years, to pay the majors a certain sum each, (proportioned to the size of the house in each case,) for liberty to perform the regular drama. I would not of course oblige any minor theatre to play the regular drama unless it thought fit to do so. This would be one mode of giving compensation ; but I do not say it would be the only or the best way.

3573. Will you state, as shortly as possible, what you conceive to be the grievances of the public under the present circumstances?—I consider that the opinion that the taste of the public for dramatic amusement has much abated is founded on erroneous notions. Very many persons who do not usually visit the theatres have been rather driven from them than given them up.

3574. What is the grievance of which the public complain ; and what remedy do you suggest for this grievance?—I think the public complain that there is not an opportunity of enjoying the regular drama at so many places or so advantageously as they have a right to expect. I conceive that the general opinion of the public is that the monopoly ought to be done away, by throwing the trade or profession entirely open, subject only to police regulations.

3575. Then you would allow any number of theatres to be established that the different speculators might choose to engage in?—Certainly. I think in that case gentlemen who felt that they had some ability and information on the subject, who had studied it well, and who ought, I consider, to be equally men of literature and men of business, (such as some of our best managers have been,) would then come forward to establish and to manage theatres. Now that the regular drama is a monopoly, management sometimes goes from father to son, or from uncle to nephew, and so on : by such and other inappropriate means men are secured in the management of theatres who are utterly incompetent for the business ; they manage it badly, and then throw the blame of their failure upon the supposed decline of the public taste. If there were open competition, these evils, as regards the public, would correct themselves.

3576. You do not think, in short, that the actors who have appeared in the great theatres possess the talent capable to attract the public?—I think that the same effect would follow as to acting talent as to play-writing talent : more of it would be developed, and our actors generally would acquire a purer style, if the regular drama were free and our theatres well managed : at present, I can say that they are comparatively deserted by many, from their being often too full and excessively incommodious. I have sometimes paid my money, at both major and minor theatres, on the assurance that there was room, after the houses were crammed full, and have been scarcely able to catch a casual glimpse of the stage. People of course go to such places with a wish to be amused, but they not unfrequently get
ill-used

ill-used and disgusted at the treatment they receive; and that is one material reason, I believe, why the theatres are deserted by many who would wish to be frequent visitors.

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3577. You have communicated your feelings and opinions with respect to theatres; have you reason to think that this is the feeling of a good many persons?—I have.

3578. Do you think those grounds are grounds of grievance entertained by a great body of the play-going population of this city?—I do.

3579. You think, the more theatres there are in which the drama could be acted, the better chance there will be for dramatic authors?—Certainly. And I have no doubt, that under such circumstances as I have mentioned, one theatre at least might be maintained entirely of a classic description; and that in three years, at such a theatre, Milton's *Comus* would become a stock-piece; acted not in the imperfect and interpolated style in which we have seen it given, but in all its native loveliness, as Milton wrote it.

3580. You do not think that taking all patent theatres, and all legal and illegal theatres, there are enough theatres at present in London?—There are, perhaps, (though I much doubt it,) a sufficient number of theatres; but I do not think that they are managed at present judiciously, considering the increased refinement of the public taste, or as well as they certainly would be if the drama were entirely free, subject only to a few well-weighed regulations for the preservation of peace and order.

3581. Should you recommend any alteration in that respect?—Whenever a new theatre was opened, I would propose that the managers should register it, with the security of two housekeepers, or other substantial persons, in a specified moderate sum, to make the establishment amenable to police regulations; and the principal of those police regulations should be, I think, that they should not be allowed to admit above a certain number in each part of the house, proportioned to its size, as specified by a surveyor.

3582. You think that if the drama was thrown quite open, more people would be induced to come forward as managers than at present?—I think it would then become a matter of ambition; I consider that many gentlemen who now would not like to enter into dramatic speculations, would have no objection to do so if they were empowered to produce classical pieces of Shakspeare, and other great or good writers, living or dead.

3583. Do you mean to say that you would rather see *Richard the Third* performed at the Adelphi than at Covent Garden?—It is to be understood that we do not merely speak of persons who are upon one of the first rows of the pit, but of people generally in the theatre.

3584. You would rather see any representation at the Adelphi than at one of the two great theatres?—A regular drama I certainly would, supposing myself to be placed, in each case, at the farthest possible point from the stage.

Martis, 10^o die Julii, 1832.

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Thomas Halls, Esq., called in; and Examined.

3585. I BELIEVE you are a magistrate at Bow-street?—Yes.

Thomas Halls, Esq.

3586. Were you ever applied to on behalf of the proprietors of either of the two great theatres to prevent the performance of the drama at the minor theatres?—Not on behalf of the proprietors of those theatres, but on behalf of a person named John Parsons. Some time since he laid an information before me against the Tottenham-street theatre, a theatre which existed under that name on the 14th June 1830.

3587. That was for performing the drama?—Yes.

3588. What was your conduct upon that occasion?—The information was received, and a day appointed for hearing the information before myself and the late Sir Richard Birnie, and it came on to be heard on a subsequent day, which I have not got down: it was in the same month, I think 24th June.

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3589. Before you?—Before me and Sir Richard Birnie.
3590. What was the result?—The case was dismissed for want of sufficient evidence.
3591. Sufficient evidence to prove what?—Sufficient evidence to prove that the parties were not duly licensed.
3592. What evidence was required?—An examination on oath of the books of the Lord Chamberlain; and if the books themselves were produceable, the books themselves were required to be produced, which they were not.
3593. What do you mean by the books of the Lord Chamberlain?—I presume he keeps books; or any documents he had to show the parties were not licensed. We did not confine ourselves to the books.
3594. The Lord Chamberlain has no authority to license a theatre out of the city of Westminster?—I believe not.
3595. So that it could not appear in the Lord Chamberlain's books, as his power only extends to the city of Westminster and to places which are Royal residences?—I believe a patent is an authority likewise which might exist out of Westminster.
3596. But the Tottenham-street theatre being out of the city and liberties of Westminster, the Lord Chamberlain could exercise no jurisdiction in granting a licence to that theatre?—No.
3597. Then nothing could appear upon the Lord Chamberlain's books on that subject?—No, but from the Patent-office. I have named the Lord Chamberlain's office in mistake; I should have said the Patent-office.
3598. Did you consider it necessary at Bow-street, a complaint being made against parties for a violation of the statute in acting the regular drama, that the parties making that complaint should prove the defendants had not a licence?—Yes.
3599. Would it not have been more in the regular course to require the parties so complained against to show the authority under which they acted?—No, for this reason: being duly licensed is made a substantive part of the offence in the clause in the Act of the 10 Geo. 2, which creates the offence. If it had been by way of proviso in a subsequent clause the parties would have been bound, I conceive, to prove they were licensed, but it being a substantive part of the offence by the clause creating the offence, the parties laying the information were bound to prove every circumstance which was attachable to the offence itself.
3600. Is it usual to call in parties to prove a negative?—No, unless it is a substantive part of the offence; in that case it is. If a negative constitutes the gist of the offence, the accusers are called upon to prove it.
3601. In the case of an information under the game laws, where it states the person against whom the information is laid is not possessed of a sufficient estate to qualify him, have not the Court of King's Bench determined that the onus of proving he has an estate lies upon the person who is accused?—It depends upon the construction of the Act of Parliament. If that is in a subsequent clause to that creating the offence, I can easily understand why it is so.
3602. Did not the case of Mr. Chapman, of the Tottenham-street theatre, come before the Court of King's Bench afterwards?—Yes, it did.
3603. Did Lord Tenterden entertain the same opinion with respect to the evidence that was required?—I do not know what proof Lord Tenterden had before him that the theatre was not duly licensed. Of course I presume he had sufficient proof.
3604. You did not think it worth while to inquire whether Lord Tenterden's opinion coincided with yours?—I do not know that it did not.
3605. You did not think it worth your while to inquire whether it did or not?—I did not know that the point was raised.
3606. Did you inquire whether it was or not?—I inquired, and I believe it was satisfactorily proved they had no sufficient licence. Surely the case itself proves that without inquiry.
3607. Do you mean to say, you understood there was proof adduced before Lord Tenterden that no licence had been issued either from the Patent-office or any other place?—I presume so; I do not know the fact.
3608. If the case were to come before you again, should you decide in the same way?—Precisely.
3609. Do you mean in Lord Tenterden's way, or your own way?—My own way.
3610. You would dismiss the case?—Yes, if there was not sufficient evidence.

3611. Do

3611. Do you not know that opinion of yours was overruled by Lord Tenterden? *Thomas Halle, Esq.*
—No, I do not.

3612. If you were aware that Lord Tenterden's opinion differed from yours, how should you decide in future? Should you call upon the informer to prove they had no licence, or upon the defendants to prove they had a licence?—I take for granted that the statement of Lord Tenterden's opinion is correct, but my conception of the law is otherwise.

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3613. You think the informer must prove the non-existence of the licence?—In this particular instance I do, as it is a substantive part of the offence.

3614. Are you aware that in Westminster, within your jurisdiction, there is a theatre acting without any licence?—No doubt about it.

3615. You know there is one?—Yes; I think there are three.

3616. Which are they?—I think the Olympic is in Westminster; I do not know whether it is actually open at this moment.

3617. That is licensed by the Lord Chamberlain; are there any acting without any licence or any authority from the Lord Chamberlain, the magistrates, or any one else?—There is a theatre in the Strand, called the Strand theatre, which I believe is so circumstanced.

3618. Then, being aware of that, is it not your duty to prevent that infraction of the law?—I know of no authority that I have to interfere without an information laid before me on oath.

3619. What description of information should you require in order to close that theatre?—I do not know that I have any power to close a theatre at all.

3620. You say you would not interfere without an information; what description of information should you require?—An information on oath setting forth the offence, conformable to the statute, and applying for any penalty that might be inflicted for it.

3621. What sort of evidence should you consider sufficient with respect to the performance; should you consider the evidence of a spectator sufficient?—Any person who could prove dramatic performances were carried on at a particular day, or a particular time, in that theatre, contrary to the form of the statute, would be sufficient evidence to constitute that part of the offence.

3622. And you would then convict and inflict the penalty?—If the proof was satisfactory; and that would be the question for the consideration of the magistrates. If the question is put to myself, I beg to state I have some doubt whether magistrates, as such, have any such power as the law at present stands.

3623. Do you mean under the 10 Geo. 2?—Yes; I have my doubts on the subject; but at the same time I should wish the Committee to understand that it is merely my own individual doubt; but it has been matter of conversation amongst magistrates, and I have strong doubts, from a review of all the statutes that touch theatrical performances, whether the magistrates have that power. I am quite aware the courts at Westminster have the power.

3624. Will you state shortly upon what ground those doubts rests?—Upon the alteration that has been made by the late Vagrant Acts, which repeal all other Acts relating to vagrants, and do not in any respect touch theatrical performances. I beg the Committee will understand that the case in question went off on a matter of evidence; not either upon the merits of the case or the laws of the case, but upon a point of evidence.

3625. Did Sir Richard Birnie agree with you in your opinion as to the necessity of negating the existence of the licence?—Yes.

3626. Fully?—Yes.

3627. When the patent theatres came before you to make their complaints, do you think they received a fair and impartial hearing?—I gave my mind, as far as I am individually concerned, most attentively to the subject; and I trust that every thing I undertake, I undertake upon fair principles.

3628. There is a complaint against the magistrates at Bow-street, that they did not receive a fair and impartial hearing?—I have no information upon that subject. If there is any point in which you can see partiality to have existed, I shall be happy to explain it.

3629. What proof do you consider as sufficient to show they are acting for hire, gain or reward?—There may be a variety of proof upon that point, but the direct proof is the taking of money.

3630. Suppose an information to be laid against an actor for having performed upon an unlicensed stage, would you consider it sufficient proof of his having

Thomas Halls, Esq. played for hire, gain or reward, that money was taken at the doors?—Certainly.

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3631. Have any cases come before you, since that doubt has arisen in your mind, with regard to the Vagrant Act?—No; that is the only case of the kind that, I believe, has been laid at Bow-street for a long course of years.

3632. The last Vagrant Act had passed before that time?—Yes.

3633. Do you consider the sale of tickets at shops in the neighbourhood, and the payment of money for them, if you could bring that home to the manager, sufficient evidence against the actor that he had performed for hire, gain or reward?—That is a point which, I conceive, has not been decided; but I should have no doubt in any respect in treating it as such if I was persuaded it was for the purpose of evading the law. I look upon an evasion of the law to be precisely the same as the commission of the offence, if it is direct, but it might be very difficult to prove.

3634. Should you attach more importance to a charge coming before you from the Lord Chamberlain's office, than from the patent theatres, against a minor theatre for playing contrary to law?—I take it an information is a matter of common right.

3635. You never refused to convict for the patent theatres, at the same time admitting you would do it for the Lord Chamberlain?—I had never any information from the patent theatres directly before me.

3636. Would the sale of tickets at shops in the neighbourhood, and the consequent admission by these tickets into the theatre, be evidence that it was open for hire, gain or reward?—It would depend upon the nature of the evidence, showing the mode in which the ticket was purchased. If it was purchased for the express purpose I should consider it an evasion equivalent to taking money, but it would be difficult to prove, from the indirect mode of purchasing such tickets, that it was actually for the purpose of hire, gain or reward.

3637. Would not the admission obtained by that ticket be sufficient proof that it was sold for that purpose?—I should be certainly inclined to treat it as such.

3638. Was not the information laid against the Tottenham-street theatre at the instigation of the proprietors of Covent Garden theatre?—Not to my knowledge; I believe it was.

3639. Was it not done in their name?—No; it was laid in the name of John Parsons, I believe at the instance of the proprietors of Covent Garden theatre; but I have no right to state that as the fact.

3640. Is the Committee to understand, from what you have already stated, that your conception of the law is this, that when an information is laid against any parties for performing the drama contrary to law, the onus of proving that lies with the party giving the information, and you do not feel it part of your duty as a magistrate to call upon the parties so informed against to produce the licence or authority by which they perform the drama?—If the information is laid specifically under that statute, I think the party laying the information is bound, in applying for the penalty under that particular statute, to prove every circumstance of the case, and that is one of the circumstances, which are contained in the clause creating the offence, for not being duly licensed.

3641. Is there any other mode of laying an information against any parties for performing the regular drama which you feel would justify you as a magistrate in calling upon the parties so informed against to produce the authority under which they are acting?—I believe not, to the best of my knowledge.

3642. Then, in the existing state of the law, there is no means of convicting any parties by calling upon them to produce the authority under which they act, and if they fail to produce that authority, so convicting them?—I do not go that length. I think it is possible to prove by other evidence that they are not licensed.

3643. You do not feel that the law authorizes you under any circumstances to call upon the parties so complained against themselves to prove they are licensed?—Certainly not to prove the case against themselves.

3644. Suppose any man is committing an act which is held generally to be illegal, you think there does not exist any authority in the magistrates to call on that party to show he is acting under legal authority; but in your opinion the onus rests in the party making the complaint to prove the whole case that the party is offending against the law?—I beg to state, I confine myself to this specific question; but I am of that opinion upon my construction of the statute.

3645. Then the law is so far defective that there are no means of calling upon the

the parties who appear to be committing an offence, to show any authority under which they are acting, which would be a defence against the information?—Admitting that is an offence, I think that is so. My doubt is, whether it is an offence in the present state of the law. Theatrical performances do not constitute an offence in themselves unless they are performed in such manner as to bring them within the terms of this or some other statute.

3646. Then what do you conceive to be the use of the Lord Chamberlain's power of licensing?—I know nothing about that.

3647. The Act is founded on the Lord Chamberlain's power?—The Lord Chamberlain is the officer of the Court.

3648. The Act is very explicit, that no theatre shall be opened, unless it is licensed by the Lord Chamberlain, within the city of Westminster?—Under the terms of the statute it is so.

3649. The sum of the whole is, that the law, as it at present stands, is entirely defective as to any power to put down theatres in any part of London?—Yes.

3650. In your opinion, as a magistrate, it is entirely defective for any purpose of that sort?—That is my opinion, most decidedly.

3651. Do you not consider performers equally liable to a penalty as well as the proprietors of the theatre?—Certainly; if the case is proved against the proprietors, and they are proved to be performing, they are equally liable.

3652. Performers never can be expected to produce a licence?—No; but supposing the law was such, he might be able to show he was performing in a licensed theatre, which would exempt him.

3653. You would consider Mr. Mash, of the Lord Chamberlain's office, coming forward at Bow-street, and stating that such a theatre had not a licence from the Lord Chamberlain, was sufficient evidence to show the theatre was unlicensed?—I take it if Mr. Mash or the Lord Chamberlain did it in their own person, they must lay an information upon oath.

3654. Suppose Mr. Mash should appear before you at Bow-street in support of an information laid by the patent theatres, and state that the Strand theatre had no licence from the Lord Chamberlain, would that be sufficient evidence to convict the proprietors of violating the Act of Parliament?—I should think it would.

3655. Then the evidence is very easily obtained?—Upon that point it is.

3656. What could Mr. Mash have known of it in that case, Tottenham-street theatre being out of the jurisdiction of the Lord Chamberlain?—Nothing at all; I am supposing a case in which the Lord Chamberlain could prove the charge.

3657. That is with respect to the Strand theatre?—I should think with respect to that it would be sufficient evidence.

3658. Are you of opinion that in consequence of the alterations of the Vagrant Acts it has become necessary to amend and enlarge the Act of 10 Geo. 2, c. 28, to render that Act, under the present circumstances, effective for the object for which it was passed?—Out of the city of Westminster I think it is necessary.

3659. Why not within the city of Westminster?—Within the city of Westminster theatres must be licensed by the Lord Chamberlain. I do not see there is that difficulty of proving a theatre is not licensed by the Lord Chamberlain as there may be with regard to a patent.

3660. You said you felt some technical difficulties in the case?—Only in that case. There was not sufficient evidence, in my judgment, that the theatre was not licensed at the Patent-office. I must presume that some evidence was produced in the higher court.

3661. Supposing all theatres in the city of Westminster or elsewhere were brought under the control of the Lord Chamberlain, and the Lord Chamberlain granted licences to all, there would be no difficulty in putting down those theatres which did not receive a licence, if the Lord Chamberlain was the only person who could grant a licence?—I think there would be no difficulty if it was properly worded. I beg to make one observation in consequence of the question that was put to me before the last. I think the question applied generally to the whole of the statute. The statute likewise gives power to the higher courts of Westminster to inflict these penalties, and I do not think any judgment of my own upon the effect of the Vagrant Acts can at all operate on the higher courts. It is only so far as the jurisdiction of the magistrate is concerned, and that it is not generally defective has been proved at the Court of King's Bench.

3662. Lord Tenterden's decision you said will not bind you in any future case?—Not in the slightest, independent of any general points of law. We always view the

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the decisions of the higher courts with great respect, as they are our guides; but with regard to whether an information can be laid successfully before a magistrate or not, the decision of the Court of King's Bench would not affect me.

3663. The question applied to a summary information before a magistrate?—Yes; I am of that opinion, as applied to that.

3664. Do you think there are more theatres in Westminster than are absolutely necessary or required by the public?—There are such arrangements as to the time and seasons of opening these theatres, that it may be difficult to specify whether there are more than are required. There are certainly more than are necessary for the city of Westminster if they were open each night.

3665. You stated, in the case of the Tottenham-street theatre, you considered there ought to be a search made in the Patent-office, to prove there was no patent existing at the theatre. Are you not aware that this Act takes away from the King all power to grant any patent, except in the city of Westminster?—It did not affect existing patents.

3666. Then what they must have looked for was a patent previous to the 10th Geo. 2?—Yes, or any legal authority.

3667. What power had the magistrates, or anybody else, to grant a legal authority for the Tottenham-street theatre?—I do not believe there is any power.

3668. Then was it not absurd to call for proof to negative an authority which could not exist at all?—It might exist by patent, but not by a magistrate's licence.

3669. That patent must have existed before the 10th of Geo. 2, and therefore before Tottenham-street was built?—Possibly; but I believe Sadlers Wells existed before there was a house within a considerable distance of it.

3670. Are not those theatres which are open out of Westminster by virtue of a magistrate's licence for music and dancing, bound to write over their doors by what statute they are licensed?—They are.

3671. Should you, in that case, require the informer to search whether there was any patent or licence?—Not unless it is so specified in the statute, which I believe it is not.

3672. An information against those theatres licensed for music and dancing for acting the regular drama would be under the 10th Geo. 2?—Yes.

3673. Then in that case, with that written up over the door, should you expect the informer to produce proof there was no patent or other licence?—I should not draw any distinction; their being licensed for one thing could not affect their committing an offence of another description.

3674. You might presume they had two licences?—I never presume anything; I only require proof.

3675. The Coburg or the Surrey being in a situation where there is no authority by law to grant them any licence, except that for music and dancing, must be proved not to be licensed?—I believe the Coburg, or any other theatre so situated, might, by legal possibility, have a patent.

3676. Previous to that Act; previous to 1737?—Yes.

3677. Is it not a matter of common notoriety that no such patent exists?—I dare say it is.

3678. Is there any theatre which has a patent granted previous to that?—All the patents are previous to that.

3679. Are you not aware that Drury Lane performed on a 21 years' licence, and not a patent?—I am not aware of that; I never saw the patent of any one of the theatres. If I did, I should not exercise my own knowledge, but require strict proof. If we were once to open that loose door, we should never be able to act with any degree of justice.

3680. Then we are to understand you, as a magistrate, being perfectly aware the law is violated every night in the Strand theatre, do not think it is your duty to interfere to vindicate the law?—Certainly I have no power to interfere; I am bound to receive informations upon oath which are laid before me, but a magistrate has no power in his individual capacity.

3681. Suppose a beer-shop is open in your neighbourhood, and it was not licensed, should you call upon the informer to prove there is no licence, or upon the other party to produce a licence?—They must produce their licence, because it is under a different Act of Parliament. It is impossible to reason upon one case from the other.

3682. Why should informers against theatres be called upon to prove the non-existence

existence of a licence any more than informers against beer-shops?—Because the offences are specific, as they are created under the statute. *Thomas Halls, Esq.*

3683. Suppose another case to come before you, in which you thought proof of the non-existence of a patent necessary, how far back previous to the 10 Geo. 2, 1737, should you expect the search to be made for this patent to be proved before you; through how many reigns?—If there was no record of it in the Patent-office, that would be sufficient evidence. If it was proved there was no record of such patent, that would be sufficient.

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3684. Then you would expect them to search all the records back to William the Conqueror or Hardicanute?—I did not say that.

3685. You would expect them to search the Record-office in the Tower?—Where theatrical patents are registered.

3686. Through all times of English history?—Since the time patents were created. I believe patents were not granted so long ago as you refer to.

3687. How do you know that there may not have been patents granted by William Rufus?—I never heard of any.

3688. There never were theatrical representations without some licence or other?—Probably not.

Mr. Francis Place, called in; and Examined.

3689. YOU are the author of a pamphlet which was put forth some time ago, called "A New Way to pay Old Debts"?—Yes. *Mr. Francis Place.*

3690. What was the chief purport of that pamphlet?—It was written in consequence of what I conceived was a fraudulent attempt on the part of those who were projecting to rebuild Drury Lane theatre. Some of my friends had paid deposits for shares, and that led me to examine the reports which had been made by the projectors, when it appeared to me to be a fraudulent transaction. That induced me to write my pamphlet, not as a pamphlet originally, but as information for my particular friends. They showed it to some of the projectors, and they returned the deposit-money, with interest, for the time they had it in their possession. The papers were out of my hands for some time, and they got into the hands of others, who were projecting a third theatre, some of whom asked my leave to print them; I consented, and they printed the pamphlet.

3691. Since that time you have given great attention to the subject of theatres?—Yes, more or less.

3692. Do you consider it a matter of notoriety that the affairs of the two great theatres are in a very bad and unprosperous state?—That is acknowledged by the proprietors.

3693. What do you consider the cause?—The size of the theatres.

3694. Do you consider that has any connexion with the monopoly?—Exactly that. The monopoly led them to construct large houses; they built the public out. This appears to me to be the cause of all their difficulties.

3695. Then you consider the size of the houses as the chief cause of the ruin of the proprietors of the theatres?—Yes.

3696. Do you consider the performances now given at the minor theatres has much to do with that?—I have not examined that question particularly. I am quite certain the size of the houses is sufficient to account for the ruin without anything else.

3697. Have you at all examined into the nature of the patents granted to the two great theatres?—I read them some time ago. I have not read them lately.

3698. Do you consider they were granted as a gift or a trust?—They, like all other patents, I take it, were granted for the good of the public, and not for the sole interest of the parties to whom they were given.

3699. Do you consider that object, the good of the public, has been effected?—No; I think the large houses have destroyed the drama as well as the property embarked in them. It has deteriorated actors and authors.

3700. You have examined into the losses of the two great theatres; the loss at Drury Lane is very considerable, is it not?—Yes; and I have made some memorandums. The loss upon each of the houses is very considerable. In the pamphlet alluded to, it is said that the committee of the projectors reported the claims on Drury Lane exceeded 435,000 *l.*, with a rent-charge of 7,500 *l.* which was valued at 150,000 *l.*; thus the claims were 585,000 *l.* These are their own figures. The new house cost 212,000 *l.* and the assets realized about 30,000 *l.* This is the best information I have been able to procure, and I believe it is tolerably correct.

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3701. The assets of what?—The assets arising from the insurance, and the old materials left after the fire in 1809. The value of the assets, deducted from the money the new house cost, leaves a balance of 767,000 *l.*, which shows the sum at that time embarked in Drury Lane was 767,000 *l.* Of this sum about 370,000 *l.* was given up as lost and gone for ever.

3702. Where have you obtained that information?—I have obtained that information from the reports of the Drury Lane committee, printed by themselves. Two of the items are confirmed by evidence delivered in this room by the treasurer of the theatre.

3703. There is no doubt about their being authentic?—None whatever. As far as it goes it is clearly authentic. This sort of evidence can only be of use to show the object intended by the patents has not been realized.

3704. Do you mean the public would have supported the monopoly if it had been used for the public amusement?—I have no doubt about it. I think it follows that if the houses had not been more than from half to two-thirds their present size they would have flourished. It is the excessive outlay, and the high prices for admission, the consequences of the monopoly, inducing them to build houses which cannot be filled, which has ruined them.

3705. Then you conclude they have not fulfilled their trust by the public not supporting their theatres?—Yes. I never paid, and I never will pay, 7 *s.* to go to the boxes; many whom I am acquainted with have staid away for the same reason, as well as from their not being able either to see or hear.

3706. And do you not think there is some fault to be attached to the description of entertainment they give?—I do not know that it can be called a fault; they have been compelled to deviate from what you call the regular or legitimate drama. I have an abstract here from a deposition of Mr. Harris, made in the Court of Chancery, which shows most clearly that from the rebuilding of Covent Garden theatre in 1809 to 1821, they did not clear a shilling by the regular drama.

3707. What did they clear by?—By the Christmas pantomimes. Mr. Harris, in his appeal to the House of Lords, Exhibit No. 1, page 62, says, “upon the success of the Christmas pantomimes in a great measure depended the whole profits of the different seasons.” In page 64 is an account of the receipts of the house during the run of the pantomimes for eleven seasons, beginning in 1810–11 and ending 1820–21. The money produced was 184,242 *l.*; the annual average is 16,767 *l.* The profit, as it was called, during these eleven seasons, (case, page 9,) averages 13,500 *l.*, leaving an annual balance of 3,267 *l.* in favour of pantomimes, a sum more than sufficient to pay all the expenses of these pantomimes. The average profits, as they call them, of each of these seasons was 13,500 *l.*, and the average produce of the pantomimes was 16,767 *l.* It follows then necessarily that no profit was got from all their other performances; not a shilling beyond the expense from anything but the pantomimes during the eleven seasons when the concern was most prosperous.

3708. That has not been the case recently?—No; that was from 1810–11 to 1820–21; even pantomimes have failed since that time, and there has been no income beyond expenditure. There was no actual profit from the time the house was enlarged after the fire, not even so much as two per cent. clear interest on the capital from 1809 to 1822. With reference to Drury Lane, I stated the claims were 767,000 *l.*; a large proportion of the 767,000 *l.* was given up. If we were even to suppose that half the whole outlay was abandoned, that 383,500 *l.* was relinquished, there would still remain 383,500 *l.*, and there are 20 years' interest upon it, making it still 767,000 *l.*

3709. Then from that statement of loss you appear to draw this deduction; first, you consider it shows the monopoly had not protected the two great theatres from loss; and, secondly, you would assume that very loss was to be considered a proof that the two great theatres have not attained their object, namely, the good of the public, because in that case you think the public would have supported them?—Yes.

3710. Were the patents ever sold?—Yes; in the reports of the Drury Lane projectors in 1811, and in evidence given before this Committee, it is proved that the patent which was said to be dormant, that is, dead and buried, was sold for 16,000 *l.* It was sold in 1792.

3711. What patent was that?—Killigrew's patent. The two patents were in the hands of the proprietors of Covent Garden theatre, and it was thought necessary

sary that Drury Lane should have one; as they were acting under a licence which, strictly speaking, was, I think, illegal, they thought it right to obtain the patent.

3712. Was the theatre at that time in a flourishing state?—Yes.

3713. In a more flourishing state than they are now?—Yes, it was then in a flourishing state, and that gives the highest value of the two patents.

3714. Then you would estimate them at 32,000 *l.*?—Yes, as was supposed at that time.

3715. Do you consider the two great houses are entitled, in consequence of those great losses, to any compensation, supposing the patents were thrown open?—Compensation for an outlay, or a compensation for the patent, or both?

3716. Compensation for the patents, and the ground upon which they made the outlay?—I think they are not entitled to compensation upon any ground at all; they speculated beyond their strength, lost their fortunes, (which I am very sorry they did,) and have not performed the conditions of the grant. They have neither been of use to themselves nor to the public, and I do not see what ground for compensation can be laid.

3717. Then you consider those sums of money laid out form no ground whatever for compensation?—I think they do not form any.

3718. Do you consider that the monopoly has fostered actors and actresses to the full proportion in which actors and actresses can be fostered in this country?—No; I think it is impossible without competition. There is so much growing talent, and such perfection of talent, in other professions, that competition for fame in theatricals, as well as in other things, would produce similar results. I know very well the present distressed state of the drama, and I attribute it to the size of the theatres. The only first-rate actors they have left us in tragedy are Mr. Macready, whose range is limited, and Mr. Kean, who only plays occasionally; in comedy, Mr. Kemble, Mr. Liston, Mr. Dowton and Mr. Farren. Of these, at the present moment, there are under engagements at the two monopoly houses, in comedy Mr. Farren, and in tragedy Mr. Macready. Of women there are not one first-rate actress now upon the stage at either house. This is the state to which the drama has been brought by the monopoly.

3719. Do you consider that is a general feeling among the tradespeople in the middle classes?—I know it is the opinion of many among the middle class of people, and of many literary men, who are very competent to judge.

3720. What do you consider would be the effect of throwing open the theatres, that is, allowing the regular drama at the minor theatres?—It would prevent the proprietors of the so called patent houses losing any more money. I do not believe at the present moment the patents would sell for anything without the theatres.

3721. You mean by shutting them up?—No, let them take their chance. I think you will find if the houses were sold they would not pay what they call their debts and the losses incurred since they were built, exclusive of the investment of capital, which, with interest, is 600,000 *l.* or 700,000 *l.* each, at the least; if they were sold there would be nothing left for the company of Drury Lane nor the proprietors of Covent Garden, and no chance of further losses.

3722. What do you consider would be the effect of throwing open the theatres, as far as the public is concerned?—There would be speculations in that as in other trading concerns, and after a while the play-going public would have the entertainments they desired, in reasonably-sized theatres, and at reasonable prices.

3723. Do you think there would be more theatres than there are now?—There would soon be the number that was proper, there would not be more; it is the case in other large concerns, and would be the case with theatrical concerns.

3724. Have you considered the question of licensing plays?—The opinion I entertain with respect to licensing is, that the power of licensing should be compulsory.

3725. That is, licences for the theatres?—Yes.

3726. But with respect to licences for plays?—I do not think there need be any licence for plays.

3727. Do you not think there would be political plays?—Yes; and there ought to be. In respect to immorality and indecency, writers, managers and players will go to the verge of sufferance; they always have done so; and the public will correct them as it has corrected them. When the Recruiting Officer was brought out at Covent Garden some three or four years ago, a great deal was cut out, and yet some of the performers took more out; they would not speak the words. It could not be otherwise. There is a sufficient safeguard in the deference they are compelled to

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pay to the audience. I do not think the theatre ever led the public in these respects, but that they were governed by the public. I have taken some pains to investigate the subject, and have satisfied myself, that from the Restoration to the present time the indecency and immorality exhibited on the stage was just what pleased the public, and as the public became more moral and more particular the theatres conformed to their wishes.

3728. Do you know who the licenser was when the Recruiting Officer was played?—I do not know; it was in 1705.

3729. The licenser was not appointed at that time?—No, the Master of the Revels and the Lord Chamberlain had the power, which they endeavoured to increase.

3730. To what period are you alluding when you say the performers carried the corrections further than the licenser, in the case of the Recruiting Officer?—Three or four seasons past. The Recruiting Officer, and other plays of Wycherley, Vanbrugh, Congreve, Farquhar, and others, which would not be tolerated now, were played at the commencement of the last century with great applause, and continued to be played as long as the public would endure them. With respect to the patents, the Committee is aware they were trifled with from the beginning. There were patents granted to other persons. Queen Anne granted a patent or a licence; George the First and George the Second both granted patents or licences; King George the Third granted a patent in the nature of a licence for 21 years to Drury Lane, when both the original patents were in the hands of the proprietors of Covent Garden theatre.

3731. Do you consider from that trifling the persons who embarked money in the two great theatres ought to have considered it in the nature of a speculation?—Certainly; they could not expect them to be continued against the public interest for ever. We find there was a patent to Betterton, who carried his company to Lincoln's-Inn-Fields, then to Vanbrugh's theatre in the Haymarket, and back again to Lincoln's-Inn-Fields.

3732. Do you think the public would have subscribed their money to build those theatres if they had not thought these theatres possessed these exclusive privileges?—No, I do not think they would.

3733. Then the public were induced to advance their money under false pretences?—I dare say the parties thought they had an exclusive right. I do not mean to say they intended to commit a fraud in that particular.

3734. Then the public were ill-used in subscribing their money?—They were ill-used; and my friends who subscribed would have lost their money if it had not led to the investigation which saved them. The Drury Lane Committee, or some of them, saw the matter so clearly, that they not only paid back the deposits to my friends, but they paid them interest for the time they had the money.

3735. But do you not think these ill-used people are entitled to compensation?—Certainly not: the persons who speculated in the Golden Lane Brewery, where a very large sum was lost, were deceived, and deceived themselves; they did not consider themselves entitled to compensation.

3736. Do you mean to state that, in your opinion, there ought to be no limit to any political allusions in a play, or any indecency or immorality, which might be produced at a theatre, other than the limit which would be imposed upon it by the judgment of the audience?—Yes, I think no other restriction is necessary. In the case of the Recruiting Officer and of the Beaux Stratagem, Mr. Kemble and Mr. Keeley used words which were much softened from the original, yet they caused a sensation in the house which prevented their using them any more. I thought the rebukes they received wholesome and sufficient corrections.

3737. Do you believe that opinion, which you have just expressed, is the prevalent and general opinion of the public?—No, I do not think it is. I know it is the opinion of many well-read and intelligent men, but I do not think it is the general opinion.

3738. You think the small theatres might fairly be allowed the privilege of playing Shakspeare?—I think it might be fairly left to all to play what they please.

3739. You think it would naturally settle like other things?—No doubt it must. If you want to have any thing done as well as it can be done, you must leave it to competition.

3740. Suppose the minor theatres had the privilege of performing any plays of Shakspeare, and nevertheless, from the actors at that small theatre being incompetent

petent to play it, they should be prevented from giving Shakspeare's plays the effect which they received at the larger theatres, and consequently they do not attract the public so much as a vaudeville, do you think the minor theatres would not perform Shakspeare, which would not attract the public, but would perform vaudevilles which would attract?—Certainly; they would play that which would bring most money; and they would judge of the propriety of what should be played by the state of their company.

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Mr. Richard Malone Raymond, called in; and Examined.

3741. ARE you the manager of the Liverpool theatre?—Joint-manager of the Liverpool theatre.

Mr.
R. M. Raymond.

3742. Are there two theatres in Liverpool?—There are three or four.

3743. How long have you been manager?—Not quite three years.

3744. Are you in the habit of representing many new dramas which have been brought out in the London patent or other theatres?—We have occasionally played some farces, never any plays.

3745. Is yours a theatre which acts the regular drama?—No.

3746. You have played some farces which have been produced in London?—The first season we opened the theatre we did that repeatedly.

3747. Have you ever had any communication with the authors of those pieces, with respect to remuneration?—Never.

3748. Supposing the authors had power to prevent your acting those plays without remuneration, should you have thought it worth your while to pay them anything for the power of acting them?—It would depend very much upon the terms they would have to propose.

3749. You would feel yourself authorized, or you would find it advantageous to you, to play those pieces though you paid the author a small sum, say 20*l.*?—Most decidedly, if we thought the piece would be productive in proportion to the sum we paid for it.

3750. Have you played any pieces for which you would have been able to pay that sort of remuneration?—I do not know that we have to the amount that is mentioned.

3751. Would you have paid a smaller sum?—Yes.

3752. Do you think, generally speaking, the managers of provincial theatres would be able to remunerate authors with small sums or large sums for the power of playing their pieces after they had been performed at the London theatres?—Yes, I think so.

3753. You think they could afford a moderate sum?—Yes.

3754. Do you think such a copyright or property in their pieces might be given to authors without injuring the provincial theatres by stopping the performance of those pieces in the country unless they paid for them?—If they were prohibited from playing pieces produced in London, there would be a great scarcity of new pieces in the country.

3755. That would arise from the provincial theatres not being able to remunerate the authors?—From their not being able to remunerate the authors if their demands were exorbitant.

3756. Do you think they would in general agree with the provincial managers as to terms?—I think, in general, they would.

3757. Upon the whole, you see no objection to such an enactment?—I do not.

William Wilkins, Esq., called in; and Examined.

3758. I BELIEVE you have been concerned in the building of several provincial theatres?—Yes, I have; a great many.

W. Wilkins, Esq.

3759. Are you proprietor of or concerned in some theatres?—I am proprietor of six theatres, the freehold or very long leases.

3760. What theatres are they?—The Norfolk theatres: Norwich, Bury, Cambridge, Ipswich, Yarmouth and Colchester.

3761. Do you remember one or two seasons ago there was a Bill brought into Parliament to increase the profits of dramatic authors by requiring the provincial theatres to remunerate them?—Yes, I remember calling upon a Member of this Committee on the subject.

3762. You objected to that Bill?—Yes; very strongly.

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3763. Will

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3763. Will you state the grounds upon which you objected?—Upon various grounds. The provincial theatres labour under such great disadvantages already that any greater burthen would be ruinous to them. Nothing but the circumstance of having six theatres belonging to one company, which enables them to retain the company all the year through, and to change their place of exhibition constantly, could possibly enable my tenants to keep the theatres open.

3764. Then your objections arose from the present languishing state of the provincial drama?—Yes, in some measure, certainly.

3765. Should you have had any objection to its enactment some years ago when the provincial theatres were in a better state?—I should, for I thought it unreasonable. I do not see upon what principle dramatic authors of a certain stamp are entitled to call for remuneration.

3766. Of what stamp are you speaking of?—Not original writers, such as furnish plot and character, and so on, by their own ingenuity. These are not the sort of plays which go down in the present day; the public taste is altered, and melo-drama and translations from the French, and old plays modernised and adapted to our customs, and sometimes to particular performers, are the only things that are successful. I look upon such writers as not entitled to the same degree of reward.

3767. Are you aware they are remunerated in other countries by the provincial theatres?—I do not know that they are, except writers of original dramas, who have a lien upon the performance; but not mere cookers-up of dramas. I can hardly call them literati.

3768. You would allow it in the case of an original writer?—Yes, because a man's original talent is always of a high value, and ought to be productive to himself.

3769. Does not the principal attraction of your theatres in the provinces arise from novelty of that sort, whether original or translations, or whatever description of production they may be?—Yes, I am sorry to say such is the state of the public taste that it is the case.

3770. Then is it not fair the authors of those pieces should have some remuneration from those who profit by the produce of their brains?—I can carry that principle through all the branches of dramatic literature or science. It may be so, but if I write a book on mechanics, the law protects my copyright only, it does no more. Any petty schoolmaster may avail himself of it, and may make it a source of profit to himself by teaching his scholars; I cannot prevent it.

3771. You have the copyright?—Yes, and dramatic authors have the copyright of their works.

3772. Do you not think if there was an increase of remuneration to dramatic authors, dramatic writing would improve, as you would attract first-rate talent to the theatres?—I do not know that it is regulated by that. They receive a certain sum at present, but formerly they had a certain number of nights.

3773. What difference does it make in what way they receive remuneration, so that the remuneration is sufficient?—Why it virtually does differ, as it does not appear to come out of the pocket of the manager; the public pay for it.

3774. Suppose the author demanded 10*l.* or 20*l.* for the performance of a very successful piece brought out in London, would it not be worth the while of the provincial managers to pay that?—If it was a successful piece, and likely to have a run, it might be worth while; but they are in general so ephemeral, they do not run more than two or three nights.

3775. Now, in the instance of the *Hunchback*, would it be worth while to pay for that?—Yes; I consider that is an original drama. I think the author of the *Hunchback* ought to have remuneration from all theatres that can afford it.

3776. Could not the provincial theatres afford to pay for it?—I cannot say they could afford it, but they would be obliged to pay for it.

3777. Do you conceive such an enactment would be unobjectionable if confined to original pieces?—I think it would be less objectionable.

3778. But still there would be an objection?—Yes, because it increases the burthens of the provincial theatres, which are so great already.

3779. To what do you attribute the decline of the provincial theatres?—There are various causes; in the first place, perhaps, the increase of sectarianism.

3780. Religious feelings?—Yes, that is one cause, and the taste of the English people is also very much altered; they are not a play-going race generally.

3781. Do you consider the play-going population has increased in the same ratio as the population generally?—I consider it has decreased in an inverse ratio.

3782. In town and country?—I am speaking generally of the provincial theatres. From being connected with six of them, I frequently go down to see the property is not injured.

3783. Your theatres are patent theatres?—One, Norwich, is, the others are not.

3784. You play by the licence of the magistrates for 60 nights?—By a magistrate's licence for a certain time.

3785. Do you ever produce new pieces?—I know of three or four instances.

3786. Have you submitted them to the Lord Chamberlain?—Yes.

3787. You consider yourselves entitled to act any play which has been printed?—Yes, I believe that is so.

3788. Have you not been in the habit sometimes of getting manuscript plays that have not been printed?—I do not know the machinery of the thing; it is possible; but I know nothing about it.

3789. The objection you have stated to granting copyrights to authors is the additional weight it would throw on the provincial theatres?—Unquestionably it would be a very heavy weight.

3790. At the same time you stated that Mr. Knowles ought to receive something for the Hunchback wherever it was performed?—I think every man is entitled to receive compensation for original talent.

3791. But you think a man ought not in justice to receive compensation for what you do not consider the legitimate drama?—I do not consider he has any claim upon the public.

3792. You do not consider a man is entitled to the produce of his labour however he may bestow that labour?—If it is original; but the fact is, the source of his work in general he draws from different quarters. There is no ingenuity displayed where mere translation is employed.

3793. It will not have so long a run, being an ephemeral piece, as a legitimate drama of great merit?—No.

3794. Then in the long run, supposing the copyright is granted to authors, and they could have a certain sum for every night it is performed, a translation would not afford him so large a profit as a legitimate drama?—I do not know of any ground upon which to form a calculation.

3795. It would not last so long, and therefore would not produce him so much?—No.

3796. Consequently, if a copyright is granted, the original talent displayed in the legitimate drama would be better rewarded than the talent or want of talent displayed in a small ephemeral piece?—Very likely it would; for instance, Foote's pieces are in a great measure taken from the French; I should say Foote had no claim to compensation beyond the literary copyright, because he has displayed nothing but adaptation.

3797. Who is to be made the judge of that? You might call Virgil an adaptation?—I do not say that.

3798. Any man who borrows largely you might call an adaptor?—Any man who borrows largely from Virgil has no claim on the literary public.

3799. Virgil borrows largely from Homer?—We cannot help that; we are all plagiarists more or less; there is nothing new under the sun.

3800. You say the provincial theatres have declined of late?—Decidedly.

3801. From what causes?—From various causes: from the increase of sectarianism chiefly, but also from the genius of the English being materially altered; they are not the play-going people they used to be; also from the circumstances of the times.

3802. You say there are not so many play-goers because sectarianism has increased; what are the other causes?—The taste of the English people is altered.

3803. Do you think the actors in provincial theatres are as good as they formerly were?—They are very good; they form the nursery for the theatres in London.

3804. Are they as good as formerly?—Quite as good.

3805. Has there been an increase of provincial theatres?—On the contrary, I believe a decrease. I may state, that seven years ago I let my theatres upon lease to a person who gave me 1,150*l.* for my six theatres, and after an interval of four years I have been obliged to take 350*l.* per annum less, and he is now calling upon me for a further reduction.

3806. In general the provincial drama is in an exceedingly bad state?—In a very bad state.