

The question on the Resolution agreed to.

Mr. *Stanley* said, that, looking to all the circumstances of the case, he felt bound to follow up the Resolution which had just been agreed to, by moving that Mr. *Sheehan* should be committed to the custody of the Serjeant-at-Arms. He thought it was also better that the officers concerned in printing and distributing the Reports of Committees should be in attendance to-morrow evening, in order that, if Mr. *Sheehan* persisted—as he (Mr. *Stanley*) trusted he would not do, upon better reflection—in concealing the means by which he became possessed of the document, they might endeavour to trace it out by a strict examination.

Ordered accordingly.

STATE OF THE DRAMA.] Mr. *Edward Lytton Bulwer* rose, pursuant to notice, to move for a Select Committee for the purpose of inquiring into the State of the Laws affecting Dramatic Literature, and the performance of the Drama. They all knew that there was a patent granted to the two great theatres for the performance of the drama. The extent and power of these patents, with the laws by which they were strengthened, had long been a matter of dispute; but by the late decision of a high judicial authority, it seemed that all performances worthy of the attendance of persons pretending to a reasonable degree of education—all performances, except those of the most mountebank and trumpery description, fit only for the stages of Bartholomew Fair—were to be considered as infringements of the law, and as subjecting those who assist in them to serious penalties. The minor theatres were, therefore, at this moment—with their many thousand actors, proprietors, and decorators, who depend for support on their existence—without the pale of the law; and the question was, therefore, forced before the public in the following shape:—"How far is it expedient for the public, that privileges and enactments of this monopolizing description should be continued; how far is it expedient that the minor theatres should be suppressed, and the exclusive patents of the two great theatres should be continued?" In the first place, he contended, that the original reason for suppressing the minor theatres had long since ceased to exist; and, in the second place, he contended, that the only possible ground upon which

these patents were given in trust to the metropolitan theatres had not been fulfilled. Now, the reason for suppressing the minor theatres appeared, both by Act of Parliament and in the literary history of these times. In the licentious period in which the first patents were granted, viz. the time of Charles 2nd, in all the unbridled re-action and intoxicated ferment of the Restoration—it seemed that the minor theatres were the scene of very disorderly and improper exhibitions; and it became necessary to suppress them—not so much for the sake of preserving decency as of protecting the drama. But did that reason exist at present? Could any who had ever by accident attended the smaller houses, assert that the performance and the audience were not of the most decorous and orderly description? So far as that consideration went, the minor theatres were fully as entitled to a license as the two great theatres themselves; and the original reason, therefore, for suppressing the minor theatres had, amidst the growing good taste and civilization of the age, entirely ceased to exist. On the other hand, why was a patent granted to two theatres alone? There was but one possible ground—for the preservation of the dignity of the national drama. Now, how had the patents obtained that object? It happened, curiously enough, that no sooner were the two great theatres in possession of this patent, than the national drama began to deteriorate, and a love for scenic effect to supersede it. It was a reproach made to Sir Wm. Davenant, it was a reproach made to all the stage managers under the new patents, that they looked, as their chief object in theatrical decoration, to a mechanical improvement. This reproach, with more or less justice, had constantly existed—this reproach, with peculiar justice, existed at the present time. Indeed, it was impossible to look back to the last fourteen or fifteen years without being struck with the extraordinary poverty of intellect which had been displayed in the legitimate drama, compared with that which any other department of literature had called forth. There had been exceptions, very honourable exceptions; but, never had any general rule fewer exceptions; and he was tempted to ask, with the Lord Chancellor, not how many plays had been produced of our literature, but rather, how many plays had been produced fit for

grown-up men and women to go and see? When the Legislature had given so vast a privilege to two theatres, solely for one object, viz. the preservation of the dignity of the national drama, it was bound in justice to see if that object had been effected. It was bound in justice to say, "where are the plays, to produce and encourage which we gave you this exclusive privilege? Where are the immortal tragedies, where are the chaste and brilliant comedies? You were to preserve the dignity of the drama from being corrupted by mountebank actors and absurd performances; you have, therefore, we trust, driven jugglers and harlequins from the national stage; you have admitted no wild beasts; you have introduced no fire-eaters and sword-swallowers; you have preserved the dignity of the national drama inviolate; you have left it such as it was when you took it from the hands of Ben Jonson or Shakespeare; for if you have not done this, then you have not fulfilled that object for which we took from your brethren those privileges we have intrusted to you." When they looked round and saw the dioramas, and the cosmoramas, and the jugglers, and the horses, and the elephants, and the lions, which had been poured forth upon the stage, they could not but feel that the dignity of the drama had not been preserved, and the object of these patents had not been fulfilled. Seeing, then, that the reason for suppressing the minor theatres no longer existed, seeing, that the object of these patents had not been realized, they were enabled to take a broader view of the question, and to recognize the monstrous injustice that the law inflicted on the public; for was it not absurdly unjust to say to the immense and scattered population of this metropolis, you shall go only to two theatres for the harmless recreation of a play—no matter how remote the habitation of the play-goer—no matter how inconvenient for the purposes of hearing and seeing, the arrangement of the theatre? Paddington and Pimlico, Westminster and the Tower Hamlets, Mary-le-bone and Shoreditch, were all to disgorge their play-going population in the direction of Covent Garden or Drury Lane, where, when they had at last arrived, they would find, not perhaps a tragedy, not perhaps a comedy, but a very fine scene in a very bad melo-drame—or, perhaps, if they were in eminent luck, a couple of lions and a diorama by way of

keeping up the dignity of the national drama. Was not this, indeed, unjust to the public, whom it deprived of all the numberless advantages of competition? Was it not unjust to the author and the actor, whom it limited to so overstocked and narrow a market? But it might be said that the minor theatres, notwithstanding their illegality, continued to exist, and that this injustice to the public was not, therefore, committed. But would not that fact alone be sufficient ground for inquiry? The small theatres were liable to serious penalties. They were told that those penalties would be enforced. If enforced, what injustice on the part of the law! if not enforced what mockery of the law. In either case amendment was necessary. Laws that were iniquitous should be altered; but so also should laws that were impracticable. Why expose the laws to be at once hated for their doctrine and laughed at for their impotence? Why have all sound and fury in the theory, signifying nothing in the practice? Besides, if the law could not, in the teeth of public opinion, shut up the small theatres, why not let them assume a respectable, a lawful character? What encouragement did it give to the proprietors of the minor theatres for a regular and continued spirit of enterprise, while this uncertainty hung over their head? What injustice this precarious uncertainty of the law caused. One proprietor broke the law with impunity. The Lord Chamberlain, however, honoured the illegal theatre with his presence—sanctioned the illegality by his patronage—and another proprietor, as at that moment was the case, might be suddenly prosecuted and cast into prison for the crime of earning his bread exactly in the same manner as his brethren, but not exactly with the same fortunate impunity. Let, then, these laws be defined, and let them be clear and uniform in their application. Let the public be informed what theatres shall exist, and the actors what performances they shall be allowed to act—and do not let the law keep up iniquitous uncertainty, which, while it rendered the property of the minor theatres so precarious and illegal, frittered away by contraband far more than it would by open rivalry, the property of the great theatres—involved them in constant prosecutions, and constant litigations, and made the public ridicule as impotent, or hate as tyrannical, those who

enforced the law, and sympathise as martyrs or heroes with those who defied it. A great cause of the deterioration of the drama, it was universally acknowledged, was to be found in the size of the theatres. It was in vain to expect plays that should not depend upon show, in theatres where it was impossible to hear. The enormous size of these houses rendered half the dialogue lost to half the audience, and thus the managers had been compelled to substitute noise, and glitter, and spectacle, and the various ingenuities of foil and canvas, for wit which would be three parts inaudible, and for pathos which would scarcely travel beyond the side-boxes. It was absurd to hope that the drama could be restored until it was exhibited at houses of a convenient size. But what was the cause of the overgrown size of these theatres? Why, the patents. No sooner were the proprietors of the two great houses in possession of the exclusive right of entertaining the town, than they naturally enlarged their houses, to take in as much of the town as possible. The patents encouraged them to hope for unreasonable profits, and their only care was, to find room for all the new comers whom they thought would be driven into their net—quite forgetful, that though the law might shut up a commodious theatre, it could not force the public to yawn and shiver in an inconvenient one. But it was said, that the proprietors of one, or both, of the large theatres intended to diminish the size of the theatres, and to make them reasonably less; but while that would be a very fair arrangement for one part of the public, would it be fair to the other part? while it would be very fair to those who were admitted, would it be fair to those who were excluded? Would it be fair to the public to say, “You shall go only to two theatres,” and then to reduce the size of those theatres, so that only a very small part of the public could be admitted? But, as the size of the houses was diminished, the character of the drama would be elevated—a new impetus would be given to the stage—people would be able to hear and see better—many more persons than at present would be desirous of going—but where were they to go? Exactly at the time that you would increase the number of the frequenters of the theatre, you would diminish the accommodation afforded them. So that the two houses were in this dilemma; either they must retain their present size, and the legi-

timate drama must continue debased or banished, or they must lessen their size, and commit a greater injustice to the public, exactly in proportion to the greater improvement they made in the stage. No: while they reduced the size of the theatres, in order to restore the drama, they must increase the number of the theatres, in order to receive the public. Now there was also another point he should just touch upon—viz., the authority of the Lord Chamberlain, and more especially that of the Dramatic Censor. It might, perhaps, be remembered, that when Sir Robert Walpole brought in the bill, commonly called the Play-house Bill, in which the authority of the Censor was for the first time settled and defined, Lord Chesterfield said, in his celebrated speech on that bill, “That we were about to give to the Lord Chamberlain, an officer of the household, a power more absolute than that which we would extend to the Monarch himself.” He was at a loss to know what advantages they had gained by the grant of this almost unconstitutional power. Certainly, with regard to a Censor, a Censor upon plays seemed to him as idle and unnecessary as a Censor upon books. Let them look back for a moment, although until Walpole’s Bill, the powers of a censorship seem to have been unsettled and doubtful; it was certain, at least, that the Master of the Revels at first, and the Lord Chamberlain afterwards, exercised a right similar to that of a censor; whole passages in Davenant and in Massinger, were expunged by the Master of the Revels, and now mark how really useless, so far as morality was concerned, were the pains he took upon the subject: They knew what those passages were; they contained only some vague political allusion, and did not contain a line of the indecency and immorality that might be found in those plays. And why? Because a Censor sees only with the eyes of his contemporaries, and because the custom and temper of the times sanctioned the indecency and the immorality. The only true censor of the age, was the spirit of the age. When indecencies were allowed by the customs of real life, they would be allowed in the representation, and no Censor would forbid them. When the age did not allow them, they would not be performed, and no Censor need expunge them. For instance, while the Licensor at this moment might strike out what lines

he pleased in a new play, he had no power by strict law to alter a line in an old play. The most indelicate plays of Beaumont and Fletcher, of Wycherly or Farquhar, might be acted unmutilated, without submitting them to the Censor; but they were not so acted, because the good taste and refinement of the age would not allow them; because, instead of attracting, they would disgust an audience. The public taste, backed by the vigilant admonition of the public Press, might, perhaps, be more safely trusted for the preservation of theatrical decorum, than any ignorant and bungling Censor, who (however well the office might be now fulfilled) might be appointed hereafter; who, while he might strain at gnats, and cavil at straws, would be without any other real power than that of preventing men of genius from submitting to the caprice of his opinions. There were two other points for the Committee to consider; viz., the number of theatres that should be allowed, and the performances they should be permitted to exhibit. With respect to the first, he would read a short passage from Sir W. Scott's *Life of Dryden*, which was applicable in itself, and emanated from no common authority. 'I do not pretend,' says Sir W. Scott, 'to enter into the question of the effect of the drama upon morals; if this shall be found prejudicial, then two theatres are too many; but, in the present woeful decline of theatrical exhibition, we may be permitted to remember, that the gardener who wishes to have a rare diversity of a certain plant, sows whole beds with the species; and that the monopoly granted to two huge theatres must necessarily diminish, in a complicated ratio, both the number of play-writers, and the chance of anything very excellent being brought forward.' Now, he must confess, for his own part, that he thought the public likely to be the best judge as to the number of theatres. On the one hand, he did not think there would be more theatres than could find audiences to fill them; on the other hand, he thought there ought to be as many theatres as the public were willing to support. With regard to the performances, he did not think it would be wise to lay any restrictions on the legitimate drama; for, putting out of the question the difficulty of defining what the legitimate drama really was—a difficulty that would open the door to new disputes, and

new litigations—he thought it was absurd to allow what was frivolous and to forbid what was great; to allow vaudevilles from the French, and not to allow tragedies from Shakespeare. It was unjust to the public to suffer what was indifferent of its kind, and to forbid what was best of its kind; to allow what might lower and enervate the public taste, and not to allow what might refine and exalt it. He would wish them to leave the stage free from such restrictions; and in so doing he did not ask them to try any novel experiment, he only asked them to leave it such as it was in the days of Massinger, and Beaumont and Fletcher, and Jonson and Shakespeare, when seventeen theatres were constantly open to a metropolis a tenth part of the size of London at present, and a population by a hundred degrees less wealthy and intellectual. He now came to the last point he should touch upon; viz., the state of the laws regarding dramatic copyright. As they had heard a great deal in that House of the advantage of the close boroughs, in returning to Parliament men of intellectual habits, whom some hon. Members declared were the Representatives of literature, he might ask, what had they done for the literature they represented? The state of the law regarding literary property was infinitely more harsh and inconsistent than that existing in France; but the state of the laws regarding dramatic copyright alone, would long be a proof how indifferent that House had been to the general claims of that property, which ought to be the most sacred of all, because it encouraged all—because it ennobled all—because it produced all—the property that is derived from intellectual exertion. The instant an author published a play, any manager might seize it—mangle it—act it—without the consent of the author—and without giving him one sixpence of remuneration. If the play was damned, the author incurred all the disgrace; if the play succeeded, he shared not a farthing of the reward. His reputation lay at the mercy of any ignorant and selfish managerial experiment; he might publish a play that he never meant to be acted, that he knew would not bear to be acted; but if, as in the case of Lord Byron, his name alone would attract an audience, he was dragged on the stage, to be disgraced against his will, and was

damned for the satisfaction of the manager, and the dignity of the national drama. He had no power—no interest in the results of his own labour—a labour often more intense and exhausting than the severest mechanical toil. Was this a just state of things? The commonest invention in a calico—a new pattern in the most trumpery article of dress—a new bit to our bridles—a new wheel to our carriages—might make the fortune of the inventor; but the intellectual invention of the finest drama in the world, might not relieve by a groat the poverty of the inventor. If Shakespeare himself were now living—if Shakespeare himself were to publish a volume of plays, they might be acted every night all over the kingdom—they might bring thousands to actors, and ten thousands to managers—and Shakespeare himself, the producer of all, might be starving in a garret. The state of our laws in this respect was scarcely credited in foreign countries. In France, no work of a living author could be performed at any theatre, provincial or metropolitan, without his formal consent, on the penalty of forfeiting the whole profits to the author. In Belgium, the same law existed, and in both countries the author's family, his widow, his children, succeeded to his intellectual property, and for a certain number of years, shared in its profits. By this a two-fold purpose was served; justice was done on the one hand, and emulation excited on the other. Should they, then, be more backward—more unjust than their neighbours, and should these poor authors who had so much to struggle against, in the common literary calamities of a slender income and a diseased frame—be the only men in the whole community, literally denied that necessary blessing pledged by every free State to its subjects, viz. the security of property? He trusted he had established sufficient ground for the appointment of a Committee, but, as one of the English public, and as a Member of that House, he was desirous that the age, the nation, and the Legislature should be freed from the disgrace of these laws on the one hand, and the want of law on the other, which were so glaringly unjust in themselves, and so pernicious to one of the loftiest branches of intellectual labour. He moved for a Select Committee to inquire into the law respecting Dramatic Literature, and the performance of the Drama.

Mr. O'Connell seconded the Motion.

Sir Charles Wetherell thought many of the observations of the hon. Member for St. Ives were a sort of side-scene slap at Lord Brougham. He had, after an elaborate inquiry—having called the Chief Justice of the Common Pleas and Mr. Justice James Park to his assistance—given his judgment and advice to the Crown, that the Crown, though it might allow the minor theatres to keep open for a longer time than at present, ought not to allow them to keep open all the year. That was saying, by implication, that the Crown ought not to consent to the establishment of additional theatres, and against that judgment the Motion and speech of the hon. Member were opposed. Lord Brougham had, then, by implication, decided that the multiplication of small theatres was not advisable. He (Sir Charles Wetherell) objected to the Motion for appointing a Committee, however, because it was interfering very unnecessarily with the prerogative of the Crown, which had hitherto been exercised with great judgment. That was a very ancient prerogative, and without some necessity he could not consent to reform it. The House had Reform enough upon its hands without also reforming the prerogatives of the Crown and all the theatres. If any case of abuse were made out, he might, perhaps, agree to the inquiry; but till a case of abuse was clearly established, he certainly should oppose the Motion. If a case of abuse were established, he would then support the hon. Member; but to hear what was said on the subject, it might be supposed that the liberty of the people was invaded—that the Habeas Corpus Act was suspended, so much was made of dramatic liberty being infringed and violated. He admitted that the stage was deteriorated—that lions and tigers had taken the place of actors—that camels and camelopards now walked over the boards, and that the whole theatre had departed from the classic models of Shakespeare and Ben Jonson. Admitting this, however, what was the remedy? Why, to multiply the theatres. Then we should have similar spectacles in the Tower Hamlets and in the Finsbury Divisions—we should have lions and leopards in Lambeth, and camels and camelopards in all parts of the town. To multiply the theatres, instead of purifying them, would only render what was bad, incurable and

intolerable. Again, with respect to the composition of pieces; did the hon. Member suppose that multiplying theatres would improve that? At Paris there were thirteen or fourteen theatres, and he had never heard that it made any modern Corneilles or Racines. The multiplication of theatres had there only deteriorated and depraved all composition for the drama, and the same effect would take place here. The moral discipline of the theatre was the next point noticed by the hon. Member. Now he denied that that discipline was likely to be improved by an increase of the number of theatres. He could state advisedly, and his observation was founded on historical research, that in proportion to the multiplicity of theatres, the moral discipline had been relaxed. To take away from the Crown the wholesome exercise of that power which it at present enjoyed with reference to theatres, would, in his opinion, be a most improper interference on the part of that House, especially as no case whatever had been made out for any such interference. He believed that the hon. Member, versed as he was in these matters, could not show a single instance where this power had been abused. The hon. Member could not, he was convinced, mention any case in which the Lord Chamberlain had refused to license a drama which could, with propriety, have been played. He therefore thought, that a proposition for the removal of the salutary control which at present existed ought not to be entertained by that House. If they did away with that control, anything, however sacred, might be made the subject of dramatic exhibition. By taking such a step, they would at once say, that the Crown had no right to interfere. But if they did not go to that extent—if it were not contended that this power should be wholly abrogated—then it necessarily followed, that the Crown should watch over and protect the interests of religion and morality, as connected with theatrical representations. The hon. Member had adverted to literary property as connected with the drama, and regretted that it was not better protected. In descanting on this part of the subject, he had complained that some of the close-borough men, who were literary characters, had but ill requited the advantages which they owed to literature, by neglecting its interests in that House. That, however, as a general proposition, was not the fact.

Some of those literary close-borough men had strenuously advocated the cause of literature, whenever it was directly or incidentally brought before that House. It was alleged that the decline of the drama here was to be traced to the present monopoly. But if, in modern days, the classic drama had gone down in England, it had also gone down in France, where a different system prevailed. Did the hon. Member hope, if his views were carried into effect, to restore the golden age of dramatic literature? Did he imagine that he could give to us other Shakespeares and other Ben Jonsons? He (Sir Charles Wetherell) contended, that with thirteen or fourteen paltry theatres, the legitimate drama was less likely to flourish than with two great ones. The passing or the rejecting of a "Dramatic Bill," at Drury Lane or Covent Garden, stamped the work with the character of merit, or consigned it to deserved oblivion. The audiences at those theatres formed a body of competent judges. Could the same be predicated of those who probably would attend the host of minor theatres, the establishment of which appeared to be the object of the hon. Member? He did not think, if the proposed change were made, that it would lead to the production of such works as Addison's *Cato*, or Dr. Johnson's *Irene*. Considering the variety of questions which this subject embraced, as it related to theatrical property, to the encouragement of dramatic genius, to the interests of morality, and to the prerogative of the Crown, he thought that they were called on by this Motion to go into, not merely a useless, but a very mischievous inquiry. He opposed this Motion, amongst other reasons, because he believed that every interest of the drama would suffer by agreeing to the proposition, and thereby, in some degree, sanctioning the sentiments of the hon. Member. The object of the hon. Member seemed to be, the indefinite multiplication of theatres. Now he had the opinion of a dramatic writer—a man of acknowledged taste—and that opinion was, that the establishment of a great number of theatres would not be the means of producing excellent plays; but, on the contrary, that it would tend to the multiplication of bad plays and worse actors. For these reasons he should oppose the Motion.

Mr. Lamb would not enter into any competition with the hon. member for St. Ives on the subject of dramatic criticism,

for, though he had formerly known something of the matter, he had not of late frequented the theatres much, and he knew he should be no match for the hon. Member. He admitted that there was a great falling-off in the drama, owing, he believed, to the falling-off of patronage, and the encroachment of the minor theatres, which had brought theatrical property into a most inefficient and inconsistent state, and showed that a full inquiry into the subject was needed. He should not have much time to attend the Committee, but, if that were to go fairly into the subject, and examine the influence of the prerogative, the power of the Licensor, the management and discipline of the theatres, they would find that the inquiry would last longer than the longest five-act play. He had rather the motion for a Committee had originated in the House of Lords, where the officers to whom the Crown delegated its powers over dramatic performances had seats. He considered that the drama had always flourished more under kingly than any other patronage, as, for instance, under the patronage bestowed upon the theatre by George 3rd and George 4th. Referring to the recent hearing of the claims of the major and the minor theatres in Lincoln's Inn Hall, he said, he did not mean to impeach the judgment of the Lord Chancellor and the learned Judges who assisted him on that occasion; on the contrary, he believed it to be perfectly just and equitable; but it had the singular effect of completely dissatisfying every party concerned, not an uncommon case, certainly, with the decisions of Courts of Law. With regard to the question of prerogative, so many Acts had been passed limiting the powers of the Monarch, that it was really too late to say that Parliament had no power to interfere; but he would much rather extend the powers of the King's Officer, the Lord Chamberlain, than give the control into the hands of the Magistrates and Courts of Law; for, in his opinion, the more the controlling power was placed in the hands of the authorized officers of the Crown, the more flourishing would be the drama. The hon. Gentleman said, it would be a dethroning of the King's prerogative. Why! was not that prerogative practically violated every night? And if ever the Act for limiting the number of concert and ball-rooms was violated, it was violated every night by the performances of the theatres in the suburbs. He did not

mean to stand up as the champion of the patent theatres; let them have their rights—he did not see why the whole matter between them and the minor theatres should not be amicably adjusted. One great advantage of a legal settlement of this question would be, the establishment of the censorship of the Chamberlain over the performances at these minor theatres, which was loudly called for, and would be of great service to public morality. Some of their exhibitions were exceedingly improper, and it must be in the recollection of hon. Gentlemen, that at one of these houses the murder perpetrated by Thurtell was represented before the trial, and the curtain dropped as the Judge was putting on his black cap. As the Committee was to be granted, he should not trespass on the House at any length; but if the hon. Gentleman imagined that the effect of this Motion would be to multiply theatres, he begged to state, that he was an enemy to such a multiplication. The effects which he anticipated were two-fold—first, upon literature; and secondly, in relation to police. The multiplication of theatres would, he was sure, be of no service to literature; and, as to police regulations, no one could deny its injurious tendency. He hoped the result of the labours of the Committee—and he feared they would find themselves in a labyrinth from which they would not be easily extricated—would be, to place the police of theatres on a consistent and intelligible basis. He hoped they would be subjected to proper regulations, and that we should no longer behold a law, which was either a perfect mockery, or else put into execution through motives of vengeance or favouritism. With regard to the question of dramatic authorship—that of giving to authors a copyright in the acting of their plays—he himself had once attempted to bring in a bill for that purpose, and he only desisted because the dramatic writers came to him in a body and said that the bill would be perfectly useless and nugatory; and, upon reflection, he was convinced it would be so, unless a clause were inserted, empowering any Justice of the Peace to convict an offender. Though the hon. Member had referred to the example of France, he would find, on an investigation of the point, that notwithstanding the numberless Acts passed there for that purpose, it had been found extremely difficult, if not impossible, to protect the rights of dramatic authors.

His desire was, as he had already said, that the connection between monarchy and the drama should not be severed. The drama, he repeated, was the flower of the Crown—the child of monarchy—and he did not think that it would ever flourish under any other parent. He trusted that the result of the labours of the Committee would be, to place the theatres in this metropolis upon a proper footing, and the Motion should, therefore, have his support.

Mr. William Brougham thought, that his hon. and learned friend (Sir Charles Wetherell) had taken rather a mistaken view of the effect of the Lord Chancellor's decision in relation to the question before the House. At the time the reference was made to the Lord Chancellor, assisted by the Vice-Chancellor and other Judges, the question to be discussed was, as to the state of theatrical property as it then existed, the validity of the patents, and the interest of certain creditors of the larger theatres in the result; and judgment was given, partly on the ground of validity, and partly on that of the interest of the creditors. But the question which the Lord Chancellor had to try was one thing, and that which it was the duty of the House to consider was another. It was for the House to inquire into the state of the law, and also into the propriety of that law, with a view of rectifying it if it were wrong and productive of evil; whereas, it was merely the duty of the Judges to pronounce their opinion upon the law as it stood; and it was the sole object of his hon. friend's Motion for a Committee to inquire into the state of the law. He did not imagine that, when Shakespeare wrote, there were such large theatres as Drury Lane and Covent Garden. He was sure that the drama was not benefitted by them; on the contrary, if they wished to encourage the drama, they should encourage smaller theatres, where they might have an audience more select and more capable of appreciating the higher beauties of the drama than the mixed audiences which generally attended the larger theatres. In smaller houses the actors could be both seen and heard, which would be a great advantage not only to the audience but to themselves; whereas, in the large wildernesses of Covent Garden and Drury Lane no man, unless he were fortunate enough to secure a seat near the stage, could either see or hear. And what had been the conse-

quence? Why, the drama had degenerated into melo-drama, and horses, and elephants, and jugglers occupied the stage. As the law now stood, any minor theatre, within twenty miles of the metropolis, performing any pieces except burlettas, violated the law, and every actor was liable to a penalty of 50*l.* for each performance. And if public opinion was so strong as to enable actors to violate this law night after night with impunity, surely this was a reason for inquiry—this was a reason for legalising those theatres which the public necessity commanded. His hon. friend near him (Mr. Lamb) said, that the Chamberlain had power to license theatres; but the Chamberlain had only power to authorise the performance of burlettas. His hon. friend differed from him in opinion, but he had carefully considered the laws relating to the subject, and must adhere to his own opinion, which was most distinctly that every theatre performing the drama, whether with the Chamberlain's license or without, was liable to an information. The fact was, they performed regular comedies and tragedies, which could not be denied. It was, indeed, difficult to say what was a burletta and what was not. He had heard it maintained that any play, into which music was introduced, became a burletta; and he had heard that *Othello* even had been performed as a burletta, which was effected by having a low piano-forte accompaniment, the musician striking a chord about once every five minutes, but in such a manner that it was totally inaudible to the audience. He conceived that no man could deny the claims of an increased population to an increase of places of amusement. The mass of the people could not enjoy those more polished amusements of Almacks, of driving out, &c. and, in his opinion, they could partake of no amusement more harmless than that to be found in a well-regulated theatre. He gave his most hearty concurrence to his hon. friend's Motion.

Mr. John Campbell said, he should strenuously support the Motion. The laws respecting theatrical representations must be revised. At all the minor theatres an Act of Parliament was nightly violated, and with public approbation. Regular tragedies and comedies were there acted, without even the subterfuge, some time resorted to, of occasionally touching the keys of a piano-forte, although the license extended only to music and dancing.

These representations were attended by persons of the gravest character. The hon. and learned member for Borough-bridge himself probably recreated himself from the labours of the Reform Bill, by going to the Olympic, and admiring the performances of Madame Vestris. Yet the proprietors, managers, and performers, at these theatres were liable to a penalty of 50*l* a night, and, till very lately, might be punished as rogues and vagabonds. This was a state of things which ought not to endure. Where the laws and the habits of the people were at variance, there was something vicious in the system; and the laws should be made to conform to the habits of the people, or the habits of the people to the laws. Therefore, if the hon. and learned Gentleman thought that the monopoly of the two patent theatres ought to be strictly preserved, still he should vote for the Committee, that some plan might be devised for effecting that object. For his own part, he thought the principle of free trade should be extended to theatrical representations, and that the state had no right to interfere, except to enforce the observance of decorum, and to see that the pieces represented were not injurious to private character, or to public morals. Some insinuations had been thrown out against the minor theatres; but, he believed, there was more to outrage decency at the great patent theatres; which, indeed, made a greater display of depravity than any theatres in Paris, Naples, or Madrid, and, in this respect, were a reproach to the country. He trusted that, by the exertions of the Committee, a rational code upon this subject might be framed, which would be practically observed, and which, while it repressed every thing improper, would allow the public to be the directors and judges of their own amusements.

Mr. *Hume* was glad to find that the learned Gentleman thought that there should be a free trade in theatres, as well as in other matters. If it should appear, as he was sure it would, that talent was checked and thwarted by the monopoly of the great theatres, the result of the labours of the Committee would effect great good, by doing away with such an evil. It was quite wrong that there should be only two patent theatres in the metropolis, for the performance of the regular drama. The performance of it should be open to all theatres, and the public should

not be obliged to come from Mile End, and the Tower Hamlets, to the West end of the town, to witness its performance. Now that they were emancipating themselves from other monopolies, they should also put an end to that very injurious and most indefensible one—a theatrical monopoly.

Mr. *Robinson* thought it high time that the law relating to this subject should be altered. As to the talk about the invasion of the rights of the patent theatres, who they were already invaded, and the invasion could not be prevented. He should support the Motion, because the existing laws were anomalous, and because he considered the people of this great metropolis were entitled to more than two theatres; for, although he did not think dramatic performances were, in themselves, calculated to improve the morals of the people, yet, when he considered the many other temptations to immorality which existed, he must treat them as the lesser evil. Many a man accompanied his family to the theatre, who would, if debarred from such an amusement, spend his time and his money in a public-house, or even in a worse manner. The Motion only contemplated an inquiry, and, in his opinion, it was high time an inquiry should take place.

Mr. *Sheil* said, that there were three subdivisions of the question before the House;—the first was, whether a dramatic censorship should exist, by which a previous approbation by a Licensor should be rendered requisite;—the second, whether certain theatres should enjoy a monopoly of the dead, as well as living, genius of the country, through their exclusive right to represent regular tragedy and comedy;—the third, whether means ought not to be taken, to give to dramatic writers a privilege analogous to that which was conferred, through the medium of copyright, on other authors. With respect to the first question, the propriety of making a preliminary license indispensable to the production of a new play, he thought that a series of continued facts was preferable to any speculation. In Ireland, a license for a new play had never been required. When a national stage did indeed exist, when Garrick, and Mossop, and Barry performed before the assembled nobles and great gentry of that country (and, in that country, civilization had at that period reached the highest point to which it could

attain), no Licenser was found necessary. Why? Because the spirit of true decorum, and that refinement which is inseparable from decency, forbade the performance of irreligious or immoral compositions, and issued its inviolable injunctions against the infringement of propriety. Reliance ought to be placed on the good feeling and good taste of an intellectual people for the prohibition of whatever might offend the moral sensitiveness of the purest minds. Observe the great evil that may ensue from committing to a Licenser an arbitrary and absolute dominion over the stage. He might consult that fanaticism which is apt to prevail most lugubriously in the minds of those who, by a sudden transition, throw themselves from one excess into another, and who expiate their own aberrations by their rigour towards the faults of others. The next question was, whether the great theatres should have a monopoly of the genius of Shakspeare, and Otway, and Congreve, and Sheridan. Wherefore? Did not the works of these great men, like their fame, belong to their country? If plays were to be performed in minor theatres, wherefore should not the best plays be exhibited, and be thus made the means of diffusing literature, through the most pleasurable medium, through the national mind? The last question was—should not authors be secured some of the fruits of their success? A play is performed; it is eminently prosperous; the author receives a certain sum on the third, the ninth, the twentieth representation. Why should his emoluments end there? Why, as long as the theatre has a profit, should he not participate in it? Why should the managers of the provincial theatres be permitted to perform his play, and allow him no portion of the receipts? Take the case of Mr. Sheridan Knowles. That gentleman—whose name he felt a peculiar pleasure in naming in that House, because he was a near relative of the illustrious person who had in that House been so eminently distinguished—had written a variety of works, which refuted the allegation that dramatic genius was extinct. The tears of thousands who witnessed *Virginius*, performed by Macready, afforded the best proof that the tragic muse had not departed from the British stage. His new production was as deeply impressed with the signet of genius. Was it not most unjust, that from the performance of his tragedies in the

theatres of Dublin, Liverpool, and Edinburgh, he could derive no sort of emolument? But he was convinced, that to these abuses an end would be put. A great interest had been displayed on this subject by men apparently alien and foreign from it. It was delightful to see the hon. member for Boroughbridge, after his great political achievements, engaging in a discussion so purely literary as this. He was, in truth, a sort of ambulatory encyclopædia—there was nothing he did not touch, and he touched nothing which he did not adorn. But he owned, that to his opinion on dramatic questions he was not inclined to attach any very great importance, when he found the hon. and learned Member mistaking Steele's comedy of *The Conscious Lovers* for Addison's *Cato*; and how could he have made such a mistake with regard to *Cato*? Was he not himself the great stoic of Toryism? Was not Boroughbridge a modern Utica? Did not the hon. the learned, and exceedingly dramatic Gentleman, realize, in the opinion of his party, the famous lines—

“A good man struggling with the storms of fate,
And greatly falling with a falling state”?

The hon. Gentleman had not only been a critic on the drama, but a great performer in those scenes which were now enacted in the political theatre; and he (Mr. Sheil) was bound to acknowledge, that whatever might have been the defects of his character, the hon. and learned Gentleman had, at all events, adhered to the Horatian rule of unity, and observed the celebrated injunction of the poet—

“—————servetur ad imum,
Qualis ab incepto processerit, et sibi constat.”

Mr. *Edward Lytton Bulwer* could not but allude to the remark of the hon. and learned member for Boroughbridge, that in the days when Shakspeare wrote, theatres were not so numerous as at present. He begged to say, in reply to that remark, that he was only anxious for a restitution of the same system with reference to theatres, as that which existed in the days of Shakspeare; and, with that object, he trusted the House would not hesitate to grant the Committee he sought for by his motion.

Sir *Edward Sugden* objected to the delegating to a Committee of the House the power which was already vested in the Crown. He could not concur in the appointment of a Committee to investigate

a subject which the Government ought to take into their own hands.

Motion agreed to, and Committee appointed.

SALE OF BEER ACT.] Mr. *Trevor* rose, pursuant to his notice, for leave to bring in a Bill to amend the existing enactments relative to the sale of Beer in Beer-shops. He was aware he should have several prejudices to contend with, in combatting a Bill which was considered a boon at the time. He had, however, for some time watched the operation of the Act which had been passed for placing the sale of beer upon a different footing from that upon which licensed victuallers were placed. From all that he had observed, the alteration had been productive of increased drunkenness and disorder, and he thought that the time was arrived when some amendments ought to be made. The evidence of the Magistracy and the Clergy, in districts both great and small, and even of some of the working classes, was, that the great number of these beer-shops, spread over the country, led the labouring people into idleness and drunkenness, which, not unfrequently, was the means of the consummation of crime. He did not think that it was any answer to his objections, to say that the Bill had not had a fair trial. Such was not the fact. The Act had been in operation eighteen months, and had been found to fail in all the objects which had been anticipated by its projectors. The shops were opened as early as four in the morning, and did not close till ten at night. The remedies he should propose were, first, the establishing a more complete and perfect responsibility to the magistracy on the part of the beer-seller than existed at present. There was too great facility at present given to parties applying for licenses, which should be checked, by making it necessary that they previously should obtain a certificate that he was a proper person to hold such license, signed by the Clergyman, or two Magistrates of the district. He, should, moreover, propose, that every individual seeking a license for a beer-shop, should be required to give the security, to the amount of 20*l.* each, of two householders, assessed for the taxes, resident in the same parish, for the good and orderly conduct of his house. He should propose, also, that the hours for the sale of beer, instead of, as at present, being from four o'clock in

the morning until ten at night, should be from six o'clock in the morning until ten o'clock at night. The hon. Member concluded by moving for leave to bring in a Bill to amend the Sale of Beer Act.

Mr. *Fysche Palmer* said, the hon. member for Durham was an advocate of the old monopoly which had so long disgraced the country, and appeared to be desirous of reviving the system under which the brewers met yearly to regulate the pure strength and degree of wholesomeness, or unwholesomeness, of beer. He objected to the hon. Member's attempt to bring back the beer trade to a state of things which had been the subject of long and general complaint, and which caused the substitution, to a considerable extent, of spirits for beer, in the consumption of the humbler classes. One of the evils of the system consisted in the mode of granting licenses, which admitted of the grossest partiality and injustice. He had hailed with pleasure the passing of an Act that struck at the root of the mischief, and which, he maintained, had been attended with great advantage to the community. Such being his feeling on the subject, he should oppose the hon. Member's Motion for altering the Beer Bill, in the outset, and in every future stage of its progress.

Lord *Althorp* could not agree to the principles on which the hon. Member proposed to found his Bill. He had no objection to the enforcement, as far as possible, of police regulations, with a view to the preservation of order, but disliked the hon. Member's plan of previous security. Neither could he consent to the proposed alteration in the hours of keeping beer-shops open, thinking, as he did, that, if any change were made, it ought to be one which should assimilate the hours observed by public houses and beer-shops. The effect of saying that beer should not be drank on the premises was to declare, that no beer should be sold except to known persons. He thought it better not to attempt to legislate on the subject at present. It might have been well, perhaps, if the hon. Member had moved for a Committee of Inquiry at an earlier period of the session; but he (Lord Althorp) must object to the introduction of the Bill at a time when it was too much to expect that the matter could be duly considered.

Mr. *Hunt* opposed the Bill, and expressed a wish that beer-shops and public-