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CITY UNIVERSITY, DEPARTMENT OF ARTS POLICY AND MANAGEMENT.

**THE BATTLE OF THE STAGES:
THE CONFLICT BETWEEN THE THEATRE AND THE
INSTITUTIONS OF GOVERNMENT AND RELIGION IN
ENGLAND 1660 – 1890.**

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Ph D

2002

City University, Department of Arts Policy and Management, Doctor of Philosophy, 2002

THE BATTLE OF THE STAGES: THE CONFLICT BETWEEN THE THEATRE AND THE
INSTITUTIONS OF GOVERNMENT AND RELIGION IN ENGLAND 1660 – 1890.

By Roger W. Scales

ABSTRACT

Between 1660 and 1880 a number of Royal Patents were granted and Acts of Parliament passed whose purpose and effect, it has generally been acknowledged, was to restrict the spread and availability of English theatre, in particular that within the two cities of the metropolis, and to limit its potential as a forum of debate for the examination of ideas or the promotion of political dissent. During the same period, although not necessarily at the same time, theatre came under fire from religious groups of many different denominations. This condemnation and the measures taken by this special interest group in society to combat the influence of the stage has also been held to have had a restrictive effect on the institution of theatre.

This research has been primarily based on an examination and analysis of legislation, parliamentary debates, religious tracts, papers and letters in Lambeth Palace Library, letters in the Manuscript Department of the British Library, theatre texts, the writings of contemporary theatre critics, articles in contemporary newspapers and journals specialising in theatrical topics, specialist reports and magazines published by various religious denominations, contemporary pamphlets, diaries, biographies, theatre ephemera and current critical writing in specialist magazines and books devoted to theatrical and religious topics.

After discussing the reasons for setting the parameters of 1660 and the late 1880s for this research, the thesis considers the importance of the institution of theatre in the particular period studied and its relationship to the whole panorama of the history of theatre. After detailing a number of questions regarding the purpose of theatre and the effect it has and has had on society, this research examines the objects, effects and motivation behind the main statutes that were enacted to deal with the phenomenon of theatre between 1660 and 1880. In particular the genesis and context of The Restoration Patents, the Licensing Act (1737), the Disorderly Houses Act (1751), the Theatrical Representations Act (1788), the failed Sadler's Wells Bill (1788), and Interludes Bill (1788), and the Theatres Act (1843) have been examined, the aims of each debated and the effects of each of the legislative measures on theatre as a whole is explored.

The opposition that came from religious forces within the country during the period under study is also examined and analysed. The complaints from Church and Chapel were various: blasphemy, indolence, vice, perversion (particularly of the young), consorting with unwholesome company and drawing people away from God were all cited as sins of the stage. The underlying causes of the censure of important religious figures as well as that which came from different denominations is examined. The various measures put into operation to combat the dangers perceived to be coming from theatre are explored and their efficiency debated.

Finally the study examines the nature of the theatrical experience and how this has been affected by the legislation and condemnation of the religious interest in the country. A principal conclusion is that theatre in England was not repressed or rendered impotent by any of the legislation nor was it by the tactical opposition of the religious faction in society. Indeed theatre gained strength and potency by finding ways to circumvent the opposition it encountered. So successful was it in overcoming the ploys of the legislature and religious interests and so instrumental was theatre as a focus for life in England during the period under study that both of the forces of opposition eventually had to adopt theatre as an ally in the implementation of their own political agenda.

CONTENTS

ABSTRACT	1
CONTENTS	2
DECLARATION	4
CHAPTER ONE: Introduction.	5
CHAPTER TWO: The Patents of Charles II.	18
Section (i) The triumvirate of the King, Thomas Killigrew and Sir William Davenant.	
Section (ii) Women on the stage – a winked at self-indulgence.	
Section (iii) Charles attempts to emulate the example set by the great Courts of Europe.	
Section (iv) The expiry of the <i>raison d'être</i> of theatrical patents.	
Section (v) The rise of a broad-based popular theatre.	
CHAPTER THREE: The Licensing Act (1737).	72
Section (i) Changes in the political arena.	
Section (ii) The middle-class take-over of theatre.	
Section (iii) Early attempts to use the Arts as an instrument of social control.	
Section (iv) New ways of harnessing the Arts as an instrument of social control.	
Section (v) Sir Robert Walpole and the theatre.	
Section (vi) Walpole's hidden agenda.	
Section (vii) Post Licensing Act developments.	
CHAPTER FOUR: The Disorderly Houses Act (1751), the Theatrical Representations Act (1788), the Sadler's Wells Bill (1788) and the Interludes Bill (1788).	138
Section (i) Initiatives to promote theatre.	
Section (ii) Governmental attempts to restrict theatre?	
CHAPTER FIVE: The Theatres Act (1843) and its impact.	169
Section (i) The influence of Garrick.	
Section (ii) The Minor theatre and the diversification of genre.	
Section (iii) The rise in prestige of theatre	
Section (iv) Edward Bulwer-Lytton's espousal of the theatrical cause.	
Section (v) Demands for new legislation.	
Section (vi) The demand for theatrical relevance and verisimilitude.	
Section (vii) The failure of the Dramatic Performances Bill.	
Section (viii) The passing of the Theatres Act (1843).	

CHAPTER SIX: The Religious Imperative (1633 – 1898).	226
Section (i) A new ruling-class approach to the problem of theatre.	
Section (ii) The nineteenth century Non-Conformist threat.	
Section (iii) The stage and the build up of anti religious-establishmentism before 1800.	
Section (iv) Rowland Hill and the menace of the stage as a social force.	
Section (v) Anglicanism and the fear of dis-establishment.	
Section (vi) Music as an alternative theatre base for the working classes.	
Section (vii) The Public house as the poor man's theatre.	
Section (viii) Obscenity as political statement.	
Section (ix) Penny Gaffs.	
Section (x) The church and the moral welfare of the people.	
Section (xi) Stewart Headlam and the Christian Socialists.	
Section (xii) The religious influence in Local Authorities.	
Section (xiii) Looking towards the future.	
CHAPTER SEVEN: Analysis and conclusions.	315
APPENDICES	329
Appendix I Davenant's Patent	330
Appendix II Killigrew's Patent	332
Appendix III 10 Geo II c.xxviii The Licensing Act 1737	334
Appendix IV 25 Geo II c.xxxvi The Disorderly Houses Act 1751	339
Appendix V 28 Geo III c.xxx The Theatrical Representations Act 1788	347
Appendix VI 6 & 7 Vict. c.lxviii Theatres Act 1843	349
BIBLIOGRAPHY	353

DECLARATION

I declare that this thesis consists of my own unaided work except in so far as I have received advice and help of adequate and proper supervision. All sources and quotations have been duly acknowledged in accordance with normal academic conventions.

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Roger W. Scales 1st Jan 2002

CHAPTER I: INTRODUCTION.

The function of this thesis is to explore the overt and surreptitious attempts to control, contain, limit and manipulate English theatre that came from within the ranks of those social groups who constituted the governing classes between 1660 and the late 1880s. The period covered by the study is not arbitrary: it represents an almost self-contained period of theatrical activity with a discernible beginning and end. As far as the relationship between the stage and the government was concerned, Charles II's restoration to the throne of England in 1660 was socially and politically an iconoclastic event and, as far as theatre was concerned, a definite new beginning. The arrival of the King in London was a sign to people that they could throw off the cloak of austerity that had characterised the Commonwealth and overt theatrical activity was reinstated in the major centres of population. This was not, however, merely a return to an earlier status quo. The Restoration marked a rebirth which produced a very different theatre from that which had flourished in late Tudor and early Caroline society and it attracted much more attention from those who ran the country than hitherto. 1660 also saw a change in the ruling structure of the country. Although the Restoration re-introduced the pre-Civil War tripartite government of Monarch, Lords and Commons, this was to be a very different power structure from that which had existed before the Commonwealth. The relationship between Parliament and the King had to be re-defined as the balance of power had shifted from the latter to the former. This meant that the concept of "the ruling class" took on a wider meaning.

The date chosen for the end of this study, i.e. the late 1880s, is equally significant. The arrival of the motion picture, albeit in an embryonic form, in 1882, heralded the escalating fragmentation of mass entertainment into a number of tightly-specific hybrid theatrical and sub-theatrical genres, each of which had its own agenda and system of controls. It signalled the end of the playhouse, music hall or other accepted acting arenas as the focus for public entertainment. This was almost mirrored by the political fragmentation that ensued from the fact that the late 1880s also marked both the coming of age of municipal enterprise and local government and the start of the next wave of reform beginning with the creation of the County Councils in 1889. The catalyst for the former had been the new interest in political affairs that resulted from the franchise reform of 1867. The "Cross Acts" of 1875 and 1879, which authorised the first programme of urban renewal in Gt. Britain by allowing municipalities to buy and demolish slums and to build housing for rental, developed a new awareness of safety and hygiene

in building regulations, as did the demolition and rebuilding that took place under the aegis of the Metropolitan Board of Works in London between 1876 and 1884 and the stricter building controls that were the outcome of the Royal Commission on Housing of 1884. Perhaps, more importantly, the floodgates were opened for a new financial power within the municipalities when Liverpool Corporation raised a subscription of £2,000,000 and successfully launched a flotation of consolidated municipal stock. This new municipal financial power resulted in demonstrations of an awareness of a wider power and influence within the community by initiatives such as the opening in 1877 of the new Manchester Town Hall, a municipal building unequalled anywhere in Europe for size and convenience. The importance of these developments, as far as this study is concerned, is that they resulted in an autonomy in the municipalities which led to locally appointed boards deciding for themselves what their position should be vis-à-vis regulation of the stage. This meant that different controls on theatre held sway in different areas of the country which limited the effect of the centralised theatre legislation examined in the following pages. Between 1660 and the late 1880s however, the forces that acted upon theatre were relatively centralised and the theatrical phenomenon itself had a limited number of faces.

Even so, the period of almost 230 years investigated in this study has been a very complicated one from the point of view of the attempts, both direct and indirect, to regulate and control the English theatre. The study is therefore in two parts. The first part is focused on the issues and circumstances surrounding key legislative landmarks to reveal the changing attitudes and agendas of each phase of the period. These include the theatrical Patents granted by Charles II in 1662, the Licensing Act of 1737, the Disorderly Houses Act of 1751, the Theatrical Representations Act of 1788, the failed Sadler's Wells Bill and the failed Interludes Bill, also both of 1788 and the Theatres Act of 1843. The theme of the second section of the study is the way in which, during the 230 year period of this study, the changing fortunes of various religious factions within the religious interest as a whole, the rivalry between them, and their perception of their individual and combined political strength within the ruling structure of the country, led to attempts to curtail, influence and in some cases even infiltrate and absorb theatre with the aim of promoting their own religious interests in an increasingly secular society. Though the research has not been restricted to London, the dominant position of London theatre, particularly in relation to the concerns of the governing classes, has meant that this has been the main focus of the study.

The initial motivation for researching this area was the desire to explore the links between the theatre and the social imperatives that have existed at different times in history. I had been introduced to the important relationship between theatre and ruling-class problems whilst working towards my first degree when I reviewed the work and achievements of Lillian Bayliss at the Royal Victoria Hall, later the Old Vic, and even later at Sadler's Wells from 1898 to her death in 1937¹.

Another interest of mine over many years has been the study of religious and social archetypes and symbols in ancient civilisations and an interesting discovery in the Temple of Hathor at Edfu and the Temple of Isis at Philae whilst travelling in Egypt added another dimension to my interest in the relationship between theatre and society. It is a popular conception that theatre, at least in the form of plays or drama, started in ancient Greece from whence societies have built upon the traditions of the past. In other words there is theoretically a lineage that can be traced from the earliest recorded drama through to that of the present. The basis for this assertion, as far as I can see, is that during the Classical Greek period the first real investigation and analysis of the theatrical phenomenon was undertaken. In particular, a codified set of rules for Athenian drama was introduced by Aristotle in his Poetics. These included the famous Unities of Time, Place and Action which were much quoted and debated by the playwrights of the 16th and 17th centuries who used them as a yardstick by which to measure the standard of their work. Of course the important thing to realise here is that, far from pointing to an unbroken tradition, these theories were a novelty to 16th century dramatists: almost all Greek philosophy survived between the 8th and 16th century only in the Arab world and not until the translations of Valla in 1498 were they reintroduced to Western Europe. Like other thinkers of the period, dramatists who looked back to Aristotle were reacting to the vogue for the classical that came with the Renaissance: they were looking for innovation not tradition.

However, the theatre of the Greeks in the 4th century BC was most certainly not the first manifestation of drama. A dialogue between Isis and her daughter-in-law, Hathor, performed by two beautiful, suitably head-dressed young maidens is documented on a pylon in the temple of Isis at Philae. This is proof of at least one spoken play which could date back to at least the 7th century BC when the cult of Isis was at its height. Another play, which included speech and performance directions, depicted the triumph of Horus over Death in the shape of his uncle Seth. This play, recorded on the walls of the

Ptolemeic temple of Edfu, had its origins in a mimetic ritual of the first Egyptian dynasty c.3000BC².
 What was the function of this very early Egyptian theatre?

It could be argued that its function was purely religious: that the plays were written and performed by priests in the forecourts of the temples to promote the intervention of their deities. It could also be argued that the function of these rituals was social and that they were constructed by the priests to help educate the people in the finer points of their faith and to help bind the faithful together in a common doctrinal understanding or profession of creed. Either of these explanations would satisfactorily explain the phenomenon of theatre at Edfu. Yet at Philae, a stele positioned very close to the pylon which bears the text of the Isis/ Hathor dialogue in the temple of Isis adds another dimension to the argument. The large intricately carved stone tablet asks the Pharaoh to re-assign to the priests of Isis 190 leagues of supremely arable land which lay to the south of the temple. This land had been taken from them and donated to the priests of Ptah by a previous Pharaoh. The physical relationship of the stele to the pylon allows a totally different subtext to be attributed to the drama recorded on the pylon above the stele. Was the function of the play to add legitimacy to the demands on the stele? If so must we also re-appraise the ritualistic drama close by at Edfu.

The Isis, Osiris, Horus triad, the subject of the plays both at Philae and Edfu, had its rivals in the religious climate in Ancient Egypt. The Amun, Mut, Khonsu triad, centred at Thebes, or the Ptah, Sekhmet, Nefertum triad which dominated the religious scene at Memphis were two other important deistic combinations with powerful, self-interested advocates. If the Egyptian plays referred to were political propaganda to promote the interests of religious factions, how then do they relate to Greek drama which was a servant of the state with a specific social and political function in Greek society: are they a totally different phenomenon or is there a common link? This invites one to travel back further and ask what connection did either the Classical Greek or Ancient Egyptian theatre have with the ritualistic dances recorded on the walls of caves with such care and under such difficult circumstances by prehistoric man 15,000 or more years earlier? How different, ultimately, were the aims of such dances to those of the dramas that came later? Is there a discernible systematic development as we move from one dramatic manifestation to another and, if so, who was responsible for it?

The catalyst that actually led me to research the effect of social forces upon theatre and to decide upon viable parameters for my research was my generally hostile reaction to the theories about the interaction of theatre and politics contained in Raphael Samuel's 1985 book, *Theatres of the Left 1880-1935*.³ Samuel argued that a tradition of radical populist theatre could be traced from late-medieval Morality Plays to the self-consciously revolutionary agit-prop theatrical experiments of the international Workers' Theatre Movement of the inter-war years, passing through Rousseau's Theatre of Instruction, the French Pièce à Thèse, the Ethical Dramas of Ibsen, and the German Volksbühnen. Aided by the extensive recollections of Tom Thomas⁴ and Ewan MacColl⁵, he documented his own journey back through socialist propagandist drama which he hoped would lead him to a lost tradition of radical theatre and reveal an alternative history to illuminate not only the early days of socialism but perhaps a more extensive, revolutionary, radical movement⁶.

Implicit in Samuel's search for a lost tradition of socialist theatre was the concept that a political movement could successfully hijack theatre and use it not only to promote its own ideology but also to define itself and provide a rationale for its own existence. Certainly it was possible to see that at a very elementary level, this had been attempted at Philae but this was an isolated occurrence, not a movement. If, as Samuel theorised, theatre could be the prerogative or public voice of any power bloc or ideology within society it followed that there must be some organising force behind it and this seemed ludicrous. Yet I had had no difficulty in accepting the thesis of John Pick's 1983 book, *The West End* which documented a take-over and stranglehold of the fashionable rectangle of West End theatres which was started by the society audience in mid-Victorian times, consolidated during the Edwardian era by the Best People, re-inforced between the wars by the Smart Set and fought for by the cultural ruling elite of the post war period. As I was rejecting Samuel's thesis did I not also have to call Pick's into question? This is not to say that Samuel did not give food for thought. As a youth I had been introduced to the concept that Theatre provided one of the three great stages of life upon which each society defined and ordered itself, the other two being the Church and the Law. Samuel added a fourth stage to this maxim: that provided by the rituals of the Crown⁷. It seemed logical that each of these stages must exert an effect on the others and, therefore, any attempt to control one of them must emanate from the other stages either in combination or separately. This gave an area of focus for the research.

Theatres of the Left contained many contradictions. On the one hand Samuel could write, “In general, it is difficult to overestimate the influence of socialist ideas on English theatre practice”⁸, yet on the other hand he argued, “It is surprising ... how little direct part theatre played in the cultural practice of the early socialist movement”⁹. Though arguing that Melodrama, the great popular dramatic art form of his chosen period, “provided a universal idiom for popular religion and politics”, to the extent that, “the moral crusades of the 1870s and 1880s – as also arguably the Salvation Army and Socialism, could be said to take their cue from it”¹⁰, Samuel still concluded that the theatre of instruction has been the, “preserve of enlightened minorities”¹¹. He stated that, “theatre seems to exercise a metaphysical influence on politics...out of all proportion to its size, or the number of its audience”¹², and yet, despite the fact that from 1737 to 1968 the relationship between theatre and politics was perceived to be so dynamic that political polemic was banned from the stage, he accorded theatre only the status of second cousin to politics¹³.

Samuel further speculated that theatre, if not an instigator of major political events, could at least prefigure or foreshadow them¹⁴. He attributed the rise of the late 1950’s anti-nuclear protest movement, the resulting Aldermaston marches and the creation of the Campaign for Nuclear Disarmament, to the Royal Court production of John Osborne’s *Look Back in Anger* and further suggested that R.C.Sherriff’s *Journey’s End* had been responsible for the Peace Ballot and pacifism of the 1930s. He theorised that the Women’s Movement was anticipated by Nora slamming the door on her domestic situation in Ibsen’s *The Doll’s House*, and, even more surprisingly, argued that the emergence of Theatre in the Round was an imaginative paradigm for the campus revolts of 1968. He clearly located theatre very much in the real world but nevertheless wrote that its primary function was to offer, “a reverse image of chaos, an imaginary resolution of conflicts which in real life were intractable”¹⁵.

I was intrigued by Samuel’s somewhat disappointed conclusion that his quest had been a failure: rather than a long tradition of socialist theatre there had only been “a succession of moments, separated from one another by rupture”¹⁶. Samuel’s description of the dramatic presence and passionate performance of some of the great “stump orators” of the revolutionary socialist tradition who made open air demonstrations and meetings into acts of street theatre¹⁷ reminded me of my previously mentioned undergraduate study of Lillian Bayliss, and accounts of how Bayliss, whose primary aim was to keep her theatre open at all costs, had herself, almost unconsciously, become a key part of the “Vic-Wells

experience” through her frequent haranguing of the audience. I say unconsciously because though she herself admitted that she sometimes played on some of her idiosyncrasies, she nevertheless became, to a far greater extent than she was aware of, a camp, subversive icon. Her very presence became part of the attraction in the eyes of the radical, predominantly young, artistically aware audience that patronised her theatres. Whilst admiring the way Bayliss cultivated the ground for the experience of modestly-priced but good classical and modern theatre, many of her audience (and virtually all of the artists she engaged) were aware that she did not herself appreciate her own repertoire and was in fact fairly ignorant about many aspects of theatre. They were accordingly extremely amused at such gaffes as that which appeared on the poster heralding her theatre’s performances for the week beginning Monday April 14th 1913, a copy of which I have in my own personal collection, which advertised a performance of Carmen on the Thursday complete with a full “Corda Ballet”. What posterity saw as Bayliss’ sublime talent for management and talent-spotting was merely an untold number of hastily conceived mechanisms to buy her time before the next setback.

The conclusion reached by Samuel that there was no overall plan or management in radical theatre and that it was only a series of moments epitomised the way Bayliss unwittingly laid the foundations for the greatest achievements of twentieth-century English theatre by lurching from crisis to crisis, clutching at any straw that came her way and embracing any number of theatrical opportunities in her endeavour to keep her theatres going against all odds. Had Samuel stumbled upon a more universal truth than he imagined: one of fundamental importance and relevant to any study of theatre? If so it must apply to earlier periods of English theatre. Is the concept of an ordered, progressive, development of theatre history seriously flawed and almost contrary to the very nature of theatre? Much serious theatre-history research appears to have such preconceptions of order and focuses on proving some kind of progressive development as if it was a pre-determined pact between a set of individuals who often inhabited neither the same stratum of society, locality nor even temporal parameters. I wished to question this traditional position.

Exploring possible strands for this research it was clear that some theatre and social historians appeared to have fragmented the theatrical experience by focussing on the text of performance, often limiting themselves to just one category of presentation, for example: play, masque, or opera. Others have sought to delve deep into the cultural or social messages carried by performance techniques and styles

of acting. A more neglected topic has been the theatres themselves and the light they may throw on the theatrical “product”. Edward Langhans has worked painstakingly to discover what Restoration theatres actually looked like¹⁸ and Richard Leacroft has meticulously researched the interiors of theatres through the ages in what he calls *The Development of the English Playhouse*¹⁹. Such studies, however illuminating, are ultimately fragmentary: they give an incomplete picture of the total experience of either the provision of theatre or its reception in the period or periods they cover.

Theatre was presented in a multitude of sites, many of which were not in themselves playhouses, and it appeared in a number of guises which are not included in research which only concerns itself with dramatic style, text or the architecture and technology of the formal playhouses. Yet these ‘performances’ must be studied to fully understand the theatrical phenomenon of the day. One of the more impressive aspects of Samuel’s argument was his holistic view of theatre which recognised and appreciated the theatricality of processions, demonstrations, pageants, festivals and indeed most public events²⁰. Nevertheless he seemed to be making the mistake of looking at the play, in the Aristotelian sense, as being the only legitimate or serious manifestation of the dramatic impulse.

In order to thread one’s way through the theatre of the 230 years examined in this study, it became obvious that some kind of definition was necessary to locate as accurately as possible the phenomenon under examination. It would seem a totally satisfactory definition of “theatre” is impossible. At its most basic level, “theatre” may be defined as what takes place in a building or area designated as a theatre, but of course this definition can be pulled apart in seconds. An alternative starting point is the defining of theatre in English law. This also is fraught with difficulty. Section 23 of the Theatres Act of 1843 (6 & 7 Vict c.68.) defined theatre as a “dramatic representation” by which it meant a “Tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage or part thereof”. As Victorian administrative bodies were to discover as they sought to apply it, this definition relied too heavily on the interpretation of what exactly were the demarcation lines for each of the stipulated theatrical genres. The definition also failed to take into consideration significant branches of the performing arts omitted from the definition, of which the most important were singing and dancing. Though these remained outside the scope of “dramatic” jurisdiction and regulation, they were a vital formative factor in the evolution of modern British theatre in the Victorian period. The typical catch-all, mopping-up phrase to this list, “entertainments of the stage” was also a minefield because to

the Victorians this meant the use of “scenic representation”²¹ and a confrontation of more than two people on the stage²².

If we refer back to Aristotle we recognise the importance of there being an act of mimesis in its own right quite apart from any literary accompaniment²³. The *Oxford English Dictionary* is not very helpful. It defines theatre as:

Dramatic Performances as a branch of art or as an institution...Theatrical or dramatic entertainment...dramatic effect or sensation, spectacle, outward show without serious inward intent.²⁴

Defining “Drama” is equally vague. The *Oxford English Dictionary* is content with:

A composition in prose or verse, adapted to be acted upon a stage, in which a story is related by means of dialogue and action, and is represented with accompanying gesture, costume, and scenery as in real life; a play.²⁵

Little progress would seem to have been made in the academic consciousness since the passage of the 1843 Theatres Act! It would seem that a definition must be constructed to denote what is meant, at least in this study by “theatre”. For this purpose I define it as:

that activity of mimesis, consciously or unconsciously overlaid with semiosis, accompanied or not by music, singing, dancing or speech, which takes place in any building or area which is accepted by its occupiers as a site, however temporary, where such activity takes place, where some of the participants in the activity are recognised as performers of such activity whilst others accept the position of receptors.

Having created an imperfect and, I accept, still contentious definition for the phenomenon upon which I wish to focus, there are other problems to overcome, particularly theatre’s invisibility. Theatre has been largely ignored by many ‘general’ historians as an irrelevance in studies of social or political matters. For many it has been an invisible and inconsequential institution and, to use even the crudest sampling method, one only has to thumb through the indexes of history books to realise the truth of this. The lack of any reference to theatre usually means the institution has either not been mentioned at all or has not been thought important enough to be included in the index²⁶. Even those who have compiled extracts from contemporary writings to give an overall feel or picture of a period often do not mention theatre or playgoing²⁷. This has meant that theatre in its widest sense has been largely the

domain of specialised theatre history research and the very real contribution theatre has made to society and its inherent capacity to shed light upon the forces of social change has been largely unacknowledged.

A further objective of this research was to review the claims of some theatre historians²⁸ who have seen the successive legal regulatory measures as a weakening or limiting factor that inhibited the growth of English theatre. As Britain is acknowledged to have a tradition of theatre which is the envy and focus of much of the rest of the world I had always been somewhat sceptical of the claim that the institution had been detrimentally affected by a supposedly successful legislative persecution of some 350 years duration, especially since political censorship has been the norm rather than the exception in most countries through the five centuries of the evolution of European theatre.

Another stumbling block is that the activities of the Monarchy, the Legislature, the Church, and social activists within the conflict of class, each of which will be seen to have been of paramount importance during some period or periods of this study, could seem to fall under the generic heading of social control but one must be careful not to fall prey to crude reductionism. Social control is more than mere government intervention, or ecclesiastical or educational dictums sanctioned by the legislature, to the detriment of any real underlying humanitarian concerns. It is equally fallacious to accept that all censorship or other forms of control are imposed from above. Sociologically speaking, specific social control mechanisms operate within many social groups as a preservation technique irrespective of, and often in spite of, hegemonic codes. E. A. Ross, who first discussed the concept of social control in 1901 located two instruments of its propagation. The first he classed as “ethical instruments” which create a moral social order amongst which he named:

Public opinion, suggestion, personal ideal, social religion, art and social valuation which draw much of their shape from primal moral feelings. They take their shape from sentiment rather than utility.²⁹

The second he termed “political instruments” inasmuch as they are:

Deliberately chosen in order to reach certain ends. They are likely to come under the control of the organised few, and may be used, whether for the corporate benefit or for class benefit, as the tools of policy.³⁰

Many will obviously see this definition as flawed. Marxists would affirm that moral feelings and all the criteria mentioned under Ross's ethical instrumentation are not primal at all but are engendered by a bourgeois stranglehold on the proletariat and that all social control mechanisms are the result of class conflict and are instruments to allow the ruling class to maintain their position. Therefore all Ross's ethical instruments are merely manifestations of the political instruments he puts forward in a conflict-ridden model of society.

Disciples of Durkheim, on the other hand, would argue that the political instruments are merely there to combat "anomie", the result of the increasing prosperity brought about by the industrial capitalist society whose reliance on science and technology engendered weak or conflicting moral values in the various strata of the workforce. Hence, they would argue it was the duty of humane enlightened government to instigate, in their widest sense, educational reforms to combat the dangers of an ever-diversifying society and thus promote the ethical instruments of social control. Durkheimists would hold, therefore, that what constitutes Ross's primal moral values are concepts of totemism. Political instruments have no *raison d'être* other than to foster these. Hence we are led to a consensus model of society free from anarchic individualism.

Landis, in the mid 1950s added a new dimension to the argument which is of fundamental importance, particularly when examining the 19th century model. A. P. Donajgrodzki summarises his thesis as, "control will not always be overt, and may or may not be recognised as such by the controller or controlled".³¹

³²In my view Landis makes the time-honoured mistake, to which 19th century philanthropists were particularly susceptible, of believing that society has within itself a general culture irrespective of class or ideological boundaries. This in effect is merely accepting the supremacy of the dominant class and its ideology, which implies that those who do not subscribe to its values must be labelled as deviants.

So where do these sociological theories leave the theatre historian? In the search for the forces and pressures which have shaped theatre the vista has to be as open as possible. A wide variety of philosophies and concepts, including the Marxist concept of class; the Durkheimist concept of

totemism; Ross's ethics and politics and Landis's theory of the existence of a social Id, have to be borne in mind when examining the complicated interworking of agencies in the developing industrial society for although none is totally satisfactory in explaining the phenomenon of society, each of these beliefs can illuminate unexpected births, or strange bedfellows in the evolution of the phenomenon of theatre just as they can at times cloud the issue. This study, therefore, is concerned with highlighting some of these hitherto under-explored issues. It examines the forces which have shaped and wittingly or unwittingly dictated the various arenas of theatre. It aims to focus a spotlight on the platforms upon which were played out the dramas of ruling-class imperatives, religious interests, and class consciousness and antagonism, which combined to create the basic pressures theatre had to adapt to and absorb or resist.

Although my concerns about Raphael Samuel's work on socialism and the theatre were what originally launched me on this research, as my canvas is much larger than his in terms of both its time span and attempted comprehensiveness in terms of theatrical forms and traditions, I have had to be very selective in examining the detail of areas which seem to be of particular importance and hope that, through what I have identified as the major landmarks and issues, an accurate picture of the whole will appear.

Notes

- ¹ See Scales R.W., *Lilian Bayliss. A re-appraisal of her contribution to the higher reaches of the performing arts* (Unpublished Special Study submitted as part of a BA (Hons) Degree, Bedford College of Higher Education 1990).
- ² Fairman (1974), see particularly Pp.27 & 34.
- ³ Published by Routledge and Kegan Paul as part of the *History Workshop* Series under Samuel's General Editorship.
- ⁴ Thomas (1902-1977) was the founder of the Hackney Labour Dramatic Club – subsequently renamed the Hackney People's Players – which became a member of the Workers' Theatre Movement.
- ⁵ MacColl (1915-1989) was a member of the Red Megaphones, a small extreme left-wing street-theatre organisation, and later, with Joan Littlewood, co-leader of Theatre of Action which became a branch of the Workers' Theatre Movement.
- ⁶ See Samuel, MacColl and Cosgrove, *Theatres of the Left* (1985), Pp.x-xi.
- ⁷ *Ibid.* p.xiv.
- ⁸ Samuel, MacColl and Cosgrove, *op.cit.* p.10.
- ⁹ *Ibid.* p.11.
- ¹⁰ *Ibid.* p.xiv.
- ¹¹ *Ibid.* p.20.
- ¹² *Ibid.* p.15.
- ¹³ *Ibid.* p.xiii.
- ¹⁴ *Ibid.* p.xv-xvi.
- ¹⁵ *Ibid.* p.xiii.
- ¹⁶ *Ibid.* p.xx.
- ¹⁷ *Ibid.* Pp.xv & 18-19.
- ¹⁸ See *Theatre Survey*: Vol.6 No.2, Vol.7 No.2, Vol.13 No.2; *Educational Theatre Journal*: Vol.20 No.2; *Essays in Theatre*: Vol.1 No.1.
- ¹⁹ Methuen (1973).
- ²⁰ Samuel, MacColl and Cosgrove, *op.cit.* Pp.xiv-xv.
- ²¹ Minutes of Evidence to Select Committee on Public Houses 1853, Q.7694.
- ²² *Ibid.* Q.7695.
- ²³ See Barnes, *Aristotle* (1982), Pp.84-85.
- ²⁴ See 1991 compact ed. def.2 c-e.
- ²⁵ *Ibid.* def.1 a.
- ²⁶ Eric Hobsbawm's excellent quartet of books: *The Age of Revolution, The Age of Capital, The Age of Empire, The Age of Extremes* (London, 1962, 1975, 1987, and 1994 respectively) does not contain one reference to drama or theatre, apart from opera and ballet, except in the last volume where there are two whole chapters devoted to the arts which contain a few cursory remarks about theatre and the upper classes. The importance of the entertainment scene in a study of the period is, however, acknowledged by the publishers as a picture of Charlie Chaplin in his film role of *The Great Dictator* is used as the front cover illustration. Even more extraordinary is the fact that Richard Ollard's *The Image of the King* (London 1979), which examines the lives of Charles I and Charles II, has no reference to theatre or plays in its index although in the text there is a crucial quote from a satirical poem attributed to Andrew Marvell which documents the latter King's playgoing. Braudel's *The Structures of Everyday Life* (English translation, London 1981), which is part of his epic trilogy *Civilisation and Capitalism 15th to 18th Century*, does not mention the subject of theatre or drama even though it contains twelve pages on the subject of fashion – a phenomenon where theatre was a major influence.
- ²⁷ For example, in J.T.Ward's *The Age of Change 1770 – 1870* (London, 1975), not one of the 190 documents in social history is to do with theatre or theatre-going of any kind.
- ²⁸ See for example Hotson, *The Commonwealth and Restoration Stage* (1928) 1962 ed., p.218.
- ²⁹ Cited in Donajgrodzki (1977), p.10.
- ³⁰ *Ibid.*
- ³¹ *Ibid.* p.11.

CHAPTER II: THE PATENTS OF CHARLES II.

Although the Commonwealth of 1649-1660 curtailed British theatre the Puritans did not totally silence the British playhouses. The frequent vehement denunciation of the theatre during the Interregnum (1649-1660) and the sheer number of anti-theatrical measures employed prove that the succession of prohibitions was ineffective. Throughout the Commonwealth, well-documented performances took place in London at the Red Bull, Salisbury Court, The Cockpit, Gibbon's Tennis Court, Southwark Fair, and Blackfriars as well as elsewhere in the country¹. Furthermore, a wealth of evidence suggests that theatre was also available in more surreptitious venues during the Interregnum for those who knew where to look, as Wright recalled a few decades after the Restoration:

In Oliver's time they used to Act privately, three or four Miles, or more, out of Town, now here, now there, sometimes in Noblemen's Houses, in particular Holland House at Kensington, where the nobility and Gentry who met ... used to make a Sum for them.... And Alexander Goffe, the Woman Actor at Blackfriars (who had made himself known to Persons of Quality) used to be the Jackal and give notice of Time and Place.²

By the time Charles II reached England theatre was being performed openly. General Monk had granted "tolerations" to a number of people in February 1660, including John Rhodes, an erstwhile wardrobe-keeper of the Blackfriars Theatre, allowing them to erect playhouses, "or to haue a share out of them already Tolerated."³ Sir Henry Herbert, who was eagerly resuming his position as Master of the Revels, had ratified these grants and, by granting licences to at least three men, laid the foundations for the resumption of a popular London theatre scene similar to that of the earlier Caroline period.⁴

Very soon, Mohun, with his company of veteran actors, was performing at the Red Bull; Rhodes, with his company of young actors, was busy at the Cockpit in Drury Lane; and William Beeston, "the happiest interpreter and judg [sic] of our English Stage-Playes this Nation ever produced,"⁵ had his own theatre in Salisbury Court which had already been used for a number of clandestine performances towards the end of the Interregnum. It is doubtful whether Beeston actually had or even wanted his own company in residence. Salisbury Court was for him an investment; one he took on when he found he was unable to defraud his mother of her inherited rights in The Cockpit in Drury Lane, a theatre for which he had similar expectations.⁶

Clearly, when Charles II arrived in London the anti-theatrical legislation of the Commonwealth was effete and no enabling legislation was necessary for an institution that was beginning to revive quite successfully without it. Yet, almost immediately upon his return, Charles seemingly attempted to put the theatre under the sole control of two courtiers, Thomas Killigrew and Sir William Davenant, both of whom had theatrical interest and experience. He did this by issuing Patents granted under the Great Seal of England, which released them from any Parliamentary or Privy Council control. Later, an itinerant actor-manager, George Jolly, was afforded a similar privilege. Why did Charles intervene?

The story is purely one of short-term vested interests. Debate, however, centres on whose interests were being served, what these interests actually were, and at whose expense they were satisfied. From a detailed examination of the conduct of the protagonists in this story their aspirations can be perceived and a parasitic interaction gradually emerges which reveals the reasoning behind the Patents to be as limited in scope as the Patents themselves were to be effete in performance. Furthermore, although commentators tend to talk about the Davenant and Killigrew Patents in the plural as if they were a cosy, mutually-contrived, consensual, dual piece of legislation, the Killigrew Patent and the Davenant Patent had totally different agendas and results. A close analysis of the circumstances and events of the two-year period of the drawing up of the Patents forces upon us a new appraisal of the role played by Charles II in the development of our nation's theatre which must alter our perception of not only post-Commonwealth Stuart theatre legislation but all that was to follow it. The chapter falls into five clearly defined issues or sections.

Section i: The triumvirate of the King, Thomas Killigrew and Sir William Davenant.

Thomas Killigrew (1612-1683) was an adventurer “who had rendered himself acceptable to his Sovereign, as much by his vices and follies, as by his wit, or attachment to him in his distress”.⁷

A courtier and aspiring playwright, Killigrew was very much on the same moral wavelength as the king and had followed Charles into exile in France. He was a man of limited vision who had experienced a modicum of success in the theatre before the Interregnum with his plays, *The Parson's Wedding*, *The Prisoners*, and *Claracilla* and he had diverted himself during the Commonwealth by writing plays that,

despite all the stimuli provided by the French court theatre, were still written with the early Caroline English private playhouses firmly in mind.⁸ Upon the Restoration, Killigrew had become King's Jester and Groom of the King's Bedchamber.

Like many who anticipated a return to England, Killigrew had to plan a future in a post-Restoration environment. He had witnessed how theatre had been a welcome diversion for the exiled King. It was logical, therefore, for Killigrew to look to the stage as a means of subsistence. Having viewed from afar the puritan persecution of the stage, Killigrew must have perceived a newly liberated, post-Restoration theatre as virgin territory ripe for exploitation. His closeness to the King would have made it easy for him to discuss his future plans and to put the idea of a theatre monopoly into Charles' mind. This was, however, only the first of a variety of vested interests and dissimulations to raise its head.

Neither the King nor Killigrew appear to have had a serious interest in theatre per se. There is no evidence that Charles was any more than casually interested in the stage: for him it was just a means of diversion, an escape from the chore of politics. Even Bishop Burnet's original, tempered, appraisal of his monarch, written before he allowed Whiggish extremism to colour his judgement of Charles after the turmoil of the Glorious Revolution, recognised that the King was "very little conversant in books ... and could never apply himself to literature."⁹

Much more serious was Charles' patronage of the Royal Society, of which Burnet records, "the King himself encouraged them much, and had many experiments made before him."¹⁰ It was recognised by his court that he had a "Mechanical Head, which appeared in his inclination to Shipping and Fortifications."¹¹ There were those who thought this smacked too much of the artisan:

He understood the Mechanicks and Physick; and was a good Chymist, and much set on several preparations of Mercury, chiefly the fixing of it. He understood navigation well: But above all he knew the architecture of ships so perfectly, that in that respect he was exact rather more than became a Prince.¹²

Killigrew, similarly, had little interest in innovative or serious dramatic art. Six years after the Restoration, when he had his first theatre Royal in Drury Lane, he revealed his priorities when boasting to Pepys of the improvements he had brought to the stage. It was, he said:

... a thousand times better and more glorious than heretofore. Now, wax-candles and many of them: then, not above 3lbs. of tallow: Now, all things civil, no rudeness anywhere; then, as in a bear-garden: then, two or three fiddlers: now, nine or ten of the best; then, nothing but rushes upon the ground, and everything else mean; and now, all otherwise: then, the Queen seldom and the King never would come; now not the King only for state, but all civil people do think they may come as well as any.¹³

His ambitions and subsequent practice can be seen as little more than a financial gamble. Killigrew was astute enough to realise that London had changed. A fiercer entrepreneurship was evident in society: the nascent mercantile classes who had increased in both numbers and influence and who constituted "The City" included many whose finances and personal prestige had increased during the Commonwealth and who were determined to consolidate both these advantages. It would now also include a number of returning Royalists who were intent upon retrieving their former privileges.

The presence of both of these power blocs in London, both represented in government, was a situation to be reckoned with: it was also one ripe for exploitation. Realising the benefits to be obtained from a theatrical monopoly, providing he could distance himself from government influence, Killigrew coaxed the King into granting him a hereditary right to control a company of players and obtained an order for a Royal Warrant for his Patent on July 9th 1660. Considering that the King had only returned to London on May 29th this was a remarkable coup.

Killigrew was not only protected from political pressure by the terms of the Patent: he also had the power to set his own admission charges which gave him a financial stability that was further enhanced by his position within the King's household. This indemnified him from being sued through the courts, except with the prior permission of the Lord Chamberlain. Why did Charles, within seven weeks of his Restoration, grant to his groom of the Bedchamber such wide-ranging powers?

Firstly, Charles was distrustful of Parliament and placing the organisation of theatre in the hands of a trusted like-minded courtier safeguarded the favourite retreat of the King from government interference. But there was another reason for the haste on the part of both Killigrew and the King. Once the King's Restoration became a virtual certainty, another figure, Sir William Davenant (1606-1668), was quick to move in on what Killigrew saw as his preserve. Because of his effect on

Restoration theatre, some commentators¹⁴ erroneously cast Davenant as the central protagonist of this story and credit him with working closely with Killigrew, whom they see as a lesser figure, to mastermind, under the King's protection, a theatrical revolution.

Davenant, a quintessential courtier and Poet Laureate under Charles I, had a surer pedigree than Killigrew. Throughout the Commonwealth he had, despite periods of imprisonment and poverty, successfully carried on with the business of dramatic theatre and had himself, in May 1656, presented an "Entertainment by Musick and Declarations after the manner of the Ancients" at his Rutland House home for which an admission fee of five shillings was charged. He followed this, in the autumn, with the much-discussed private performances of *The Siege of Rhodes* again at Rutland House.

This has become renowned as the first English opera but those who class it as such have merely fallen for the wiles of Davenant who, surely tongue-in-cheek, described it so himself because it was played in recitative. It seems fairly clear that the reason for this subterfuge was to capitalise on Cromwell's love for music and to avoid the entertainment being classed as a play. These Rutland House performances were not as unique or audacious as many commentators would have one believe. More audacious was the fact that in addition to these almost clandestine performances Davenant was, in 1658, bold enough to present a public performance of *The Cruelty of the Spaniards in Peru* at the Cockpit theatre in Drury Lane. He even inveigled the government into accepting him as some kind of spokesman for theatre and must have particularly impressed Cromwell because at the Restoration we find Sir Henry Herbert complaining that Davenant had "exercised the office of Master of the Reuels to Oliuer the Tyrant."¹⁵

Davenant was already in possession of a non-monopolistic Patent granted him by Charles I in 1639 which authorised him to build a theatre and raise a company. Once the Restoration became a certainty he acted quickly. On March 17th 1660, he obtained a pass for France. Why he went history does not record but as by the end of the month Davenant was back in London negotiating a lease on Lincoln's Inn Fields tennis court to convert it to a theatre, and the Royal Warrant obtained by Killigrew on July 9th mentions "the 2 Companyes now to be erected", it would indicate that an audience with the King to present his theatrical credentials was a satisfactorily accomplished priority. Charles must have felt bound to honour his father's mandates but he seems not to have been over-impressed with Davenant.

The restored monarch, who was distrustful of those around him, must have seen in Davenant the arch dissembler; a man who had negotiated with the forces of the Commonwealth to promote theatre by proposing that the stage be used to civilise the lower orders. Later, when this had not wholly succeeded, he had proposed that theatre could provide a convivial social focus to encourage the gentry to stay in town so that wealth could circulate. The ambience and indeed social spectacle created by such ‘pleasant assemblies’, he had argued, could help the population to disregard the loss of glamour engendered by the absence of royalists whom he referred to as “the adverse party”.¹⁶

Even more interesting and insidious, was Davenant’s suggestion that the Protectorate could make political capital from the subtext of his entertainments.¹⁷ The performances in May 1656, at Rutland House, showed Davenant to have had few principles apart from self-advancement. The royal brothers, Charles and James, are obviously being lampooned in the description of “two Crocheteurs ... both with heavy burdens on their backs” fawning to the French aristocracy before collapsing under their loads, whereas Cromwell is being exalted when “At the end were songs relating to the Victor (the Protector)”.¹⁸ This alone could explain Charles’ initial coolness towards Davenant. Exactly how much Charles knew of these performances we do not know but it seems probable that some of the many enemies of Davenant would have delighted in bringing the information to the attention of the returned monarch who would have been quick to appreciate the subtext.

Nor could Charles have been taken in by the flattery contained in Davenant’s Poem upon his *Sacred Majesty’s Most Happy Return to his Dominion*, coming as hard on the heels as it did to *A Panegyrick to his Excellency the Lord General Monk* of March 1660, which itself harkened back to the *Epithalamium*, penned by Davenant upon the wedding of one of Cromwell’s daughters in 1657. Charles must have seen in Davenant a man who was content to run with both hare and hounds in order to further his dramatic interests. Whilst the King accepted his credentials he made it quite clear that Davenant was not under his personal patronage in the wording of the Warrant obtained by Killigrew. This document clearly expresses the favour of the King towards Killigrew by charging him to “erect one Company of players wch shall be our owne Company”. Despite the royal snub, Davenant’s courtier training stood him in good stead. Instead of contesting Killigrew’s claim to a royal monopolistic warrant, which had

obviously been gained through intimacy with the King, Davenant decided to try to bind the two of them together and to share the privilege with Killigrew, possibly secure in the knowledge that the grounding in theatre that he had acquired both before and during the Interregnum would easily enable him to take the advantage over his relatively inexperienced rival. Consequently within ten days a document had been drawn up which ordered the granting of a joint monopoly of theatre in the capital to the two men on equal terms. No doubt Killigrew initially felt he had to fall in with this plan because behind Davenant was the shadow of Charles I whose wishes, albeit posthumous, Killigrew would have been foolish to contest. As Charles II was busy deciding what the penalties should be for the murder of his father and who should pay them, it was no time to call into question the validity of the dead King's ordinances.

For Davenant, the drawing up of the warrant for a double Patent was too important to be left to the King. The pre-Civil-War document guaranteeing Davenant's credentials was not monopolistic and had been made contentious both by its age, the intervening upheavals, and the fact that Davenant himself had renounced it during the Commonwealth. However, with the prerogative created by Killigrew's document which had already been sanctioned by the King, it presented a very strong case for Davenant's Patent being to all intents and purposes on the same terms as that of Killigrew, with both patentees enjoying, of course, the right to call their players His Majesty's Company. Consequently, on July 19th 1660, Davenant obligingly drew up for his monarch a draft document for a double Patent which cunningly superseded both the Patent that he himself held from Charles I and the warrant that Killigrew had so recently obtained from Charles II.¹⁹ It is from this artificial linking of the names of Davenant and Killigrew that the misconception of a cosy, consensual, double Patent has grown.

However, the documents must be examined more closely as much was going on at this time. In effect there was a four-part power struggle between the government, the King and the two courtiers. The details of this struggle can only be inferred from the subtle changes in stipulations and conditions on the relevant documentation starting with the first Warrant of July 9th 1660 and finishing with the terms of Davenant's document which was awarded the Royal Seal on Jan 15th 1663. Davenant's original pro-forma warrant resulted in a joint document being forwarded to Attorney-General Palmer, but this was

never passed. Palmer obviously prevaricated until, on the persuasion of Killigrew and Davenant, Charles appears to have complained to his Privy Council.

Palmer's response to the King, dated Aug 12th 1660, is interesting and contains some vital information worth reproducing in full:

May it please yor Matie: the humble representation wch I made to yor highnes concerning the provided grant to Mr Killigrew & Sr Wm Davenant was onelie that the matter was more proper for A tolleration; than A Grant under the greate Seale of England; and did not interpose any other obstacle; nor doe find cause to object against the twoo warrants they haue now produced.²⁰

20th century commentators, particularly Hotson, have focussed on the point that "Palmer demurred at the plan of passing a royal grant establishing a monopoly of stage plays"²¹ but do not ask why. Was Palmer just challenging the King on royal legislative etiquette and advising him that he was using a sledge-hammer to crack a nut and that all he needed to do in this situation was, as Monk had done a few months before, pass a toleration? It seems more reasonable to presume that the Attorney General and Privy Council realised that once the Great Seal of England had been placed on the Patents the two men would be difficult to control. Tolerations were another matter as they were easily rescinded. (That which Monk had awarded to Rhodes in February 1660 had been summarily negated by the General's Order of April 23rd the same year prohibiting stage plays.)

No modern commentator seems to have noticed that the original "representation" by Palmer to the King had been successful in one respect. The original grant is spoken of as being on the part of Killigrew and Davenant and is described in the singular whereas later in the note Palmer talks of "the twoo warrants they haue now submitted". The combined strength of the two courtiers who appeared to be so much in the King's favour had been split asunder, forcing them to be recognised individually. It is possible that the wiles of the government could have forced the issue here perhaps hoping to apply the divide and rule principle because in some ways from this point onwards there can be seen an element of playing one courtier off against the other by all concerned. Yet as there is no evidence of any correspondence between either Davenant or Killigrew and the Attorney-General, and that as far as the latter was concerned his disagreement was with the King, this is unlikely. The question remains: who was responsible for the split? It was very unlikely to have been Davenant who had nothing to gain and

everything to lose: legally if the same Patent bound the two men they would both have enjoyed the protection of the King's personal patronage and immunity from prosecution. Separate Patents firmly tied the two companies to different patrons. Herbert, who subsequently kept up a running persecution, frequently took Davenant, who was placed under the protection of the Duke of York, to court. Killigrew, ever with an eye to the main chance, may have initiated a split but by now he was perhaps beginning to appreciate, if not actually employ for his own ends, the fact that Davenant was a master dissimulator who was better to have as an ally than as an enemy. If it was none of these who split the single petition we are left with the King himself. Had he motives and an underlying purpose that has so far eluded historians? I suggest that this is the case. But, in order to reveal them, the manipulations and expectations of the two courtiers must now be summarised.

The first public manifestation of Patent activity was the formation of the United Company, under the joint jurisdiction of Davenant and Killigrew, which played at the Cockpit only between the 8th and 16th October 1660. Freehafer puts forward a convoluted and ultimately unconvincing argument to the effect that there was in reality no United Company, and that Killigrew paid Davenant and his company to remain in cold storage for a month whilst his own company performed a repertoire at the Cockpit that they subsequently took with them to their Vere St. Theatre Royal on November 8th 1660.²² Davenant is supposed to have used this time to rehearse his company in a repertoire that was severely limited until he moved into Salisbury Court, when the paucity of his repertoire actually hit him. This is patently absurd. Even the slightest knowledge of the good knight and his theatrical pedigree would demonstrate that this was simply not in character.

What is more likely to have happened was a joint company of actors did indeed start performing at the Cockpit under a joint managership because this enabled Davenant to shelter behind Killigrew's privilege, as a member of the King's household, of exemption from prosecution. This was done to foil the machinations of Thurloe and Herbert who had endeavoured to separate them. This explains why the Petition of the Cockpit players of October 13th 1660 only mentions Killigrew even though Herbert's letter of the same date to the players mentions both Killigrew and Davenant.

It also meant that, because of the presence of Killigrew, the company would perform under the title of His Majesty's Comedians. Davenant therefore shared in that reflected glory which, if the company could be enlarged and then split in some fluid way, would be a title he could keep whilst he worked semi-independently. No other commentator has supported Freehafer's hypothesis of a dormant Davenant overshadowed by a fully up-and-running Killigrew company: there is no evidence of the twenty-five performances that would have constituted a reasonable month's output for Killigrew's company in full production. Freehafer himself can only list twelve performances, reported by three different witnesses (who at times attended on the same night) and only four of these performances, involving three different plays, are unequivocally tied to the correct period.²³

The reason that only a limited number of performances can be traced is I suggest that the Cockpit venture was not a success and the two men found they were quite incompatible. Hence they cast between the actors to make two individual and quite separate companies instead of pursuing their original intention of creating a jointly owned, double company performing in two separately owned theatres. Despite the rift Davenant tried to retain the title of The King's Servants for his company.²⁴ His justification for this was presumably that his company was culled from the original, jointly owned, King's Comedians even though it was to perform separately. Davenant could not have attempted to use this name had he not played a part in the joint company. Three and a half months before his Patent received the Great Seal, Davenant was sworn to serve the Duke of York yet he still managed to retain the immunity from prosecution enjoyed by members of the King's household until June 20th 1662²⁵ when he was successfully prosecuted by Herbert which indicates that this was a favour conferred on the knight after Charles perceived his potential rather than a manoeuvre on the part of Davenant himself.

The result of the break up of the United Company was that Killigrew, taking mainly the older actors of Mohun's old Red Bull company, moved into the Gibbon's Tennis Court theatre in Vere St. Davenant, meanwhile, took the younger actors who had previously made up Rhodes' company at the Cockpit into Beeston's Salisbury Court Theatre and then to Lisle's Tennis Court theatre in Lincoln's Inn Fields and enticed the twenty-two year old Thomas Betterton of the King's Servants to join them²⁶.

In Davenant we see the man of vision. Instead of opting for the tried and trusted names, he chose actors who were not set in their ways, the ones he could train in new methods and techniques. When he moved this company into Beeston's Theatre in Salisbury Court on November 5th he had ideas and foresight but no repertoire and there is little evidence of much initial activity at the theatre. This is hardly surprising because once again Killigrew, the entrepreneur, had stolen the march over him. Professing his company to be the legitimate successors to the King's Men of pre-Interregnum days Killigrew claimed the right to virtually the whole canon of Caroline plays including those that Davenant's actors had performed under their old manager, Rhodes.

Killigrew presumably intended to put Davenant out of business. However, Davenant still had two plays to present and on December 12th 1660, possibly after petitioning the King, he got a two-month concession from the Lord Chamberlain to play six more plays that had formed part of the repertoire of Rhodes' company which were being claimed by the publisher, Humphrey Mosely²⁷. Davenant also obtained the exclusive rights to his own plays which, by Restoration standards, would have been considered the property not of the author but of the company which originally acted them or, if published, the exclusive property of the publishers. Also, as Herbert reports that the company made its first appearance at Salisbury Court on November 5th 1660²⁸, rather than accepting the date of January 29th 1661 (the first verifiable performance at Salisbury Court noted by Van Lennep²⁹) as the start of Davenant's Salisbury Court activity, it would seem more prudent to assume that Davenant started presenting performances from the date he occupied the theatre. However, these performances were perhaps intermittent because they were dependent upon the success of Davenant's wiles to enlarge his repertoire, his actors' readiness to perform the new plays, and his adroitness at redrafting the plays of Shakespeare allotted to him.

The need of Davenant and Killigrew to find what amounted to temporary accommodation once a settlement had been reached, and the obviously hurried arrangements made by both courtiers, further supports the theory that a breakdown of an established plan had taken place which necessitated a quick change in direction. The subsequent planning of each courtier reveals his attitude to the privilege of the Patents, his perception of theatre and his appreciation of the underlying motives of Charles and shows why the two were ultimately incompatible. Killigrew unwisely opted for fashionable locations to act as

a draw on the early Caroline private theatre model. He perceived theatre as a fashionable diversion, a social event, which explains the attention he paid to the fittings and fixtures of his theatre and to the constitution of the audience. Davenant, however, was looking for a stopgap functional model to give himself time to cement his plans for the big opening of an artistic enterprise which lay some six months in the future. Killigrew acted on impulse with short-term goals and limited vision: Davenant, with the wider vista, looked to the long-term future. Killigrew's aspirations have already been referred to and the sequence of events from 1660 to 1683 bears out an analysis of his underlying strategy as a financial gamble that ultimately failed. Only two and a half months after his Patent passed the Great Seal, Killigrew started to dispose of his acting shares in his company and ten months later his building shares in his Bridges St. Theatre Royal were also made over to another.

Just over ten years later, in June 1673, he again made over the same building shares (fraudulently as they were in fact no longer his to allot) in order to raise £950 towards the cost of rebuilding his Drury Lane Theatre. A month later he pledged his Patent as a surety to raise a further £1600. Just under three years later, in return for a further £500, Killigrew made over all his shares in the Theatre Royal, and his Patent, for a further 86 years, to get himself out of debt. One month after this, faced with the imminent disintegration of his company, Killigrew promised to make over his Patent and all his rights in the regulating of Drury Lane to his son, Charles, if he would mediate with the warring actors. When Charles Killigrew had done so, Thomas Killigrew went back on his word. In February 1677, just three weeks after resigning to Charles the Office of Master of the Revels which Thomas had exercised for the previous four years³⁰ Thomas Killigrew finally accepted his son's demands after Charles threatened to pursue his father through the courts. Killigrew must be given the credit for establishing the validity and value of the Patents by flouting Herbert's authority and obtaining the warrant to stop Mohun and his company from performing at the Red Bull yet within six weeks of Killigrew's Patent receiving the Great Seal he had, in opposition to Davenant and the Duke of York's Company, signed a treaty between himself and Herbert acknowledging the authority of the Office of Master of the Revels³¹. It seems probable that in return Sir Henry Herbert (1595-1673) promised that Killigrew himself would assume the position of Master of the Revels upon Herbert's death.³² Within weeks therefore, Killigrew could be seen to be pandering to the forces of government and emasculating the King's Patent in order to further his own personal fortune and prestige.

Killigrew indeed succeeded Herbert as Master of the Revels in 1674, but, as noted above, in 1677 signed away to his son his rights to theatre, Patent, and Office of Master of the Revels. In 1682 his old company was absorbed into that run by the Davenant family, thus uniting the two Patents which had enjoyed an independent existence of only twenty years. The following year Thomas Killigrew died. In effect, the lead that Killigrew had gained in the negotiation of the Patents in the first weeks of the Restoration had evaporated once not one but two Patent theatre companies were established. Killigrew was constantly in the shadow of Sir William Davenant and found himself having to following fashions in theatre set by Davenant and subsequently Betterton who succeeded Davenant in running the Duke's Company after the latter's death in 1668.

Apart from the fact that both were attempting to feather, or re-feather, their nests, Davenant's priorities were different to those of Killigrew. An established poet and dramatist, he was also a prototype impresario. His interest in theatre was real, consuming, and astute: it had also a fixed, carefully delineated horizon. Davenant wanted a limited theatre, one that glorified and promoted Royalist society which was something totally different from merely embracing the Royalist cause. He therefore needed to reduce the influence of the City of London.

The Restoration theatre Killigrew envisaged harkened back to the old private yet egalitarian Elizabethan houses. Similarly, Davenant was not the innovator that many historians have claimed. It is quite clear that he was merely trying to re-interpret or recast the early Caroline past. He wanted to revive the illusory halcyon days of the past but he realised that the monarch, the style of monarchy and the terms upon which that monarchy was tolerated had irreversibly changed. Davenant's major dramatic contribution was to reinvent the masque to reflect to Royalists not the illustrious monarch and his intimates but the aristocracy's own glorious society that existed in the Court's shadow.

The first intimations of this shift in emphasis had already been apparent in Davenant's production at Rutland House in May 1656 where on either side of the stage were "two places railed in, Purpled and Guilt, The Curtayne also that drew before them was of cloth of gold and Purple".³³ Because it was considered important enough to be described, the significance of this limited panoply was obviously not

lost on the anonymous witness of the entertainment nor could it have been on the select audience. The subtext of Davenant's epilogue to the performance, encouraged the audience to:

trace the winding scenes, like subtle spies
 Bred in the Muses' camp, safe from surprise:
 Where you by art learn joy, and when to mourn:
 To watch the plot's swift change, and counterturn:
 When Time moves swifter than by nature taught
 And by a chorus miracles are wrought,
 Making an infant instantly a man:
 These were your plays, but get them if you can.³⁴

The audience was itself the infant that needed to become "instantly a man" and stand on its own feet. The thinly disguised aforementioned allusion to the royal brothers in two crocheteurs, who "both fell down under their burden" after attempting to offer compliments and salutations to the French court, further drove the message home.

A draft order dated July 19th 1660³⁵, ostensibly written by the King but actually written by Davenant for the King to sign, demanding the preparation of a joint monopolistic Grant for Davenant and Killigrew reveals that Davenant had a totally different ambition and proposed modus operandi for the theatre he wished to build to either that of Killigrew or the King. When comparing Davenant's pro-forma order for a joint Patent with the order for Killigrew's Patent drawn up on July 9th 1660 it must be borne in mind that the latter must have been a rushed affair undertaken when the King was under many other pressures and not fully cognisant of the strength of the various factions, particularly the Presbyterian lobby, within the country. The necessity for the haste in drawing up this order, which was to be superseded by the Davenant-inspired order for a joint Patent, was surely that it was prepared on Killigrew's instigation, to thwart not only the government, in the shape of Henry Herbert, from syphoning off some of the rich pickings to be accrued from the newly-restored legitimate theatre, but also the empire-building plans of Davenant.

Although Killigrew's draft order does not mention anything about theatrical premises, Davenant's draft order, by contrast, petitioned for the power to be able "to purchase or build and erect at their charge as they shall thinke fitt Two Houses or Theaters with all convenient Roomes and necessaries thereto".

Even though the semiosis Davenant wished to create lay within the entertainment itself, its physical

surroundings were of considerable importance. Even though he had to be satisfied with his adaptation of Lisle's Tennis Court in Lincoln's Inn Fields, Davenant petitioned for premises that would reflect the opulence he wished to present on the stage, hence the need for "convenient Roomes and necessities". Not until after his death would his heirs fulfil his concept of theatre and move into Dorset Garden.

Davenant also took care to delineate the full spectrum of theatrical genres: "Tragedys, Comedys, Playes, Operas, and all other entertainments of that nature" that he wishes his Patent to encompass. He was no doubt aware of the fact that otherwise an astute lawyer might be able to argue for another impresario in order to undermine the Patent if a theatrical genre could be identified that was not specifically protected by Davenant's or Killigrew's Patents.

Davenant's petition also called for a draconian control of the players, whom he wished to be "under the jurisdiction, government and authoritie" of the patentees. Neither the order on Killigrew's behalf of 9th July 1660 nor even the power ultimately wielded by Killigrew demonstrated a desire for this degree of authority over his company. Davenant obviously saw himself as an impresario whose duty it was to weld together his company in an authoritarian manner and this was exactly what he subsequently achieved, in marked contrast to the more relaxed and devolved authority exercised by Killigrew.

Davenant had always been painfully aware of the growing popularity of the thriving theatre, only some of which was taking place under the aegis of Sir Henry Herbert, the Master of the Revels. Most of the commentators who have debated the number of companies playing in London immediately following the Restoration have under-estimated the amount of theatre available. Curiously they seem to have ignored the information contained in Davenant's warning that "divers persons, and Companies have assembled, and doe dayly assemble" not only at the three theatres licensed by Sir Henry Herbert but also "at other places within our Citty of London and County of Middlesex".³⁶ Herbert himself³⁷ also acknowledges the existence of other groups of players at the end of his grant to John Rogers allowing him to guard the Red Bull, Cockpitt and Salesbury Court playhouses, AND TO EUERY OF THEM, IN & ABOUT THE CITTIES OF LONDON & WESTMINSTER (my emphasis). Davenant put pen to paper again even before his original warrant received the Royal signature. He presented yet another document for the King to sign calling for him to outlaw all competition in even stronger terms.³⁸ When

this document, again ostensibly from the King but clearly in Davenant's writing, is examined more carefully his sleight of hand becomes obvious. The first argument presented is that the vetting and censoring of plays inherent in the licensing by the Master of the Revels is not working because the aforementioned companies do:

shew in publique, Comedies, Tragedies, and other Entertainments of the Stage, therein publishing much prophaneness, scurrility, obsceneness, and other abuses tending to the great Scandall of Religion, corruption of Manners, and ill example of our loving subjects.

This is a very important passage. Not only is it a preamble to an appeal for the patentees to be granted the right of censorship over the material presented in their own theatres it also in its subtext reveals the pre-occupations of the new hedonist Royalist elite and their consideration of themselves as outside the society general. It suggests that even if Herbert, as Master of the Revels, was managing to keep a control on who was allowed to perform and where, the content of the new plays was causing concern. The new, encoded, sexually explicit writings formerly enjoyed by the new royalist aristocracy in private were now "in publique" and thus available to all classes indiscriminately. This was considered to be very undesirable.

To emphasise the danger inherent in this new liberalisation Davenant, in the full knowledge that this was one force in the country that the King was treating with kid gloves, first intimated that religious opinion, particularly that of the vociferous Puritans in the establishment, was unhappy about the situation. Davenant's first message was therefore that a controlled and restricted theatre would more easily resist church interference. The strong Puritan lobby in the government would be unlikely to actually set foot in any theatre themselves, particularly if theatre was to have the overt Royalist overtones envisaged by Davenant, so its information on what was happening in the theatres must be largely second-hand. Therefore if the general populace had restricted access to his kind of theatre the risk of complaint from those with Puritan sympathies to the fathers of Dissent would be minimised.

Davenant then stressed the danger of a loss of selectivity and purity of lifestyle by drawing attention to a "corruption of manners". I suggest that there was a two-fold sting to this observation. Firstly, he was suggesting that amongst the Royalist elite there could be a tainting of behaviour if they were to witness the work of inferior companies and mix with a wider cross-section of the population, and

secondly, that the current mimicry of the aristocratic lifestyle by those outside it, something which was actually of far more interest to Davenant than to the King, could only increase in incidence if there was to be a promiscuous intercourse between the various ranks in society where inferior people could gain first-hand experience of aristocratic mores.

Finally, he warned that too great a provision of entertainment allowed the people to see too much on the stage and that this was not actually good for them, therefore hinting at the spectre of insurrection, although the inference is that if these same entertainments were 'in private' the aristocracy would be able to cope with it. This was a strange argument coming from one who just a few years previously was arguing for the civilising effects of theatre on the masses! Davenant's philosophy is revealed in his *Poem Upon His Sacred Majesty's Most Happy Return To His Dominion* in which he lauded the supreme authority and power of the King to enforce Law to:

... rescue Wealth from Crowds, when Poverty
Treads down those Laws on which the Rich rely.
Yet Law, where Kings are arm'd, rescues the Crowd
Even from themselves, where Plenty makes them proud.
No more shall any of the Noble Blood
Too faintly stemm the People's rising Flood,
But when the Wind, Opinion does grow loud,
Moving, like waves the many-headed Crowd;
Then those great-ships shall fast at anchor ride,
And not be hurri'd backward with the Tyde.³⁹

Although Davenant did not have the entrepreneurial outlook of Killigrew he was the more astute man of business. Like Killigrew who parted with shares in his ventures for cash when in extremis, Davenant who started his theatrical enterprise under a much greater disability "not knowing otherwise how to carry on the Charge of Acting without great sums of Money to buy Apparell Habitts & propertys Machins & other decorations⁴⁰" was also forced to sell shares. But the indentures drawn up between Davenant and Sir William Russell on March 7th 1661, to whom the first full share was allotted, show a distinct bias in favour of the patentee compared with the mere cash transactions of his rival. Russell, in addition to parting with £600, and his share's proportion of the running costs of the theatre, was legally bound to meet 50% of the costs of mounting the first two productions, 50% of the costs of fitting up

Lisle's Tennis Court as a theatre and 50% of the first year's rent. And if Davenant decided that it would be advantageous to move to a different theatre Russell was to pay a proportion of the expenses.⁴¹

Within eight years Davenant was dead and his Patent was in the hands of his family to whom must go the glory for the brief period when the Dorset Garden Theatre reigned supreme in London. Fourteen years after Davenant's death his heirs effectively absorbed Killigrew's Patent as well. However, the family then mismanaged the whole enterprise so badly that Christopher Rich (c.1657-1714) began to buy into the enterprise from 1688 and emerged as the patentee when the maelstrom of the United Company occurred. From 1706-7 Rich controlled the Drury Lane, Haymarket and Dorset Garden Theatres, but, just thirteen years after the two Patents had been merged into one, King William III, no doubt influenced by "several persons of quality" whose number included the Lord Chamberlain,⁴² destroyed the fragile monopoly. Thomas Betterton (1635-1710), for many years an actor with the Davenant company, led a breakaway group of actors which was granted a licence to perform at the reconverted Lisle's Tennis Court Theatre. The government, no doubt trading on the disinterest of the monarch, had effectively annexed the Royal prerogative and nullified the concept of Patent.

Acknowledging that the Patents were a significant influence in the post-Restoration theatre, but one that did not outlast the seventeenth century, how seriously should the monopolistic clauses in them be taken over the four decades of their supposed potency? Indeed how seriously should one take the wording of the Patents as a whole? Although the patentees are usually regarded as manipulators of the system, is there a case to be made for regarding them rather as pawns? In order to answer these questions it is necessary to turn from those that received the Patents to the King who granted them to try to deduce the underlying motives for this uncharacteristically repressive legislation on the part of Charles II.

Section ii: Women on the Stage - a winked at self-indulgence.

The first enigma is the reason for the stipulation in the final Patents that women's roles should actually be played by women. Neither the Order for a Grant to Killigrew of July 9th 1660, nor Davenant's self-constructed warrant of July 19th 1660 mention female performers so one must assume that this was not a condition that either patentee originally envisaged, nor was it one that was instantly put into practice.

Although the first performance under the aegis of the patentees took place on November 5th 1660, it was not until December 8th at the earliest, that the first woman set foot on the stage as a common actor for the King's Company at the Theatre Royal in Vere St, and the majority of the rest of the King's Company's first contingent of women were not sworn in until March 27th the following year. Likewise, no actresses can be found in the Duke's Company prior to June 1661 when the company moved to Lincoln's Inn Fields although the articles of agreement between Davenant and his Salisbury Court actors, signed November 5th 1660, mention that Davenant is to provide actresses at a new theatre so the measure was anticipated. (If one wishes to attribute an element of finer feeling to this delay on the part of Davenant it could be read that, as a protective measure for the women he employed, he was hesitating to use actresses until he felt he could provide for them in a manner befitting their sex because he subsequently lodged them at his own house adjoining the theatre and paid them himself. Nevertheless the accusation in an anonymous eulogy of Davenant published twelve days after his death that "A Clap did usher Davenant to his Grave"⁴³ could point to totally different motives for arranging their accommodation.

It would seem, therefore, that the impetus for the mandate to have women playing women's parts stemmed from the King and his motive would seem to be obvious. The King's sexual proclivities were well known as his friend and confidant Rochester recorded:

Restless he rolls from whore to whore,
A merry monarch, scandalous and poor.⁴⁴

In both Davenant's and Killigrew's Patents it is stated that women's parts were to be played by women and not boys as heretofore because cross-dressing was something "at which some have taken offence". This is obviously an excuse. Much of the sub-textual comedy of Tudor and Stuart drama was based on the fact that males were playing female parts. It was a convention that was unavoidable in the plays presented by the all-male academies of Tudor and Stuart times as a necessary part of education in the classics and it was totally accepted by the populace at large. Wright remembered "Stephen Hammerton, who was at first a most noted and beautiful Woman Actor, but afterwards he acted with equal Grace and Applause, a Young Lover's Part".⁴⁵ Unlike some of the wording of the Patents the clauses calling for women actors cannot be levelled at pacifying the Puritans. Puritan diatribes against

the theatre were much more concerned with the mimesis of evil than the implicit homosexual undertones of cross-dressing. Neither was it, as Milhous⁴⁶ reads it, mere permissive legislation: the Patents made it mandatory. It is a clear sign to two confidants, and indeed the court at large, of a sexual preference or ploy by a man who was to receive the condemnation “ What was said of Harry the Eighth might much more properly be said of him, that he spar'd no Woman, whether Virgin, Marry'd, or Widow, in his Venereal Heat”.⁴⁷ The venality of character of Charles II was openly acknowledged in the assessment that his:

Inclinations to Love were the Effects of Health, and a good Constitution, with as little mixture of the Seraphick part as ever Man had. And though from that Foundation Men often raise their Passions ... his stayed as much as any Men's ever did in the lower Region.⁴⁸

Charles had no compunction in harnessing the forces of legislation, privilege and religion to satisfy his sexual urges.

Tis sure the sauciest prick that e'er did swive,
The proudest, peremptoriest prick alive.
Though safety, law, religion, life lay on't,
'Twould break through all to make its way to cunt.⁴⁹

Actresses merely provided yet another pool into which Charles could dip to assuage his voracious sexual appetite. But there was more to the actress stipulation than an easy pathway to physical sexual gratification. The King was an inveterate voyeur. To Pepys' dismay he was even sexually aroused by watching mating geese in the park.⁵⁰ Watching real women in female roles playing opposite men, particularly in the sexually charged plots of many Restoration plays, must have fed these voyeuristic tendencies. Nor was he likely to have been alone in this. Many of his libidinous court would have been similarly aroused by the spectacle. It was to this audience that the inherent sexual titillation and innuendo of Prologues like the following of Thomas Jordan were addressed:

I come, unknown to any of the rest
To tell you news, I saw the lady drest;
The woman playes today, mistake me not,
No man in gown, or page in petticoat.⁵¹

The actresses were not taken seriously as performers by the first Restoration managements or indeed by the King himself: they were more an embellishment on the presentation. This can be inferred from the

fact that it was not until June 30th 1666 that warrants can be found awarding the actresses the livery that was their right as members of His Majesty's Comedians,⁵² yet the warrant for the actors livery was issued in October 1660 and they received it on July 29th 1661.

Where did these women come from and were they regarded any more seriously or appreciatively by audiences? Unlike the men, the first women on the stage had received no traditional apprenticeship or other training in acting and it would seem that, dramatically, many of them initially cut a poor figure in comparison with their male travesti counterparts.

Mr Kynaston ... he being then very Young made a Compleat Female Stage Beauty, performing his Parts so well ... that it has since been Disputable among the Judicious, whether any Woman that succeeded him so Sensibly touch'd the Audience as he.⁵³

The necessary qualifications for any woman embarking upon the stage as a career were simply, as Van Lennep recognises, "an ability to memorise lines, to speak well, to sing and dance with competence or charm, and attractiveness"⁵⁴ which must have ruled out women from the lower ranks of society.

Women from the higher ranks must also be ruled out because, as Cibber documents in his autobiography,⁵⁵ no matter what misfortune had brought them to a situation where such a course of action might be considered they would have had the might of the family waged against them if they contemplated such a career. This, therefore, gives credence to Wilson's argument of a "narrow middle stratum from which actresses could be drawn",⁵⁶ Nell Gwyn being an exception that proved the rule.

Initially actresses were a novelty act - akin to the present day vogue for having non-theatrical celebrities like sportsmen perform in pantomime - and to an extent they were similarly derided by those who considered themselves to be serious aficionados of theatre. Nearly half a century later, Downes recounted the story of Mrs Holden reducing a house to such noisy hysteria that it drowned the din of London Bridge at Low Water by dint of the fact that she:

enter'd in a Hurry, Crying, O my Dear Count (but) inadvertently left out, O, in the pronuntiation of the Word Count! (whilst) giving it a Vehement Accent.⁵⁷

This shows the lack of expertise and credibility of some of these early actresses, particularly as it is difficult to view the above howler as anything but a deliberate, unsubtle attempt to play an audience that was being particularly responsive to sexual innuendo.

It is widely attested that the King perceived actresses as an additional delight of theatregoing, inasmuch as they could become a prize that could be won after or even during the performance. Indeed this view was shared by audiences generally and fostered by the companies and the women themselves. Downes, rather tongue-in-cheek, describes how Mary Davis, in the role of Celia in Davenant's *The Rivals*, performed a song, *My Lodging it is on the Cold Ground*, "so Charmingly that not long after, it Rais'd her from her Bed on the Cold Ground, to a Bed Royal"⁵⁸. He also details how Mrs Johnson's dancing in Shadwell's *Epsom Wells* led her to the arms of the Earl of Peterborough⁵⁹ and Wilson reminds us of Pepys' actress-mistress Mary Knep⁶⁰.

Nicoll documents how "in prologue and epilogue broad hints were cast out to the audience that the ladies of the theatre were not to be sued in vain".⁶¹ What he does not point out is that such prologues and epilogues were written by men though often delivered by women which considerably enlarges the scope of his observation that "from the King down to the fops, the male spectators looked upon these actresses as little better than prostitutes"⁶². This was further emphasised by allowing access to the actresses' tiring rooms upon payment of a perhaps surreptitious fee.

Nicoll is wrong to automatically assume that the theatre managers themselves benefited from these takings⁶³, they could just as easily have been a doorkeeper's perk - an internal arrangement between the actresses themselves and the staff of the theatre. The agreement of the actresses to this method of procurement, and the advantage they took from the opportunities it brought, is well-documented in the literature of the time and shows they were fully cognisant of the larger role they were playing.⁶⁴

Wilson devotes two and a half pages of his book, *All The King's Ladies*, to the wiles of Mrs Davenport, who immortalised herself as Roxalana in Davenant's *The Siege of Rhodes*, as she endeavoured to extract the maximum possible mileage from the Earl of Oxford's infatuation for her after he had attended one of her performances.⁶⁵ But these women were not the "foolish virgins"⁶⁶ he obviously

thought they were. Mrs Barry, an orphan brought up by the Davenants and tutored for the stage by Rochester, was described by Nicoll as “debased and licentious as the commonest women of the town”.⁶⁷ Some contemporary witnesses were outraged by the flaunting of female sexuality and censured the Court’s blindness to the inherent dangers:

But most the WOMEN are Audacious seen,
All PAINT their Out-sides and all POX within.
Here ‘tis our QUALITY are fond of such,
Which ev’n their Wiser FOOTMEN scorn to Touch,⁶⁸

Little protest was made against this new profile of women even though it manifested itself so flagrantly within the Royal circle. From the very start of his Restoration, when after receiving the homage of the City at Whitehall Charles crossed the river to spend the night with Barbara Villiers, his mistress,⁶⁹ it was clear to all that the austerity of the Interregnum had evaporated into the new glare of overt dissipation:

with the restoration of the king a spirit of extravagant joy spread over the nation. All ended in entertainments and drunkenness, which overran the three kingdoms to such a degree that it very much corrupted all their morals.⁷⁰

The speed and scale of the disappearance of established values worried the more conservative. Hyde (1st Earl of Clarendon 1609-74) deplored the lack of seriousness in Charles’ nature and his fondness for lewd and irreverent companions.⁷¹ Pepys found the topics of conversation between the King and his close companions “so base and sordid that it makes the ears of the very gentlemen of the backstairs ... to tingle”.⁷² Halifax wrote cautiously of the danger to the State:

The Thing called Wit, a Prince may taste, but it is dangerous for him to take too much of it; it hath Allurements which by refining his Thoughts, take off from their dignity, in applying them less to the governing part.⁷³

The danger was voiced more stridently by Sir John Coventry MP (d.1682) who was unwise enough to deplore the King’s mistresses from the floor of the Commons in December 1670 and had his nose slit for his pains provoking further censure of the King from Andrew Marvell:

Thus whilst the King of France with powerful arms
Frightens all Christendom with fresh alarms,

We in our glorious bacchanals dispose
The humble fate of a plebeian nose.⁷⁴

It also led to an outraged Parliament passing what became known as the “Coventry Act” which explicitly criminalised such acts of mutilation. The King’s friend, Rochester, unequivocally, and, for some, ominously, revealed the danger to the state:

His scepter and his prick are of a length;
And she may sway the one who plays with th’ other.⁷⁵

Many commentators obliquely echoed Rochester’s perception of the monarch in their condemnation of Charles’ society mistresses. In a cleverly veiled jibe, which seems to have gone totally unnoticed by historians, Richard Flecknoe, a rumoured former Jesuit priest (c.1600-1678), in his Epigram of 1665: *On Mistress Stuart dancing in Whitehall all shining with Jewels*, invokes the mysterious Greek deity Citherea.

So Citherea in the Olympick Hall,
And th’ rest oth’ Stars dance their Celestial Ball;
As Stuart with the rest oth’ Nymphs do here,
The brightest Glories of the British Sphere.⁷⁶

The more learned amongst his readers would have acknowledged Citherea as being a personification of Cithaeron where Actaeon was metamorphosed into a stag and subsequently torn to pieces by Diana’s hounds and where Pentheus was torn into pieces by the Bacchantes. The portentous parallels are obvious!

The notorious Barbara Villiers (later Lady Castlemaine and then Duchess of Cleveland), whose Catholic husband was raised to the peerage in a desperate measure engineered by the King to give her a title, was also deplored in verse.

How often, Cl--d hast thou here been found
By a Lascivious Herd encompass’d round?
How often have you hence retir’d, and lain
A Leash of Stallions breathless on the Plain? ⁷⁷

The truth of the matter has to be that the arrival of women on the stage was a paradigm for a new woman in society who had appeared with vigour and power after the puritanical zeal of the Interregnum. From her position of influence Lady Castlemaine exerted the malign influence predicted so starkly by Rochester. Courtier Daniel O'Neill (c.1612-1664) recorded "there is no limits to her power".⁷⁸ Carte described her as a person "whose understanding bore no proportion to her power, and who would have been able to do great mischiefs, if her egregious folly had not often defeated her measures".⁷⁹ Bishop Burnet thought her "a woman of great beauty, but most enormously vitious and ravenous; foolish but imperious".⁸⁰

Nevertheless the power of these women had a fragile base which evaporated when their charms grew stale. In society, as on the stage, there were always others waiting in the wings watching the example being set and learning their parts well. When the Duchess of Portsmouth usurped Lady Castlemaine's place, a contributor to Poems on Affairs of State recorded a perception of Charles held by many:

Like a tame spinster in's seragl' he sits
Besieged by whores, buffoons and bastard chits;
Lull'd in security, rolling in lust,
Resigns his crown to angel Carwell's trust.⁸¹

Carwell of course was Louise Querouaille, from 1673 Duchess of Portsmouth, "one of the leading political figures of the latter years of his reign"⁸². The anonymous author of *The Secret History* said of the allure Portsmouth held for Charles at the time of the Popish Plot:

The King to screen his wicked Ministers from Publick Justice, preferred the Caresses of the expanded nakedness of a French Harlot [Portsmouth], before the preservation of the three Nations,⁸³

and qualified this by citing Andrew Marvel:

That Carwell, that Incestuous Punk,
Made our most Sacred Sovereign drunk;
And drunk she let him give the Buss,
Which still the Kingdom's bound to Curse.⁸⁴

In fact, as the anonymous critic reveals, the court mistresses were particularly dangerous because they could be manipulated. The dissolving of Parliament at the time of the Popish Plot was a case in point:

What could not be obtained by open perswasion [sic] when his Majesty was sober and sensible, must be wrested from him when he was intoxicated. To this purpose Portsmouth was fully instructed what to do, and as being privy to the whole Conspiracy against the Kingdom, was entrusted to manage the Business.⁸⁵

He described how Lady Portsmouth and two others, after a night of debauchery, took the king into a private room where they stripped and posed as three naked goddesses awaiting sentence from a Trojan Shepherd! Then came a game called the “Sport of Questions and Commands” a forerunner of today’s “sexual forfeits”. Portsmouth asked Charles whether he wanted one Command and two Questions or two Commands and one Question. The King requested the former whereupon Portsmouth ordered “Dissolve the Parliament” which the King immediately ordered to be done.⁸⁶ Of course this story could be apocryphal, nevertheless it was evidently widespread and so reveals a perception of the might of Portsmouth whether the particular incident be true or not.

Reresby suggests that these mistresses, and Portsmouth in particular, could have been under the instruction of foreign powers.

The Duke of Buckingham fell again into the King’s ill opinion, by the means of the Duchess of Portsmouth, a French Lady, and then the King’s mistress, who had the best interest with him, a very fine woman, and as most thought, sent over on purpose to ensnare the King, who was easily taken in with that sort of thing.⁸⁷

Halifax attributed even more political power to Portsmouth and suggested “Her Chamber was the true Cabinet Council”.⁸⁸ This explains why the old conservative courtiers accepted the stipulations of the theatre Patent without murmur. Faced with these educated, ruthless women, they were looking for a way in which to contain the new permissiveness of the Court, and the danger it posed the State. The shift of power away from the government was a dangerous situation. But so was pitting oneself against these society women who had access to the King’s bed. Amongst those who tried, at their peril, to mitigate the foreseeable consequences Buckingham was not the only casualty. Lady Castlemaine turned the King against Hyde (who was by then Lord Clarendon) because he refused to let anything in which she was actually named pass the Great Seal and often prevailed upon the King to alter resolutions which she had persuaded him to adopt.⁸⁹ She had not been his only quarry. Upon the King taking up with Mrs Stewart, Clarendon had had the latter contracted to the Duke of Richmond to

prevent the possibility of the King divorcing in order to marry her because it would “hurt the king’s character, embroil his affairs at present, and entail all the evils of a disputed succession on the nation”.⁹⁰

Burnet confirms this link between the King’s sex-life and the power vested, at the beginning of the reign, in Clarendon and records that Charles “was so given up to pleasure, that he devolved the management of all his affairs on the Earl of Clarendon.”.⁹¹

An anonymous witness put pen to paper in 1681 to blame the King’s poverty and the country’s ills upon his mistresses:

Why art thou poor, O King? Embezzling cunt,
That wide-mouthed, greedy monster, that has done’t.
Thee and three kingdoms hath thy drabs destroyed,⁹²

The old courtiers could have seen that the restricted theatre outlined in the Patents contained a safety valve for the more libidinous mores of the new Court. The actresses provided a compromise for those worried Court observers who were willing to overlook the King’s profligacy with women of a lower class in order to take his attention away from those, like Castlemaine and Portsmouth, who could wreak havoc within the Court circle and in the general governing of the country. Nor was this necessarily just a measure adopted for the King. Sir Henry Blount, in the face of the hotbed of Court female acquisitiveness, is quoted as thinking it “far cheaper and safer to lye with common wenches”,⁹³

It is a well-documented fact that the King’s sex-life was monitored and, as far as possible, regulated by the Court. In *The Secret History* we are told:

Care was taken against the very first Night that his Sacred Majesty was to lie at Whitehall, to have the Lady Castlemaine seduc’d from her Loyalty to her Husband, and entic’d into the Arms of the happily restored Prince.⁹⁴

Clarendon himself had in fact chosen the King’s wife - a choice that was based very much upon self-interest. Clarendon purposely chose a woman who was barren so that the Duke of York, who was contracted to Clarendon’s daughter, would succeed to the throne.⁹⁵ Clearly, as there was this much social manipulation within Court circles it is inconceivable that those mistresses of Charles II who were promoted from the stage were not there by the consent and even design of the Court. Halifax recorded

“it was resolved generally by others, whom he should have in his Arms, as well as whom he should have in his Councils”.⁹⁶

In this respect Charles and his two patentees appear to have played a very clever game within the Patents of pretending to do one thing, namely making the stage less libidinous, whilst working towards something totally different which was to make it as sexually explicit as they could. As it so closely resembles much of his Commonwealth guile, it is difficult not to attribute this largely to Davenant. For example, the charge to the patentees that:

from henceforth noe new play shall bee acted by either of the said comps conteyninge anie passages offensive to pietie and good manners, nor any old or revived play conteyninge any such offensive passages as aforesaid, untill the same shall be corrected and purged by the said masters or governours of the said respective companies from all such offensive and scandalous passages as afsd,⁹⁷

was obviously put there to placate the more vociferous puritans. As for the monopolistic clauses which appear from the earliest documentation, they can be seen as safety clauses which lulled Court observers into a false sense of security because they signalled that theatre was to be a restricted phenomenon that was expressly for the pleasure of the King and his intimates which should be easy to keep in check. The control the government had over Charles' purse strings meant that theatre could not get out of hand through Royal subsidy so they need not fear the resurgence of the early, self-indulgent, expensive Caroline masques. Looking at the legislation from a different perspective, by the terms of the documents drawn up there seemed little scope for the patentees on their part to build their privilege into something that could grow large enough to be an embarrassing menace.

However, attributing all to Davenant is too simplistic an appraisal of the situation. Charles himself had been brought up in a hard school and his basic distrust of people made him much more devious than either his associates or many later historians have realised, and it is not only in the question of his relations with women that we see the true splendour of his dissembling.

For his own part, Charles looked upon theatre primarily as escapism, and was quite happy with a very basic provision of amenities. He was more than happy to attend “plays ... acted in a barn, and by very

ordinary Bartholomew-fair comedians".⁹⁸ Indeed this attitude was clear from the very beginning of the Restoration when on August 16th 1660 Charles paid his first visit to a public theatre, the Red Bull. Freehafer, with a forced logic, asks us to assume that this was because the King had "overlooked the fact that that the performance violated his own grant to Killigrew and Davenant".⁹⁹ Considering both the proximity and tenacity of Killigrew and Davenant this is hardly likely! The truth is that the King was not considering the entertainment proffered him at the Red Bull in the same light as the theatrical presentation he hoped to be enabled by the Patents. Despite providing within the Patents for a more permissive theatrical entertainment to spice up Court life Charles had an agenda that the two patentees did not initially appreciate. Indeed had Killigrew been more astute and perhaps more sophisticated, I suggest that Davenant's Patent might have been a very short-lived piece of legislation.

Section iii: Charles attempts to emulate the example set by the Great Courts of Europe.

Apart from the satisfying of more carnal urges Charles was consumed with another problem. His sojourn in France had presented him with a role model, Louis XIV, from whom he learnt not only that he had a duty to promote the arts but also that a royal Court should be a source of beauty. Louis revelled in pomp and ceremonial and had the funds to create and promote La Gloire. Having remodelled and extended the Palace of St. Germain-en-Laye, he subsequently built the monument of Versailles and perceived this to be the apogee of a reign wherein the arts were an intrinsic part of the whole and one of the means by which his self-perceived, semi-divine status was to be exalted before his people.¹⁰⁰ As far as theatre was concerned the two Kings viewed things very differently. Louis XIV regarded Molière as a member of his household. Under the patronage of the French King a successful dramatist became an honoured man of letters with entry to the Académie Française, and, under his auspices, the drama and all other arts became closely integrated into the political structure. The two Kings, however, were in totally different financial situations and viewed their station in life in diametrically opposed ways. Charles did not, indeed could not, attempt to foster the arts in the manner of his French counterpart, Louis XIV. Nor basically did he want to. Much more a gentleman farmer than the Lord's appointed on Earth, Charles could in his own way, when sorely tried, assume an "awful majesty"¹⁰¹ but would generally let "all distinction and ceremony fall to the ground as useless and foppish"¹⁰². Halifax recorded that the King leaned "more towards a Satire than a Compliment, in this respect, that he could not only suffer Impertinence, but at sometimes seemed pleased with it".¹⁰³

Observing the King's penchant for being all things to all men, Halifax clearly distinguished between the high art and unimpeachable aristocratic milieu of the French Court and the more lax, hedonistic, open, English Court when he opined, in criticism of Charles:

Wit must be used to some Equality, which may give it exercise, or else it is apt either to languish, or to grow a little vulgar, by reigning among men of a lower Size, where there is no Awe to keep a Man on his guard.¹⁰⁴

Charles' social pragmatism was perhaps fortunate as Parliament, ever fearing the spectre of a private army, kept a tight rein on his Privy Purse. Nevertheless Charles was a monarch and as such needed to have at least a veneer of ostentation, if only to impress high-ranking visitors. The temper of the age for such ostentation can be measured by Flecknoe's *To Sir William Dncy on his 3 Entertainments to the King: the Prince of Tuscany, and of the Prince of Denmark All the same Summer 1669*:

Dncy, that bravely knows to spend
When 'tis for any noble end,
And never sticks at the Expence,
When 'tis to show Magnificence.
For th' Royal Entertainment that
Tho'ast given unto thy Prince of Late,
The honour only is thine own;
But what's to other Princes done,
The Honour which to that is due,
Is both thine own and Countries too.¹⁰⁵

If Charles was to earn the respect of foreign potentates or their emissaries he had to be able to impress them. The Arts, particularly theatre, were an important and internationally recognised means to this end. Yet there was no way, financially, in which he could compete with entertainments like the great masques of pre-Commonwealth days nor those in which contemporary foreign monarchs were being magnificently promoted; nor, it must be said, was he the type of man who would have derived much personal pleasure from them had his funds been more abundant.¹⁰⁶

Furthermore, even if he needed to see himself, his family or perhaps more importantly, foreign guests deified in masques there was nowhere suitable to mount them. His Court theatre, the Cockpit-in-Court was run down and did not have the facilities of the Palais Royale, The Hotel de Bourgogne, the Théâtre du Marais or the great Théâtre de la Salle des Machines des Tuileries.¹⁰⁷ Even minor monarchs such as

the King of Sweden, Gustavus Adolphus II had three state-of-the-art royal opera houses with both Italian and French resident companies. Charles, therefore, had to look to the new entrepreneurship bred during the Interregnum to provide him with the facility to suitably entertain his guests. Anyone who seemed capable of establishing both a company and a theatre of renown had to be supported and protected from any competition that might dilute his influence and draw away audiences and takings.

Such protectionism was, I believe, a second, equally important function of the Patents. But it must be realised that a Patent was a document of indeterminate duration. Although Charles placed the recipient of his Patent outside the influence of Parliament, which he did not trust, he himself was still very much in command of the situation. He could withdraw the Patent or effectively negate it merely by granting a Patent to another whom he could then patronise, knowing the Court would follow suit. This is what he chose to do although Davenant, who presented himself immediately after Killigrew, was a special case. Although he had an attractive pedigree as far as Royalist theatre was concerned Davenant was originally an irritation but one to whom Charles had to at least pay lip service because of his past royal connections. Despite the granting of a Patent to Davenant the obvious preference given to Killigrew seemed to promise little success for the reinstated Poet Laureate or any company he might raise.

By awarding a second Patent to Davenant the King was merely hedging his bets. The same motivation lies behind the Patent given to George Jolly in December 1660 and Charles' Grant to Giulio Gentileschi "to build a theatre for an Italian band of Musicians whom he is bringing into England"¹⁰⁸ who had as their brief to present "Opere musicali, con machine mutationi di scene et altre apparenze"¹⁰⁹. The visit in 1661 of Les Comédiens de Mademoiselle d'Orléans or other French companies including Les Comédiens du Serenissime Prince de Liège, who were in London in 1661-1662 at the Cockpit in Drury Lane¹¹⁰ and who subsequently titled themselves Les Comédiens du Roi d'Angleterre, also reveals Charles' preoccupations. Each visit violated the terms of the Patents that Charles had granted the two courtiers. Similarly some twenty years later the King sent Betterton to France to recruit French companies.¹¹¹ What does this tell us about the ultimate validity of the Patents?

To try to understand the motives of Charles in disseminating theatre Patents and Grants we must look to those which were awarded soon after those of Davenant and Killigrew. Because these did not stand the

test of time they are less open to the obfuscation that, through longevity, has clouded the two that survived, leading modern commentators to imbue them with strategies they simply did not harbour and resonances which, of themselves, they did not create. These other ordinances throw into relief what was of real importance in the Killigrew and Davenant Patents.

Each Patent and Grant contained the express desire of the King that the patentee should provide a theatre in which to perform, which was to be in addition to those which currently existed, in which scenery and machines would be built as an adjunct to the play. This was obviously so that Charles would be able to rival theatrical performances in other European courts. The sting in the tail of the Patents, that only Wertheim¹¹² seems partly to have recognised, was that this was not permissive legislation: as with the requirement that actresses perform female roles, a clause significantly missing from the Patents and Grants issued to those who automatically incorporated actresses in their companies, the wording makes it a mandatory requirement. Together, I suggest, these stipulations constitute the crux of the Grants and Patents.

Charles was using Patents in a game of international one-upmanship. He was trying to engineer a State Theatre, such as that fostered by his French counterpart, without having a huge financial outlay himself. What he wanted was a Court enterprise to provide a self-conscious, self-defining entertainment designed for and by aristocrats who necessarily would be the only ones to understand the subtext. Killigrew had seen what foreign courts could offer and understood his monarch's financial restrictions. He had proved himself financially shrewd, and a man of the theatre, but he did not fully understand the complex manoeuvring of the King. Davenant, on the other hand, was quick to appreciate the subtleties of the situation, and it is through careful examination of his priorities and following his fortunes that this new reading of the Patent question can be validated.

Davenant was a confirmed Royalist intent on preserving his social milieu. He was successful in gaining the ascendancy over his more materially-minded rival because he understood the terms of reference of the privilege granted by the King while Killigrew did not. This enabled Davenant to successfully play the system.

Although there was no real innovation of any kind in the early Restoration theatre performances, it soon became apparent that there was a significant change in attitude from the King, who became much more kindly disposed towards Davenant. Significantly the first play given at Court after the Restoration, which took place at the Cockpit-in-Court on November 19th 1660, (although performed by Killigrew's company, as one would have expected) started with a Prologue written by Davenant. This was surely a case of deliberate discrimination to display to the Court the talents of a man who at that time had but two plays to his name but who, within two weeks, would be given leave to perform his own versions of Shakespeare. Something had obviously happened which had put Davenant's star in the ascendant. A statement of permission from the Lord Chamberlain to allow Davenant to rework some of the older repertoire sheds light on what was going on. The preamble states:

Whereas Sr William Davenant, Knight hath humbly presented to us a proposition of reforming some of the most ancient Playes that were playd at Blackfriers and of makeinge them, fitt, for the Company of Actors appointed vnder his direction and Comand.¹¹³

Freehafer is wrong in saying that the Lord Chamberlain was insisting that Davenant purge Shakespeare's plays of that which was not considered seemly prior to performing them. Considering the extraordinary licence of the Restoration stage this is patently ludicrous. He has misinterpreted the pre-amble to the Lord Chamberlain's statement of permission. By "fitt" neither the Lord Chamberlain nor Davenant understood "proper" or "suitably morally reformed". It meant suitable for the new staging techniques that Davenant envisaged when his new theatre in Lisle's Tennis Court was ready; he was giving Davenant permission to adapt the plays to fit his concept of theatre. The King's awareness of these innovative plans of Davenant brought about the shift in favour from one courtier to the other.

Killigrew, as I have already shown, was hidebound by tradition and could not extend his horizons further than the plays of the early Caroline private theatres whereas Davenant was planning on presenting theatre on a much more dynamic and elaborate scale at Lisle's Tennis Court in Lincoln's Inn Fields. This is why, although he had signed the lease for Lisle's Tennis Court when the break-up of the temporary partnership at the Cockpit occurred, Davenant was content for his company to occupy Beeston's Salisbury Court theatre for eight months whilst the stage of his new premises was being got ready. What is more, he had kept his patron, the Duke of York - and hence, obviously, the King - fully cognisant of his plans. The despatch to the Secretariat in Florence, dated January 27th 1661, from the

brothers Giovanni and Amerigo Salivate, then the Florentine Residents in London, records how Amerigo was shown the plans of Davenant's new theatre in Lincoln's Inn Fields by the Duke of York:

Then he showed me the design of a large room he has begun to build in the Italian style in which they intend to put on shows as they do there (in Italy), with scenes and machines; but I do not suppose it will be to the taste of those who have seen the settings of the Most Serene Cardinal Gian Carlo.¹¹⁴

Obviously Davenant's ideas had impressed the Royal brothers. This explains the rather bizarre legislation instigated by Charles who, on November 26th 1660, granted Davenant a totally monopolistic Patent for Ireland (later rescinded because of the fully-justified objection of John Ogilby the erstwhile Master of the Revels in Ireland who was also manager of the Werburgh St. Theatre which had been destroyed during the Civil Wars but which he was in the process of rebuilding).¹¹⁵

The King, however, still pressed ahead in his search for any other means by which he might acquire a prestigious theatre on the continental model. On December 24th 1660, to the dismay of both courtiers, he granted George Jolly a grant for a Patent with "full power and authority to erect one company ... and to purchase, build or hire ... One House or Theatre with all convenient Roomes".¹¹⁶ Charles had seen Jolly's company perform abroad during his exile. He knew Jolly was used to working with actresses, that he had been well received at several German courts, and that he had performed successfully for His Imperial Majesty in Vienna. Jolly could, therefore, well provide that which, despite Charles' patronage of Killigrew or Davenant, was conspicuously absent from Court. Killigrew and Davenant must each have recognised Jolly's suitability for such recognition as was inferred by the granting of a Patent.

Killigrew's close relationship with Charles during his exile meant he could not fail to have heard of his master's escapades in Frankfurt when Charles and his companions attempted to sample the local delights incognito.¹¹⁷ A company of English players under the actor-manager George Jolly had installed themselves in the town and had performed for the disguised Royal party. Once the Royal party had been recognised, Jolly's company immediately started to refer to themselves as the King's Servants. This leads Hotson¹¹⁸ to believe that Jolly had also been a member of Charles' company of English actors in Paris in 1646, which, if true, would have made him an even bigger threat in the eyes of Davenant and Killigrew. For Killigrew, living in a society where many believed in the concept of a

right being conferred by custom, Jolly's arrival on the theatre scene, particularly at the Cockpit, was dangerous. Davenant, who had obviously made it his business to study continental theatre technique, cannot fail to have realised that Jolly, who in 1654 had offered the Council of Basle "his well-practised company ... with repeated changes of expensive costumes, and a theatre decorated in the Italian manner, with beautiful English music and skillful women,"¹¹⁹ had forestalled his ideas and anticipated his opera by a number of years. Jolly and his company of actors had, from the time of the Restoration, been performing under Beeston at Salisbury Court. In November 1660, Beeston had decided that because of the general theatre in-fighting that was taking place his position as an unacknowledged impresario was fraught with problems. He had obviously seen the way the wind was blowing when, in August 1660, Killigrew was busily persecuting Mohun and Rhodes who were acting independently under the professed but ineffectual protection of Henry Herbert, all three of whom were refusing to acknowledge the grants obtained by Killigrew and Davenant. Consequently, in November, Jolly's troupe had been thrown onto the open market because Beeston himself, having no Court connection, had demurred at playing impresario in competition with the two established courtiers. He had instead gone solely into the management business letting his theatre to Davenant, a safe tenant, who arrived on November 5th after the United company run by Davenant and Killigrew in partnership broke up when the two courtiers, I suggest, violently and unexpectedly, fell out.

However, the break-up of the United company at the Cockpit theatre meant it was now largely unused as operations had been suspended pending the allocation of performers and repertoire to Davenant and Killigrew separately although the Cockpit was in fact utilised as a base for Killigrew's company whilst Gibbon's Tennis Court Theatre in Vere St. was being got ready (a process which took four weeks in comparison to the eight months taken by Davenant). As soon as this happened, Jolly was quick to step into the breach and hire the empty theatre particularly as he realised that Davenant was going to take over Salisbury Court. Killigrew and Davenant acted quickly to try to retain the confidence of the King and negate the effect of any inroads that Jolly might make.

By December 8th, within five weeks of Jolly taking over the Cockpit, Killigrew had put the first actress on the English stage as Desdemona.¹²⁰ In fact the first appearance of this actress may have been earlier than stated. The Prologue cited as evidence¹²¹ only seeks to introduce her as the first actress, it does not

actually mention it as being her first performance. Although Prologues were usually written to accompany the first performances of plays in a season they were also used to calm volatile audiences at other times and it is possible that the appearance of a female Desdemona could have caused auditorium disturbances that made Killigrew feel a Prologue was necessary to introduce the innovation.

Irrespective of when this prototype actress made her first appearance, she has never been named. Anne Marshall and Katherine Corey are put forward as being the most likely although Downes records that Anne Marshall was not sworn into the company until March 26th 1661¹²², followed by Katherine Corey the next day. Of course there is nothing to say that, in extremis, Killigrew did not take on one of the actresses sworn in during March much earlier in order to ascertain her suitability and placate the King. That it was a desperate half-hearted measure, not really consolidated until 1661, can be inferred from the Prologue cited in Milhous and Hume introducing an actress in the singular, presumably therefore the only woman in the cast¹²³. This means the role of Amelia in this performance of *Othello* was still taken by a man. There is some evidence that Davenant could have followed suit, and Wright¹²⁴ argues that in 1674 his company actually claimed the credit for putting the first woman on the English stage, which was true if one considers the performances of his opera *The Siege of Rhodes* in 1656¹²⁵.

Aware of the imminence of Jolly's move into the Cockpit it seems Davenant used his newly achieved esteem with the King to gain the ascendant over this new rival in a totally different way. There is a clause in the articles agreed on November 5th 1660, between Davenant and his company of players that is very curious: this provides for a free box for six people to be made available for Killigrew. Milhous dangerously accepts that there must have been a reciprocal gesture on Killigrew's part at Vere St.¹²⁶ but in the absence of any evidence to this effect I suggest a much more insidious reading of the clause that more exactly fits what we know of Davenant's wily nature. The granting of an unwarranted repertoire to Davenant showed that Charles had faith both in his plans and his ability. I suggest that Davenant, in the face of the threat of Jolly, capitalised on his obvious advantage and returned the King's favour by promising the concession of a box to Killigrew so that when Davenant eventually moved into Lincoln's Inn Fields, Killigrew, the King's friend and a lesser threat to Davenant than the fiery, experienced Jolly, could, by his presence on important occasions, be seen as part and parcel of the successful London theatre scene. This would give the appearance of a united front which would avoid the courtier, and by

association, the company he led under the acknowledged patronage of the King, being seen as being left out in the cold and thus it was a way to help Killigrew save face. It would also forestall any attempt by Killigrew to join forces with Jolly which could have proved a dangerous alliance for Davenant. Also, it is not beyond the realm of possibility that Charles saw here a means by which Killigrew could learn by example what he had not picked up through experience.

If these were ploys to raise the confidence of the King in the potential outcome of the original Patents awarded to Killigrew and Davenant they were successful. This is borne out by the fact that Charles obviously turned a blind eye to the two courtiers cheating Jolly out of his Patent. He could hardly have believed the lie contained in the documentation of July 23rd 1663, which stated that Jolly had made no use of his Patent especially considering that there had been a law suit brought by Beeston when Jolly's company had moved out of Salisbury Court to play at the Cockpit in October 1661 and Dr Edward Browne records performances by Jolly's company at the Cockpit at the end of 1662¹²⁷.

Charles' patronage of Davenant was vindicated on June 28th 1661 when Lincoln's Inn Fields opened with an iconoclastic production of *The Siege of Rhodes* featuring changeable scenery. The company included a number of accomplished actresses led by Hester Davenport, and the illustrious Betterton and Harris led an equally talented troupe of men. The approbation of the King was evident from the fact that he attended the opening night and subsequently lent the company his Coronation Robes for Davenant's *Love and Honour* which was premiered on October 21st 1661¹²⁸.

This obviously prompted another fit of chagrin on the part of Killigrew who retaliated in a manner that was becoming predictable, this time going full circle and fielding a woman en travesti in October 1661 to titillate the town.¹²⁹ Davenant's success with Shakespeare's *Henry VIII* in December 1663, once again using the King's Court robes, prompted Killigrew in January 1664, to petition the King to grant him "forty pounds in silkes"¹³⁰ for his production of Dryden and Howard's *Indian Queen* which was being performed at his new theatre in Drury Lane into which he had been forced to move to be able to compete with Davenant's success in his small Tennis Court Theatre. Despite descriptions of this new theatre recording that "the stage was handsomely decorated"¹³¹ we find Killigrew up to his old tricks in October 1664 and relying on sexually provocative gimmicks rather than genuine theatrical innovation,

this time presenting his own successful play *The Parson's Wedding* played entirely by women.¹³² Yet opportunities had been put into his hands by the King. In 1661 the monarch had given Killigrew a new rhymed heroic play, the first by the young Earl of Orrery. Charles had recommended it highly but Killigrew did nothing with it until some three years later when Davenant produced the Earl of Orrery's second play in August 1664. This was a tremendous success whereupon Killigrew hurriedly, and relatively unsuccessfully, mounted Orrery's first play the following month.¹³³

The nineteen-month break occasioned by the ravages of the Plague (1665-1666) gave Killigrew time to widen his stage to enhance his scenic effects. This too points to the fact that Killigrew had given more consideration and thought to the accommodation of the audience than he had to providing facilities which would enable the best possible presentation of the drama. Davenant, however, still stole the march on him when the theatres reopened after the Great Fire by presenting a sumptuous production of Orrery's *Henry the 8th* which incorporated yet more clothes from the Court coupled with new costumes from the company's own wardrobe. One year later Davenant was dead and his Patent and theatre assets passed surreptitiously to his widow.¹³⁴ However, the Duke's Company, now led by Mary Davenant, obviously guided by the advice of Betterton and Harris, still carried on in the ascendant. Significantly, after Betterton had made at least one trip to France to familiarise himself with French techniques of theatre machinery,¹³⁵ a sumptuous new theatre in Dorset Garden was opened which at last brought Charles what he had been striving for ever since his Restoration: a house whose facilities were "infinitely more beautiful and functional than those in the playhouses of our French actors"¹³⁶. Indeed the King was so impressed with the building, which opened on November 9th 1671 that even before he saw the full scope of its possibilities through the mounting of any new productions he contributed £1000 towards the £9000 building costs.

Bearing this in mind it is intriguing and of considerable importance to note that just over two years later, after the disastrous fire which destroyed the Bridges Street Theatre, the second Theatre Royal in Drury Lane, which opened on March 26th 1674, was designed so as to be a deliberately plainer house than Dorset Garden, and one in which the accommodation of the audience was such that the segregation of the various strata of society was less obvious. Henri Misson describes the Theatre Royal in Drury Lane as being smaller than Dorset Garden which was "large and handsome" and he found in the Pit:

Men of Quality, particularly the younger Sort, some Ladies of Reputation and Vertue, and abundance of Damsels tht hunt for Prey, sit all together in this Place, Higgledy-piggledy, chatter, toy, play, hear, hear not.¹³⁷

What is more, the Prologue spoken at the opening of the new house revealed that this was done with the express authority of the King:

We in our plainness may be justly proud:
Our Royal Master will'd it should be so.¹³⁸

There were three possible reasons for this. Firstly, financial circumstances could have imposed a limit upon expenditure. Charles was petitioned to help with the cost of the rebuilding and as he had helped the Duke of York's Servants with their expenses he had no choice but to help his own company but, even though it was under his express patronage he agreed to contribute only £2000 which was to be augmented by a further £1500 from his mistress Barbara Villiers who by now was the Countess of Castlemaine¹³⁹. These two sums make up the bulk of the £3500-£4500 which the theatre was reputed to have cost¹⁴⁰. In favour of this theory is the evidence that the workmanship of the internal decorations left much to be desired. Thomas D'Urfey's *Collin's Walk Through London and Westminster* records:

He saw each Box with Beauty crown'd,
And Pictures deck the Structure round;
Ben, Shakespear, and the learned Rout,
With noses some and some without.¹⁴¹

However, there are two counter-arguments. The first is the fact that Killigrew was always at his best in extremis and if he had wanted a more lavish house it was within his powers to have raised the necessary finances. Secondly, after the Treaty of Dover in 1670 plenty of French gold found its way into the Privy Purse so Charles could have financed an even more lavish house than Mary Davenant's Dorset Garden had he wanted to.

The second reason for the plainness of the new Theatre Royal could have been the fact that in Dorset Garden Charles now had the house he needed in which to play the part of monarch, patron of the arts, so as to impress foreign dignitaries. Certainly Giovanni Salvetti's accounts of Charles' visits to the public theatres after 1674¹⁴² show that Royal patronage, particularly when there was somebody to

impress, went almost exclusively to Dorset Garden, or whilst at Windsor, the Duke's Company.

The function of the theatre in Drury Lane therefore was to be a house in which to indulge the lower reaches of Charles' taste both in repertoire and companions; one in which the ostentation of the court could be forgotten. This is borne out by the assertion of Dryden, who wrote for the King's Company, that he wrote comedies that centred on sexual intrigue "because the King wills it so".¹⁴³ Was the King merely helping to provide Davenant and Killigrew with theatres that reflected the artistic priorities that were revealed in their choices of repertoire and modes of presentation?

The third and surely the most likely reason for the intended plainness of Drury Lane, was the fact that Charles had given up with Killigrew and had steadily been developing, as far as he was able within the means at his disposal, his own King's Theatre - first at the Cockpit-in-Court and then at the Hall Theatre in his palace in Whitehall. These plans were coming to fruition in 1672 when Bridges St was razed and Charles probably saw little point in pumping more money than was necessary into any subsequent theatre in Drury Lane when his own venture was on the threshold of a triumphant completion.

From the time of the Restoration Charles had been paying for modifications and embellishments to the old Cockpit-in-Court Theatre which was made play, or audience, worthy by November 1660, but, although the theatre was definitely still in use until the end of 1664, the payments stopped in August 1663¹⁴⁴. It seems fairly clear why: a new project was occupying the King's mind which, by December 1662, he was already beginning to finance. This really took off at the beginning of 1665 when John Webb was commissioned to convert the Great Hall in the palace of Whitehall into a permanent theatre. Charles' restricted finances meant that Webb's hands were to an extent tied by the existing framework of the Hall but much internal work was done and in March 1665 the Hall Theatre was nearing completion. For the Queen's ballet, the first presentation at the new theatre, Indian style taffeta gowns were designed for the musicians which Charles so liked that he also made them obligatory in the Patent theatres.¹⁴⁵ This gesture is very revealing of the hopes that Charles harboured for a degree of ostentation to manifest itself in his Patent theatres which he was ultimately forced to provide himself.

According to Pepys the first performance of a play at the Hall Theatre took place on April 29th 1665¹⁴⁶ but the development of the theatre was then curtailed by the arrival of the Great Plague that drove the Court out of London. Not until October 1666 did the theatre reopen but although this month saw the first performance of a known play, aptly entitled *Wit Without Money*, another Queen's Ballet and the first performances of the heroic tragedy *Mustapha*, it was still obviously not a complete success as Pepys' verdict on another offering, *Love In A Tub*, was not only that he hated the play but also that the theatre, was "very fine, yet bad for the voice, for hearing"¹⁴⁷. Nevertheless, very little else was done to the Hall Theatre until, significantly, 1671, when the previously mentioned Treaty of Dover of 1670 had made the Privy Purse a more substantial financial enabler. Yet another "Queen's Ballet", which this time was almost certainly a Masque, was then being planned and now we can see Charles emulating his French counterpart by having a sky-blue calico cloth ceiling installed over the auditorium as was the case at the Palais-Royal¹⁴⁸.

This must have proved an opportune embellishment when, in March 1673, Scaramouche and company, who had been playing at the Palais Royal arrived at the Hall theatre for a six-month stay. New scenery, a vital constituent of court entertainment as far as Charles was concerned, was made for a performance of the *Empress of Morocco* at the Hall Theatre and in 1675 the climax of Charles' endeavours was reached when John Crowne, fresh from his triumphant *Andromache* at Dorset Garden, was commissioned to write an entertainment for the Hall Theatre. This was a masque with a difference, one that epitomised the artistic and social aspirations of Charles. The performers were a mixture of royalty, royal bastards and professional performers and the event was conceived on a scale that shows it to be an emulation of the divertissements performed at the Court of Le Roi Soleil. Eleanor Boswell attributes its genesis partly to gossip that was "drifting over from Paris" and partly to the obvious dramatic and balletic talents of James' two young daughters.¹⁴⁹

1675 also saw a repeat visit from Scaramouche when the Hall Theatre was used as a public theatre with an entrance charge and a twelve-penny gallery for "the convenience of his Majesty's poor subjects"¹⁵⁰. This event did elicit condemnation from many court observers, Evelyn included, and one has to ask why such an unusual step was taken. Marvell seems to attribute it to the King's paternalistic sensibilities but it is far more likely that Charles had seen what rich pickings were to be had from a

successful theatrical enterprise and saw that by levying admission charges for at least some of Scaramouche's performances at the Hall Theatre he could defray some of the cost of inviting the foreign artist and his company to London.

Section iv: The Expiry of the Raison d'Être of Theatrical Patents.

As Charles was concerned the Patents now mattered very little. Their function, to be an enabler of a Court theatre that he himself had not been in a position to provide, was now moribund. In 1695, ten years after the death of Charles, with the full authority of the Lord Chamberlain and the approbation of a number of the court, the Licensed Company under Betterton took over Lincoln's Inn Fields and the validity of the Patents as legal documents actually ceased.

It is clear from the discussion above that the Killigrew and Davenant Patents were measures passed when the King and two of his courtiers found themselves each with very distinctive agendas and needs which nevertheless interlocked, but to all intents and purposes the *raison d'être* for the legislation evaporated as the various crises passed. For Killigrew the defining parting of the ways was when he took over the position of Master of the Revels. For Davenant it was effectively reached once he had completed a theatre constructed to his own specification supported by a grant of £1000 from the King. This was a tangible manifestation of the King's approval, assuring Davenant, by then fifty-five years old, of his place in society. On the King's part, the function of the Patents ceased when the Treaty of Dover enabled him to commission Webb to build the Hall Theatre.

Although, as time passed, the ghosts of the Patents were to be conjured time and time again by self-interested parties intent on either personal gain or the control of the labouring classes, the Killigrew and Davenant Patents were nowhere near as draconian a measure as some historians would have one believe. They were protective, not enabling, legislation. They were set up to guard a self-defining entertainment-package, designed for aristocratic Royalists, against the perceived forces of Presbyterian Puritanism and those Commonwealth supporters within government circles at the Restoration.

But the high profile afforded by contemporary witnesses, and subsequent commentators, to the playwrights, performers and theatrical techniques of the new Restoration Court entertainments has led to an exaggerated appraisal not only of the importance of the Patents but also of the exclusive theatrical entertainment they enabled. There is much evidence available pointing to a thriving popular theatre based on a totally different set of values, and operating on a much wider scale than that provided at the theatres patronised by the privileged few, and by the turn of the century this had overtaken the official theatre in both importance and influence.

The Patents neither attempted nor managed to limit populist theatre serving the lower ranks of society, either within the stated geographical area of influence of the Patents, i.e. where the court disported itself, or the country at large. Observers record that each of the two Patent Houses were at times very under-patronised¹⁵¹, and It would seem that these Patent Theatres, when under the legitimate patentees, were almost an ephemeral phenomenon. Butler is wrong in saying that the Courtly theatre was the only one to survive the Interregnum.¹⁵² A much more vital and more widely patronised theatre was consolidating its position ready to move in and absorb what was left of the Courtly theatre after the Court abandoned it when Vanbrugh shifted the aristocratic focus to the Haymarket in 1704.

Section v: The Rise of a Broad-Based Popular Theatre.

Those who organised and patronised the popular theatre left fewer records of their entertainment but considering that before the Interregnum there were six thriving legitimate theatres in London alone it is ludicrous to suppose that aristocratic Royalists were the only ones to circumvent the regulations that attempted to close the theatres. Morley records that:

Robert Cox, a good comedian ... during the suppression of the playhouses, wrote drolls or farces which were acted under the disguise of rope-dancing, he himself usually taking the part of the chief character.¹⁵³

Court theatre was not the only one to re-establish itself after the Commonwealth although as the gulf between Court theatre and the theatre of the common people was greater than previously, so the two manifestations of theatre were seen as almost different institutions. The demands of the lower ranks of society were far simpler than those of the Court circle but they were just as separatist:

We must remember that during these centuries education and refinement of manners among the higher classes were making great strides, and the difference between the gentleman and the workman was every year more marked, and we can hardly imagine that the two classes would feel quite comfortable in the society of each other.¹⁵⁴

This epitomises the difference between the homogeneous theatre-audiences of the end of the Tudor era and those that followed the Interregnum. Separatism was not only a religious phenomenon; it was a general movement that accelerated during the Commonwealth after which it surfaced in many spheres of communal life. The leisure time the lower strata of society had at their disposal was becoming more limited but their theatre was none the less vital and although it was far less refined than that of the aristocracy it was vigorous. As the eighteenth century got underway it was to supersede the theatre of the aristocracy which, like the class it catered for, became more and more effete. It is this theatre of the masses to which one must look to see how theatre progressed as the seventeenth century moved towards its close.

As far as spectacle was concerned this was partly provided by the pageantry of Lord Mayor's Shows. Initially banned in 1640 they were reinstated in Commonwealth London in 1655 as Edmund Gayton describes in his poem *Charity Triumphant*¹⁵⁵. Within two years theatrical forces had muscled in on the act and the Lord Mayor's Shows were being overseen by playwright John Tatham. With the Restoration these spectacles were augmented by those of the Royal Entries.

The first Royal Entry of the Restoration, entitled *London's Glory*, came in July 1660. The next April came a much grander entertainment devised by the Court to mark "His Majesties ... Passing through the City of London, to his Coronation".¹⁵⁶ Obviously these shows were calculated to instil deference into the populace and Charles himself ordered his subjects to attend the latter to be instructed about hydra-headed rebellion and witness the majesty of the triumphs in his honour.¹⁵⁷ Members of the City Livery Companies, the successors to the medieval Guilds, had originally performed in the great civic ridings but, by the mid-seventeenth century, "a new tradition of hiring theatre managers, playwrights and pageant-builders to arrange the Show had developed. Professional actors were occasionally hired to speak the parts".¹⁵⁸

In 1684, for a total cost of £172, Mr. Jordon, a City poet, presented a “relatively unified, street opera”¹⁵⁹ for the Drapers’ pageant-cars in the Lord Mayor’s Show consisting of:

Macedorus, a shepherd, in an Ash-colour Silk and Silver Robe, a dark green and Gold Mantle, black Hair crown’d with a Chaplet of Water-Lollies, a Golden Scrip and Bottle, a Silver Sheep-hook in one Hand, and His Majesties Banner in the other. This figure was attended by “virtues” who sang a recitative from the Temple of Fate.¹⁶⁰

Even more splendid was the Lord Mayor’s Show of 1689, “an enormously successful piece of orchestrated street theatre [wherein] the entire City became a tableau vivant of the ‘glorious Revolution’”.¹⁶¹ This event was masterminded by the Whigs partly to engender and sustain the popular support for the Glorious Revolution but also to attempt to control the populace so their enthusiasm did not get out of hand. It was:

rich with symbolism, studded with Whig talent, and most importantly, open to the people. The 1689 show featured, as usual, a festive procession by foot and by barge of the Lord Mayor and his official entourage ... Participation was extended vicariously to the guildsmen ... and to the people ... the Lord Mayor officially reviewed four pageants presented in Cheapside and left standing until dark for the people’s edification.¹⁶²

De Krey’s analysis of the political subtext of this show, reproduced below, is extremely apposite:

An added attraction of 1689 was the stunning entrance of William and Mary in a cavalcade headed by the Earl of Monmouth and including members of both Houses, the judges ... and the foreign ambassadors.... The show out-did all that had been seen before on the like ‘occasion’, but what was most striking was the Whigs’ use of the pageants to represent visually the political message of the day. The iconography of each pageant presented a variation on the theme of the country’s deliverance from popery and slavery. One pageant featured a splendidly arrayed Augusta, a personification of the City of London, who saluted the lately imprisoned Lord Mayor as a defender of the City’s rights and privileges. Another presented a collection of wild animals and an ominous figure who reminded his auditory that ‘London’s a den where savage beasts do lurk.’ The line referred in this critical year not only to the ever-present fear of social anarchy, but also to the continuing presence of dangerous Tories in the City magistracy and the royal ministry.¹⁶³

Less didactic and more satiric were Puppet Shows - which were not necessarily always limited to the use of marionettes. These were “essentially the drama of the common people”.¹⁶⁴ Puppet Shows were very much alive during the Commonwealth¹⁶⁵ and were further revitalised through the influx of Italian showmen at the Restoration. Speaight details seven sites between Whitehall and Moorfields where Puppet Booths existed between 1662 and 1668 which were sometimes of a size to enable the performances of living actors¹⁶⁶. Some of these booths, according to Pepys, were a “great resort of

gallants”¹⁶⁷, and even the King was not averse to commanding the companies to play at Court¹⁶⁸. But the mainly plebeian customers of the Puppet Booths, who perhaps subliminally absorbed the metaphors of the Lord Mayor’s Shows, were also no doubt quick, perhaps quicker than George Speaight who seems curiously reluctant to dig beneath the surface of the texts he has unearthed, to appreciate the obvious double entendres and subversive messages coming from the puppet plays.

A puppet play is featured within the play, *The Old Troop or Monsieur Raggou*, first played in 1668¹⁶⁹ through which we can see that censure of the behaviour of the King and his intimates was not confined merely to those close to the court. In a very short voyage around the world the crowd were entertained by a King of Spain playing on his bagpipe to his Privy Council (an obvious reference to the dual Kingship of the Stuart monarchy and its uneasy relationship with Spain); the King of Solomon giving judgement on the wise child (the transposition of the adjective would obviously have been picked up by a crowd well versed in the old testament story glorifying kingship); a sexually provocative Queen of Swiveland with her legs ‘hanging’ over a chair; and the whore of Babylon who makes love to the Maypole in the Strand (probably a reference to Lady Castlemaine who was enjoying an even higher profile than usual as she had not only just brought about the downfall of Clarendon but had also caused a stir with her appearances at the puppet play, “Patient Grisel”, as well as being widely recognised as enjoying an affair with Jacob Hall, the rope dancer¹⁷⁰). Other characters included the Kings of Denmark and Norway who were being taught to juggle by the Bishop of Munsera and a mute divine making a long speech in the playhouse (obviously a reference to the absence of official condemnation of the King’s behaviour from the church who nevertheless continually castigated the rest of society and used the theatre as a whipping boy for many of the social ills). The inherent anti-French subtext to this play was also a current issue to which any crowd would have responded.

The Frenchman in the play invites an audience to see his “fine shite” and Monsieur Raggou asks him “where you go wid your shite?”. Lacy’s parodying of the French pronunciation of “sight” as “shite” is also found in ‘The French Dancing Master and the English Soldier’ (c. 1665), a ballad printed in Ashton’s *Humour, Wit and Satire of the Seventeenth Century* (1883) which equates one Englishman with ten Frenchmen and talks about “A rare shite.... a le mode France”.¹⁷¹ The connotative subtext is obvious and would have been much appreciated by the Country opposition in Parliament and the

London merchants who were both anxious about Charles' pro-French policy and its likely economic effects.¹⁷²

Puppetry also contributed to the astringent, topical voice of the emerging lower and middle classes which came from the entertainment of the London fairs where many common players had sought the sanctuary of Lady Holland's Mob¹⁷³ during the Interregnum and in which they continued to play after the Restoration. Though complaints that audiences were thin came from the Patent houses, the Restoration fairs, Hounslow Fair, Mile End Fair, Bow Fair, Southwark Fair, and Bartholomew Fair, were booming. As the 18th century dawned, the fair phenomenon took off even further. Notable among the later fairs were: May Fair, Welsh Fair Clerkenwell, Moorfields Fair, Paddington Fair, Hampstead Fair, Highgate Fair, Acton Fair, Sherking Fair, Wandsworth Fair, and Mitcham Fair. Bartholomew Fair, here used as a representative of London fairs in general, was a centre of political discourse which was often explored through some form of dramatic display. It was "as truly as the House of Commons, part of the Representation of the English People".¹⁷⁴ Morley remarked upon the breadth of debate:

When England broke loose from civil and religious despotism, the Puritan was in the Fair preaching down vanity; and the Cavalier was in the Fair with all the puppets on his side, crying down excesses of religious zeal¹⁷⁵.

He also showed its topicality and universality of appeal by showing how, when the exclusion crisis was the dominant issue in the country, Bartholomew Fair presented a play written in 1680 which bore a title page promoting:

the Coronation of QUEEN ELIZABETH, with the Restauration of the PROTESTANT RELIGION; or the Downfall of the POPE. Being a most excellent Play, As it was Acted, Both at Bartholomew and Southwark Fairs, this present year 1680. With great Applause, and Approved of, and highly commended by all, the Protestant Nobility, Gentry, and Commonalty of ENGLAND, who came to be Spectators of the same.¹⁷⁶

This important, "essentially classless entertainment that attracted nobleman, wealthy merchant and bucolic alike"¹⁷⁷ has been almost totally ignored. Many of the Restoration Court plays have an intrinsic literary merit or interest that leads to them still being read today, although relatively few of them are performed and then only for a very selective audience, whereas the plays that filled the fairground booths have for the most part been lost and what few are extant are ignored by all save the most

determined historians. Nevertheless the vitality of the latter coaxed many away from the narcissistic entertainments of the Patent houses even in their heyday during the first ten years of the Restoration:

Court people and ladies of all qualities were at home in the Fair in these days. On the 29th August 1668, Mr. Pepys, having found poor entertainment at the playhouse, was dull. "So I out, and met my wife in a coach, and stopped her going thither to meet me; and took her and Mercer and Deb. To Bartholomew Fair, and there did see a ridiculous obscene little stage-play, called Merry Audrey, a foolish thing, but seen by everybody".¹⁷⁸

Pepys also documents a visit by Lady Castlemaine to a puppet-show at the fair.¹⁷⁹ But it was not only with sexually titillating trivia that the fair entertainment must be associated, the Patent Houses could usually top anything they had to offer in that respect. Other fare was available that responded to the national pulse and, despite being of scant literary merit and intellectually simplistic, it was, as Morley realised, robustly political and indicative of the depth of popular feeling on vital issues of the day:

There is weak literature in this play of Queen Elizabeth; but there is strong life. Think of it on its platform in the booth, recall the eager faces and animated shouts of a crowd, in which English nobles took part with the rabble of the Fair. "Therefore, all of you who pay obedience to the See of Rome, or think supremacy due to the Pope, we here discharge you, and banish you our Court." The determined power of the people lay, beneath the shouts that answered to appeals like these.¹⁸⁰

Interestingly, Morley sees an advantage of fair-booth entertainment as being that it was not encumbered with scenery and could therefore transport its audiences wherever their fancy allowed.¹⁸¹ Hotson cites a contemporary letter in rhyme that reveals that, despite Davenant's scenic innovations, or perhaps because of them, there existed a distinct prejudice against courtier-run, spectacular theatre.¹⁸² Morley goes on to cite Lord Macaulay who mentions a play, *The Royal Voyage, or the Irish Expedition*, performed first in 1689 and published the following year, which explored in Tragi-comical fashion the Siege of Londonderry and the Battle of the Boyne. Macaulay derogatorily described the play as:

one of the most curious of a curious class of compositions, utterly destitute of literary merit, but valuable as showing what were then the most successful claptraps for an audience composed of the common people.¹⁸³

Morley, however, recognises "Its purpose was to present the news, together with the English feeling of the day, in flesh and blood".¹⁸⁴

As well as comedy and contemporary issues, serious works on classical themes were also featured. The philosopher John Locke mentions seeing a performance of *Judith and Holophernes*¹⁸⁵ and even the fashionable vogue for tragedy was represented at the Fair, in the notable Merry Andrew of the period, William Philips', *The Revengeful Queen* and *Alcmenes and Menelippa*¹⁸⁶.

Sensationalism in one form or another was the guiding principle of fair entertainment but it would be a mistake to under-estimate either the popular voice which permeated fair-booth theatre, its robust anarchic comedy which emasculated governing class attempts at social control, or the competition it created for the Patent theatres, which often had to close whilst their actors were engaged in more lucrative or prestigious fair-booth work. Ward, of the *London Spy* (1699) observed, "it was equally reputable to Play the Fool in the Fair, for Fifteen or Twenty Shillings a Day, as 'twas to Please Fools in the Playhouse, at so much per week".¹⁸⁷ It would also be unwise to under-estimate the tremendous appeal these entertainments had for the masses which led to the fairs being extended far in excess of the time originally allotted in their charters. The three-day Bartholomew Fair was sometimes extended to six weeks,¹⁸⁸ thus providing an extensive open political forum for the plebeian voice.

Significantly the growth in the number of fairs was concomitant with the development of the press:

The rapid and free development of the English press between the end of licensing in 1695 and the introduction of stamp duty in 1712 also greatly facilitated the politicisation of a growing electorate. But the electorate ... was not the only audience for politics ... urban plebs ... were as active in expressing their own sentiments as they had been in the chaotic years of the late 1640s and early 1650s.¹⁸⁹

Much of this expression took place in Fair entertainment and "Bartholomew Fair ... sat in judgement on the business of the nation"¹⁹⁰.

But theatre was not only the means of discourse and dissemination for the popular voice, it was also the medium through which plebeian opinion was galvanised into public statement. The anniversary of the arrival of William III in London in 1688 (The Glorious Revolution), was marked by the procession of a crowd carrying 1000 lights. A dozen effigies of the most despised personages of the reigns of Charles II and James II were taken from the City to Temple Bar where the effigies were afforded a mock trial, found guilty and summarily burned as the crowd cheered William and Mary, the new sovereigns. As

De Krey analyses “What had the crowd done? It had staged a highly theatrical rite on a spot that could not have been better chosen for the purpose”.¹⁹¹

Harris also highlights the phenomenon of the mock court, a genre of entertainment that was to become so popular in Victorian times. He indicates a resentment of the power of the City as being at the heart of the Bull Feather Court, a “charivaresque parody of the court of aldermen that was staged in the City in December 1664”¹⁹² by a 200 strong group who further emphasised the theatricality of the event by dressing in “scandalous habits” and using theatrical props in the form of “diverse Ensignes of Government rested with hornes in abuse and derision of the government of the City”¹⁹³.

Harris sees the activity as being of a “highly ritualistic kind”¹⁹⁴ but mistakenly likens the rioters to a military band in their use of a drummer to attract a crowd.¹⁹⁵ It was a theatrical not a militaristic ritual that was being employed. They were saying something about the government, not themselves. The audience of a theatre or booth was always ‘drummed up’. Lawrence gives a full, authoritative account of the customary “ceremony of the drum and trumpet” and its acknowledgement in legislative documents from 1574 onwards. He cites a Patent of 1629 which specifically authorises the use of the instruments to advertise the presence of theatrical players, reproduces an illustrative frontispiece to Scudery’s *La Comédie des Comédiens* (1635) depicting a drummer outside a booth enticing people in to the entertainment¹⁹⁶ and traces the custom through to the beginning of the nineteenth century.

This conflict between the oligarchic and populist elements in city organisation resulted in an anti-theatrical prejudice on the part of the City authorities which began to manifest itself in a desire to restrict the provision of theatre for the masses. This attitude was exacerbated by the demands of the gathering forces of mercantilism for a quiescent docile workforce.

Yet a common xenophobia occasioned by a synthesis of vested interest could transform these two elements into a remarkably united front. Bearing this in mind it is of great significance that Charles had, in 1675, finally managed to ‘privatise’ Court entertainment with the creation of the Hall Theatre before the attempted clampdown on entertainment and theatrical discourse. Given the antipathy, if not downright hostility, shown towards the French by London merchants worried about the competition

that was bound to arise from Charles' pro-French foreign policy,¹⁹⁷ the public theatres were hardly the place to promote the King's championing of French theatre companies or to take advantage of his attempts to encourage more of them to play in England. French players would have surely led to demonstrations in the public theatres especially as, even as early as 1670, apprentice agitation, one of the strongest forces for riot in seventeenth century London, was being concerted by the journeymen tailors. Again 1675 becomes significant as the year in which the journeymen tailors petitioned the City Corporation's Court of Aldermen to prohibit the employment of foreigners, especially the French:

To all Gentlemen Apprentices and Journeymen Inhabitants of London and Suburbs. This is to acquaint you that by foureigne Nations wee are impoverished by them tradinge within our Nation, espetially by the French ... we will not suffer it noe longer, for by your assistance, we are resolved to meet in Morefields betwixt eight and nine of the Clocke in the afternoone on Mayday next. Therefore faile NOT, for wee your Brethren Apprentices and Journimen will not faile you, for wee will not have them raigne in our kingdome.¹⁹⁸

Despite a counter petition by the master tailors, the City Chamberlain granted their plea.¹⁹⁹

By 1693, when Christopher Rich took over the company formed from the union of what had been the two Patent companies, the cosy, self-absorbed Restoration theatre of the Court wits was in terminal decline. What was left of it fled with Betterton, first to Lincoln's Inn Fields in 1695 and thence in 1705 to Vanbrugh's Queen's Theatre in the Haymarket. Here the Court and aristocracy, in an attempt to exert their exclusiveness, patronised performances by foreign artists who became a semiotic for an internationally cultured elite. This left the mainstream theatrical scene to the upwardly mobile, more lowbrow, predominantly middle-class audience which paved the way for the next piece of theatre legislation with which this study is concerned.

Notes

- ¹ See Hotson (1928) 1962 ed., Pp.43-59; Firth C.H. citing newspapers of the Protectorate in *Notes & Queries* 7th Series, Vol. VI p.122.
- ² *Historia Histrionica* (1699), p.9.
- ³ Adams (ed.) (1917), p.83; and Downes (1708), ed. Milhous and Hume (1987), p.43.
- ⁴ Adams (ed.) op.cit. p.84.
- ⁵ Kirkman (1652), cited in Nicoll (1923) 1952 ed. p.291.
- ⁶ Hotson op.cit. p.99.
- ⁷ Jones S. (1812) p.xxi.
- ⁸ Wertheim in *Theatre Survey*, Vol.X No.ii (1969) p.105; and Visser *Theatre Survey*, Vol. XIX No.ii (1978) Pp.119-139.
- ⁹ *History of my Own Time* (1724) p.93.
- ¹⁰ *Ibid.* p.192.
- ¹¹ Halifax (1750) p.40. See also Ollard (1979) 1993 ed. p.173; Foss (1971) 1988 ed. Pp.26-27.
- ¹² Burnet op.cit. p.94.
- ¹³ Cited in Van Lennep (ed.) (1964) p.lxvii.
- ¹⁴ See Macqueen-Pope (1961) Pp.79 & 89; Cook J. (1995) Pp.294-295; Bawcutt N.W. (1996) p.89; Hotson op.cit. p.198; Freehafer, *Theatre Notebook* Vol. XX (1965) p.13.
- ¹⁵ Adams (ed.) op.cit. p.122.
- ¹⁶ Davenant to Thurloe (1656) cited by Clare, *Modern Language Review* Vol. LXXXIX No.iv (1984), p.833.
- ¹⁷ See Clare, *ibid.* p.834.
- ¹⁸ See State Papers, Dom., Interregnum, cxxviii, 108.
- ¹⁹ See State Papers, Dom., Charles II, viii, 1.
- ²⁰ *Ibid.* x.108.
- ²¹ Hotson op.cit. Pp.256-261.
- ²² *Theatre Notebook* Vol.XX (1965), No.i Pp.6-30.
- ²³ *Ibid.* p.22.
- ²⁴ Downes, op.cit. p.47.
- ²⁵ See Hotson, op.cit. p.211.
- ²⁶ Milhous (1979) p.15.
- ²⁷ See *ibid.* p.17.
- ²⁸ Herbert (ed. Adams), op.cit. p.122.
- ²⁹ The London Stage, Part I, p.xxxiv.
- ³⁰ *Ibid.* Pp.256-261.
- ³¹ Published in Malone, iii p.269, reproduced in Bawcutt (1996) Pp.258-260.
- ³² See Harbage A. 1930 p.115 and n.14 *ibid* which shows that Killigrew actually took over some lesser duties of the Master of the Revels from 1662 onwards proving that the stipulation that Killigrew was "to be aydinge and Assistinge unto ...Sir Henry Herbert" (See Bawcutt *ibid.*) was meant to be taken literally.
- ³³ State Papers, Dom. Interregnum cxxviii 108.
- ³⁴ Davenant, *Dramatic Works* (ed. Logan and Maidment, 1872-1874), Vol.iii, p.229.
- ³⁵ State Papers, Dom., Charles II, viii, 1.
- ³⁶ State Papers, Dom., Charles II, x, 169.
- ³⁷ Adams (ed.) op.cit. p.84.
- ³⁸ Reproduced in Hotson op.cit. p.201.
- ³⁹ Davenant (1660), p.4.
- ⁴⁰ Skipwith and Rich (1694), reproduced in Nicoll op.cit. Vol I.
- ⁴¹ See British Museum, Additional Charters, 9296, reproduced in Hotson op.cit. Pp.401-403.
- ⁴² Hotson, op.cit. p.294.
- ⁴³ Cited in Hotson op.cit. p.226.
- ⁴⁴ *Satyr on Charles II*, Rochester (ed. Vieth 1968), p.60.
- ⁴⁵ Cited in Wright J. op.cit. p.4.
- ⁴⁶ Milhous (1979) p.6.
- ⁴⁷ *The anonymous Secret History of the Reigns of K.Charles II and K. James II* (1690), p.24.
- ⁴⁸ Halifax, op.cit. Pp.16-17.
- ⁴⁹ *Satyr on Charles II*, op.cit.
- ⁵⁰ Miller (1991) p.97.
- ⁵¹ Cited in Wilson (1958) p.5.
- ⁵² Nicoll op.cit. Vol.I p.363.
- ⁵³ Downes op.cit. Pp.45-46
- ⁵⁴ Op.cit. p.xc.
- ⁵⁵ Cibber op.cit. p.50.
- ⁵⁶ Wilson (1958) op.cit. p.9.
- ⁵⁷ Downes op.cit. p.43.
- ⁵⁸ *Ibid.* p.55.
- ⁵⁹ *Ibid.* p.70.
- ⁶⁰ *All the King's Ladies*, p.3.
- ⁶¹ Op.cit. Vol.I p.72.
- ⁶² *Ibid.*
- ⁶³ *Ibid.* p.13.
- ⁶⁴ See *Ibid.* n.3, p.13.
- ⁶⁵ Pp. 11-14.
- ⁶⁶ *Ibid.*
- ⁶⁷ Op.cit. Vol.I p.72.

- ⁶⁸ Gould (1685) cited in Summers (1934) p.311. See also Wilson (1976), p.39.
- ⁶⁹ Foss, op.cit. p.20.
- ⁷⁰ Burnet, op.cit. p.93.
- ⁷¹ Miller (1991), p.42.
- ⁷² Cited *ibid.* p.97.
- ⁷³ Halifax, op.cit. Pp.32-33.
- ⁷⁴ Cited in Foss, op.cit. p.55.
- ⁷⁵ Rochester (ed. Vieth), op.cit. p.60.
- ⁷⁶ Flecknoe (1671) p.39.
- ⁷⁷ Gould (1685), cited in Summers, op. cit., p.299. Cl----d refers to Villiers ultimate title: Duchess of Cleveland, assumed in 1670.
- ⁷⁸ Cited in Miller, op.cit. p.96.
- ⁷⁹ *Life of the Duke of Ormond* Vol.IV, p.152.
- ⁸⁰ Op.cit. Vol.I. p.94.
- ⁸¹ Cited in Miller, op.cit. p.228.
- ⁸² *Ibid.* p.34.
- ⁸³ Op.cit. p.85.
- ⁸⁴ *Ibid.*
- ⁸⁵ *Ibid.* Pp.86-87.
- ⁸⁶ *Ibid.*
- ⁸⁷ *Memoirs 1634-1689* (ed. Cartwright 1875), Pp.92-93.
- ⁸⁸ Halifax, op.cit. p.22.
- ⁸⁹ Carte, op.cit. Vol.IV. p.152. See also Burnet op.cit. p.165.
- ⁹⁰ Carte, op.cit. Vol.IV. Pp.302-303.
- ⁹¹ Burnet, op.cit. p.159.
- ⁹² Wilson (1976), op.cit. p.63.
- ⁹³ Cited in Foss, p.44.
- ⁹⁴ Op.cit. p.22.
- ⁹⁵ Resesby, op.cit. p.53.
- ⁹⁶ Halifax, op.cit. p.18.
- ⁹⁷ Killigrew's Patent see App II.
- ⁹⁸ Resesby, op.cit. Pp.244-245.
- ⁹⁹ 'The Formation of the London Patent Companies', *Theatre Notebook* Vol.XX, No.i p.17.
- ¹⁰⁰ Foss, op.cit. p.20; Miller, op.cit. p.83.
- ¹⁰¹ Pepys, cited in Miller op.cit. p.31.
- ¹⁰² North cited *ibid.*
- ¹⁰³ Halifax op.cit. Pp.34-35.
- ¹⁰⁴ *Ibid.*
- ¹⁰⁵ Flecknoe (1671) p.41.
- ¹⁰⁶ See Resesby, op.cit. Pp.244-245; Miller, op.cit. p.31.
- ¹⁰⁷ See Baur-Heinhold (1966), (London 1967 ed.) Pp.133, 172.
- ¹⁰⁸ Cal. State Papers, Dom. 1660 - 1661, p.319.
- ¹⁰⁹ Boswell (1932), (1966 ed.) p.115.
- ¹¹⁰ Orrell, *Theatre Survey* Vol XXVI.ii (1985), pp.103-119.
- ¹¹¹ Boswell (1932), op.cit. p.126.
- ¹¹² *Theatre Survey* Vol.XXVI, ii, (1985) Pp.103-119.
- ¹¹³ See L.C. 5/137 p.343, cited in Nicoll, op. cit. Vol. I, p.352-3.
- ¹¹⁴ See Orrell, *Theatre Research International* Vol.II. No.i (Oct.1976) Pp.18-19.
- ¹¹⁵ Hotson, op.cit. Pp.209-210.
- ¹¹⁶ State Papers, Dom., Charles II, xxiv,37.
- ¹¹⁷ Hotson, op.cit. p.172.
- ¹¹⁸ *Ibid.*
- ¹¹⁹ *Ibid.* p.171.
- ¹²⁰ Milhous and Hume (eds.), op.cit. p.19.
- ¹²¹ See *Ibid.* n.98.
- ¹²² *Ibid.* p.7.
- ¹²³ *Ibid.* p.19.
- ¹²⁴ Cited in Wilson J. *All The Kings' Ladies*, p.5.
- ¹²⁵ Logan and Maidment (eds.), op.cit. Vol. III. Pp.248-249.
- ¹²⁶ Milhous (1979) op.cit. p.9.
- ¹²⁷ B.M. Ms. Sloane, 1900, cited in Hotson, op.cit. p.178.
- ¹²⁸ Milhous (1979), op.cit. p.20.
- ¹²⁹ *Ibid.* p.22.
- ¹³⁰ *Ibid.* p.20.
- ¹³¹ Van Lennep, op.cit. p.xxxvii.
- ¹³² Milhous (1979), op.cit. p.22.
- ¹³³ *Ibid.*
- ¹³⁴ Hotson, op.cit. p.251.
- ¹³⁵ Milhous (1979), op.cit. p.43.
- ¹³⁶ Brunet (1676), cited in Nagler (1952) p.203.
- ¹³⁷ Cited in Van Lennep, op.cit. Pp.xli-xlii.
- ¹³⁸ Reproduced in Kinsley (ed.1962), Pp.313-314.
- ¹³⁹ See Salvetti, trans. Orrell. *Theatre Research International* Vol.II No.i; op.cit p.90.
- ¹⁴⁰ Hotson, op.cit. Pp.254-255.
- ¹⁴¹ (1690) Canto IV, cited in Van Lennep, op.cit. p.xlii.

- ¹⁴² See Orrell, *Theatre Research International* (1976), op.cit. Pp.91-97.
- ¹⁴³ See *Letters of John Dryden*, ed. Ward C. cited in Hume R., *Essays In Theatre*. Vol. I. ii (1983).
- ¹⁴⁴ Boswell, op.cit. Pp.19-20.
- ¹⁴⁵ Ibid. p.41.
- ¹⁴⁶ Ibid. p.22.
- ¹⁴⁷ Cited ibid. p.45.
- ¹⁴⁸ See ibid. p.46.
- ¹⁴⁹ Ibid. p.179.
- ¹⁵⁰ Ibid. p.121.
- ¹⁵¹ Pepys cited in Milhous (1979), op.cit. Pp.19, 20, 23; Gray, cited in Hotson, op.cit. p.267.
- ¹⁵² See Butler (1984), p.287.
- ¹⁵³ Morley (1859), op.cit. p.233.
- ¹⁵⁴ See Speth's analysis of seventeenth century society in *The Two Degrees Theory* cited in Pedicord, *Theatre Survey XXV* (1984), p.154.
- ¹⁵⁵ Morrissey, *Theatre Notebook* Vol. XXIX (1975), p.100.
- ¹⁵⁶ Ibid.
- ¹⁵⁷ Ibid.
- ¹⁵⁸ Withington, *English Pageantry* (1920), cited ibid.
- ¹⁵⁹ See *Goldsmith's Court of Assistant's Book*, cited ibid. p.104.
- ¹⁶⁰ *London's Royal Triumph* (1684), cited ibid. P.105.
- ¹⁶¹ De Krey (1985), Pp.58-59.
- ¹⁶² Ibid.
- ¹⁶³ Ibid.
- ¹⁶⁴ Speaight G. *Theatre Notebook*. Vol.I (1947) p.82.
- ¹⁶⁵ See Morley, op.cit. Pp.231-232.
- ¹⁶⁶ *Theatre Notebook*. Vol..II, (1947) Pp.2-5.
- ¹⁶⁷ Speaight (1955) p.73.
- ¹⁶⁸ Ibid. See also Boswell, op.cit. p.57.
- ¹⁶⁹ See Speaight, *Theatre Notebook* Vol.XII (1958), Pp.69-70.
- ¹⁷⁰ Morley, op.cit. Pp.244-245.
- ¹⁷¹ Speaight (1955) p.82.
- ¹⁷² See Priestley, cited in Harris, op.cit. p.12.
- ¹⁷³ Morley, op.cit.p.234.
- ¹⁷⁴ Ibid p.254.
- ¹⁷⁵ Ibid.
- ¹⁷⁶ Ibid. p.255.
- ¹⁷⁷ Braithwaite, ibid. p.iii.
- ¹⁷⁸ Cited ibid. p.245.
- ¹⁷⁹ Ibid. p.244.
- ¹⁸⁰ Ibid. p.267.
- ¹⁸¹ Ibid. p.277.
- ¹⁸² Hotson, op.cit. Pp.246-247.
- ¹⁸³ Morley, op.cit. p.299.
- ¹⁸⁴ Ibid. p.301.
- ¹⁸⁵ Cited ibid. p.242.
- ¹⁸⁶ Ibid. p.293.
- ¹⁸⁷ Cited by Wanko, *Theatre Survey* Vol. XXXII i, (1991) p.28. See also Morley, op.cit. p.363; and Cibber, op.cit. p.61.
- ¹⁸⁸ Morley, op.cit. p.240.
- ¹⁸⁹ De Krey, op.cit. Pp.3-4.
- ¹⁹⁰ Morley, op.cit. p.342.
- ¹⁹¹ De Krey, op.cit. p.60.
- ¹⁹² Harris (1987), p.32.
- ¹⁹³ CLRO Rep, p.30, cited ibid.
- ¹⁹⁴ Harris, op.cit. p.22.
- ¹⁹⁵ Ibid. p.27.
- ¹⁹⁶ Lawrence (1935), Pp.11-21.
- ¹⁹⁷ De Krey, op.cit. p.12.
- ¹⁹⁸ PRO, SP 29/274, nos. 205,206.
- ¹⁹⁹ Harris, op.cit. p.203.

CHAPTER III: THE LICENSING ACT (1737).

The years between the death of Charles II in 1685 and the accession of George I in 1714 saw a great change in the hegemonic structures: the face of government, political theory, the composition of polite society and general social expectations. Each of these issues must be examined closely in order to understand the developments in theatre and in society that led to the Licensing Act of 1737 which, like the Patents awarded to Killigrew and Davenant the previous century, has been much exaggerated both as a guiding force in theatre and as a restriction under which the theatre laboured until censorship of the stage was lifted more than 230 years later in 1968.

Section i: Changes in the Political Arena.

Key issues that occupied the intellects of the amorphous governing-class interest groups of Court and Country, from whence the two distinct British political ideologies of the next two centuries, Whig and Tory, were to consolidate, included the scope and use of the Royal Prerogative, the concept of ruling by right, and its antithesis, the concept of ruling by consent. The increasingly tense situation surrounding the Royal succession from 1685 to 1688 accelerated the nation's atomisation into four political coteries supporting three possible contenders.

The Court Tories naturally veered towards the succession of the King's brother, the Duke of York, because he would be more likely to ensure the continuation of their privileges. Such a solution would also satisfy their ideological maxims of divine ordination and indefeasible hereditary succession, and the Duke of York succeeded initially, as James II. However, Country Whigs favoured the Protestant pretender, Monmouth, who was promoted as the people's Prince and who had ingratiated himself in the areas of strong religious Dissent. Country Tories favoured William because his accession would guarantee the supremacy of the Anglican Church and remove the possibility of James II re-establishing the Roman Catholic Church which might try to reclaim Church and monastic lands lost during the Reformation, much of which was now owned by the provincial Tories. Court Whigs also favoured William because such a settlement would satisfy their ideological objective of establishing a tripartite division of powers and government by consent. As the country became aligned behind one or other

candidate for the throne it became clear that the outcome would not only determine the monarch but also the strength of the four political groups in the country.

In 1688 the arrival of William and the expulsion into exile of James II resulted in the emergence of the factions of Non-Jurism and Jacobitism. Court Tories experienced a total loss of face and diminution of power and influence, and in their place the Court Whigs were established as a major political force. Cabinet government was not yet fully established but the House of Commons and the emergence of a *de facto* office of Prime Minister soon developed and became, by the mid eighteenth century, the true seat of power in the country. This resulted in a polarisation of Whig and Tory ideology that set in motion the establishment of party politics. The Glorious Revolution of 1688, the Bill of Rights of 1689, and the Act of Settlement of 1701 which guaranteed a Protestant succession, had cumulatively dealt a body-blow to Court Tory principles of the Divine Right of Kings and indefeasible hereditary succession, at least to the Throne. The acquisition and preservation of power was recognised as an ephemeral privilege maintainable only by a vigilant, opportunist manipulation of current affairs which involved an elasticity if not downright corruption of personal or political principle¹. The problem of marrying the new political ideology to the more pressing needs of personal advancement, and the dichotomy of public face and private etiquette, engaged the attention of the new wave dramatists.

Tragedies such as Crowne's: *Darius, King of Persia* (1688), *Regulus* (1692), and *Caligula* (1698); Hopkins': *Pyrrhus, King of Epirus* (1695) and *Boadicea, Queen of Britain* (1697) used historical (mainly classical) themes, which were obviously allegorical, to examine the fragility of the seat of power in a troubled state, not merely as Nicoll suggests² to cash in on the recent successful revivals of Shakespeare's Roman plays. In turn, the comedies of Congreve, Vanbrugh, and Farquhar exposed the harshness and double standards of the age more directly in plots constructed around an almost vicious licentiousness and self-seeking, cloaked with a veneer of respectable morality - a syndrome in public life that Fielding was to expose so brilliantly, calling down upon himself, and the theatre, the wrath of those he exposed.

The Great Fire of London's devastation of the "Square Mile" of the City accelerated the trend towards the development of a dual metropolis: a combination of the two great cities of Westminster and

London. Within this, the nation's real power base moved from Westminster's royal palaces and the two Houses of Parliament to the newly rich merchants, financiers, attorneys and party-pamphleteers of the City of London. The increased prosperity of this new non-hereditary class enabled them to greatly swell the numbers of those categorised as gentry through the late seventeenth and early eighteenth centuries. Although property was still the yardstick by which one measured social status, this was a saleable commodity. Money became a means of social advancement as these *nouveaux-riches* consolidated their position through straightforward land-purchase or by offering attractive dowries for daughters who were snapped up by smaller landowners who wished to repair or extend their estates³. The new major group of merchants and bankers, which was to become the focus of much of the social change of the eighteenth century, further expanded its wealth and influence through overseas investments in land, particularly in Ireland, North America and the West Indies.

The growing ethos of mercantilism in the country found a ready ally in the post-Glorious-Revolution Whig governments. With the Bank of England becoming a state monopoly in 1710 the new area of commerce and finance was gaining in importance. The man of landed property saw a rival appear on the threshold of government, the man of means. It is important to understand that at the time the only significant personal taxation was property tax. Consequently, the new middle class with little or no inherited land paid little or no taxes on either their incomes or rapid accumulations of capital. Tory governments attempted to exclude this unwelcome, predominantly Whig, merchant-class newcomer from the Commons by measures such as the Commons Bills of 1696 and 1702, which sought to restrict admission to the Commons to landowners whose freehold property was worth more than £300 p.a. in rental terms (equivalent to a freehold value of perhaps £1 million at current prices). Though these earlier attempts failed, following the manifestly successful speculation of the monied interest during the war with France the Tories argued, it was necessary to protect the landed interest, whose taxes were paying for the war, from the imposition of excessive taxation. The Tories managed to get the restriction passed in the Parliamentary Property Qualifications Act in 1711. A Bill to place the selection of Justices of the Peace (who, sitting in Quarter Sessions, fixed local taxes) under the same restrictions was also passed by the Commons but foundered in the Lords.

The relentless march of the “rich cits” brought the rapidly growing merchant class into the political sphere which allowed them a greater access to the social milieu and thus brought them into the theatres in ever greater numbers. Here they were looking for a totally different type of entertainment to the self-indulgent fare the old aristocracy were used to. From as early as the mid 1670s a more biting satire of traditional aristocratic society had been seen flowing from the pens of those formerly thought of as court protégés. Etherege’s *Man Of Mode* and Wycherley’s *The Plain Dealer*, both written in 1676, courted this new audience.

And this more pungent satire was not only manifest in text. Visually, theatre could comment on contemporary events in an even more overt fashion that could often strike home with the less classically educated who might miss the finer points of literary allusion in plays that were often constructed around historical events. 1678 saw the debacle of the Popish Plot engineered by Titus Oates which, to the fury of the Whigs, culminated in the execution of Russell and Sidney, more for the crime of being prominent Whigs who despised Court autocracy than for the professed treason of their being involved in the plot to assassinate the King. Shortly afterwards Cibber documented a performance of *Macbeth* at Drury Lane wherein Whig sympathisers commented on the perceived injustice: the murderers were made up to bear an uncanny resemblance to the King. Charles II was either oblivious to the slight or chose to cleverly deflect it:

“Pray what is the meaning,” said he, “that we never see a rogue in a play, but, Godsfish! they always clap him on a black periwig, when it is known that the greatest rogue in the kingdom [Oates] always wears a fair one?”⁴

Section ii: The Middle-Class Take-Over of Theatre.

Playwrights soon started to emerge from within the ranks of the middle classes although the truly bourgeois play did not come into its own until George Lillo (1693-1739) took the stage by storm with his *The London Merchant* (1731) which, both in subject matter and literary style, finally lowered the social focus of dramatic literature from the upper to the middle classes. Nevertheless the middle-class dramatists had been attempting to storm the walls of London theatre from the last decade of the seventeenth century. Such writers were presumably responsible for the considerable increase in the

number of eighteenth-century playwrights who penned but one work before returning to obscurity, and for the phenomenon of anonymous plays⁵ which quadrupled in the eighteenth century.

As bourgeois play themes proliferated, a more ominous manifestation of Middle Class encroachment took place at O'Dell's new playhouse in Goodman's Fields - as far to the east of St Paul's as the King's Theatre was to the west. Here, in 1729, Henry Giffard successfully courted the new man of means. This theatre is of vital importance in assessing the Licensing Act of 1737.

When Fielding offered his first play, *The Temple Beau*, to Giffard, after having had it turned down at the court end of town, Giffard cleverly decided to use it to put his theatre on the map by encouraging a new audience by not only promoting its exclusiveness but also, more dangerously, its superiority. Through a prologue written by James Ralph, which Giffard himself read on the opening night, he not only fostered a smug awareness of the audience's own considerable affluence but also appealed to their supposed superior artistic taste and more acceptable moral values and urged them to:

Convince the town, which boasts its better breeding,
That riches - are not all that you exceed in.⁶

This was social dynamite and the governing class obviously watched the emerging bourgeois phenomenon with apprehension. It was one that was to develop. In 1758 Robert Wallace recorded the perceived sense of moral superiority and strength of influence of this nascent ruling class:

...in Britain the voice of the middle ranks among the people has a mighty influence. These are always the last to be corrupted. In their integrity and activity there is a grand resource⁷.

Particularly worrying also was the fact that political theory which was well circulated and in abundance⁸ was another popular area of city debate which engrossed all levels of society:

In this country everybody thinks it is his right to speak of the affairs of State, and the very boatmen want the mylords to talk to them about such topics while they row them to parliament⁹.

Sir Robert Filmer's *Patriarcha* published posthumously in 1680 promoted Kings as God's vice-regents, descended from Adam through Noah, who could be advised but not commanded by Parliament. Charles Leslie's *The Rehearsal* 1704-9; Luke Milbourne's *The People not the Original of Civil Power* (1707); George Harbin's *The English Constitution Fully Stated* ,(1710) and George Hick's *An Enquiry into the Nature of the Liberty of the Subject, and of Subjection to the Supreme Powers*, (1706) were just a few other Tory tracts on the same theme. John Locke's iconoclastic *Two Treatises of Government* (1689) promulgated the opposite, extreme Whig view which was that no man has the right to put any other man under his power or will without that man's express or tacit consent¹⁰, and this was backed up by Algernon Sidney's somewhat less radical Whig view, *Discourses concerning Government*, published posthumously in 1698.

Much of this political debate found its way onto the stage. Plays like *The Royalist*, *The Loyal Brother*, and *Venice Preserved* extolled Tory philosophy whilst, on the other hand, *Lucius Junius Brutus*, *The Sicilian Usurper*, and Crowne's *Henry VI pt. I* set out the Whig point of view. The polarisation of Tory and Whig philosophy was not limited to the issue of the authority of Kings: the emerging man of means himself also occupied a central focus. Henry St John voiced the Tory fear:

A new interest has been created out of their fortunes, and a sort of property, which was not known twenty years ago, is now increased to be almost equal to the terra firma of our island. The consequence of all this is, that the landed men have become poor and dispirited. They either abandon all thoughts of the publick, turn arrant farmers, and improve the estates they have left; or else they seek to repair their shattered fortunes by listing at court, or under the heads of partys. In the meanwhile those men are become their masters, who formerly would with joy have been their servants¹¹.

Defoe, for the Whigs, averred that:

Trade is the life of the nation, the soul of felicity, the spring of its wealth, the support of its greatness, and the staff upon which both king and people lean, and which (if it should sink) the whole fabrick must sink¹².

One of the outcomes of the growth of the mercantile expansion was a general increase in wealth that permeated all areas of society but which was of course most obvious at the lower end of the social spectrum. Defoe noted "How ordinary is it to see a tradesman go off the stage, even from mere

shopkeeping, with, from ten to forty thousand pounds estate, to divide among his family¹³". This new money also got them into the theatres. Pepys had recognised the incursion of this section of the community into the theatres as early as 1668 when he reflected on a visit to the Duke's Theatre:

Here a mighty company of citizens, 'prentices, and others; and it makes me observe, that when I began first to be able to bestow a play on myself, I do not remember that I saw so many by half of the ordinary 'prentices and mean people in the pit at 2s.6d a-piece as now.... so much the vanity and prodigality of the age is to be observed in this particular¹⁴.

Further down the social scale, the working manufacturing people, even those classed as 'the poor', had more money at their disposal. They too gravitated towards the theatres in large numbers. This increased wealth, together with an emerging class-consciousness, made them a formidable force in the land. These two issues were related and that contemporary society realised this. Mandeville located a fine degree of 'affluence' that had to be maintained to keep the poor at their point of optimum efficiency:

All Men, as Sir William Temple observes very well, are more prone to Ease and Pleasure, than they are to Labour, when they are not prompted to it by Pride or Avarice, and those that get their living by their daily Labour, are seldom powerfully influenc'd by either; so that they have nothing to stir them up to be serviceable but their Wants, which it is Prudence to relieve, but Folly to cure. The only thing then that can render the Labouring Man industrious, is a moderate quantity of Money; for as too little will, according as his Temper is, either dispirit or make him Desperate, so too much will make him Insolent and Lazy¹⁵.

Defoe in his *Hymn to the Mob*, (1715) acknowledged the inherent power of this section of society where Princes, Commons, Priests, the Press and even the Lords travailed "Thy mighty Approbation to obtain"¹⁶.

Gregory King's great exercise in 'Political Arithmetic', undertaken in 1696, wherein he devised a 'Table of Classes' to estimate the size and income of what he described as the twenty-six classes of people in the country, located a quarter of Britain's population to be in the twenty-third class - labourers and outservants¹⁷. Much of the history of the eighteenth and nineteenth century can be seen to be a reaction to the problem posed by this section of the population which was considered by King to be "decreasing the wealth of the kingdom". Many in this section of the community in London increasingly found their way into the upper galleries of the theatres and had to be catered for because they were vital to the prosperity of the institution. Even at the Queen's Theatre which, as we shall see

from its physical location, and style of internal architecture and fittings, was geared specifically towards the nobility, it was partly the lack of patronage of those who fell into King's twenty-third class that caused Vanbrugh to resign his management of the theatre because of financial problems:

tho the Pitt and Boxes did very near as well as usual The Gallery People (who hitherto had only throng'd out of Curiosity not Tast) were weary of the Entertainment: so that Upon the Whole, there was barely Money to Pay the Performers & Other daily Charges.¹⁸

The need to respond more directly to the audience became more acute towards the end of the seventeenth century. Upon the death of Charles II, royal patronage and much aristocratic patronage of theatre managers, actors and playwrights died too. A new way had to be found to entice the upper-class audience into the theatre. Cibber describes how, in the last decade of the century, the domestic servants of people of quality were allowed free of charge into the upper reaches of the theatres "to give us a good word in the families they belonged to"¹⁹. This was to lead directly to the more socially homogeneous but no less vociferous audiences of the 18th century. It was not a move Cibber welcomed:

This riotous privilege, so craftily given, and which from custom was at last ripened into right, became the most disgraceful nuisance that ever depreciated the theatre. How often have the most polite audiences, in the most affecting scenes of the best plays, been disturbed and insulted by the noise and clamour of these savage spectators?²⁰

Cibber's generation no doubt perceived unruly behaviour to be the prerogative of the rich: the poor were expected to submissively keep to their place. But the times were changing. The rapid growth of London, the pre-occupation with rights, and the growing tendency for horizontal social gravitation, changed the face of theatregoing as it changed other manifestations of social life. The reason for the problem that Cibber documents was that as theatre managers introduced this innovative means of advertising and promoting their programmes they were suddenly confronted with a social awareness that had developed almost unnoticed in society. In *The Poor Man's Plea*, Defoe noted that:

the Gentry and Magistrates of the Kingdom, while they execute ... Laws upon us the poor Commons, and themselves practising the same Crimes, in defiance of the Laws both of God and Man, go unpunish'd.²¹

The drama had become an entrepreneurial activity with considerable financial returns for the successful. Sir Richard Steele wrote a pamphlet setting out his differences with the Lord Chamberlain and sent a petition to George I when his theatrical Licence was revoked and he was expelled from the Governorship of Drury Lane because of this personal squabble. He records his views upon the legality of both the Lord Chamberlain and the King's actions in the affair and made a point of detailing to his erstwhile colleagues at the theatre a forecast of the pecuniary losses he would incur, calculating these as being close on £10,000²². It was this loss of revenue more than prestige or love of the art that seemed to most affect Steele and it was the unfairness of his loss of livelihood that he wanted his readers to recognise, obviously hoping to galvanise public opinion on his behalf.

But the entrepreneurial interest was not confined to what was played on the stage or how this was received from across the footlights. The encroachment of 'the public' on what was at the Restoration envisaged as an exclusive Court recreation, together with the lapsing in 1695 of the Licensing Laws, meant there was now an extensive market for published plays, and the incidence of reading playscripts became much greater than that of seeing plays in performance. For example the *Diary of Dudley Ryder from June 1715 - December 1716*²³ records 16 visits to a playhouse or dramatic performance as opposed to 24 references to the actual reading of plays. The financial returns of publication as an offshoot of actual performance were obviously attractive. Authors and publishers petitioned Parliament to protect their interests, and were rewarded with the Copyright Act of 1709.

In the new social maelstrom, politics and party, rather than position, was the group determinant:

Clubs, coffee-houses, associations - institutions with interests far removed from party politics - were known to be Whig or Tory inclined, and attracted members accordingly. Whig or Tory was more than a party label; it denoted a social and philosophical brotherhood, loose and open perhaps, but permeating the life of the time²⁴.

If they were Whigs, men of literature: playwrights, their publishers, theatre aficionados, theatre managers and governors patronised the Kit-Cat Club and Button's coffee-house. Tories joined the Brothers Club, which later became the Scriblerus Club, and patronised Will's coffee-house. The fall of the Court from its perceived position as an arbiter of taste and hub of society and the indifference of William and Mary and subsequently Queen Anne to matters theatrical inevitably led to a decrease in

plays concerned with court mores, and instead plays with an overt political scenario took the stage. This is not to say that the nobility were no longer interested in theatre - they were, but in a different way. Theatre became not so much a diversion as a political forum in a time of vacillating political fortune that grew even more factionally cut-throat during the reign of Anne. Addison's *Cato*, perhaps the most successful example of the genre, was officially premiered at Drury Lane in 1713: it took the town by storm. The change that had come about in the preoccupation of playwrights, and the expectations, taste, and political awareness of audiences, is evident from the fact that this play had probably been written, and even performed, as early as 1703 without creating the extraordinary, fervent reaction seen in 1713.

Congreve, Addison, Steele and Vanbrugh were staunch Whigs and, through the Kit-Cat Club, enjoyed the patronage of The Dukes of Newcastle, Somerset, Devonshire, Manchester, Dorset and Montagu; the Earls of Lincoln, Bath, Wilmington, Carbery, Carlisle, Berkeley, and Halifax; Stanhope, Godolphin, Cornwallis, and Somers; Viscount Cobham and, paradoxically, bearing in mind what lay in store in 1737, Sir Robert Walpole. And this support was often considerable: "In the early years of the century there was even a "Kitcat side" of the auditorium when that club was in its full glory".²⁵ Equally important was the selectivity, if not at times actual censorship, in favour of the Whigs, arising from the situation where the most influential contemporary publisher of literary works was Jacob Tonson, founder and guiding force of the Kit-Cat Club. On the other side of the political spectrum Swift, Arbuthnot, Gay and Pope met at the Brothers Club and were favoured by Tory Lords like Harley and Bolingbroke²⁶.

It was obviously the Whigs, often through the aegis of the Kit-Cat Club, who backed Betterton's breakaway theatre group, perhaps as a statement against the Stuart Patents, and the Club as a whole was prepared to support the new Lincoln's Inn Fields Company by their physical presence:

Tomorrow night Betterton Acts Falstaff and to encourage that poor house the Kit-Catters have taken one side box, and the Knights of the toast have taken the other²⁷.

They also offered considerable financial support to encourage new writing. Pope told Spence in 1709 he had seen a memorandum in Halifax's own writing, stating that the Kit-Cats had subscribed 400

guineas to encourage good comedies²⁸, and in 1705 the Kit-Cat Club went so far as to construct their own theatre, the Queen's Theatre in the Haymarket, designed by Vanbrugh, which naturally attracted the odium of the Tories:

The KIT-CAT Club is now grown Famous and Notorious all over the Kingdom And they have built a temple for their Dagon, the new Play-House in the Haymarket. The Foundation was laid with great solemnity by a Noble Babe of Grace. And over or under the Foundation Stone is a Plate of Silver, on which is Graven Kit-Cat on the one side, and Little Whigg on the other²⁹.

This is a very revealing condemnation because it lends another metaphorical layer to theatre that harkens back to the Patents of 1660: that of a manifestation of refinement. An anonymous satiric pamphlet dated 1705, entitled *A Kit-Cat C--b Describ'd*, attributes motives of social climbing to those who helped finance the Queen's Theatre:

He ... imagines no one [sic] will doubt his Conversion from a Gentleman of Indifferent Abilities into a States-Man, after he has been a Principal Contributor towards the Transforming of a Stable into a Theatre.³⁰

One also cannot help but notice the correlation between the fact that it was Charles II who paid for the funeral of Thomas Killigrew in 1683 yet in 1700 it was the Kit-Cat Club that "were at the charge of the funeral" of Dryden³¹. This shift of theatrical patronage cannot have been lost on contemporary society.

There was much more to the concept of the Queen's Theatre than theatre historians have so far recognised. Two questions present themselves. Why build it in the Haymarket and was it designed as a theatre or an opera house? In 1705 the Haymarket was positively rural. Colley Cibber's condemnation of this unlikely location for a theatre unwittingly pinpointed the social engineering behind it.

The City, the Inns of Court, and the middle Part of the Town, which were the most constant Support of a Theatre, and chiefly to be rely'd on, were now too far out of the Reach of an easy Walk; and Coach-hire is often too hard a Tax upon the Pit and the Gallery³².

What Cibber was unlikely to have known at the time was that a large estate of prime building land, which now constitutes much of London's West End, was then the estate of Sir Thomas Grosvenor who

had died in 1700. It then became the focus of attention for Grosvenor's wife and sons and also a couple of very shady Roman Catholic brothers, one of whom was a priest who, legend has it, coerced Sir Thomas's widow, Dame Mary Grosvenor, into marrying his brother whilst on a trip to Paris³³. The family promptly had her declared insane in 1705 and the marriage was declared void. Her interests were subsequently administered by the Court of Chancery and private Acts of Parliament were necessary before building leases could be granted. This meant that the Whig Lords would have been in touch with the progress of the management of the estate, cognisant of, and party to, the drawing up of a major, lavish, building programme to create a prestigious fashionable residential area with the strictly socially-segregated Grosvenor Square at its centre.

The bureaucracy necessitated by Dame Mary's professed insanity slowed the initial organisation down but it did mean it was carefully and safely administered. Although Wheatley³⁴ avers that the actual planning for the Estate had started in 1695, the first Act enabling the granting of building leases was not passed until 1711. This allowed Thomas Barlow, one of the leading London builders of the period and surveyor to Sir Richard Grosvenor, to advertise he was planning out the estate, and building was soon underway. Pope spoke of the progress of the estate in a letter to Martha Blount in 1716³⁵. An Act to grant further building leases was passed in 1726, one year after Sir Richard Grosvenor:

gave a very splendid Entertainment to his Tenants and others concern'd in those Buildings; where he, having sometime since obtain'd a Grant for a Gate into Hyde Park which will speedily be open'd for the Conveniency of the Nobility and Gentry inhabiting those Parts. In the Center of those new Buildings there is now making a new Square, called Grosvenor Square, which for its largeness and Beauty, will far exceed any yet made in or about London³⁶.

Parliament's control over the estate, and indeed the comprehensive planning of the whole area, was such that although during the planning stage of the new theatre in the Haymarket Cibber did not know that the "many Green Fields of Pasture" to the west of the city were already earmarked for transformation into "the costly spaces of Hanover, Grosvenor, and Cavendish Squares, with the many and great adjacent Streets around them"³⁷, there were those in Kit-Cat circles that did. The Queen's Theatre was a financial speculation prompted by insider knowledge, partly thwarted by the outcome of a Catholic plot that Grosvenor himself had anticipated and prevented with the help of his friends. The company chosen to occupy it was Betterton's, whose primogenitor was Davenant's Commonwealth

“Opera”. Betterton was following firmly in Davenant’s footsteps with spectacle and the foreign model as his priorities. Why else would the theatre have been constructed with:

almost every proper Quality and Convenience of a good Theatre ... sacrific'd or neglected to shew the Spectator a vast triumphal piece of Architecture! what could their vast Columns, their gilded Cornices, their immoderate high Roofs avail, when scarce one Word in ten could be heard in it? The Tone of a Trumpet, or the Swell of a Eunuch’s holding Note, ‘tis true, might be sweeten’d by it, but the articulate Sounds of a speaking Voice were drown’d by the hollow Reverberations of one Word upon another³⁸.

Even the extraordinarily deep, raked stage smacked of an Italian Opera House rather than a London theatre³⁹. The building was termed a Playhouse, and the licence granted by Queen Anne to Vanbrugh stipulated a “Company of Comedians with full and free License to Act and Represent in any Convenient Place during Our Pleasure all Comedies, Tragedys, Plays, and Musicall Entertainments”⁴⁰. In fact, as Walpole was to make clear, the Queen’s Theatre was intended to be a fashionable Opera House for the nobility who expected to move into the new, fashionable, area of town. To drive the message home, the first performance was an Italian opera, although the Epilogue promised to quickly “Paint the reverse of what you’ve seen to-day”⁴¹. Nevertheless, in 1707 Vanbrugh wrote to the Earl of Manchester, a fellow member of the Kit-Cat Club who was travelling in Italy, commissioning him to employ two or three Italian singers for the coming season⁴². The link was obviously still strong between the Kit-Cat Club, perceived culture and sophistication, opera, and the Queen’s Theatre. The cleverly worded terms of the licence provided for Vanbrugh to move his company back into town when the beau-monde was away for the summer but this of course would only be until such time as the development of the West End was such that a year-long audience could be drummed-up locally. As such it was an attempt to re-assert governing class exclusiveness in the face of the general public influx into the established theatres. Hence there was deep irony in the name ‘The Opera of the Nobility’ assumed by the opera company set up at Lincoln’s Inn Fields Theatre in 1734 in competition with that in residence at what was by now the King’s Theatre to spite Handel who had fallen out of favour with the audience.

What we see in this theatre, sited away from the common throng, is a metamorphosis of the attitude that inspired Davenant to create a theatre for Royalists as opposed to Royalty, though the parameters had changed. For Royalists we now have to read Governing Stratum, but the strategy, and ultimately the

motive, was the same: to establish an exclusive group identity in the face of an emerging, popular, strong, lower class culture. Although it was perhaps a subtler, group-manifestation of the blatant, egocentric mechanism that Walpole was to invoke in the Licensing Act of 1737 it stemmed from similar fears. The Prologue to Vanbrugh's *The Relapse*, ominously and subtly subtitled *Vertue in Danger*, warned:

Of our late poets, Nature few has made;
The greatest part - are only so by trade.
Still want of something brings the scribbling fit.⁴³

The Epilogue to the same play tries to send the audience out smugly confident in its own superiority which was made manifest by its style of dress:

I hold no one its [the state's)] friend, I must confess,
Who would discautenance your men of dress.
Far, give me leave t'abserve, good clothes are things
Have ever been of great support to kings:
All treasons come fram slovens; it is nat
Within the reach of gentle beaux to plat;
They're men of too refined an education,
To squabble with a court - for a vile dirty nation.
I'm very pasitive, you never saw
A through [sic] republican a finished beau.
Nor truly shall you often see
A Jacobite much better dressed than he:
In shart, through all the courts that I have been in,
Your men of mischief - still are in faul linen.⁴⁴

Initially, the Queen's Theatre was conceived by the governing classes as an enabler - a means by which they could define themselves. A mechanism of this sort had become almost a necessity as the rage for politics that followed in the wake of the Glorious Revolution had resulted in the Arts being used as a tool to promote ideologies. But this was not the whole story. In providing a refuge for the delicate sensibilities of the elite, the Queen's Theatre can be seen in part as a reaction to a "distinct plebeian culture, with its own rituals, festivals and superstitions ... that in the eighteenth century ... was remarkably robust (and) greatly distanced from the polite culture⁴⁵".

Paradoxically theatre, perceived by the governing classes to be a sanctuary for their values and a weapon in their armoury, was being turned against them by the lower classes. The Queen's Theatre

was to come to be despised by those from whom it sought to distance its wealthy patrons whilst other often more avant-garde theatres were looked upon as a general public mouthpiece. With the desire on the part of the leaders of society to use the Arts as a political tool to indoctrinate the rank and file came a virulent desire for rule, order and control within the Arts and within society that crossed party lines.

Section iii: Early Attempts to Use the Arts as an Instrument of Social Control.

A desire for, and movement towards, a system of social control had been gathering momentum since the Restoration. The four Acts of the so-called Clarendon Code of 1661-1665 had attempted to fetter the freedom of speech and liberalising influence of Dissent particularly amongst the middle and lower classes. An attempt to restrict other freedoms had soon followed.

The governing classes were increasingly aware that the original function of the great metropolitan fairs had been usurped by the importance placed by the public on the entertainments they provided. And, like Morley, their attitude was that “the element of sober trade was choked by its excessive development as a great pleasure fair”⁴⁶. It was not only the inappropriateness of the Fair representing in its booths part of the political feeling of the nation that worried the governing classes but also the fact that they as a class were very much the butt of fairground humour:

On their galleries strutted, in their buffoonery of stateliness, the quality of the Fair dressed in tinsel robes and golden leather buskins. ‘When they had taken a turn the length of their Gallery, to shew the Gaping Crowd how Majestically they could tread, each ascended to a feat agreeable to the Dignity of their Dress, to shew the Multitude how Imperiously they could sit’⁴⁷.

This denigration of ruling class mystique and the establishment of an alternative culture and hierarchy is caught in a song, ‘Roger in Amaze’; or, ‘The Countryman’s Ramble Through Bartholomew Fair’, published in a broadside printed circa 1679:

A Zity of wood, some volk do call Bartholomew Fair,
But ches zure not but kings and queens live there.

In gold and zilver, zilk and velvet each was drest,
A Lord in his zattin
Was bus’ly prating⁴⁸.

The rise of this new, censorious voice was obviously far more threatening than the “medium reflecting social change, gently poking fun at idiosyncracies” that Braithwaite⁴⁹ recognises in the Fair. It was not long before the ruling classes made a move:

The civil authorities had ... taken formal notice of the ‘Irregularities and Disorders’ of Bartholomew and Lady Fairs, and had in 1678 referred it to a committee ‘to consider how the same might be prevented, and what damages would occur to the City by laying down the same.’⁵⁰

That the ensuing public condemnation and attempted suppression was spectacularly unsuccessful is clear by the fact that the City authorities were still discussing the subject in 1700, 1702, 1703, 1708, 1715, 1735, 1762, 1769, 1776 and 1798⁵¹.

Coffee Houses, another great British institution of the period to which many went after the play and in which current theatre topics were avidly discussed, had also been recognised as dangerous forums of debate and had aroused the indignation of the authorities. In 1675 an attempt to suppress them had been put into operation and a proclamation to this effect made in 1676⁵². A week later the measure was toned down so that those running coffee-houses merely had to be licensed. Just as the attempts to curtail Fair entertainment failed so did this ploy to restrict coffee-houses. In many ways they were to be seen as parts of the same phenomenon. As early as 1672 it had been officially recorded that:

There have bin of late more bold and Licentious discourses then [sic] formerly and men have assumed to themselves a Liberty not only in Coffee houses but in other places and Meetings both publique and private to confuse and defame the proceedings of State by speaking evill Things they understand not and endeavouring to create and nourish universall jealousie and dissatisfaction in the minds of all his Majesties good Subjects⁵³.

The clientele bore a striking similarity to that one would encounter at the Fair:

...for each man seems a Leveller, and ranks and files himself as he lists, without regard to degrees or order; so that oft you may see a silly Fop, and a worshipful Justice, a griping Rook, and a grave Citizen, a worthy Lawyer, and an errant Pick-pocket, a Reverend Nonconformist, and a canting Mountebank⁵⁴.

Although the attempted suppression of the Coffee-houses and the fairs had failed, a popular theatrical booth was, after a long battle, finally removed from a long-established site at Charing Cross in 1675. A

puppeteer and showman, known severally as Polichinelli, Punchinello, Mons. Devone, Anthony Devotte, Anthony Devolto, Anthony Devo and perhaps Anthony Devoto, had had an on-going fight with the authorities to keep in business. Despite having had permission from the King to perform with his puppets at Charing Cross, and later having received from Charles a licence to perform drolls and interludes with living actors as long as they were not poached from the two Patent theatres⁵⁵, he was ultimately ousted by the authorities who, with a masterpiece of a plan calculated to win over all court displeasure, had decided that this was the very site upon which they had chosen to erect a statue to Charles I! The confusion over the name of this performer could indicate an inaccurate memory on the part of those who bore witness to his trade but is more likely, to have been a ploy by the puppeteer to keep one step ahead of legal proceedings and harassment by continually changing his name.

The government had not been slow to take advantage of the turmoil created by the Popish Plot in 1678 to try to manacle theatre. This could be seen, in part, as a reaction to the scorn of Charles, who had examined Titus Oates a number of times, had caught him out on many details, and subsequently refused to treat the issue as seriously as did the government. Parliament saw the situation as part of a wider underlying subversive Catholic problem which could be serious and was forced onto the offensive. The general dissemination of written information was held in check by the Licensing Act of 1662 which strictly censored printed material. This Act lapsed the year after Oates' revelations although it was not formally repealed until 1695. This left the stage as the only forum of anything approaching free speech. Thus theatre could be a dangerous weapon if infiltrated by the wrong people and the government were concerned with exercising a control over it before interested parties decided to employ its resources.

Yet considering that because of the fear engendered by the Oates affair the theatres were empty as few ventured out at night, and those that did were confronted with chains across the streets and a city bristling with armed men⁵⁶, it seems a little heavy-handed that the Lord Chamberlain decided to ban any play whose subject matter could be seen as in any way inflammatory and that plays like Lee's *Lucius Junius Brutus*; Tate's *Sicilian Usurper*; Crowne's *First Part of Henry VI* and the *City Politiques*; Shadwell's *Lancashire Witches* and Dryden's *Duke of Guise* were all silenced⁵⁷.

Those who frequented the theatre had not, in any case, tended to be those who would be inflamed to the point of violence. The “mob”, or mobile populace, was not at that time the force it was to become in the upper levels of theatres a century later and the main riots of the day consisted of gangs of apprentices on holidays attacking brothels⁵⁸. Although more apprentices were found in the pits of theatres the audience at this time was still very much the Court, the Lords and London society. Theatre doors were often protected by armed guards and there is evidence that entrance could be highly selective and only upon the production of a previously purchased ticket. On one well-documented occasion in 1691 Viscount Longueville and his party arrived at the Playhouse:

not taking the Ticket with him, ... a Serjeant pushed him back; and some of the Soldiers struck him on the Head, with their Musket, and gave Order to fire; they knocked down his Page, and wounded his Footman.⁵⁹

Even though this patron had tried to pay on the door he had been forbidden access. The incident caused a furore in the House of Lords and the King was petitioned to remove guards from the doors to theatres.

What is more likely to have been ruling party thinking in 1678 was that it saw in the panic fuelled by Oates a chance to exercise some control over theatre by the Lord Chamberlain in the hope that any future writers whose work clashed with the interests of Parliament could be brought to heel. All of the above stratagems to control the populace were, however, sporadic and narrowly focussed.

Section iv: New ways of Harnessing the Arts as an Instrument of Social Control.

In the late seventeenth century, a new, more highly organised, less piecemeal, concept of control - the Academy - was becoming manifest. This new way of approaching an old problem could be seen as a by-product of the rise of the Royal Society. As the universe and the natural world were seen to be governed by a set of rules which were now being exposed by science why should not society be similarly organised, and, likewise, why not also the arts, the finest expressions of the human mind?

Architects who had undergone a theoretical course of artistic study involving an appreciation of classical form were beginning to take over from masons. The first Royal Academy of Music was founded in 1673 although it quickly dwindled into ineffectuality and eventually died nevertheless it

proved a seeding ground that, in 1677, spawned Francis North's *Philosophical Essay of Musick*. This, amongst other things, endeavoured to create a mathematical model within which parameters were constructed to demonstrate the definitive relationship between harmony and discord with the findings expressed as an elegant scientific diagram. This was followed in 1694 by Dr. William Holder's *Treatise of the Natural Grounds and Principles of Harmony*, a more abstruse mathematical theory that was to be more useful to the science of acoustics than it was to the art of music⁶⁰.

In the field of literature, even as early as 1664 Dryden was bemoaning the fact that unlike France we did not have a national Academy to standardise and systemise the mother tongue. Although the Royal Society itself sought to construct an Academy on the French model, enjoying privileges bestowed by the monarch, the only attempt was a society created some time later by the Earl of Roscommon 'for the refining and fixing the standard of our language'⁶¹ which folded with the accession of James II. In 1695, with William III safely installed upon the throne, though frequently out of the country and more than content to leave the guardianship of the arts to others, a new onslaught aiming to control the arts was mounted with the proposal to set up a lottery to finance what were to be called 'the Royal Academies'. The adjective demonstrated how much the government was usurping the prerogatives of the Monarch, and the concept revealed how much it wanted to control the minds and standards of those who could influence the populace. The proposed Academies were actually to be one umbrella institution embracing languages, mathematics, writing, dancing, fencing, music and a host of other accomplishments. Again the project was unsuccessful although less grandiose schemes were beginning to make inroads into the management of the arts. For example, an organisation called the Academy of Antient Music successfully created a school for singing at the Crown and Anchor Tavern in the Strand in 1710 and the first English painting academy was founded in Great Queen St in 1711.

As far as the Playhouse was concerned, Collier's *A Short View of the Immorality and Profaneness of the English Stage* (1698), and the sequels he wrote to elaborate upon it⁶², attempted to formulate rules for drama based upon an analysis of the practices of everyone from Greek through to Elizabethan and Jacobean playwrights and placed on record a carefully defined function for theatre:

The business of Plays is to recommend Virtue, and discountenance Vice; To shew the Uncertainty of Humane Greatness, the suddain Turns of Fate, and the Unhappy Conclusions of

Violence and Injustice: 'Tis to expose the Singularities of Pride and Fancy, to make Folly and Falsehood contemptible, and to bring every Thing that is Ill Under Infamy, and Neglect⁶³.

Through the lines of this definition, manifestos for social as well as literary control can be clearly discerned that did, undeniably, have an effect upon theatrical practice. Although, as I shall show later, Collier was nowhere near as influential as many later commentators would have one believe, his call for a system of rules for drama added enough weight to the pronouncements of Dryden, Rymer et al. to make the concept the concern of many later dramatists. Steele, in the Prologue he wrote in 1712 for Ambrose Philips' *The Distrest Mother*, commented:

Since Fancy of it self is loose and vain,
The Wise by Rules, that airy Power restrain.⁶⁴

The fulmination of Collier, and the Academy syndrome, reveals a desire for a radical new concept of control over the arts that was also to be seen in other spheres of the life and environment in Britain.

The first 26 of the eventual 5265 Enclosure Acts that transformed the face of the English landscape between 1604 and 1914 were in place by 1727⁶⁵. The civil and constitutional law of what Carswell perceptively calls "the new city states"⁶⁶ started to be formulated during the first decades of the eighteenth century. The costume of a judge became fixed in the reign of Anne and during this period Lord Chief Justice Holt also laid the foundations of commercial law. It was due to him that promissory notes became negotiable currency and "order was brought to the situation in which means of production were owned by one man but used by another"⁶⁷. The rate of change of attitude can be measured by reason of the fact that only twenty years previously the notorious Judge Jeffreys had declared England was "a country satisfied with her own wealth, and in no need of trade"⁶⁸.

But though great strides may have been taken in some aspects of the law, the interpretation, implementation, and at times even the actual construction, of the criminal code and general social and economic legislation was to remain for a further century or more almost solely at the discretion of the Judges and Justices of the Peace. These worked independently of the legislative assembly of Parliament and, as Carswell recognises, it is the Law Reports rather than the statute book that have to

be examined in order to ascertain their priorities⁶⁹. In 1718, the *Charge of Bulstrode Whitlocke, Esq. to the Grand-Jury, and other Juries, of the County of Middlesex* reveals an anti-theatrical prejudice more vehement than any voiced in Parliament from the beginning of the period of this study. He states:

Men should not make themselves Monkeys to get Money; Or taint the Morals of those who see or hear them: Its below the Dignity of Humane Nature; Reverse your self is a good Rule. One Play-House ruins more Souls, than fifty Churches are able to save.⁷⁰

Although Drury Lane is mentioned by name elsewhere in the Charge, it is not ostensibly the theatre there that is the primary focus of attack. It is a censure of the brothels in the street that sheltered females who were said to commit lewdness because they had been “tainted” by being too near the playhouse. This is a non sequitur. Was his audience to assume that brothels not in the proximity of a theatre did not contain prostitutes? Considering the geographical area that this Charge was intended to cover there is no doubt that Whitlocke must be referring mainly to non-Patent London and provincial theatres. It is therefore the common players of interludes and the contemporary proliferation of acrobats, rope-walkers and jugglers that are the particular subject of his vehemence in his professed endeavour to protect the common people, albeit from themselves. The harshness with which he condemns their aberrations is not reserved solely for the effects of theatre upon their behaviour. Movement around the country raising forces to combat the new enclosures was classed as levying war against the King and hence as High Treason. Even cursing and swearing was proclaimed a crime against the State meriting a fine of up to six shillings. This was because it had become:

so general amongst the common people, the Soldiery and Mariners, Hackney-Coachmen and Carmen especially, that ‘tis much to be fear’d, if there is not some stop put to it, it will draw down Vengeance from Heav’n upon us: No wonder that our Ships so often miscarry, when our Mariners curse and damn themselves through the Sea to Hell.⁷¹

The subtext of Bulstrode’s pronouncements can be seen as a reaction to the higher profile of the common people in society, their infiltration of theatre, their taste in entertainment, and their increasing potential for insurrection. The Charge is an attempt to promote governing-class values in the face of the perceived increasing alienation between the various strata of society. This is yet another manifestation of the ethos of the Royal Society and exudes a protectionist attitude towards trade and middle class values and the desire for a reformed, ordered and orderly workforce.

But this many-faceted growth of the Age of Reason cannot be laid solely at the door of the Royal Society: the growth in influence of the Whigs was a major contributory factor. The whole philosophy of Locke, which came to be read as encompassing far more than merely the government of the country, was a rejection of arbitrary power from without, such as that inherent in the patriarchal system. In its place Locke argued for the establishment of order stemming from within, controlled by an accepted set of rules arrived at by common consent and guarded by a supposedly impartial elected authority. Locke, an erstwhile member of the Royal Society, built his philosophy upon laws of Reason which for him were an extension of the laws of Nature, themselves in turn a manifestation of the will of God.

The influence of this new creed was enormous. It helped not only to foster mercantilism and religious non-conformity but impinged upon many other social and environmental issues even down to the layout of gardens. Out went the topiary and formal organisation redolent of authoritarian St. Germain and Versailles that characterised the great gardens of Longleat, Blenheim, and Chatsworth. In their place came the informality of Stowe, Stourhead, and Rousham that reeked of the 'liberty' of Whiggism. But this liberty was ostentation, one whose tight strictures were hidden but were nevertheless as effective as the ha-ha, the concealed ditch that kept the cattle out of the gardens of estates, so that they appeared to stretch uninterrupted as far as the eye could see.

The obsession with Reason, Freedom and Rights, the latter a word much employed during the eighteenth century, hid a repressive self-interested system of order and control that was a pragmatic approach to social organisation. It fettered imagination and although the three concepts were ideally suited to the mercantile society they encouraged, there were those higher up the hierarchical scale that payed lip-service to the ideals of Whiggism and Reason but were only too pleased to have a theatre such as that in the Haymarket offering the esoteric opulence of Italian Opera with its eccentric megastars so as to escape from the mediocrity of the social mix that was even evident on the new Grosvenor estate where the minor gentry and even successful artisans were buying up many properties. Although the Whigs ostensibly promoted the concept of trade, many of the older landed gentry "found themselves supplanted by a medley of merchants, lawyers, bankers, and tradesmen whose intrusion in the countryside aroused deep hostility and not a little envy⁷²."

What was being experienced in the country must also have been felt in the towns and those prepared to make the pilgrimage from the City to the Haymarket can be viewed as purists protesting against the way established theatres were reacting to the irresistible influence and pressure that was coming from the Fairs. This was not only resulting in the phenomenon that Judith Milhous⁷³ describes as “semi theatrical” entertainments where the performances of plays increasingly incorporated jugglers, rope-dancers and animal acts that had become popular Fair attractions. But it was not a one-way traffic of performers from the fairs to the theatre. Actors and actresses regularly forsook the theatres for the Fairs because they offered a far more lucrative employment. Wanko⁷⁴ details a lawsuit in 1708 between the Fair Manager William Pinkethman and actress Mary Morein over a contract where the latter was to be paid £10 for performing for the few days of the May Fair and £20 for performing at Bartholomew Fair. The latter sum was more than she got for acting at Drury Lane for a year. Competition of this kind often led to an exodus of performers from the legitimate stage, giving the theatres no choice but to close whilst the Fairs were at their height⁷⁵. Indeed, whole plays sometimes moved out of the playhouses into the booths for such festivals.

Thompson sees this growth in importance of plebeian culture as a corollary of the breakdown of the superficial altruism of paternalistic, vertical, social ties that had once ruthlessly checked the potential for a clash of interests within a socially mixed society. This is not a view with which I can totally concur. The paternalistic society was a mutually dependent organisation. The growth of plebeian culture or polite culture is concomitant with the growth of a plebeian or polite society that becomes isolated, or seeks to isolate itself within society as a whole, and this is exactly what happened in the eighteenth century. Addison remarked, “When I consider this great city in all its quarters and divisions, I look upon it as an aggregate of various nations, distinguished from each other by their respective customs and interests⁷⁶”.

It was through ritual, festival and, by definition, recreation that each of these societies defined itself and which ipso facto increased its isolation. The provision of the Queen’s Theatre, discussed earlier, was as socially divisive as the concept of land enclosure⁷⁷ and can be seen to have exacerbated the situation that was to lead to the Licensing Act in 1737. Paradoxically, however, the latter legislation was to fail

miserably as an attempt to restrict plebeian culture: it was to curtail patrician theatre much more than it was to restrict the entertainment of plebeian society.

The Whig victories of the 1688 Glorious Revolution were consolidated in 1714 by the Hanoverian succession which, by an Act of Parliament that suppressed the rights of no less than fifty-seven persons who had a stronger legal claim⁷⁸, brought George I to the throne. The Tories were swept out of office, and indeed influence, and the inability of Court Tories to regroup themselves under a reassessed ideology meant they were so soundly put to rout and a Whig supremacy was so firmly constructed that political debate was centred almost within Whiggism. Instead, factionism often took the place of party politics as the main political issue for the Town. In the absence of the wider areas of party political debate the theatre tended to eschew politics to the point that in 1768, when Bickerstaffe revived Cibber's *The Non-Juror*, a political play which in 1717 had received even more attention than the legendary *Cato*⁷⁹, the vogue for party propaganda on the stage was at such a low level he renamed the play *The Hypocrite* and made its target a religious enthusiast rather than a Jacobite Traitor⁸⁰. Instead of politics the theatre moved its focus to personalities and social issues of the day. Plays like Congreve's *The Way of the World*; Vanbrugh's *The Relapse*; and Farquhar's *Beaux' Stratagem* and *The Constant Couple* which concerned characters in search of wealth ousted the political plays that had been so popular at the end of the reign of the House of Stuart.

In 1736 Captain Porteus was lynched for his part in quelling a riot at the execution of a smuggler in Edinburgh: no-one was brought to justice for this crime due to a silence on the part of those present, despite a proffered reward of £200 by the Queen⁸¹. This uprising had followed hard on the heels of nation-wide rioting directed against turnpikes and tollgates⁸² and the implementation of the Gin Act on 29th September. In the face of this insurrection the government, to prevent serious rioting, had horse and foot-soldiers posted and appointed to patrol day and night, some time before and long after Michaelmas Day, throughout all the streets of London and Westminster.⁸³ Heavy handed action such as this, often involving draconian legislation, was the government's answer to any situation that threatened a breakdown of the authority of parliament or a growth in unpopularity of the monarchy.

During most of this time the Queen was governing the country by Commission as the King was in Hanover visiting his German mistress for extended periods. This annoyed the citizens of London who argued that their trade was being adversely affected partly by the King's profligacy abroad and partly because his absence meant that fewer people were coming to town for the winter. The mobs were adopting the cry, "no gin, no king."⁸⁴ During all these disturbances the Prince of Wales who hated his father, ignored his mother and became a society figure appearing at all fashionable events.

Section v: Sir Robert Walpole and the Theatre.

At the centre of these events was Sir Robert Walpole whose:

enjoyment of the king's favour, his leadership of the House of Commons and his conduct of the Secret Service and the Treasury, together with one party rule, enabled him to turn 'corruption' into a system that he operated with virtual impunity.⁸⁵

In 1737 Walpole was on the horns of a dilemma and the Licensing Act can be seen to have been a stratagem to restore his own credibility. The theatres were for Walpole the common link between two powerful pressures: from above, the displeasure of the King and his family, and from below, the civil lawlessness that was threatening the government in general and the Prime Minister in particular. Walpole was attracting the odium of the King for not keeping either the country or the Prince of Wales in order. The King had threatened to dissolve Parliament and appoint a Tory administration over the issue of Walpole's gross mismanagement of the situation concerning the Prince's allowance. Coupled with this he was faced with the venom of the citizens of London of both lower and middle classes because of the unpopular legislation introduced under his premiership. As far as Walpole was concerned he foresaw his own political ruin, the downfall of his party, social upheaval that threatened to plunge the nation into anarchy, and the possible downfall of the monarchy on whom much of his position depended. It is obvious that he laid much of the blame for this at the door of the Jacobites whom he viewed with a concern that bordered on paranoia.⁸⁶ It was partly to stop their influence infiltrating the fabric of society any further that he engineered the control of the theatres.

But this fear alone does not explain why he attacked the theatres so vigorously. There were many other meeting places that were more the haunt of "the people", by whom he obviously meant the lower orders. Nor did those who supported him on his theatre legislation platform share his Jacobite concerns. They were more concerned with the example the stage was presenting to society. Some were worried by the satire that appeared on stage and argued, "the stage is scurrilous to the last degree"⁸⁷. Others were more concerned by the sexual overtones of some of the plays. Yet opponents to the Licensing Bill realised:

There can be no great and immediate Danger from the Licentiousness of the Stage: ... it will not be pretended that our Government may ... be overturned by such Licentiousness, even tho' our Stage were at present under no Sort of legal Controul⁸⁸.

Chesterfield spoke for those who realised that the step they were taking with the Licensing Act was iconoclastic. This Act sought to tighten and strengthen the authority of government over the stage. It attempted to do this by strengthening the legal basis of official control. In amending the existing vagrancy legislation to make it more effective a legal base for the Lord Chamberlain's control not only over what was performed in theatres but also where those theatres were allowed to be situated - i.e. within the City of Westminster only – was established by making him both the nation's Censor and its Theatre Licensing Authority. Chesterfield warned that the bill:

ought to be maturely considered, and every clause, every sentence, nay every word of it well weighed and examined, lest, under some of those methods presumed or pretended to be necessary for restraining licentiousness, a power should lie concealed, which might be afterwards made use of for giving a dangerous wound to liberty.⁸⁹

But these "mature considerations" did not form part of Walpole's thinking. For him the theatre as a signifying practice was autonomous licence in the hands of the acting profession, a group of people who, like him, were very much in the public eye and on the public tongue.

Between the lines of Lord Chesterfield's speech was an indictment of Walpole and his methods. It was couched in language more measured and restrained than that with which Fielding voiced his scorn of the establishment but it was none the less scathing. He pointed out quite accurately that sufficient measures already existed to control the excesses of the playhouses and that the measures proposed

constituted but the thin edge of a wedge designed to curb the freedom of speech within the country. He can scarcely have known how exact was his analysis of the situation, and how accurately it mirrored the passage of this particular Bill through Parliament. It was only the eloquence of Lord Chesterfield that resulted in his speech being preserved as a model of the art of oratory that provides posterity with any direct record of the opposition to Walpole. Hansard (in those days not the verbatim account of proceedings that it is today) records that the Bill was raced through Parliament with almost indecent haste. It was introduced to the Lower House on the 24th May, was given its third reading in the Upper House on 8th June and received the Royal Assent on June 21st. This was at the end of a Parliament and by the time the Bill was unexpectedly introduced many members had already departed for their country seats. Only 245 MPs were in the Commons for the first reading of the Bill and only 42 were in the Lords for the third reading in the Upper House. This prompted Lord Chesterfield to remonstrate that they were moving the Bill at “so unseasonable a time, and in so extraordinary a manner”⁹⁰ and he vainly moved that the Bill be introduced in the following session because “neither our government can be altered, nor our constitution overturned, by such a delay”. Hansard records that despite the dwindling Houses there were “long debates, and great opposition to this Bill in every step it made”⁹¹. Of this opposition only Chesterfield’s speech survives.

Walpole was obviously determined and ruthless in his manipulation of the wheels of parliamentary procedure and successfully covered his tracks by suppressing evidence that could be used to incriminate him at a future date. He had learned from the mistake of simply throwing his weight behind someone who seemed to have similar aims and relying upon them to do his dirty work. This had obviously been his tactic when he championed Sir John Barnard who had, two years previously, introduced a Bill to Parliament to restrict the number of theatres in the country. That Bill, because Barnard had more scruples than Walpole, had foundered over an argument about what power should be vested in the Lord Chamberlain as the national censor. This time Walpole had decided against the major step of introducing a new Act of Parliament. Barnard had been laughed at when he moved for his Bill in 1735, presumably for having the effrontery to treat what was for many such a minor irritation as the proliferation of playhouses with such an excessive measure. He was not taken seriously until William Pulteney (1684-1764), later Earl of Bath, and Walpole had added their political weight to his cause⁹².

This, I suggest, prompted Walpole to proceed this time by a more devious route. Instead of constructing new legislation he cunningly moved for an amendment to an existing Act⁹³ which was seen as a far less drastic step, one that would not have seemed important enough to call back those members of Parliament who had moved from town. It was however an extension of an Act that was cleverly chosen to further endorse a preconception of performers as third or fourth-class citizens thus presumably hoping to negate their influence on polite society.

Basically, the Licensing Act established three important powers. It gave the force of law to the Lord Chamberlain's authority to exercise arbitrary prior censorship over plays, which was not subject to appeal. With the exception of Letters Patent from the monarch it made the Lord Chamberlain the sole licensing authority for theatres which were limited to the City and Liberties of Westminster (except when the monarch was residing elsewhere and then theatres were only to be licensed for the duration of his residence): thus it restricted the traditional power of the monarch to issue Letters Patent, except in Westminster, and closed all provincial and independent theatres. It also made anyone who was performing at an illegal, independent theatre a vagrant and subject to harsh penalties' thus formalising a monopoly for the Patentees.

The supposed catalyst that set the Bill hurtling through Parliament is surrounded by mystery. It is generally accepted that Walpole had been inflamed past endurance by a performing version of *The Vision Of The Golden Rump*, a satire which had appeared in the weekly periodical *Common Sense*. This was an opposition paper launched in February 1737 and sponsored by Chesterfield which gained the reputation of being published to "carry to a larger audience than could be reached by a London play the social and political ridicule which had been so effective on the stage of the Little Theatre in the Haymarket"⁹⁴. Basically the satire caricatured the King and his unfortunate condition of severe piles, the Queen who ministered to him by means of a syringe and fomentations, and Walpole who toadied to the former and generally used bribery to achieve his ends. The satire was followed a few weeks later by a satiric cartoon representing the principal characters of the original Vision. According to Walpole these two versions of the lampoon were followed by farce called *The Golden Rump* "abounding in profaneness, sedition, and blasphemy"⁹⁵. Who wrote this farce is a mystery, the reason for it falling into Walpole's hands is an enigma, and the manner of it falling into Walpole's hands is shrouded in

doubt. Its content is today totally unknown and can only be surmised from the original satire. In fact I suggest that this farce, Walpole's *casus belli* against the whole of English theatre, never existed. Although Crean⁹⁶ claims "only a mere handful ever saw it", who this handful was nobody knows. Despite extensive research I can find no record of anyone apart from Walpole himself recorded as having read it. Horace Walpole, Robert's son claimed to have found an "imperfect copy" in his father's effects but no-one appears to have been shown it! This too lends credence to my claim that it never existed. Why should Robert Walpole have kept an imperfect copy? How did he get an imperfect copy? He would presumably have been presented with a complete version of the script! Coxe avers he "made extracts of the most exceptional passages"⁹⁷ from the farce and Tindal records him "producing and reading some part of it in the House"⁹⁸. If Horace Walpole really discovered anything amongst his father's papers I suggest it was the specially-prepared 'excerpt' mentioned by Coxe which was most likely a concocted document made up from material culled from *Common Sense*, I also suggest that the material must have been further sensationalised before being rewritten in dialogue. Considering the evidence, it is strange how few historians actually challenge the existence of the alleged farce or theorise on what it was that Walpole actually read out to Parliament which of course has also vanished. Peter Thomson in a paper in *Humour and History* (later expanded for *Literature and History*) categorically states that "there is ... no convincing evidence that such a play was ever written"⁹⁹. The charges of bribery that appeared in the original satire were not new, nor were they unfounded, indeed here I suggest we have a perfect example of a situation that shows how valid they were.

Even the means by which Walpole supposedly received the alleged satire is shrouded in confusion. Tindal credits *The Golden Rump* to "a needy writer who ...had artfully found means to convey it into his [Walpole's] hands in hopes of receiving a considerable sum for suppressing it"¹⁰⁰. Smollett, however, says it was a "manager of a playhouse [who] communicated to him a manuscript"¹⁰¹. Coxe is a little more specific and says it was "Giffard, the manager of Goodman's Fields" who brought the farce to Walpole but added, "it was uncertain whether the intentions of the manager were to request his advice on this occasion, or to extort a sum of money to prevent its presentation"¹⁰².

Liesenfeld acknowledges the mystery surrounding Walpole's acquisition of *The Golden Rump* but favours the theory that Giffard was responsible for the farce getting into Walpole's hands as a result of

Walpole having made secret arrangements with the two independent theatres operating in London to alert him when they received offensive plays¹⁰³. The problem with this is that Gifford was the manager of Goodman's Fields and Lincoln's Inn Fields Theatres, not Drury Lane or Covent Garden so this would not have applied to him unless he wished to cash in on the exercise but then it would hardly have been a secret. Liesenfeld does however also mention that Potter could have been the culprit¹⁰⁴. Potter was the owner of the Little Theatre in the Haymarket who, despite the fact that Fielding had leased the theatre, still had an element of control over what was presented there. In 1738, the year after the Theatres Act was rushed through parliament, Potter had written to the Duke of Grafton to remind him and Walpole of the service he had done them in preventing the production of "a play" and asking for his reward. Of course, as Liesenfeld realises, Potter could have been referring to Fielding's *Polly in India*, or, *The King and Titi*, both of which were advertised as being in preparation in May 1737 but which were not performed. Thomas, Fielding's most recent biographer, suggests that Fielding himself could have written the dramatised version of the *Common Sense* satire and submitted it to Giffard at Lincoln's Inn Fields Theatre¹⁰⁵. Nicholson adds a further dimension by bringing up contemporary suspicions that Walpole himself had dictated the text of the farce and then had it sent to Giffard hoping to entrap him into staging it and hence be able to bring the whole wrath of the establishment down upon Goodman's Fields Theatre¹⁰⁶.

Two other facts must be also borne in mind: there is evidence that both Giffard and Fielding gained financially from the affair. Brayley reports that Gifford received £1000 either as compensation or as reward for "becoming a tool of the ministry of the day"¹⁰⁷. He also, rather strangely, managed to open Goodman's Fields Theatre three years after the Licensing Act came into force and although this was in contravention of the terms of Act he continued unmolested until he moved to Lincoln's Inn Fields in 1742. Perhaps significantly this was the same year that Walpole quit Parliament. Theophilus Cibber intimates that it could have been that Giffard was "promised a separate Licence or an Equivalent" because he successfully reacted to a "private Hint how to act in this Affair"¹⁰⁸. Fielding's post Licensing Act career also smacks of special privilege. Thomas records that Fielding had been approached to write more moderately and on the side of the government. He quotes Fielding to have stated, after the Licensing Act had started its passage through Parliament, that other employment would materialise "who has often been promised one, whenever he would write on that side"¹⁰⁹.

Although Fielding had been very successful at the Haymarket Theatre, early in 1737 his play *Eurydice* had to be withdrawn because of riots and as a writer with a wife and now two very young children the precariousness of his position might have hit him. He had made money but had spent it and he had decided to move his wife and children out of London to Salisbury. Immediately after the Licensing Act had been passed Fielding decided to pursue Law as a profession and entered as a student at the Middle Temple for what should have been a period of study of six or seven years. Less than three years later, and significantly one month after lampooning Cibber in one of his last pieces of writing for *The Champion*, he was called to the Bar. Between the passing of the Licensing Act in 1737 and 1742 when Walpole left Parliament, Fielding wrote nothing for the stage.

The circumstantial evidence is overwhelming. Neither Giffard nor Fielding can be said to have been true men of the theatre. For both of them it was predominantly an entrepreneurial activity. I suggest that Walpole recognised and harnessed for his own ends this entrepreneurial streak and first bribed Fielding to provide him with some outrageous material based on the *Vision of the Golden Rump* and then bribed Giffard to bring it out into the open. The fact that no trace of either man's complicity in the plot exists is a tribute to the way Walpole worked and it is possible that initially neither knew of the implication of the other. Walpole was a past-master at subterfuge and dissimulation as Chesterfield realised and admitted in his speech to the Lords when he told them that despite having made all possible inquiry, he was at a loss to find out exactly when, how and what came into Walpole's hands¹⁰. If Chesterfield could discover no trace of the manipulation from his extensive enquiries at the time, it is unlikely now that we shall ever have indisputable proof of what took place, though the behaviour and rising fortunes of Giffard and Fielding after the passing of the Licensing Act would seem to speak for themselves.

Section vi: Walpole's hidden agenda.

Ultimately, however, the implication of other parties in the ruse is irrelevant to the central issue which is why did Walpole go to such extraordinary lengths to get the Licensing Act on the Statute Book? As in the case of the Patents of Charles II the answer is one of self-interest. Firstly, the Act restored

Walpole's standing with the King because it protected the King's image. Censorship virtually removed personal attacks against the Royal Family from the legitimate stage (a rule that was to be rigorously enforced for the next 231 years). Further, Walpole created the appearance of a more orderly and consensual hierarchical society in the eyes of those watching from the parts of the theatres patronised by the less privileged. The illusion of a stable throne and a more ordered society was also created for the section of the audience that came from the higher social strata, yet this too was a sham. The Whig government that had engineered the succession of the Hanoverians knew it. Griffith Davies, the biographer of George II, realised that "It was a cardinal principle in the Whig conception of government that the King should be reduced to the position of a cipher in politics"¹¹¹. The people knew it: Langford documents "the sullen ungraciousness of theatre pits which declined to doff their hats in the royal presence"¹¹². Even the monarch knew it: George II is on record as having realised "Ministers are the Kings in this country"¹¹³, and in 1755 he voiced his displeasure at having to return to England from a visit to Hanover: "There are Kings enough in England. I am nothing there"¹¹⁴.

Nevertheless, despite the hypocrisy concerning the image of the monarch, the new legislation meant that instead of attending a play to question hierarchical stratification one attended it to endorse that stratification. As all theatres were officially sanctioned by King or Court, attendance implied not only acceptance but membership of an elite. The value given to it by these patrons was no longer that of being an arena of debate, reaction and radicalism, instead the theatre was valued as a centre for the glorification of the status quo. The discourse that it attempted to canonise was that of a consensus-based society as opposed to a conflict-based society.

The King was relieved that he would receive no more public censure or ridicule from the playhouses. The outlawing of non-patent theatres meant that those that remained were more officially and obviously under the patronage of the King. Hence it was also more difficult for the Prince of Wales to seek the approbation of an audience at the theatre, as he had notoriously done at Covent Garden on 30th December 1736 when there were cries of "Crown him, crown him"¹¹⁵. Nor could the Prince ostentatiously patronise seditious plays as he had done with a Command Performance of *The King and the Miller of Mansfield*, a play that was highly critical of both King and Court, at Drury Lane on 2nd

February 1737¹¹⁶. After giving the Royal Assent to the Playhouses Bill, George II closed the session of Parliament with a speech in which he gave the government his thanks:

for the particular Proofs you have given me of your Affection and Regard to my Person and Honour, and hope the Wisdom and Justice which you have shewn upon some extraordinary Incidents, will prevent all Thoughts of the like Attempts for the future¹¹⁷.

This, to the relief of the government, and Walpole in particular, effectively forestalled any attempts the King might have made to recruit Tories, hungry for power' to his cause.

Secondly, the Licensing Act seemed to address the problem of civil disorder, the incidence of which was another criticism of Walpole's administration. Part of that disorder, riot or rumbustuousness in the theatres, had partly been caused by the playwrights themselves who, to help press a controversial political or satirical point home, would quell any dissenting demonstration by ensuring their friends were in the audience "ready with their hands and sticks, to support his Muse in case her charms should prove insufficient"¹¹⁸. As the legislation removed controversy from the stage this reaction largely disappeared. Other theatre riots were actually engineered by rival managements as a means to alienate the polite audiences from patronising competing theatres. They would pay "Bravoes and Bullies, to go to the Theatre, to the Nuisance of Society, (and) the Disturbance of His Majesty's Liege Subjects in their innocent Diversions."¹¹⁹ This behaviour also disappeared because, of the four theatres that survived the Act, only two could play the regular drama during the season and they now had a monopoly over audiences, writers and performers alike. Indeed neither Patent House had objected to the legislation as each could see it could not but gain from it. Furthermore the Patent Houses were willing to pay handsomely for their new position. One of the things that was to so incense Edward Bulwer Lytton (1803-1873), the Chairman of the Select Committee of 1832 which was set up to investigate the current state of the Laws affecting the interests and exhibition of the Drama, was the system of handouts of up to £300 (a huge sum in those days) for a theoretically unnecessary Lord Chamberlain's licence, and the extortionate charges paid to the Examiner of Plays for his services¹²⁰.

But civil disorder was not confined to the interior of playhouses. Outside them the fiscal, economic, and socially divisive policies of the dominant stratum of society resulted in much unrest and civil

disorder on the streets. Playwrights cashed in on these disturbances with topical plays like the anonymous *The Deposing and Death of Queen Gin* which played at the Little Theatre in the Haymarket in anticipation of the passing of the Gin Act of 1736. This high profile of theatre during periods of controversy may have publicised and exploited civil unrest but it did not initiate it. Nevertheless the Church, lesser merchants and tradesmen were often hostile to theatre because in different ways they saw it as exacerbating the problems each faced either with less responsive or falling congregations or a less industrious or compliant workforce.

The Dissenting Church and the city merchants of a puritan persuasion were particularly dismayed at the moral decay they saw in society and blamed the increasing prevalence of prostitution upon the proliferation of playhouses. Arthur Bedford's sermon *The Evil and Mischief of Stage-Playing* written in 1729 was widely disseminated and was still being reprinted in *The London Magazine* in the Spring of 1835. Other magazines aiming at a Puritan readership campaigned against the theatres. On April 12th 1735 *The Universal Spectator* opposed the construction of more theatres by maintaining that when, in 1729, Thomas Odell opened the new theatre in Goodman's Fields:

the Rents of the Houses were raised, as the Landlords could let them to more profitable Tenants, and now there is a Bunch of Grapes hanging almost at every Door, besides an adjacent Bagnio or two; an undoubted Proof that Innocence and Morality are not the certain Consequences of a Play-house¹²¹.

Another area of concern when Goodman's Fields theatre opened was economic: the displacement of a sober, industrious, well motivated and therefore easily controlled, taxable workforce:

Its contiguity to the city, soon made it a place of great resort ... the adjacent houses became taverns, in name ... and the former occupiers of them, useful manufacturers and industrious artificers, were driven to seek elsewhere for a residence.¹²²

Of course theatres were always built close to town and city centres, the very areas that were first to become overcrowded as towns and cities grew. This overcrowding resulted in a sociological change that had nothing to do with theatre. The middle and upper classes gravitated outwards from city centres as far as their homes were concerned leaving the run-down town centres to be filled up by the lower

echelons of society who preyed upon the weaknesses of the higher classes when they travelled into the centre for business houses and entertainment.

Hooker's Weekly Miscellany on 8th March 1735 targeted the third perceived problem, the raising of social expectations that was an inevitable corollary of the poor being in close contact with the recreation of the rich and fashionable:

with us, whose trade is the support of this opulent city, it must be very detrimental, by too much taking off the thoughts of our youth from business, and planting in their green minds luxury and debauchery.

Hawkins blamed the theatre for the supposed growing lack of work ethic amongst the young:

the merchants of London, then a grave and sagacious body of men, found it was a temptation to idleness and to pleasure that their clerks could not resist.¹²³

The complaint was not the idleness and pleasure-seeking of the nobility. They were seen almost as a necessary evil. Merchants who condemned the hedonism of the court were also those who complained of the King's long absences from Britain because this meant a fall off in trade as there were fewer visitors to town when the Court was absent¹²⁴. It was these country visitors to London during the "Social Seasons" who also swelled the audience in the theatres, a symbiotic relationship that London's merchants were slow to appreciate. The country interest and its wealth came to town for business, social connection and entertainment. Tradelove's complaint that his business was sometimes held up because industrious and worthy carmen found it difficult to deliver goods as they were hampered by the crowds of coaches arriving at the theatre, each carrying "some pigtailed powdered fellow ... little inferior to the idle fop within it", was short sighted in the extreme¹²⁵.

As a final example, the *Gazette* of 14th October 1729 had honed in on the problem of the increasing breakdown in public law and order and reported that the Justices had been approached by "Great Numbers of Gentlemen and substantial Merchants and Tradesmen" who lived near the new theatre in Goodman's Fields and that the Justices were convinced that the presence of a theatre would

occasion great Numbers of loose, idle, and disorderly Persons, as Street-Robbers, and common Night-Walkers, so to infest the street, that it will be very dangerous for His Majesty's subjects to pass the same.

The limiting of the number of playhouses was seen by these people to be an efficient way of reducing the fourfold effect that theatre was perceived as having had on the city and their vested interests and they approved of the measures Walpole was taking. However Walpole was not the only person to think the stage was in need of some sort of control, nor was the middle-class, City, interest the only social group to endorse his view. Others shared his underlying concern but perceived a different problem and a different solution. It is interesting to note that whilst the charges of profanity, debauchery, idleness, crime and property-devaluation were being thrown at the stage by middle-class pressure groups intent on 'saving' the youth of the metropolis, it is a selective stratum of the youth of the town that was being considered. Aaron Hill spoke of others when he was putting forward the idea that a body of state officers ought to take the place of the "unqualified" theatre managers in the choice and direction of the plays and thereby the tuition, and in some measure, formation of the noblest youths in the kingdom¹²⁶.

The term "unqualified" is a curious one. In 1662, a "man about town" had complained to his friend in the country about the way courtiers had usurped experienced actor-managers in the government of theatre companies:

... of all the Playes in Towne
 Knowe they a Monopoly of them have made
 And Courtiers have engross'd the Trade
 Nor shall we ever have any good they suppose
 Till every man medle with the trade that he knowes.¹²⁷

It would seem a complete volte-face had now taken place. After a few year's experience of actor-managers whose entrepreneurial activities had veered towards a plebeian rather than a patrician entertainment, the feeling amongst the "worthiest" in the capital would seem to be for a reinstatement of patrician influence in the theatre. It would also seem, interestingly, that amongst the 'noblest youths' of the kingdom Hill counted the sons of Members of Parliament. This means the Royalist ethos recognised in theatre by the 'Man about Town' of 1662 had, by 1735, moved down the social scale a few degrees, or rather that the scions of the new breed of parliamentarians had moved up a notch or two socially. It was on behalf of this interest group that Hill deprecated the playhouses' avoidance of "the

most necessary and most seasonable satire, upon no nobler a foundation than their fear of disoblighing people of condition and thereby reducing their audiences"¹²⁸. William Popple, a colleague of Hill's, explained this paradoxical situation when he suggested that the central task of the proposed state officers ought to be the refinement of the public taste without which, in his opinion, theatre legislation could achieve nothing. He spoke for those who saw a need for the stage to be more disciplined, but who sought to do this by elevating theatre as a means of discourse rather than by silencing it:

Restraining the number of playhouses is confining the evil but not rooting it out, and the stage will want as much regulation as it does now, while public taste is as it is.¹²⁹

The real effect of the new Licensing Act on actual or perceived civic disorder is unmeasurable, but was probably negligible. As Carswell recognised:

The idea of England as a deferential country, even after the achievement of political stability, must be at once dismissed. On the contrary, there was perpetual popular disturbance, and few years passed without major riots, which might or might not have had an ostensible economic or political motive.¹³⁰

Whether or not the Licensing Act had any effect on rioting in the streets there was another aspect of theatre chemistry in the arena of conflict at the opposite end of the social spectrum between the poorer patrons and the management where the Act actually made the situation worse.

To understand this situation fully it is vital to investigate a phenomenon recognised in the recent study of theatre disorder in Georgian London by Baer: "the importance of theatre simultaneously in high and low culture"¹³¹. Theatre was an important component of urban life but each group within society saw theatre as a different signifying practice and interpreted the discourse differently. The nobility valued the signifying practice as a consolidator of class-consciousness. It expressed their values, explored their lifestyles, made tangible their aesthetics and delineated their codes of conduct. For Aaron Hill the theatre was a signifying practice of immense worth to the well-born young who had to learn the way to behave as privileged people in a privileged society.

To the increasingly influential, upwardly mobile, city merchants, theatre was a mirror of the fashionable world to which they aspired. To the increasing annoyance of the Court and the aristocracy

they saw the secrets behind the door of social advancement, and privilege. Also, through the mores that governed the discourse, theatre gave them the arcane knowledge of manners necessary to gain access.

Braudel, in his major examination of the development of modern civilisation and the rise of capitalism, notes:

In 1720, Defoe noted that London merchants were acquiring more and more servants, that they even wanted footmen, like the gentry: hence ‘the infinite number of blue liveries, which are become so common now that they are called “the tradesmen’s liveries” and few gentlemen care to give blue to their servants for that very reason’. The entire life-style, the amusements of the rich merchant were changing.¹³²

The determination and success of this section of the population was the most important catalyst for the social change that altered the shape of theatre in the following century and eventually precipitated the Parliamentary Select Committee on the state of the Laws affecting Dramatic Literature of 1832. This was not purely a British phenomenon. A French commentator of the time reported, “In France as elsewhere, the third estate [is] always anxious to imitate the nobility towards which it constantly seeks to raise itself, by unbelievable efforts”.¹³³

Unlike France, however, where royal patronage and involvement ensured that theatre remained primarily in the service of the intelligentsia and the nobility, the British, entrepreneurial, ethos of the playhouse demanded as wide an audience as possible. Its entertainment and environment therefore encouraged a syndrome of social climbing that was not limited to the “Third Estate”, and to the Hanoverian model of society this was dangerous. Fielding recognised that the more unsavoury foibles of the rich were “as infectious by example, as the plague itself by contact”, and noted that:

while the nobleman will emulate the grandeur of a prince, and the gentleman will aspire to the proper state of the nobleman, the tradesman steps from behind his counter into the vacant place of the gentleman. Nor doth the confusion end here; it reaches the very dregs of the people¹³⁴.

It is the latter section of society, often known at the time as “the mob”, whose position in society and whose view of society is crucial to this study. This broad band of English (and especially London) society was ultimately responsible for the development of theatre during the next two centuries.

Although the mob became a pejorative term when used to describe the perpetrators of eighteenth and

early nineteenth century riots and violence, it must not always be seen as implying vilification. Rude¹³⁵ claims it was an “omnibus term” which covered the “lower strata of society in the pre-industrial age”. Fielding defined it as “that very large and powerful body which form the fourth estate in this community and [which] have long been dignified by the name of the Mob”¹³⁶. A proper understanding of the behaviour, self-image and perceived place of the Mob in early eighteenth century, pre Licensing-Act, society is vitally important. Although debate abounds, for the purpose of this study I feel one must accept the basic premises of the study of class and class-consciousness during the Industrial Revolution of Morris, i.e. that the early eighteenth century was indeed a conflict-based society but that conflict was not based upon class but upon perceived rights and opportunities¹³⁷. Riots should not be seen as revolutionary but aimed at preserving the status quo of what Thompson called the ‘moral economy’:

While this moral economy cannot be described as ‘political’ in any advanced sense, nevertheless it cannot be described as unpolitical either, since it supposed definite, and passionately held, notions of the common weal - notions which, indeed, found some support in the paternalist tradition of the authorities; notions which the people re-echoed so loudly in their turn that the authorities were, in some measure, the prisoners of the people.¹³⁸

The mob was a vital part of this common weal because as a stratum of society it was moving into class-consciousness from the dying paternalism of what Peter Laslett defines as a ‘one-class society’: so called because in the early eighteenth century only the aristocracy were an organised and clearly recognisable social class, i.e. one with an ideology and institutions such as government, church and legal system to give it the propensity to bring about concerted action over the whole area of society¹³⁹. Although this concept is hotly contested it makes sense of future developments in theatre when the aristocracy quit the public dramatic scene because of the self-organisation of other social classes and in particular, the Mob.

Prior to the 1737 licensing law, lower-opportunity theatre audiences saw in theatre a means to put themselves on the same footing as the court, nobility and gentry. Theatre for them was a de-mystifying process: it knocked the gods from their pedestals and in their fall they saw them transmuted into the baser metal of which they realised they too were made. It was a signifying practice that in an antithetical way confirmed the value of their lives. Apart from the most obvious satire the discourse for them was a sham: theatre was a signifying practice created for the more privileged and it used their terms of reference. The lower rank reaction was one of de-canonisation, they had no hope of becoming

part of the scenes that were set before them, neither could they empathise with the discourse, but in ridicule and mockery they could make their presence felt and create their own class consciousness. They went to the theatre to establish the fact that they were not of the audience that viewed the proceedings consensually. The derision and conflict inherent in their reaction automatically made them into a group which had its own solidarity expressed and reinforced by dissent. And this dissent was a sophisticated reaction. In the mimesis that took place on the stage they had their favourites. In the same way that the cross dressing in a play such as Shakespeare's *As You Like It* presented an added level of sexual intrigue for Tudor and early Stuart audiences through the convention of a boy playing a girl who was experiencing the problems of a boy, a similar level of interest was created for early Georgian, politically-aware, audiences as they watched a commoner playing a noble who was experiencing the same problems as a commoner. As an experience this was the ultimate leveller.

It is important to appreciate the values of those that frequented the "upper reaches" of the theatre (and sometimes the pit also) around the time of the passing of the Licensing Act who by and large constituted the 'mob':

Every body knows there is a vast number of Journy-men Weavers, Taylors, Clothworkers, and twenty other Handicrafts; who, if by four Days Labour in a Week they can maintain themselves, will hardly be perswaded to work the fifth; and that there are Thousands of Labouring Men of all sorts, who will, tho' they can hardly subsist, put themselves to fifty Inconveniencies, disoblige their Masters, pinch their Bellies, and run in Debt, to make Holidays. When Men shew such an extraordinary proclivity to Idleness and Pleasure, what reason have we to think that they would ever work, unless they were oblig'd to it by immediate Necessity?¹⁴⁰

For this stratum of society the theatre provided an important sensor of the age and it was one they were not willing to relinquish. In February 1737 there were riots at Drury Lane Theatre when the footmen and servants of the gentry free were denied free access to the theatre because the way they were commenting on their betters and the performance alike annoyed the lower, i.e. expensive, part of the house. To attend the performance free (rather than wait outside in the street) had proved a welcome respite, especially after many of them would have spent much of the afternoon reserving places in the boxes for their masters: the servants took their debarring hard:

a great number of Footmen ... assembled themselves ... in a riotous Manner, with great outcries of burning the House and Audience together, unless they were immediately admitted into ... their Gallery; and in order to strike a Terror, they began to hew down the Door of the Passage which leads to the said Gallery ¹⁴¹.

This angry assemblage was eventually dispersed because a Colonel de Veil happened to be in the audience, who, notwithstanding that the rioters threatened to “knock his Brains out”, read the Riot Act, the draconian terms of which brought them to some kind of order. This did not however prevent the footmen from demonstrating in like manner on the two following nights, and a fortnight later they sent a threatening letter to the management

We are willing to admonish you before we attempt our Design; and Provide you will use us civil, and Admitt us into our Gallery, which is our Property; according to formalities; and if you think proper to Come to a Composition this way you’ll hear no further; and if not, our intention is to Combine in a Body in Cognito, and Reduce the play house to the Ground, Valuing no Detection we are Indemnified¹⁴².

The footmen eventually got their way albeit with a guard of fifty armed soldiers in the gallery to ensure order! It was behaviour such as this which alarmed some members of the governing class and prompted them to vote with Walpole in the passage of the Licensing Act. It had also led James Erskine to refer in Parliament to the “change for the worse in the temper and inclinations of the British nation”¹⁴³ when supporting Sir John Barnard and his doomed Playhouse Bill in 1735.

The high profile of vintners and prostitutes in the vicinity of playhouses was also a common complaint of the Church, employers and the government. Yet these professions were not thin on the ground anywhere in any town or city, particularly in areas of maximum population density or concourse. Obviously they sought out the areas around theatres to capitalise on the wealthy who patronised them precisely because many of these patrons themselves viewed the theatre as a source of licence and sexual encounter. This applied not only through intrigue within their own ranks but also amongst the young actresses who were considered fair game. If neither fellow-playgoers nor actresses were available, the prostitutes who used the theatres to pick up clients took their places. But although this explains why theatres, vintners and prostitutes were often to be found in the same locality it does not wholly explain why the entrepreneurship of the impoverished classes plying their various services in areas of maximum demand caused such concern. Surely this tradition amongst “persons of quality” did not so upset the

governing agencies: with typical hypocrisy it was the availability of ready sex to the less privileged members of the audience who followed the example of their betters that so worried the upper strata.

The behaviour of the less privileged had a different agenda to that of their superiors in the social scale and the latter were beginning to recognise this. Theatre was a form of voyeurism for those from lower strata who could now watch the majesties, graces and divines presented on the stage, persons who in reality were still tinged with more than a hint of Divine Right, but who were often presented as vulnerable and prey to the same carnal predilections as the masses. This metaphorical unfrocking of the aristocracy was a powerful source of sensual if not direct sexual arousal. As gratification could not however take place inside the theatre with those who had become the court by proxy, then the fantasy had to be looked for outside. And this was dangerous: it smacked of a freedom that struck at the root of mercantilism. A letter sent by an anonymous citizen to the Lord Mayor of London in 1730 claimed:

In all good Policy the labouring, and the trading Part of the People should be engag'd by every possible Inducement, to marry, and educate a Race of healthy and Laborious Children. By this Means there will be more Work done, as there are more Hands to perform it; and consequently the Manufactures will be cheaper; we shall make greater Exports, and gain more at foreign Markets.¹⁴⁴

The authorities quickly realised that the sexual licence of the age which is evident from nearly every contemporary witness, and which screams out from the prints of Hogarth, created a dangerous path for the masses to tread. To allow the mob indiscriminate sexual gratification would be a course of action that would be uncheckable once embarked upon. Sex, like laughter, once activated is almost impossible to control until those engaged are satiated. The introduction of the power of laughter, and the fear it engendered, brings us to what was surely the main reason for Sir Robert Walpole's intense determination to move his Bill through the two Houses of Parliament as surely and quickly as possible.

Walpole recognised the danger of being laughed at. Langford defines it as the "worst enemy of a ruling class" and details an incident where Walpole cited, as a cautionary tale, the case of the literary indiscretions of the young Lord Grimston which caught up with him in 1736 when he sought election and he found they were being used by an enemy as a means to ridicule him¹⁴⁵. Derision of the great is the ultimate leveller and Walpole had been derided, but we must look much further back than the

supposed *Festival of the Golden Rump* to find the origins of the Licensing Act. Thomas's appraisal of Walpole as "by ethical standards, a rogue with no more moral claim on the personal admiration of his countrymen than a pickpocket or a card-sharp"¹⁴⁶ had been recognised by John Gay, nine years before the Licensing Act found its way onto the Statute Book, when he had a thinly disguised Walpole as the highwayman, Captain Macheath, in his phenomenally successful *The Beggar's Opera*.

This kind of slight was of course much harder to parry than the clearly seditious lampooning of Charles II when he had been satirised as one of the murderers in *Macbeth* half a century earlier. The attack on Charles had taken place in the confines of one intimate theatre in front of a small select gathering, many of whom had Court connections and hence would have found it to their detriment to laugh too heartily or subsequently bring the purely visual allusion into open conversation.

Gay's Captain Macheath was a totally different construct. He was a character in a comedy, an entertainment designed to bring forth the audible response of laughter. Walpole attended the first performance and did his best to show he was unconcerned by the writing and that he did not recognise or accept any of the barbs. The audience quickly picked this up and when a particularly obvious jibe about vice and bribery came up they looked towards Walpole to see how he had taken it. To their delight and applause he shouted for the song to be encored, but it was surely his gall rather than his innocence that they applauded¹⁴⁷.

What made the situation worse was that though the comedy originated at the theatre in Lincoln's Inn Fields (by then a much more commercial and widely attended enterprise than the one in which Charles II headed off the Whig dart), *The Beggar's Opera* moved in 1728 to the George Inn in Smithfield during Bartholomew Fair and on to Penkethman's Booth and Fielding and Reynolds's Booth during Southwark Fair. (The performances were given by the company of comedians from the Haymarket Theatre who had not performed the piece at their home base.) The following year a third company, Rayner and Pullen's Company of Comedians, performed the satire "successively during twelve hours, namely from eleven in the morning till eleven at night," at the Black Boy on the Paved Stones near Hosier Lane in Smithfield during Bartholomew Fair¹⁴⁸. Many derivatives of *The Beggar's Opera* followed which also moved from legitimate theatre to fairground booth. This wide dissemination of the

satire must have been particularly irksome to Walpole who was no stranger to the Fairs¹⁴⁹. Coxe reveals the extent of the damage to Walpole:

The stage was made the vehicle of the most malignant sarcasms, not expressed in the elevated tone of tragedy, or couched in sentiments and language perceptible only to men of refined understandings; but his person was brought on the stage, his actions maligned, his measures misrepresented and arraigned, and his conduct made the sport of the populace, in all the petulance of vulgar farce.¹⁵⁰

As far as Walpole was concerned things were going from bad to worse. In 1733 dramatic satires commented on the failure of his Excise Bill and Walpole must have been furious to see with what joy the populace greeted the unsuccessful prosecution of the actor, Harper, for performing one of these lampoons. Then, in 1735, despite Walpole throwing his weight behind it, Barnard's Theatre Bill failed. In 1736 came the success of Fielding's vitriolic satire *Pasquin* which was written in the form of a rehearsal of two plays, *The Election*, which "caught the fancy of the footmen's gallery and the boxes alike"¹⁵¹ and *The Life and Death of Common-Sense* which seized the imagination of the public to such an extent that a new newspaper was named after Queen Common Sense, a character in the play. This was followed by nation-wide rioting in response to the hugely unpopular Gin Act which was passed at the beginning of 1736. In March 1737 *The Historical Register for the Year 1736* included a brilliant satire on the corruption evident in public life particularly singling out the Hanoverian Court and Walpole to the obvious approval and delight of Frederick, the Prince of Wales, now estranged from his father, who loudly applauded all the strong passages.

Cumulatively these barbs must have inflamed Walpole to such an extent that he was waiting for an opportunity to attack a seemingly impregnable theatre. When no such opportunity appeared, since the two latter satires had also attacked other powerful figures upon whose support he could probably count if he acted whilst they were still smarting from the blows, I suggest Walpole himself invented such an opportunity by forging excerpts from the otherwise unknown, if indeed existent, *The Festival of the Golden Rump*.

But Walpole's complaint, was concerned less with the text of the plays than with their potential audience: here the feelings and interests of his fellow victims of the wave of satire coincided with his

own. What was so demeaning about the idea of a dramatised version of the *Vision of the Golden Rump* was not so much that it would publicise the fact that the King had piles. (It was already common knowledge that the King had piles, otherwise the original satire would have been pointless.) Similar material was appearing in the press of the day and was no doubt the subject of mirth in Court circles. What so annoyed the upper-classes was that their foibles, personal problems, shortcomings and inadequacies, were being paraded at public gatherings, above all in the theatres and the fairground booths where the inferior classes could, as a body, comment on them. What was accepted as wit in a select gathering, became unacceptable ridicule when exposed to the masses. This was much exacerbated and became even more offensive when presented as a play that could unite the audience against the subject of the satire through infectious laughter.

At this point we need to speculate even further about Walpole's state of mind to find the core of the motivation behind his oppressive Licensing Act. What must have made satires so damaging to Walpole's personal pride was the act of mimesis itself: actors, whom polite society equated with rogues and vagabonds, were daring to impersonate persons of quality including the Sovereign (not to mention Walpole himself, of course) warts (or in this case piles) and all. Walpole at this particular stage in his career was vulnerable. According to Thomas, in his recent biography of Henry Fielding, Walpole at this time was:

a man whose nerve was wearing badly. It seemed to those who suffered from him that Walpole grew more tyrannical and contemptible, yet uncharacteristically more incompetent. It was a dangerous combination. There had once been an art in his scruple, in his manipulation of dupes or confederates ... but as his difficulties multiplied and plans went wrong, as his majority dropped and his supporters doubted, certain half-shadowed truths became plain.¹⁵²

His failing grip on the contemporary scene must have worried Walpole. His origins, unlike most of those with whom he was in daily contact, lay in the stratum of middle gentry. This must have created a psychological insecurity that was exacerbated by seeing his foibles exploited and lampooned by social inferiors. And he must have realised he was as close if not closer socially to the authors and actors as he was to Queen Caroline, whose confidant he had become whilst she was still the Princess of Wales.

This insecurity also probably led Walpole to have himself represented not as a bluff country squire but as an elegant member of the Kit-Cat Club, an arbiter of taste and refinement, when he was raised to the nobility as the 1st Earl of Orford and Kneller came to paint his portrait. But there was another reason for featuring the Kit-Cat Club in the Kneller portrait. As patrons of the arts, the Kit-Cat Clubbers were ipso facto in a social stratum above that of the actors and playwrights they supported and Walpole, whilst willing to be regarded as a champion of theatre, went to great pains to divorce himself from the practitioners of the art. A further clue to Walpole's position was a comment he made to the third Duke of Richmond upon attending a performance at the Duke's private theatre at his country seat. There was, he said, "no one better fitted to act genteel comedy than people of high fashion in their natural milieu. Actors and actresses can only guess at the tone of high life, and cannot be inspired by it".¹⁵³

This was indicative of the deep-rooted insecurity within Walpole. Whilst it is tempting to regard actors as having come from the lower ranks of society this was not by any means always the case. In France and elsewhere (e.g. the Sweden of Gustavus Adolphus II) there was much aristocratic acting.

J.J.Rousseau (1712-1778) wrote the opera *Le Devin du Village* for the Versailles Court Theatre with the lead tenor part for the Dauphin. In Britain the stage often beckoned to those whose breeding was unimpeachable but not commensurate with their financial expectations. Mandeville reveals:

There are an abundance of Men of a Genteel Education, that have but very small Revenues; and yet are forc'd by their Reputable Callings, to make a greater Figure than ordinary People of twice their Income Those that ever took a delight in Plays and Romances, and have a spice of Gentility, will, in all probability, throw their Eyes upon the Stage, and if they have a good Elocution with tolerable Mein, turn Actors.¹⁵⁴

Walpole himself had reason to fear those actors who hailed from the lower and middle gentry. They would be able to see through his pose. Once on the stage, or in a position of having some control over what was played on the stage, middle-class actors could be deadly in the accuracy of their vilification of those they perceived to have risen by corrupt means above the circumstances of their birth.

The 1737 Licensing Act was, I suggest, provoked by feelings of insecurity caused by 'actorphobia'. One is struck by the similarity to a situation revealed by J.H.Wilson over half a century earlier:

In the Spring of 1669, Buckingham collaborated with ... Sir Robert Howard, in writing a comedy designed to satirise Sir William Coventry, Secretary of State. But Coventry heard of the scheme.... The play was never acted, perhaps because of Royal command, perhaps because Coventry declared that if any actor “did offer at anything like representing him ... he would cause his nose to be slit.” Since, only a few months earlier, the actor Kynaston had been thoroughly thrashed by hired bullies for “representing” Sedley on the stage Coventry’s threat was duly heeded. Courtiers were not to be slandered by vulgar players.¹⁵⁵

Similar sentiments, it could be argued, were also behind the prosecution of Harper in 1733 and the abortive Barnard Licensing Bill of 1735. Walpole’s obvious dislike and fear of the lack of accountability of the whole theatre fraternity lurked behind his forcing through of the Licensing Act.

Section vii: Post Licensing-Act Developments.

Walpole could be seen to be aiming to produce a society that was easier to govern, firstly by denying the forces of dissent their most efficient platform and, secondly, by contriving a situation which allowed the presentation of the monarchy, as the hegemony, to the people only in an idealised form. In reality, however, the monarch was as much a target of Walpole’s scheming as was the common man. As far as the King was concerned Walpole’s aim was to create a puppet that was sufficiently large and self-obsessed for its strings, and the manipulations of the government that pulled them, to be hidden. In this Walpole must be considered to have been successful, nor, in fairness, was the government the only such manipulator of the monarchy.

The virtual theatrical void that had occurred following the death of Charles II, because of the lack of patronage of the public theatres by James II, William and Mary, and Queen Anne, had enabled theatre managers to appropriate the traditional Royal Box for hire to the patrons who were willing to pay the highest price. This adaptation of the Tudor ‘State’ had come to be constructed in the centre of the second row of boxes directly facing the centre of the stage and had been enlarged by Charles II to accommodate his mistresses. Those who paid to use this box must have been fully aware of the signals they were giving out.

Although overt criticism of the monarchy and government was effectively silenced in the legitimate theatres by the 1737 Act, satire, albeit in a more refined and subtle form, prospered. Nor could it have

been otherwise. The position was made clear in a report of *The Fall of Public Spirit: A Dramatic Satire, in two Acts* (1757) in which the author, Charles Churchill, affirmed:

When our Satyrist talks of Prime Ministers, and Nobles, and Ladies of Quality, he seems resolved to give no quarter, knowing how much we love to see the great folks roasted: abusing a Lord, and pumping a pick-pocket, are the undisputed prerogatives of a British mob.¹⁵⁶

Just seven years after this was written the enterprise of the satirists was apparent as yet another manifestation of their art came to the stage: *The Lecture on Heads*. This eminently successful flouting of the 1737 Act consisted of a two-hour long satirical monologue delivered by George Alexander Stevens which took place at the Little Haymarket Theatre in 1764. Surrounded by dozens of papier-mâché busts and wig blocks he delivered a deadly satire on popular targets of the day. Religious, political, and notorious local figures - in the popular limelight for perhaps just a few weeks - all fell before his delivery. Similar entertainments: *The Lecture on Hearts*, *The Lecture on No-Heads*, *The Lecture on Tails*, *Krainiographon*, and others, escaped the censor to appear in major and minor London and provincial theatres, taverns, assembly rooms and fairs over the next sixty years, safe from prosecution because they were categorised as Lectures, not entertainments of the stage.¹⁵⁷

Nor did Walpole's Licensing Act stop the great from being the target of satire in other ways. Satire flourished throughout the century and was still very much in evidence in 1827 when Edward Bulwer Lytton wrote *Paul Clifford*, a novel based on the work of law reformers that satirised the Whigs and Tories as swindlers and highwaymen respectively. In this George IV became "Gentleman George":

the noted head of a flash public-house in the country, the best-spoken man in the trade, a very handsome fellow in his youth, but a little too fond of his glass and his bottle to please his father, a staid old gentleman who on Sundays walked about with a bob wig and a gold-headed cane, and who on weekdays was a much better farmer than head of public-house.¹⁵⁸

Other personages parodied in the book were the Duke of Wellington who became Fighting Atty and the Duke of Devonshire who became Batchelor Bill. Even the Athenaeum became the Asinaeum: yet this novel apparently upset nobody. Indeed "So far from offence being taken by the reputed prototypes of the Paul Clifford characters, famous personages hastened to prove their identification with them."¹⁵⁹

But the success of *Paul Clifford* was due to its limited availability: being a novel it was an expensive item, out of reach of the common man. Its humour reached a select readership who revelled in the encoded one-upmanship of being party to an in-joke. But what passed for wit in a select gathering became ridicule more offensive and with an exacerbated sting when exposed to the masses, particularly in a play where “the mob” as a body could laugh at it.

Walpole’s Act did go some way to protect this governing class’s Achilles Heel but he had shut the stable door after the horse had bolted. The rich provincial gentry, particularly those who had achieved civil office but also those who would often have ‘come to town’, had begun to see theatre as a status symbol, an ostentation through which they could emulate their more exalted town confrères. It epitomised the sophistication and culture of the metropolis. Strolling companies of players were much appreciated and regularly visited the more populous provincial centres. By the time George II assumed the throne things had started to change. Bristol had its Jacob’s Well Theatre in 1730¹⁶⁰, Scarborough had a theatre in 1733¹⁶¹ and York had built one by 1736¹⁶². Towns with no purpose-built theatre used function rooms or allowed the erection of the barns for strolling players such as the particularly successful company from Bath who were eagerly received in Hereford in 1729, Stroud Market House in 1732, Wells in 1733 and Marlborough in 1734¹⁶³. However, the move towards permanent theatres, presumably inspired by the news of more theatres opening in town, had also started.

Examining the fortunes of the better-known travelling companies after 1737 it seems obvious that local authorities, virtually autonomous in their power, turned a blind eye to the conditions of the Licensing Act or at least bent the rules to accommodate the players who had a considerable following and were presumably perceived as bringing a breath of fashion and city sophistication to the locale. Theatre was also seen to have other more economic and social benefits. Charles James Fox opined that:

dramatic exhibitions had their use everywhere, and often drew the attention of the common people, and prevented them from wasting their time and money in employment of a much more dangerous and pernicious nature.¹⁶⁴

The move towards civic theatres was a natural outcome. The external grandeur of the Theatre Royal in Bristol, designed in 1764, proclaims its significance for the community. This was but one small

example of a theatre building-boom that was echoed in other towns up and down the country that the Licensing Act proved powerless to check as it formed part of:

the dissemination of metropolitan styles and standards of dress, decor, and deportment [that] was integral to the development of the more homogeneous culture of the eighteenth century English ruling class¹⁶⁵.

Walpole and those who drew up the Licensing Act had also misjudged another aspect of theatre which occasioned rioting in theatres both before and after the Licensing Act came into force and which the Act did nothing to ameliorate - the part theatre played in the lives of those who frequented the galleries of the theatres and reciprocally the role they had in the fortunes of the theatres themselves. Here also Walpole's measures came too late. Britain was the original common law society where custom rather than statute determined the shape and substance of its institutions, in marked contrast to countries with a Civil (Roman) Law system. Although throughout the rest of the eighteenth century theatre managers were hampered by the aristocracy because of their prevailing dominance in Parliament, it was the rank and file of the plebeian audience that they really had to fight and this ultimately shaped theatre into the

As time went by and the second half of the evening's entertainment became the most popular part of the programme managements attempted to capitalise on the vogue with considerable extra expenditure, though to an extent this was self-defeating if only half-price tickets were sold for these additions. The management of Drury Lane finally attempted to stop the half-price policy altogether at the beginning of 1763. This provoked an open letter from an 'Enemy to Imposition' addressed to 'Frequenters of the Theatres' printed on 25th January, the night of the first planned riot against the whole-price only policy. It was distributed "at all public places and coffee-houses"¹⁶⁸ voicing the opposition of the fourth estate:

It is impossible to draw the line, and determine where the imposition will end; nor can any reasonable man take it upon him to insure, that our Lords and Masters will not require Opera prices of the public, when they have fully established the present insult on their forbearance. One way only is left us, to obtain redress, which is, to assemble at the playhouses, and demand, with decency and temper, an explanation of this grievance, which, I am certain, cannot be supported; and owes its establishment to an opinion, that every imposition, not openly opposed, acquires the sanction of prescription. ... N.B. The reason of addressing the town in this manner, is, that all communication with the public, by the channel of News papers, is cut off, through the influence of one of the Theatrical Managers; who has found means to lay that restraint upon the liberty of the Press, which no Minister of State has hitherto been able to effect in this country.¹⁶⁹

The subtext of this letter is very important. Firstly, it illustrates the gulf that was opening up between the opera and the drama that will be discussed more fully later. Secondly, it highlights the invidious position in which the theatre managers now found themselves. They were considered as go-betweens caught betwixt the public and their 'Lords and Masters', the aristocratic patrons of the opera who were the absentee mentors of the legitimate theatre. They also had to pander to the middle classes to keep the tone of theatre at what influential society considered a respectable level. But the people this letter is aimed at clearly considered the theatre to be a public utility from which, by financial manipulation and the censoring of avenues of communication, they were being excluded. The riot resulted in a triumph for the lower-rank patrons, much to the annoyance of those further up the social scale. The "Old Man of the Town", obviously one of the latter, voiced his concerns at the Manager of Drury Lane's unavoidable capitulation in the face of the chagrin of the Mob.

The Manager, when called for, came upon the stage with a full resolution ... Yet they would not hear him speak - a peremptory Yes or No was again demanded ... "Will you, or will you not, admit the public after the third act at half price, to all entertainments, except the first winter of a new pantomime?" Thus instant destruction was threatened [sic] if he did not directly answer in the affirmative - and it was at least five minutes before the manager was permitted to throw in even a monosyllable, because a great part of the audience were against

the rioters, and therefore would not hear the answer - but with great difficulty, he did force out the word Yes, which was received with shouts of triumph.... now the foppish shopkeepers, who get a bit of lace upon their waistcoats and hats, will infest the boxes for their half-crown, and elbow their customers.¹⁷⁰

As a signifying practice, theatre as an institution was beginning to diversify further in people's minds. It is clear that the lower classes (a term that can by this time be used because class demarcation based on economic and cultural criteria was beginning to take place) saw themselves as "the public" and for them theatre consolidated their class-consciousness. Although they saw theatre as a diversion it was one which informed and commented on their place in the social hierarchy.

In many ways theatre was taking over from the great metropolitan fairs: by 1832 Bulwer-Lytton was disparaging the performances at the patent houses comparing them to the Bartholomew Fair entertainments¹⁷¹. Up to this point the major fairs had been seen by the lower ranks as meeting places where ideas were freely exchanged, novelties examined and behavioural norms experimented with. As the mercantile society moved into the industrial age these fairs, whose function in trade and agriculture had diminished, lost ground to theatres as recreational gatherings and by the time that the half-price riots were raging at Drury Lane in 1763 the governing classes had seized the opportunity to curtail what was left of a working class area of debate. They had seen:

in the pleasure fair a clear problem of public order. Eighteenth-century Quarter Sessions records are full of the attempts of magistrates to abolish, restrict and control fairs. In London itself, Tottenham Court fair had been abolished in mid-century, Southwark fair in 1762, May fair in 1764, and the restriction of Bartholomew fair to three days from its former fourteen was finally effectively enforced from about the middle of the eighteenth century.¹⁷²

The Labouring Classes, during the second half of the eighteenth century, could be seen as a new class inasmuch as they were developing a new ethos: their numbers gave them an autonomy over their social values which freed from patriarchal interference were developing from within, rather than being dictated from without, their culture. These social values were formed by their interaction with the social, political and physical environment in which they found themselves. In such a situation, their norms could most forcibly be given credence by denigrating those of other classes to which they could not conform. Theatre was the medium that gave these norms tangible form - a manifestation of anti-establishmentism. The new urban working classes, many of whom had but recently left the patriarchal

rural societies, were no respecters of people of fashion and were quick to ridicule pretentiousness and ostentation in all its forms. Jarrett cites a German visitor to London in 1786 who noted:

the entire audience at the Haymarket theatre made fun of four ladies who entered one of the boxes dressed in fantastic head-dresses, with their faces almost hidden behind vast neckerchiefs and their nosegays sprouting from their bosoms like young trees. After a quarter of an hour of merriment in the auditorium the campaign of ridicule spread to the stage: the action of the play was halted while four actresses appeared dressed in a similarly exaggerated fashion and greeted the ladies with mock salutations. The whole theatre was by now rocking with mirth and finally the would-be leaders of fashion had to leave amidst 'universal ridicule'.¹⁷³

The gradual escalation of prices at Covent Garden as the management sought to reverse the squeezing out of the fashionable by the labouring classes through the use of financial pressure to keep out of the theatre those who considered the upper reaches of the house their own, paradoxically, led to a sustained withdrawal of the regular middle class audience because of the riots the steep price-rises engendered. In 1792 a Pamphlet signed 'Pythagoras' attacked the demise of the One Shilling Gallery in the New Theatre Royal in Covent Garden which was due to re-open after rebuilding. In the original plans for this rebuilding, drawn up by Henry Holland, both two and one shilling galleries were proposed¹⁷⁴ but when building started, the one shilling gallery had disappeared and this had energised the gallery-ites. Pythagoras's pamphlet avers that this was not because of the management's financial hardship but rather "that the old Theatre was erased not to encrease [sic] the quantity of spectators, but to select their quality."¹⁷⁵ What is interesting in this pamphlet is the continuing description of the poorer patrons as the Public to whom, it is inferred, the theatre belongs: "I therefore shall come directly to the question, and ask the Public, Whether this season presents them with a theatre belonging to them?"¹⁷⁶

Only a year previously some of Sir Richard Steele's theatrical pamphlets had been reprinted in an anthology entitled *The Theatre*. The third pamphlet, originally issued in 1720, served to show quite dramatically how the perception of theatre audiences had changed in some people's minds. Although written tongue in cheek, it revealed that an ambivalence had started to present itself as to the stratum of society that was the primary focus and consideration of the stage: "it had long been a cause of great distress to the Actors, to know who were properly the Town, and who not."¹⁷⁷ To remedy this situation he suggested a cross-section of society be identified from whom representatives should be chosen to construct a body of "Auditors of the Drama" to "approve, condemn, or rectify, whatever shall be

exhibited on the English Theatre". This would comprise two Players, one Dramatic Poet, three of the Fair Sex, two Gentlemen of Wit and Pleasure, three substantial Citizens, one Lawyer's Clerk and one Valet-de-chambre, one Journeyman Baker, and one Footman, each of whom represented different seating areas in a theatre¹⁷⁸.

However, by 1792 this view of a typical or even ideal homogeneous theatre audience had been superseded: destroyed by the fragmentation of English society into classes. The recognition by the classes that this fragmentation was taking place, and the need for almost revolutionary action in order to stake claims in society, was evident in Pythagoras's accusation that the new theatre was designed "not to keep pace with the increase of the Public, but with the increase of the wealthy; not to admit more generally, but some more particularly".¹⁷⁹ The terminology is revealing of class attitudes as is the subsequent call to the "Public" to petition both the King and, better still, Parliament for restitution of its rights, especially as the petitions were to be lodged at, "the most convenient taverns through London and Westminster, to be signed"¹⁸⁰. The reason for preferring an appeal to Parliament rather than the King, the person ostensibly responsible for the patent, was the same as the reason for using the taverns as lodgements for the petitions - publicity:

the more the application is made known through the Public, the less chance there is of its being thwarted, or evaded, by those whose private interest it may be, that the Public should not succeed.¹⁸¹

Attempts to block the action were taken seriously. Pythagoras's petition included as a post-script:

several of the Newspapers, in the pay of the Managers, have refused to insert the Advertisement for this Pamphlet ... And the Author pledges himself, that as soon as those recreant Editors can be fairly ascertained, who have thus denied this act of justice to the Public, a List of them shall be given.¹⁸²

Notwithstanding this petition, the one-shilling gallery was not restored before the opening night and this caused a riot. The result was that the two-shilling gallery was quickly partitioned to provide space designated as a temporary one-shilling gallery while a permanent structure was soon added to the fabric of the building. Peace then reigned until the theatre was again burned down in 1808.

When the new Theatre Royal opened in Covent Garden in 1809 social confrontation was overt and although the management created a one-shilling gallery in the auditorium it was much reduced in size and the cost of seats in the Pit was increased. This was fatal! Sixty-seven days of rioting ensued which was reported in a satirical pamphlet entitled:

The Rebellion;
or,
All In The Wrong.
A Serio-Comic Hurly-Burly,
in scenes
as it was performed for two months at the
Dem Theatre Royal Covent Garden,
by His Majesty's Servants,
The Players
and his Liege Subjects
the Public.¹⁸³

This pamphlet reported that this time the management had gone to the extreme of hiring:

Daniel Mendoza, the fighting Jew, ... Dutch Sam, and such other of the pugilistic tribe as would attend ...to assault every person who had the courage to express their disapprobation of the managers' attempt to ram down the New Prices¹⁸⁴.

Now, the Pittites and Galleryites were not to be content solely with the generic title of "The Public". In contrast with the derogatory Germanisation of the name of the theatre they refer to themselves in the pamphlet as the idealised patriot "John Bull". Their contempt is not aimed only at the foreign Royal family and their visitors. Foreign operatic guest artists, particularly Catalani who appeared on this occasion, were also pilloried, partly because they were foreign, partly because they commanded increased fees, and partly because they represented an entertainment that smacked of the aristocracy.

Once again the rioters were triumphant and the management finally reduced the number of Private Boxes and the cost of admission to the Pit. As a signifying practice the theatre was an important focus for the working classes. It provided them with a meeting place, a platform on which they could see their values expressed and a power base, and they were willing to fight to keep it both representative of, and meaningful to, the common man and at a price he could afford.

This again forces us to look at the idea of “signifying practices”. The theatre as far as the management was concerned had now become the ward of government and it was a reciprocal agreement. It was a totally different relationship to the idea of Royal Patronage that existed in much of Europe where the arts were to be seen as extensions of the Royal taste - the fruits of the relationship that was deemed to exist between a being superior through breeding (and therefore concomitantly through aesthetic awareness) and beings superior through talent. The new situation in Britain put theatre in a servile role where it paid for its position. It was almost parasitic. It did not exalt the government but hid behind it. The power of the government allowed the theatre managers their profit and livelihood and allowed them to control their workforce but the price was subservience. What was more problematical was that the system set the managers apart from the public. The theatre could only present what was sanctioned by the government in the Upper House as being suitable, and what was deemed suitable was that which did not offend the government, or, more particularly, its ministers. Authorised theatre, therefore, must then be seen to be a pawn of government allowed only to put forward the party line: it had lost its integrity. Theatre as a signifying force to the government, had become a means of inculcating the values of the ruling elite and so a means of ensuring a docile subservient society.

As far as the managers were concerned a good relationship with members of the government, or those who had influence with them, could bring privilege but not necessarily profit or financial viability; for that one had to court the lower orders who patronised the pit and the galleries. In 1791, for example, a foreign visitor, M. D’Archenholz, remarked that British Actors paid more attention to the galleries than they did to the boxes¹⁸⁵, and opined that this was probably because this part of the house was more overt and vociferous in its reaction to what was being played. He had misread the situation completely. The truth was that actors and managers knew that the plays which received the approbation of the Galleries were those that would keep them in business.

The middle-class audience also looked to the theatre for the consolidation of its norms, but their norms were different from those of the gallery. They were looking for respectability. They wanted to see themselves as people of fashion, to an extent aping the aristocracy whose places they had usurped in the country’s economic order, and they expected to see “fashion” upon the stage although by fashion they often meant novelty. In justification or at least mitigation of the controversial raised prices at theatres

the 'Old Man of the Town', responding to the 'Enemy of Imposition', cited the example of what clothes were by then deemed necessary for the actors:

even dresses that were then thought fine, would be paltry now. You remember Wilks (who was tall and thin) wore a red velvet suit with gold Brandeburghs, which at that time was thought a good stage dress - and now a dumb Lord sitting at a council-board would despise such a suit¹⁸⁶.

Theatre was an early form of conspicuous consumption. Patrons demanded to be seen as individuals but in a body of the audience that would simultaneously denote and reinforce their social class. The days when a Pepys would happily sit in the Pit with tradesmen were gone. Middle-class individualism was expressed through box accommodation but its class-consciousness was expressed in the socialising which took place in the saloons and lobbies adjacent to the seating. These had to be furnished according to the class who occupied them. As a signifying practice this too established and confirmed status.

As far as the governing and upper classes were concerned their gradual desertion of the "legitimate" theatre was a tactical retreat intended to preserve their elitism. This was made necessary by the vastly increased numbers of the labouring and middle classes in the hugely expanded towns and cities of the industrial age who, following the example of the newly restored royalists in 1660, were asserting their rights, presence and culture in various ways but especially through theatre. Such interest as the governing classes had in the legitimate theatre was often financial, as owners or investors. For others there was an element of sexual voyeurism in watching the lower classes at play, while pretty young actresses were still considered fair game. In mid-century for example:

A young gentleman ... went, inflamed with wine, to the Pit ... and climbing over the Spikes on the Stage, very soon made his way to the Green Room. On another occasion, almost fifty of the Party ... rose in the Pit, and ... ran directly to the Green Room.¹⁸⁷

One of the most celebrated affairs was that between the celebrated actress, Mrs Jordan, and the Duke of Clarence, later William IV. This started around 1785 and quickly became common knowledge thanks to tongue-in-cheek press reports like, "Certainly the early attention which his Royal Highness was observed to pay Mrs Jordan, reflects the greatest honour on his critical discernment"¹⁸⁸. This liaison produced nine children, whose royal bastardy was acknowledged by their surname of Fitzclarence. It

endured almost to the actress's suspicious death in Paris in 1816, when, because of the acrimony falling on the Duke as a result of his behaviour both towards and with her, Mrs Jordan was in enforced exile.

For this section of society, theatre provided a totally different signifying practice to that received by the rest of the audience and one can almost see within it a *Droit de Seigneur* mentality. As the audience capacities of the licensed theatres were constantly increased in the search for increased financial viability, the power of the spoken word had to give way to the visual impact of often crass spectacle and novelty which was the only type of stimulus powerful enough to traverse the wide reaches from the stage to the furthest audience members in the new generation of very large theatres¹⁸⁹. The absence of topical debate or stimulating literary argument meant that theatre had little to offer those of a superior education and refined background except titillation of a rather clandestine cross-class kind, which probably made it all the more exciting for its upper-class devotees.

As society formed itself into even more closely-defined, exclusive class power-blocs, theatre managers tried desperately to keep hold of a wide spectrum of lower, middle and upper class audiences by a process of physical segregation within their houses. At the beginning of the eighteenth century the full theatre, exhibiting the whole social range, had been arranged in line with the paternalistic model of early eighteenth century society. The circles of minor and major gentry enclosed and looked down upon the pit, which contained the artisan class, and supported the upper circle of attentive but inferior masses, all of whom had entered by the same door and used the same staircases. At the centre of the auditorium, surmounted by the Royal Crest and facing the stage in the first tier of boxes, was the King's Box. However, by 1714 this model was a thing of the past. Now the Royal Box was at the side of and adjoining the stage. The King, now even more a construct of the state, had become part of the scenery and spectacle, lending his majesty or the symbol of his accommodation to the presentation. Of course managements were quick to capitalise on this in any way they could: "When four Indian kings (from America) were invited to the theatre on 24 April 1710, Swiney advertised that they would sit in the stage boxes in full view of the audience"¹⁹⁰. At times the monarch was actually made part of the ritual on stage:

Last night his Majesty [George I] went to the theatre in Lincoln's Inn Fields to see the entertainment of *Apollo and Daphne*, in which was performed a particular flying ... of a Cupid

descending and presenting to his Majesty a book of the play of *The Country Wife* ... at which piece of machinery the audience seemed much pleased¹⁹¹.

Theatre as a signifying practice was changing drastically. A survey carried out in 1778 showed that “social distinctions required that each portion of the auditorium, with its own class of occupant, should be approached by its own separate entry way and stair”¹⁹². In 1775 the *Public Advertiser* had described the Lobby behind the Front Boxes at Drury Lane as:

well and agreeably contrived, and... now kept clear of servants by an adjoining Room being prepared for their Attendance. This is an elegant improvement. The Passages to this Lobby are also much mended ... the Company are received by three large Arches into a vestibule, or Hall which communicates with the great passage leading to the Boxes¹⁹³.

The performance, which had been emasculated by the Licensing Act, ceased to be the focus of the institution in the legitimate theatres. Instead the fabric of the theatre and the opportunities it gave to reinforce class distinctions and emphasise class demarcation lines was all-important. At Covent Garden the description of the new theatre opened in 1809 demonstrates that the performance was conducted as much in the auditorium as on the stage:

By devoting one entire tier to the nobility and gentry, the proprietors of Covent Garden Theatre could offer to their patrons a box accessible at any time, with an anteroom, when they chose to withdraw for conversation or refreshment; there was besides, a general saloon for the occasional promenade of the privileged orders, and every arrangement made to render a place of entertainment to them as select and private as their own residences - they quitted their boxes by exclusive staircases, and left the theatre from doors equally devoted to themselves¹⁹⁴.

Participants in this social ritual were creating and reinforcing the early to middle nineteenth century model of society. But the paradox remained. Although every effort was made to cater to the ‘refined’ patron, it was the lower classes that called the tune. This did not change with the coming of the Victorian age. The legitimate theatre was controlled by middle class values but its form was dictated by the working classes and lower middle classes that made up the bulk of its audience.

The question remains: why, despite the Licensing Act of 1737, did theatre remain uncontrollable? The answer is that the Licensing Act was narrow in outlook. It was a defensive mechanism designed to protect the King, to protect Walpole, and to protect Walpole’s government. It was not a considered

mechanism for social control: it was instead a hastily conceived strategy for upper-class protection. The theatres it sought to control were already firmly in the hands of middle-class managers whose main aim was financial viability. By removing the central focus of topical debate, the Act hastened the polarisation of class-consciousness, which was in any case a natural corollary to the breakdown of the patriarchal system and the rapid growth of the urban centres.

The Act's great failure inasmuch as it did not fulfil the expectations of many middle and upper class activists was that it did nothing to guide theatre. Popple's previously mentioned exhortations to refine the public taste were ignored and the absence of the influence of the aristocracy from the playhouses left a void in which the theatre, now deemed harmless by the governing classes, was left to find a level at which it could operate which was totally prescribed by its patrons. The real effect of the Licensing Act was to change the theatre as a signifying practice so that it could no longer be all things to all men. The discourse provided in the theatre successfully sought to evade the constrictions the stage laboured under by becoming much more ritualistic, encoded, and specialised vis-à-vis class. The Licensing Act was restrictive rather than prescriptive and its only real outcome was to help drive the governing classes out of the legitimate theatre and so leave it even more firmly in the hands of the middle classes. The governing classes took two routes of exodus - amateur theatricals and opera. The first was a means to avoid the social undesirability of the public auditorium; the second was more a desire to reinvent the ritual which took place on the stage.

Amateur theatricals were a direct result of the denigration and persecution of the acting profession. This persecution had focussed on the social class from which many of its members came which was emphasised by the branding of those who were not employed by patent theatres as 'rogues and vagabonds'. It denigrated not only the actors but also their work. Amateur theatricals were a natural route if one wanted to explore theatre but avoid, by association, the stigma of the professional stage:

...the rage for dramatic entertainments in private families has increased astonishingly; scarce a man of rank but either has or pretends to have his petit theatre, in the decoration of which the utmost taste and care are lavished¹⁹⁵.

This can also be seen to be the first retreat of the aristocracy from the political scene. As their influence in the great towns waned, the spectacle of impersonation by inferiors became untenable and they retreated into a closed society where wealth was the determining factor and where they acted out their norms themselves. The ritual of theatre became protective rather than exploratory but this is not to say that it necessarily became effete:

So important were dilettante theatricals at the height of their vogue that affairs of state were curtailed in order to permit the audience being in time. These audiences were usually carefully selected and an invitation was considered an honour and a privilege¹⁹⁶.

It would be unfair to lay this move entirely at Walpole's door. The governing classes were as a whole on the defensive against the forces of industrialisation and the urban social restructuring that came with it. The retreat provided by amateur theatricals can also be seen as entrenchment in the face of the ridicule or scorn of the rapidly increasing lower classes and their unruly or disrespectful behaviour in the playhouses. Traces of this attitude were still evident in the provincial life of the 1930s. In Luton, a prosperous town with a thriving local industry, one Queenie Bond was part owner of the largest store in the town and a rich and powerful woman. She also became the leading light of the local Amateur Operatic Society. I interviewed her just before her death in 1988 and she explained that before the war:

One never went to the [local] theatre, it was not considered to be respectable, not unless the Amateurs were there of course, that was different. They came from decent families. That's why I joined.

Yet private theatricals could not hope to provide the ritual of socialisation with its mixture of overt and encoded social comment that the other classes enjoyed at Covent Garden or Drury Lane. There was a mid-eighteenth-century move to build a Private theatre:

To endeavour to obtain on a small scale, and for a very select and limited number of Subscribers, and their Families and Friends, a Theatrical entertainment, three Evenings a week ... In the most central part that can be obtained of Marybone [sic] or St George's Parish ... The part for Company, to consist of a Saloon, fitted up with sofas, and calculated to hold conveniently 500 Persons; and of 70 Boxes, of different sizes, and two tiers, containing also 500 Persons¹⁹⁷.

But this came to nothing. Selectivity of venue and performance was, however, provided for by the opera at The King's Theatre in the Haymarket. This theatre built by the Kit-Catters in 1705 to enable the cultured Betterton to provide a viable competition to the odious Rich at Drury Lane was discussed fully earlier in this chapter. By 1709 Rich's career was over and those holding the patent for Drury Lane had the ear of the Lord Chamberlain who legislated on their behalf that Drury Lane was to hold its patent for the drama and the Queen's Theatre was to hold the patent for music and dancing. Drury Lane considered it had the best of the bargain because opera was expensive in scenery and artists.

The taste for opera was, however, increasing among the upper classes partly because of its international aura and the bizarre spectacle of the castrati who commanded huge fees, and partly because of the metaphors of the works themselves which explored classical and ruling class themes using sumptuous decor which reflected and glorified the audience's perception of itself. What secured the future of opera was paradoxically its expense. The price of a seat was four times that at the playhouse¹⁹⁸. The die had been cast thirty years before the Licensing Act when subscriptions were offered from 1708 with the arrival of Nicolini, a castrato, the first of the great Italian singers to be brought over to the country:

The season was a financial success largely because Swiney raised the prices upon Nicolini's debut to half a guinea for pit and boxes, a price that excluded all but the very rich from the better seats and established opera as the plaything of the nobility¹⁹⁹.

Once the opera's fashionable aristocratic pedigree had been established the entertainment was aimed primarily at the higher reaches of society. The future had been secured when the Royal Academy of Music was founded in 1719. This short-lived institution (not connected with the present R.A.M.) was essentially a consortium of noblemen who guaranteed the expenses of producing opera at the King's Theatre. Later an annual gift of £2000 from George II augmented these funds. But this was no great quest for respectability on the part of the governing classes. Masquerades, another source of revenue on nights when the theatre was dark sometimes going on to seven the next morning, were also "always the Confusion, and very commonly, the Ruin of Ladies of the First Quality, and of all young Women whatsoever of good Condition and Fortune in the World"²⁰⁰.

When the Licensing Act of 1737 had deprived theatre of its topicality and intellectualism, the governing classes, who closed ranks in much the same way as the other classes through the eighteenth century, gravitated towards the opera because it had a veneer of international culture and so linked the audience with their European confrères which mitigated against their perceived isolation as a class. It also reinforced class-solidarity as it promised a select, consensual audience and provided a milieu where issues like matters of taste, were discussed. This theatre presented a united body of the finest in the land in a ritual of self-glorification that echoed the sumptuousness of the presentations on the stage. According to the contemporary comments of the Earl of Mount-Edgewcombe, the Pit and boxes:

were filled exclusively with the highest classes of Society, all, without exception, in the full dress then universally worn. The audiences thus assembled were considered as indisputably presenting a finer spectacle than any other theatre in Europe, and absolutely astonished the foreign performers to whom such a sight was entirely new²⁰¹.

But this desertion of the legitimate theatre was not just an upper-class syndrome. Many of the labouring classes had also drifted away from the middle-class dominated theatre with its predominantly safe, respectable entertainment. One of their new centres of entertainment became the tavern. Foss details the Castle in Paternoster Row, the Swan in Cornhill, the Globe, and the Greyhound, in Fleet St, and the Devil Tavern at Temple Bar as:

grand examples of the working man's 'chant-club' ... which met in local and unrecorded taverns throughout London ... [where] the taste for novelty and knockabout variety seen in the contemporary theatre was also felt in the musical offerings.²⁰²

Over the next century such tavern entertainments were to develop, safe from the watchful eye of authority, into a major provider of encoded working-class entertainment in every way as condemnatory of middle and upper class attitudes and behaviour as Fielding had been of his contemporary ruling class scene.

Notes

- ¹ See H.T. Dickinson (1977), 1979 ed. p.96.
- ² *A History of English Drama 1660-1900* (1952 ed.), Vol. I. p.151.
- ³ Mingay (1963), Pp.28-29 & 47.
- ⁴ Cibber (1740), p.8.
- ⁵ See Nicoll, op.cit. Vol. II. p.8.
- ⁶ Thomas D. (1990), p.63.
- ⁷ Cited in Langford (1991), p.478.
- ⁸ See Foss (1971), 1981 ed. Pp.163-4.
- ⁹ Ibid. p.54.
- ¹⁰ Dickinson, op.cit. p.66.
- ¹¹ Ibid. p.52.
- ¹² Ibid. p.86.
- ¹³ Foss, op.cit. p.162.
- ¹⁴ Cited in Hughes (1971), p.170.
- ¹⁵ *Fable of the Bees* (1723), p.212
- ¹⁶ Foss, op.cit. p.163.
- ¹⁷ See Himmelfarb (1984), 1985 ed. p.27.
- ¹⁸ Nalbach (1972), p.11.
- ¹⁹ Cibber (1740), op.cit. p.135.
- ²⁰ Ibid. p.136. Cibber would seem to have forgotten the pandemoniums of previous years created by the fops and beaux of 'refined' society who wished to draw attention to their presence. Lee was but one writer to deplore the behaviour of the beaux in the audience.
- One half o' the play they spend in noise and brawl,
Sleep out the rest, then wake and damn it all.
(cited in Nicoll, op.cit. Vol.I p.15)
- ²¹ Cited in Rock: 'Law, Order and Power in Late Seventeenth- and Early Eighteenth-century England', in Cohen and Scull (eds.) *Social Control and the State* p.191.
- ²² Steele (1720), reproduced in Blanchard (ed. 1944), p.607.
- ²³ Matthews (ed.1939), passim.
- ²⁴ Foss, op.cit. p.146.
- ²⁵ Allen, cited in Nicoll op.cit. Vol. II p.412.
- ²⁶ See Foss, op.cit. Pp.146,151.
- ²⁷ Prior (1700), cited ibid. p.148.
- ²⁸ Ibid.
- ²⁹ Leslie, Rehearsal No.41 cited ibid.
- ³⁰ Cited in R. Allen: 'The Kit-Cat Club and the Theatre', in *Review of English Studies* Vol. VII (1931) p.57.
- ³¹ Ibid. p.59.
- ³² Cibber, op.cit. p.182.
- ³³ Gatty (1921), Vol.II. p.69.
- ³⁴ Op.cit. p.164.
- ³⁵ Wheatley (1891), Vol. I. p.164.
- ³⁶ *Daily Post*, 12th July, 1725.
- ³⁷ Cibber, op.cit. p.182.
- ³⁸ Cibber, op.cit. Pp.181-182.
- ³⁹ Nalbach, op.cit. p.24.
- ⁴⁰ 14.12.1704. See Public Record Office: LC/5-154, p.35.
- ⁴¹ Nalbach, op.cit. p.7.
- ⁴² Allan, *Review of English Studies* Vol. VII, op.cit. p.60.
- ⁴³ Nettleton and Case (ed.1939), p.263.
- ⁴⁴ Ibid. p.307.
- ⁴⁵ Thompson cited in Neale (1981), p.84.
- ⁴⁶ Morley (1859), 1973 ed. p.349.
- ⁴⁷ Ward (1699), cited Ibid, p.340.
- ⁴⁸ Broadside (1679), cited in Morley, op.cit. p.248.
- ⁴⁹ Morley, op.cit. p.iii.
- ⁵⁰ Ibid. p.252.
- ⁵¹ Rosenfeld (1960), Pp. 1-4.
- ⁵² Ibid.
- ⁵³ Royal Proclamation of 1672, cited in Harris (1987), p.28.
- ⁵⁴ Cited ibid. p.29
- ⁵⁵ Nov.1672. Public Record Office. L.C. 5/140, p.129, cited in Speaight (1955), p.76.
- ⁵⁶ Miller (1991), p.297.
- ⁵⁷ Nicoll, op.cit. Vol.I p.79.
- ⁵⁸ Harris, op.cit. Pp.17,25.
- ⁵⁹ The House of Lords Journals, Vol. XIV, 1691.
- ⁶⁰ Foss, op.cit. Pp.102-104.
- ⁶¹ Ibid.
- ⁶² Collier followed his *A Short View by A Defence of the Short View* (1699), *A Second Defence of the Short View* (1700), *Mr. Collier's Dissuasive from the Playhouse* (1703), and *A Farther Vindication of the Short View* (1708).
- ⁶³ *A Short View* (1698), p.1.

- ⁶⁴ Cited in Nicoll, *op.cit.* Vol II p.87.
- ⁶⁵ Reed (1983), 1984 ed. p.96.
- ⁶⁶ Carswell (1973), p.69.
- ⁶⁷ *Ibid.*
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- ⁷⁰ Lamoine (ed. 1992), p.106-7.
- ⁷¹ *Ibid.* p.95.
- ⁷² Mingay, *op.cit.* p.102.
- ⁷³ Milhous (1979), p.78.
- ⁷⁴ Cheryl Wanko, 'Mary Morein: Drury Lane Actress and Fair Performer'; *Theatre Survey* Vol.32 No.1, (1991).
- ⁷⁵ Morley, *op. cit.* p.367.
- ⁷⁶ Addison, cited by Rock, in Cohen and Scull, *op.cit.* p.207.
- ⁷⁷ See Neale, *op.cit.* p.84.
- ⁷⁸ Reed, *op.cit.* p.31.
- ⁷⁹ Miles D., 'A Forgotten Hit: The Non-Juror'; *Studies in Philology*, Vol. XVI p.77.
- ⁸⁰ Langford, *op.cit.* p.131-2.
- ⁸¹ British Library Add. MS. 35,875, Leaf 326r.
- ⁸² *Ibid.* leaves 325v/326r.
- ⁸³ *Lord Hervey*, ed. Sedgwick, London (1931), Vol.II, p.569.
- ⁸⁴ *Ibid.* Pp.597-609.
- ⁸⁵ Gilmour (1992), p.81.
- ⁸⁶ Robert Walpole to Horace Walpole, cited in Hansard: Parliamentary History of England, Vol. IX, Pp.1283-1286.
"These lower sorts of Jacobites are very industrious, and taking advantage of everything that offers, to raise tumult and disorder among the people."
- ⁸⁷ Charles Howard to Lord Carlisle 24th May, 1737. cited in Liesenfeld, *op.cit.* p.23.
- ⁸⁸ Chesterfield (1737), in Hansard: Parliamentary History of England, Vol. X, p.331.
- ⁸⁹ *Ibid.*
- ⁹⁰ *Ibid.* 329.
- ⁹¹ *Ibid.* 327.
- ⁹² Hansard: Parliamentary History of England, Vol. IX p.946.
- ⁹³ 12 Anne 2, ch.23: "an Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants, into One Act of Parliament".
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- ⁹⁵ Coxe, *Memoirs of Sir Robert Walpole* cited in Hansard: Parliamentary History of England, Vol. X p.327.
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- ⁹⁷ Coxe, *Memoirs of Sir Robert Walpole* cited in Hansard: Parliamentary History of England, Vol. X p.327.
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- ¹⁰⁵ Thomas, *op.cit.* p.133.
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- ¹¹² Langford, *op.cit.* p.464.
- ¹¹³ Yorke, cited by Owen, in Whiteman, Bromley, and Dickson, *op.cit.* p.115.
- ¹¹⁴ Cited by Yorke, *ibid.*
- ¹¹⁵ Hervey (ed. Sedgewick 1931), *Memoirs II*, p.643.
- ¹¹⁶ Egmont, *Diary II*, HMSO (1923), p.339.
- ¹¹⁷ Hansard: Parliamentary History of England, Vol. X p.341
- ¹¹⁸ Aaron Hill, The Prompter 22nd April, 1735.
- ¹¹⁹ The Country Correspondent No.1 (1739), pp.18-19.
- ¹²⁰ Select Committee of 1832, Minutes of Evidence, Qs.132, 350,550.
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- ¹²² Hawkins Sir J., *The Life of Samuel Johnson LL.D.* (1787) p.73.
- ¹²³ *Ibid.* p.74.
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- ¹²⁵ Letter in support of Barnard's Bill cited in Hansard: Parliamentary History of England, Vol. IX p. 947.
- ¹²⁶ The Prompter, 21st March 1735, Pp.40-42.
- ¹²⁷ Cited in Hotson, *op.cit.* p.246.
- ¹²⁸ Cited in Liesenfeld, *op.cit.* p.32.
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- ¹³⁰ Carswell, *op.cit.* p.78.
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- ²⁰¹ Earl of Mount-Edgcumbe, cited *ibid*. p.65.
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**CHAPTER IV: THE DISORDERLY HOUSES ACT (1751),
THE THEATRICAL REPRESENTATIONS ACT (1788),
THE SADLER'S WELLS BILL (1788) AND THE INTERLUDES
BILL (1788).**

The enactment of the two pieces of major theatre legislation examined so far, the Theatre Patents of the Restoration and the Licensing Act of 1737, can be attributed to individuals assuming, almost unbidden, the role of spokesmen for a particular interest or power group within society because of an imperilled vested interest. Both were restrictive in their desire to control the medium. Neither succeeded. The aristocratic interest evaporated first: the abrogation of control of theatre on the part of the government took longer. It was set in motion by a triennial statute of 25 Geo. II c.36, The Disorderly Houses Act (1751), which was renewed and made perpetual in 1755 by 28 Geo. II. c.19, and hastened by the passage through Parliament of the Act and the Bills of 1788 which are the subject of this chapter.

Section i: initiatives to promote theatre.

The Disorderly Houses Act, by giving magistrates the authority to license theatrical entertainments within a twenty mile radius of the metropolis, sought to construct a measure of control over audiences at places of amusement and made managers of such resorts accountable both for the entertainment they provided and the behaviour of their patrons. It was a piece of legislation that is of fundamental importance to any assessment of the mid eighteenth-century theatre scene and the changing attitude of government towards it. It set the tone for the theatre legislation and governmental attitudes for the next one and a half centuries and in many ways was the most crucially important piece of theatre legislation to have been passed during the parameters of this study. Yet it seems to have been cursorily passed over by most social or theatre historians as being of little or no interest or at least limited in scope. Nothing could be further from the truth: it opened floodgates, not wholly by effect necessarily but most certainly by inference. The development of theatre from 1750 onwards, indeed the whole entertainment scene today, makes much more sense once one has carefully examined the Disorderly Houses Act. Although some commentators¹ locate the primary focus of this Act to be the control of the theatre at Sadler's Wells this is a dangerously narrow reading of the legislation suggesting more a retrospective

appreciation of the notoriety and intermittent influence of the Wells throughout the seventeenth, eighteenth and nineteenth centuries, and its prominence in legislative initiatives of the 1780s, than an analysis of the stipulations of the Act itself or the debates it engendered. When the Disorderly Houses Bill reached the House of Lords, far from limiting the discussion to one particular theatre within the environs of the two great cities of the metropolis, the Lords were all for amending the Bill to apply it nationally. This amendment was not accepted only because of in-fighting between the two Houses over who should initiate legislation that carried penalties that impinged upon the purse of the subject².

The 1751 Act was a major piece of legislation made necessary by the proliferation of “the Multitude of Places of Entertainment for the lower sort of People”. The government, for the first time, did not seek to restrain the proliferation of these places but sought instead to minimise the anti-social feelings and activities they could foster. This could imply that the government had realised they could not stop the spread of places of entertainment which could take the form of “any House, Room, Garden or other Place” so decided to cut its losses and try to exert some control over the behaviour of those whom such centres of entertainment attracted. An analysis of events contemporary with the framing of the Act, however, indicates more that the authorities did not wish to restrict the growth of such places. The facts tend to indicate that the government were aware of an embryonic class-consciousness and wanted to use places of entertainment as a means to concentrate and contain their audiences to prevent them combining in more volatile circumstances.

In 1737, despite the paranoia of Walpole, theatre in Britain had not in reality been subversive because of the broad social base of its audience. By 1751, however, the atomisation of theatre, a corollary of the Licensing Act, had forced class-based models of theatre to develop and these commented on and made fun of those outside their own caste. But they were still in no way revolutionary. The satire that took place was class-encoded and veiled. It served more to reinforce and validate the class-consciousness of the society that laughed at it, than to bring down those who were being laughed at. The Lord Chamberlain’s power as the national censor would seem to have drawn the teeth of the stage. Measured against what was going on outside, the censure coming from theatres was unimportant. The Disorderly Houses Act sought to ensure that auditoriums of any form were as ineffective as the playhouses as arenas of subversion by making the proper licensing of centres of entertainment within a

twenty-mile radius of the cities of London and Westminster mandatory. The onus for this registration and the responsibility for the good conduct of the patrons now fell upon the person managing the house, whether or not he was the actual owner. It seems clear that the managers were held to ransom in the belief that their own financial interests were a more powerful incentive than any concern they might have for drama, the actors, or their customers, particularly any of the criminal fraternity.

Much more nuisance, if not actual danger, was now being caused by literature not intended for the stage. The publication of the satire, *Manners*, caused a furore in the House of Lords on Monday Feb. 12th 1739,³ which resulted in a move to imprison the author, Paul Whitehead. When he could not be traced, the Lords moved to imprison the publisher, R. Dodsley, in his place. This prompted a fierce debate in the House that resulted in no action being taken against either author or publisher but recommended instead that those who had been offended should take their case to the “inferior courts of justice”. Of course this never happened, presumably because of the indignity that the plaintiffs would have suffered in trying to absolve themselves from the criticisms levelled against them. The debate did however not only silence Whitehead, it also toned down the vitriol being penned by other, more famous and well-regarded writers. Indeed some contemporaries saw the whole furore as a ploy to intimidate Pope, who thereafter became “willing to wound and yet afraid to strike”, rather than a deliberation on the punishment of the much less influential Whitehead⁴.

By 1745 the government was even becoming frightened of the truth in the shape of published accounts of Parliamentary Debates. Obviously there was a case to be made that in the wrong hands they were capable of any manner of misrepresentation and it is equally obvious that with the growth of the commercial society a detailed knowledge of Parliamentary proceedings could be very valuable. More people by this time had a vested interest in the way the country was run because their financial interests were on the line and they wanted to know what was going on in Parliament that might further or impede them. Similarly there was an increasing number whose interests would be best served by manipulating or being selective with the facts so as to present a case biased in their favour.

The problem was not new. It had surfaced before the 1737 Licensing Act was added to the statutes when intense interest was centred on parliamentary proceedings, possibly because of the South Sea

Bubble fiasco. Similar, less financially catastrophic, dubious, government initiatives were also widely debated in the press and explored on the stage. Parliament reacted to this unhealthy interest by moving against the press. On February 26th 1728 the *Journal of the House of Commons* recorded that parliamentary debates were not to be published and on March 3rd the government proceeded against one John Stanly for doing so⁵.

In 1737, Chesterfield, in his speech against the Licensing Bill, suggested that it could be seen as a front: a precursor to further press restraints⁶. Contemporary observers record that the main reason why this development did not actually take place was because of Chesterfield's perspicacity and the vehemence with which he denounced such subterfuge⁷. Nevertheless the Stanly affair in 1728 had established a legal precedent and when on 26th of February and 5th March 1745 a Caesar Ward published accounts of Parliamentary proceedings in the *York Courant* his protestations of ignorance of the law were ignored and he was quickly brought to book. On April 5th 1745 he was reprimanded on his knees for his folly⁸.

Within six years another broadside was aimed against the Monarchy and government in the shape of a published paper entitled *Constitutional Queries, earnestly recommended to the serious consideration of every true Briton*. The Duke of Marlborough brought this to the attention of the House of Lords on January 22nd 1751. He had been disturbed by the way it had been disseminated "with uncommon industry to conspicuous citizens through the penny post and the coffee house network of the two cities of London and Westminster". He saw its purpose as being "to poison the minds of his majesty's subjects, and to raise and foment disaffection amongst them"⁹. Although a reward was offered for information leading to the unmasking of the anonymous author of this paper, and a warrant issued for his arrest, he was never found. However, both Lords and Commons condemned the publication, which was critical of the Royal Family, as a:

false, malicious, scandalous, infamous, and seditious libel, containing the most presumptuous and wicked insinuations, that our laws, liberties, and properties, and the excellent constitution of his kingdom, are in danger under his majesty's mild and gracious government, with intent to instil groundless suspicions and jealousies into the minds of his majesty's good subjects, and to alienate their affections from his majesty and his royal family¹⁰.

The shifting pre-occupations of the government are revealing. In 1739, the report of the Whitehead affair was couched in terms of reference which showed, primarily, a Walpolean concern for the “order and dignity” of those who sat in the House of Lords¹¹. Whitehead’s satire had been no isolated publication. Those in the Upper House were feeling unsettled and insecure and Lord Lovel voiced a common concern and indeed put forward a commonly perceived remedy to protect their august position in society when he told the Lords, “Libels of this kind are now grown so common and appear with so much impunity attending the authors, that they require an immediate check from the legislature”¹².

By 1751 however, when the Constitutional Queries affair was brought up in Parliament it was “the laws, liberties, properties, and the excellent constitution of... [the] kingdom” that concerned the government. The Lords had come to recognise that their place in the hierarchy rested not on individual reputation but on their efficiency as a class to maintain an ordered and orderly system and to perpetuate the equilibrium of the status quo.

This realisation is apparent in the opening two sentences of the Disorderly Houses Act. The first (later repealed by 30 & 31 Vict c.59) outlawed the contemporary practice of advertising a reward for the return of stolen property with no questions asked. This made a mockery of the legal system as it ridiculed and demeaned the rich and was proving to be an easy source of money, and indeed a power base, for the unscrupulous poor. The second sentence recognised that many transactions and plans were no doubt hatched in the places of entertainment to which the poor gravitated as, together with common alehouses, these were their primary arena of combination.

This Act, therefore, must be regarded in the wider context of the social concerns of the government and it is surely no accident that it was drawn up in the same year that Henry Fielding wrote *An Inquiry into the cause of the late Increase in Robbers*, part of which syndrome was put down to the obvious ease criminals had in profitably disposing of their loot. The creation of the Bow Street Runners in 1749 was a move to establish a national Police Force to avoid the social dynamite of resorting to the military, or worse the militia, in times of social upheaval. Of particular interest to this study is the fact that the creation of this new peace-keeping force enabled sentences two, five and six of the Disorderly Houses Act, which empowered and required Constables or “any other person, being thereunto authorised by

warrant” to enter places of entertainment and apprehend miscreants, to be a major powerful innovation. The initiative was consolidated by Act of Parliament in 1757. Previous legislation like the Riot Act (1715) and 7 Geo.I. c.13. which forbade labour combinations had sought to disperse or prevent potentially dangerous combinations of the poor. Now they were to be infiltrated. The fact that during most of the eighteenth century the Bow Street Runners were as corrupt as the people they pursued and arrested¹³ is hinted at in sentence seven of the Disorderly Houses Act in which penalties are laid down for constables or other officers who did not carry out their duties.

The changing government perspective away from itself and towards the disruptive labouring-poor does not necessarily look towards a greater social awareness conscience. It was more an awareness of the inherent danger to the government in anything which might “foment disaffection” among the populace, a concern voiced by the Duke of Marlborough when he brought *Constitutional Queries* to the notice of the government (see above). It was an acceptance of a new perception of the fragility of power that Lord Carteret had put to the House of Lords on Feb 10th 1737 in the “Debate on the late Riots” occasioned primarily by cheap Irish labour in Spitalfields, the Turnpike Act and the Gin Act:

Though none of the Riots or Tumults that have lately happened in this kingdom, seem to have been aimed directly against the government, yet, my Lords ... it is the business of every government to preserve the peace and quiet of the people ... if we consider how often governments have been overturned by tumults which at first seemed insignificant ... we must conclude, that not only our government, but our present establishment, and even our happy constitution, are concerned in the riots which have lately happened in several parts of this kingdom¹⁴.

The government had two tools at their disposal, both present themselves in the Disorderly Houses Act.

The first tool was a code of criminal law whose mandates were often “reinterpreted” by judges and juries to benefit minor transgressors and whose main aim “was not one hundred per cent effectiveness in punishment or control of crime” but rather “the deference of the lower orders”¹⁵. (This code was known as the Bloody Code. It increased the number of capital offences by just over three hundred per cent between 1688 and 1765, one a year being added on average during the reign of George II, and these were just for offences resulting in a mandatory capital sentence, other offences where a capital sentence could be passed increased the provision of possible capital offences by a factor of four¹⁶).

The second tool was the provision of entertainment, stripped of dangerous anti-government excesses by censorship, to those most disposed to riot so as to occupy them in a way that was less harmful to genteel society. Two major occurrences which immediately preceded the drawing up of the Disorderly Houses Bill would have convinced the ruling elite that action was necessary. In December 1745 the Whig government realised that when Charles Edward Stuart stood with his troops at Derby, had it come to a battle for London the government would not have had the support of the lower orders¹⁷. Secondly, in 1749, a new aspect of rioting appeared in London in the shape of the Strand Riots which were not in any way aimed at the government but which nevertheless posed a threat to the stability of life as it was enjoyed by eighteenth-century polite society.

The Strand Riots were contained within the ranks of those upon whom the Disorderly Houses Act specifically focussed. A sailor returning from the War of Austrian Succession visited a brothel in the Strand where his end-of-service gratuity was stolen. The furious sailor gathered a group of his comrades about him and ransacked the brothel. The disturbance, fuelled by righteous indignation, proved intoxicating and soon four hundred sailors were busily attacking brothels within the area. Eventually the military, in a massive use of overkill, were summoned to disperse them. A servant, Bosavern Penlez, the son of a clergyman, was found in possession of some of the spoils of the conflict. The authorities, to justify their behaviour, used this flimsy evidence to promote the riot as a major disturbance on the part of the public at large and Henry Fielding had Penlez committed to Newgate pending trial. Although no further disturbance ensued, apart from a demonstration along the route Penlez travelled to Newgate, a mob of rioters up to four thousand strong were rumoured to be gathering at Tower Hill ready to march on London occasioning Fielding to assemble all the troops at his disposal to protect the city. Using the Bloody Code's capital charge of burglary, Penlez was executed, much to the disgust of many contemporary observers who saw Penlez as a scapegoat for the authorities' mismanagement of the affair¹⁸. What better way to prevent a recurrence of this type of situation than by enabling places where such people could congregate in a less volatile atmosphere, under more highly organised, controlled conditions, and under the watchful eyes of their peers?

The importance of the Disorderly Houses Act then is clear. Governing stratum contemporaries, faced with an infectious ridicule and opposition from the press, or with a virulent disregard which often manifested itself as insurrection, perceived censored theatre as a relatively harmless outlet for the people. It kept the masses happy, restricted their sphere of influence and not only contained them but occupied them with sanitised, safe, humour and recreation. For the first time theatre was seen to have a place within society and a function beyond that of an enabler for the art of dramatic literature. It had become an agent for social control.

Why else would the government actively promote legalised centres of social intercourse in the shape of places of entertainment when they were equally zealously putting the pressure on the other great arena of combination of the working man, the alehouse? An Act, 24 Geo.II. c.40 (1751), added to the statutes just before the Disorderly Houses Act, increased the duties on drink and the fees for licensing premises. Any evasion of the stipulations of the Act brought closure for six months, seizure of stock, and the possibility of authorised persons forcing an entrance at any time during the six months to check that no spirituous liquor was on the premises. For a second offence the penalty was incarceration in a House of Correction with hard labour for three months. A third offence brought transportation. Two years later, another Act, 26 Geo.II. c.31, stipulated even more draconian conditions attendant upon the granting and maintaining of a licence for Public Houses. The cost of the licence was increased and a new penalty of confiscation of goods was created for defaulters whose property was to be sold and the proceeds split between the informant of the offence and the Overseer of the Poor. In the face of such harsh legislation the only conclusion one can come to is that the alehouses were being persecuted whereas the places of public entertainment were approved of.

But of course, entertainment or no, the primary task of the labouring stratum was to labour and in the Disorderly Houses Act the government bemoaned the "Habit of Idleness, which is become too general over the whole Kingdom". This is a perception which must be treated carefully. The facts indicate that the lower stratum were being criticised not because they actually had become more indolent but because they had not accepted the more stringent work ethic of the mercantile classes that increasingly controlled Parliament. Nevertheless it was a concern that was slow to change. A quarter of a century later, when the House of Lords was debating a Bill to enable George III to license a theatre in

Manchester, the Archbishop of Canterbury pronounced himself against the Bill because theatres “tend to create idleness, and all the train of evils idleness is known to be productive of, among those who are destined to live by labour and industry”¹⁹. He cited the example of a Mr. Taylor in the “great trading town of Birmingham” whose works he examined:

I enquired how many men he employed; he answered 500. And where are they? Is this a holiday? No, says he, but we have a play-house here; the men were at the play last night, and it is impossible to get them to their business for two or three days after they have been there²⁰.

Viscount Dudley was quick to shoot this argument down in flames later in the debate:

I knew Mr. Taylor, the person his grace speaks of; and can hardly think he could have ever amassed the very immense riches he did, unless his men, as well in times of theatric exhibitions as at other seasons, were more amenable to their master’s orders, and attended more constantly to their work²¹.

Although Manchester got its first Patent theatre in 1775 there was a widespread fear that developed from the middle of the century that a spirit of indolence was becoming more prevalent within the labouring classes because of their exposure to theatre that was addressed in the Disorderly Houses Act. The newly-licensed places of working class entertainment were forbidden to open before five o’clock in the evening and the power of licensing was put in the hands of the Justices, at least four of whose signatures were needed on each licensing document. It was presumably felt that local legislators would be more aware of the needs of the area under their jurisdiction than a centralised body and also more in tune with the temper of the indigenous population and able to react more quickly to abuse of the privilege, or any situation that could affect the local economy, and restrict licences accordingly.

Within a few years of the Disorderly Houses Act the House of Lords was in an uproar over a “Spurious Paper sold as the King’s Speech”. This document published on December 2nd 1756 as a record of George II’s speech to both Houses of Parliament earlier that day was a forgery that was condemned by the Lords as “tending to poison the minds of the people, and to create and foment jealousies and animosities amongst his majesty’s good subjects”²².

The terms of reference used here are strikingly similar to the Duke of Marlborough's denunciation of *Constitutional Queries*. The same concerns with civil unrest are expressed although in noticeably stronger terms, 'disaffection' has become 'jealousies and animosities'. This points strongly to the fact that the government had recognised a growing ethos of conflict amongst the population based on perceived levels of opportunity which, of course, varied according to rank. To attempt to falsify the approbation and directives of the monarch was obviously an audacious and dangerous development.

The publisher, John Howe, was never found but this time the author, a bookseller, George King, was discovered, humiliated, fined and imprisoned. Two documents which in themselves indicate how widespread was the disregard and abuse of Parliament by the common man and the concern this caused the government were cited in the trial. The first was a Report of Precedents concerning the punishments inflicted for any breach of Parliamentary privilege or contempt of Parliament compiled by a committee in 1724, four years before the Journal of the House of Lords had formally prohibited the publishing of Parliamentary proceedings. The second was a report of the proceedings against one David Home who had, in 1754, been found guilty of forging, publishing and selling written protections.

Just six years later a similar controversy from within its own ranks rocked the Government. John Wilkes, the Member of Parliament for Aylesbury, had established a weekly newspaper, *The North Briton*, as a vehicle through which to criticise George III. Issue No.45, published in April 1763, struck home with particular force and was condemned in Parliament as:

a false, scandalous, and seditious libel, containing expressions of the most unexampled insolence and contumely towards his Majesty, the grossest aspersions upon both Houses of Parliament, and the most audacious defiance of the authority of the legislature; and most manifestly tending to alienate the affections of the people from his Majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traitorous insurrections against his Majesty's government²³.

Here the government were really laying their cards on the table and revealing their darkest thoughts: an obvious fear of revolution was in the air.

As one of Wilkes' favourite targets had been the Earl of Bute who became Prime Minister in 1762, the vilification of Wilkes has to be treated with circumspection and there is no doubt that contemporary

observers did so though the government reacted with what could be seen as excessive zeal. Parliament, ignoring the Rights of the Commons of England and Parliamentary Privilege, had Wilkes' house broken into and searched. He himself was consigned to the Tower of London by a general, un-named warrant, held incommunicado for three days, and only released six days later by order of the Court of Common Pleas who judged that the government's action was contravening the privilege of the House²⁴. An order for the issue of the *North Briton* to be publicly burned by the hangman was implemented causing riots and the shouting of abuse from the windows of coffee houses as the procession made its way to the ceremonial burning²⁵. Wilkes, after much deliberation, was expelled from Parliament²⁶ although this proved a temporary measure as four years later he was back in the House of Commons. It is tempting to put much of the anti-Wilkes movement down to spite and personal animosity but there was nevertheless a very real fear of general insurrection that Wilkes, a member of their own caste, who of course would have dangerous inside knowledge that he could use to his advantage, appeared to be fuelling. Their perception of the threat to the contemporary conclave of Parliament was accurate.

Two major debates figure in Volume XVII of *The Parliamentary History of England*; the first, in 1771, was concerned with the printing of parliamentary debates and spanned 105 columns; the second, a debate on a Bill to establish the right of booksellers' copyright, took place in 1774 and spanned 37 columns. Obviously in the last quarter of the eighteenth century there was an increasing pre-occupation on the part of both the government and the country with the question of the dissemination of information. The press had taken over from the stage as the centre of controversy and primary arena of topical debate. The furore engendered by Wilkes and his *North Briton* forced the government to finally concede the right of the press to report on parliamentary debates: thus Wilkes can be seen to have finally destroyed part of the hidden agenda of the Licensing Act that Lord Chesterfield warned against in 1737.

The booksellers, who superficially appeared to have had a much more limited horizon, were not so fortunate. The government, still smarting from the debacle over the freedom of the press, saw the booksellers as another, perhaps more insidious, threat to their authority and sensed a conspiracy that could lead to an even greater accountability. A newspaper was an ephemeral nuisance: a published book was a totally different threat. A monopoly in this sphere was even more dangerous. In the House

of Commons, Sir John Dalrymple was for giving booksellers no quarter in their quest for the right of copyright over the manuscripts they purchased from authors. He saw the booksellers as in league with:

... those infamous news-papers which had traduced the sovereign and abused the members of each house of parliament they entirely governed the newspapers; and that after having in the most bare-faced and scandalous manner abused every gentleman present, ... after having vented every calumny which impudence and ignorance could give birth to, he said, they came now and asked favour from the very objects of their abuse²⁷.

In fact it was not booksellers per se that the Government was targeting as it was only the major London houses that were pursuing their case through Parliament. The country and Scottish booksellers actually petitioned against the Bill because it would have created a monopoly for the London bookselling houses who made sure they would be the only ones who secured the major sales of books which took place in London. Mr Dempster, the Provost of St. Andrews, spoke against the Bill saying that it was “meant to serve a few individuals; that many persons had signed the petition for it through fear, threats, & c.”²⁸. Mr Attorney-General Thurlow was even more specific calling the London booksellers:

a set of impudent monopolising men, that they had combined together and raised a fund of upwards of £3,000 in order to file bills in Chancery against any person who should endeavour to get a livelihood as well as themselves²⁹.

One of the counsels for the petitioners against the Bill even pleaded the cause of the stage which, it was argued, had also suffered from the abuse of the booksellers. Macklin, the author of a particularly successful farce, *Love à-la-Mode*, had not published his play so as to keep it out of the hands of the booksellers in order to enjoy more of the financial advantage for himself, whereupon a short-hand writer named Gurney who worked at the Old Bailey was given a ticket for the one-shilling gallery by two booksellers so that he could take the play down. They then paid him two guineas for the copy of the play which they then attempted to publish in serial form. After seeing the first act in a periodical, Macklin applied to the Court of Chancery and an injunction against the booksellers was immediately granted and, soon after, made perpetual by the Lords Commissioners³⁰. The Copyright Bill passed its third reading in the House of Commons but was brought down immediately in the House of Lords.

Whether or not the booksellers had a stranglehold over the newspapers the government was not entirely unjustified in their appraisal of the volatility of the social situation or the inflammatory capabilities of a radical press. Despite the attempts to ameliorate the temper of the ever-increasing lower orders so as to keep the bedrock of society stable, class-based, social conflict was becoming rife. McLynn³¹ cites the work of Rudé and E.P.Thompson who, in their analysis of the period, upgraded the 'mob' to the 'crowd' because the increased rioting during the second half of the eighteenth century took on a new aspect: the riots were not mindless violence as had often formerly been the case. The rioters were now much more politically conscious animals who focussed their violence. The obvious example of this was the anti-Catholic Gordon Riots of 1780 which, through the mismanagement of the government' developed into a broad river of social protest that took seventeen and a half thousand armed men to quell. Significantly, although the early days of the riot focused on the property of wealthy Catholics, the protest then moved on to symbols of elite authority: prisons, banks, toll-gates, the houses of judges etc.³². Nor was unrest limited to the metropolis. As towns and cities grew they began to experience similar, or worse, problems to the cities of London and Westminster. Neither old-style paternalism nor the force of the Established Church was sufficient to keep the masses in order. Provincial local authorities and those at the top of the hierarchy began to see in theatre not only the means by which they could emulate the fashion and culture of London Society but also the solution to the problem of the aimless leisure-hours of the disaffected lower classes. It was not so much what was provided for them in the theatres that was the concern as what it prevented them from doing outside.

The provinces wanted to cash in on the very real benefits in the sphere of social control that the Disorderly Houses Act of 1751 had brought to the environs of the metropolis. In the successful application for ten Patents for Theatres Royal in cities outside London and Westminster between 1768 and 1788³³ it can be argued that wealthy merchants not only desired to emulate fashionable metropolitan society but also sought to create a quiescent workforce. Weight is added to the argument by the move made by the government through the statute 28 Geo. III, cap. xxx: The Theatrical Representations Act (1788). This enabled Justices of the Peace to authorise performances of the regular drama for a limited period each year outside London in places that had hitherto been denied such provision. By inference this legitimised the building of theatres to contain such performances. It must however be stated that this was an Act put onto the statute book because the horses were already

bolting: it was easier to give them a legitimate passage rather than trying to shut the stable door.

Howell³⁴ details twelve provincial Regular Theatres and Long Rooms that were functioning before the passage of the Theatrical Representations Act in 1788 and no doubt there were many more temporary structures, as well as buildings used temporarily as theatres, to house the legitimate drama in defiance of the 1737 Licensing Act³⁵. Theatre historian Kathleen Barker who has specialised in provincial theatre goes as far as to claim an “almost general disregard of the Licensing Act in the provinces”³⁶.

It is revealing to note that the Theatrical Representations Act (1788) stipulated that the towns in which the legitimate drama was authorised were to be those “of considerable resort”, a totally different and potentially much wider stipulation than “a large town”. It suggests towns with a seasonal or temporary influx of inhabitants during which periods it is expedient that the populace have the privilege of theatre whereas at other times “it would be highly impolitic, inexpedient, and unreasonable to permit the Establishment of a constant and regular Theatre”. This shows the government did not want to use the legislation to bestow prestige or privilege or to foster financial advantage on behalf of interested parties.

Howell posits the purpose of provincial Regular Theatres and Long Rooms to be to cater for the middle and upper classes. He locates them primarily in spa towns: summer resorts for the fashionable émigrés from London that had a short June-to-September season³⁷. This is wrong. Howell undermines his own argument in his description of the genesis of the Jacob’s Well Theatre in Bristol in 1729. This was an illegal theatre as it was not sanctioned by the local authority licence that was mandatory prior to 1737 that was hastily built a few yards outside the city boundary. It was built because of the strict moral and religious objections to theatre on the part of the Bristol authorities that led them to attempt to restrain theatre in the area after a hugely successful forty-three night run of Gay’s *The Beggar’s Opera* in 1728. The reason given for the suppression of the town’s theatres was that they were public nuisances and nurseries of idleness and vice. The public responded by rioting³⁸, hardly the behaviour of the fashionable elite. It was obviously the lower orders that objected to the ban on theatre and that they were the primary audience for whom the Jacob’s Well Theatre was built. It was the resulting low profile as far as disturbances were concerned that guaranteed its survival and led, amongst others, Justice of the Peace John Brickdale to illegally become one of the £200 shareholders in 1748³⁹ although entrepreneurship, bearing in mind the increasing tourism, was also no doubt a significant factor.

The gravitation of the lower classes to the theatre was partly an emulation of upper stratum behaviour. The more sophisticated entertainments incorporating London performers moved to the provinces during the London close-season and formed the basis of the provincial summer season. They were as attractive to locals of all classes who were eager to sample London fashion as they were to visitors missing the delights of town. But there was no shortage of provincial touring troupes to use the theatres at other times. The government and provincial authorities accepted this as long as it did not detract from the function of the lower orders which was to labour. Theatre contained the masses and actually restricted their influence on the wider society. There is no doubt that upper and middle class audiences were safer in a theatre in which each class had its separate allotted area than they were in the pleasure gardens of Clifton where unrestricted mingling provided an opportunity for the lower orders to indulge in a bonanza of crime. Even though pickpocketing a sum greater than a shilling was a capital offence⁴⁰ it was a skill that men, women and children from the lower orders developed into a near art-form⁴¹. One can read the provision of regulated theatres authorised by the Theatrical Representations Act as a protective mechanism for the upper classes at play outside the metropolis.

The Theatrical Representations Act (1788) served yet another purpose. Many Regular and Long Room theatres were busy during the period of the annual fairs⁴². From 1770 to 1800 the race week at Pontefract was a regular August date for Tate Wilkinson's York-based company⁴³. Similarly, a barn theatre at Grassington, Yorkshire, functioned only during the depths of winter when agricultural labourers from the surrounding villages, who were enforcedly idle, converged on Grassington to watch or augment the company of players in a bizarre, traditional theatrical event which was at times patronised by the Duke of Devonshire and the Earl of Thanet⁴⁴. The Theatrical Representations Act (1788) therefore points to an even more widespread appreciation of theatre as a containing, stabilising mechanism both for a large mixed populace and combinations of the lower classes.

The importance of the 1788 Act and the eagerness with which the local authorities seized upon the new powers it gave them to license premises for the legitimate drama are summed up by Charles Beecher Hogan in his study of Tate Wilkinson and his company:

There were by the close of the eighteenth century a greater number of provincial theatres than there are today ... in 1800 this number was exactly one hundred fifty, of which seventeen had been granted patents by the crown ... All of them real structures erected solely for the performance of plays. And in small towns, and even in larger ones, there were literally hundreds of derelict churches or assembly rooms or town halls that were repeatedly being turned into temporary places of entertainment⁴⁵.

Section ii: governmental attempts to restrict theatre?

And yet there were two Bills that surreptitiously attempted to facilitate the wider dissemination of the legitimate drama in London which failed in Parliament towards the end of the eighteenth century. By sheer force of numbers the metropolis was the area most prone to suffer bouts of rioting and by virtue of its position as the mercantile hub of the nation it was the area most vulnerable to the effects of rioting. In the face, therefore, of what was going on nationally it seems strange that London was denied the fullest exposure to what was then regarded as the almost sacred canon of the works of Shakespeare, together with the works of other authors who had achieved classic status. Such plays were being perceived as ennobling and civilising audiences and should therefore have theoretically been expected to have been able to reduce the incidence of the menace of insurrection in the industrial and commercial life of the capital. The Bills in question were the Sadler's Wells Bill of 1788 and the Interludes Bill that followed it. Does this signify a hardening of attitude by the government of the day?

Neither Bill was presented as a radical attempt to change government thinking, nor did the government per se defeat them. The Bills were protectionist in concept and a response to a hardening attitude on the part of the four London Patent theatres in the face of the encroachment and proliferation of the Minor theatres and other forms of entertainment. The purpose of the Bills was to legitimise Sadler's Wells Theatre, or, more exactly, the repertoire of this theatre, as an individual case in the first Bill, and as part of the wider development of Minor Theatre in the Interludes Bill, which was in reality a call to arms on the part of the Minor Theatres in the face of the Royalty Theatre affair. Neither Bill makes sense until we examine the events which took place from 1785 to 1787 in the London theatres where an open confrontation between the Major and Minor theatres led to the former becoming increasingly vigilant of their monopoly which was becoming an ever larger, more vulnerable financial investment.

John Palmer, a comedian who appeared in the company that played at the Little Theatre in the Haymarket and also in minor roles at Drury Lane, began, with great ostentation, to build a new theatre in Wellclose Square on 26th December 1785. Great play was made of the fact that the theatre lay within the Liberty of His Majesty's fortress and palace of the Tower of London and that it had been sanctioned "by authority" (i.e. it was outside the territory controlled by the Corporation of London) although he was careful up until opening night not to let anyone know what authority this was)⁴⁶. Liberally patronised by subscription, by June 9th 1787 the theatre, a 2594 seater and arguably the most beautiful in London, was ready and it was thrown open to the inspection of a "brilliant audience" of subscribers and their friends, who marvelled at the magnificence of the decor, the excellence of the scenery and the "exquisite taste" of the musical offerings. Significant among the assembly were "some of the most respectable families in the vicinage, the magistrates, and several persons of eminence in the city"⁴⁷. The public opening, a charity performance for the London Hospital, was set for June 20th. Unashamedly Palmer presented the "legitimate drama" in the shape of *As You Like It* preceded by a studied, inflammatory prologue which contained the almost xenophobic sentiments:

And if the Drama list on Virtue's side,
Say - can the moral be diffus'd too wide!
If the sun gild yon West with golden ray,
The East may feel the beam of rising day⁴⁸.

But the West, in the shape of the Patentees of Drury Lane, Covent Garden, and the Little Theatre in the Haymarket, had no intention of letting Palmer get away with this and made sure that the latter knew the legal peril of his position by publishing the various extant Vagrancy Acts in the newspapers a few days before the Royalty was due to open. These threats were of course aimed directly at the performers taking part in Palmer's programme. They were being publicly warned of the Patentees' intention to pursue Palmer himself and his actors through the courts if he flouted the law by presenting drama in contravention of the exclusive rights of the Patent Theatres-Royal⁴⁹.

Palmer of course realised he was safe for his opening night as the Patentees would not risk calling down the invective of the crowd upon their heads by stopping a charity performance but Palmer realised that he could not chance a second performance so the theatre immediately closed. He then played three trump cards which, although they did nothing to further his own ambitions, effectively consigned the

Licensing Act (1737) to oblivion and paved the way for the Theatrical Representations Act (1788) and eventually Bulwer Lytton's Theatres' Act (1843). Palmer's tactic was a classic example of losing a battle to win a war. At the end of the first performance at the Royalty he confided to his select audience, many of whom were local dignitaries, that his claimed licensing "authority" was the Governor of the Tower of London (a personal appointment of the Sovereign) and the Magistrates of the Tower Hamlets. This was an excellent card to play as it stirred up the old antagonism and rivalries between the City of London and the City of Westminster, opening up at the same time both the Whig/Tory philosophical divide and the Industrious-Merchant/Idle-Aristocrat debate.

The second card was no less divisive. Palmer pointed out that for his benefit performance the previous summer, when he had been a member of the Patent company at the Haymarket, Colman, the Patentee, had written a prologue for Palmer which contained the lines:

For me whose utmost aim is your delight,
Accept the humble off'ring of this night;
To lease, wherever plac'd, be still my care,
At Drury, Haymarket, or Wellclose-Square.⁵⁰

Coupled with this, Harris, the Patentee of Covent Garden, had actually given his written consent to Quick, an actor in his company, to engage with Palmer at the Royalty. This showed the vacillating standards of the theatre monopoly which was ready to use its combined power to vindictively crush one whom individual Patentees had promised to support. The fact that Palmer could present a petition signed by 5000 residents of Middlesex to urge Parliament at its next sitting to bring in a Bill to grant a Royal Licence to his theatre indicates the sympathy aroused by Palmer's cause and cavalier treatment.

Palmer's third card was even more lethal: the Patent Theatres' published threats stirred up factions within the audience itself. At the end of the glittering first night Palmer pointed out to his highly influential audience that "Tumblers and Dancing Dogs might appear unmolested before you; but the other performers and myself, standing forward to exhibit a moral play, is deemed a crime⁵¹". This was calculated to further inflame East End audiences. It inferred that the polite society of the West End could enjoy the "moral" entertainments of drama but they were wasted on the nouveaux riches of their own area who were only fit to see the likes of performing animals. This was not a single shot in the

dark. Palmer fuelled the indignation that audiences were beginning to express about the injustice of the current position vis-à-vis the Major-Minor theatre dispute. Playing the Major theatres at their own game he alluded to the universality of Shakespeare in an *Occasional Address* delivered at the Royalty in December 1787 which was immediately picked up by the *European Magazine*:

But not for me th'immortal bard to quote:
 Three modern managers claim all he wrote,
 Else Henry's wars and Agincourt we'd show
 And bid with kindred warmth your bosom's glow⁵².

This was an extremely clever literary allusion that theatre aficionados would have been quick to spot, recalling Henry V's exhortation to his men to fight alongside him as equals at the battle of Harfleur:

For there is none of you so mean and base
 That hath not noble lustre in your eyes....

It also recalled how, when Henry V eschewed the company of his officers and moved amongst his common soldiers on the eve of the battle of Agincourt, the Chorus told of:

A largess universal, like the sun
 His liberal eye doth give to everyone.

The *Gentleman's Magazine* drove the point home further by adding another ramification to the debate:

Does it not imply some little inconsistency in a well-regulated State, for one subject to be punished as a rogue and vagabond for doing that in publick, which another, perhaps the first peer in the realm, is proud to do with applause within the walls of his own house?⁵³

In order to have his revenge upon the Patentees, Palmer, as a leading actor, caused havoc with the start of the 1787-1788 season of plays at Drury Lane by withdrawing from a performance on the eve of opening night⁵⁴. The Patentees responded by viciously attacking any infringement by the Royalty Theatre of the terms of the Licensing Act and demanding the full rigour of the law for any irregularity.

The hostility between the Patentees and Palmer, and the effect it had on the repertoire and actors at the Royalty, warned the management of Sadler's Wells Theatre, who were also regularly infringing the terms of the 1737 Licensing Act, that they were very vulnerable. This realisation resulted in the promotion of the Sadler's Wells Bill of 1788 through which the proprietors of Sadler's Wells asked for the King to be enabled to grant letters patent to "continue the entertainments of Sadler's Wells as heretofore"⁵⁵ because "the proprietors of the winter theatres had lately instituted suits at law not only against the last newly erected theatre [the Royalty], but intended to commence suits and prosecutions against all others indiscriminately"⁵⁶. The concern of the proprietors of Sadler's Wells was given as that, in the face of the persecution by the Major Houses, "doubts may arise, whether in strict construction of law, their performances might be, strictly and minutely, within the letter of their licence."⁵⁷

Of course the astute proprietors were playing the ignorant country-bumpkin card and creating an impression that Sir Herbert Mackworth contributed to in his appraisal of their repertoire which "contributed very essentially to the amusements of the town; though, certainly, its entertainments were of a subordinate rank to those of the winter theatres"⁵⁸. The word 'essential' was of paramount importance. It validated inferior entertainment, not just as more fitting for the more inferior people that Sadler's Wells catered for, but as a necessity. In a calculated attempt to put pressure on the government to rush the Bill through, hopefully without dwelling too minutely on its wording, it was introduced to the Commons just before the theatre was about to embark upon its new season. This was precisely the technique that Walpole had used from the other side of the fence when the 1737 Licensing Act was rushed through Parliament. The Sadler's Wells ploy belied the unsophisticated image created within the text of the Bill, a point quickly picked up by the celebrated playwright, Richard Brinsley Sheridan, the Member of Parliament for Stafford since 1780 and part-owner and erstwhile manager of the Theatre Royal Drury Lane. Sheridan's address to the Commons in the debate on the Bill to License Sadler's Wells was calculated to sweep the ground from beneath the feet of the proprietors of the Minor Theatre without arousing the public indignation that had swelled to the support of Palmer at the Royalty.

Sheridan first extended a hand of friendship as an erstwhile theatre manager himself, sensitive to the financial risks undertaken. However he was at pains to point out that as far as theatres were concerned

he had “long since entrusted his interest in them to the management and care of others”. He professed to admire the decent manner in which the managers of Sadler’s Wells made their application which was in direct contrast to the “scheme set up upon false pretences” engineered by Palmer at the Royalty which, he claimed, had been “supported by a conspiracy of justices of the peace, to defeat the law, which they were bound by their oath to execute”⁵⁹. Nevertheless, citing the two Winter Theatres which had £200,000 invested in them, though not mentioning his part-ownership of one of them, he moved to claim that it was his duty as a Member of Parliament to protect the rights of others. This forced him to “endeavour to protect those rights according to their ideas of the injury they might sustain, and not according to any more indulgent way of considering the subject, which he might himself have entertained⁶⁰”.

Having thus presented himself to the House as almost an unwilling guardian of the Law Sheridan then mounted an insidious attack on Sadler’s Wells’ application for a licence by insisting that they had not come to Parliament to obtain permission to continue as heretofore as they had claimed. He constructed a spurious argument to convince Parliament that “their object was monopoly, and not licence”⁶¹ and claimed that should Parliament be unwise enough to grant such a monopoly it would be unfair to all the other Minor Theatres because they could in turn be closed by Sadler’s Wells. Furthermore, if Sadler’s Wells gained this status merely by being the first to ask for it, rather than by any intrinsic merit, it would be difficult to try to placate other Minor theatres who would besiege Parliament with exactly the same case as that pleaded by Sadler’s Wells but would be turned down for not suing Parliament earlier⁶². Letting his mask of theatrical ignorance and disinterest slip a fraction Sheridan revealed he was in possession of insider information to the effect that the Winter Theatres had “no intention to proceed against them [i.e. Sadler’s Wells], or to molest them in any way whatsoever”⁶³. However Sheridan then negated his argument by expressing his assurance that were the application to succeed:

he took it for granted, that certain alterations would be made in the Bill, and that no part of the new powers would be suffered to entrench in the least on the rights of the winter patents, either as to season or the species of performance⁶⁴.

Sheridan, who realised that the proprietors of Sadler’s Wells were waiting for the result of their application for a Patent before embarking upon their new season, skilfully finished his attack by referring to the way that the timing of the Bill was putting pressure on Parliament to come to a hasty

decision before the Patent Theatres could consult counsel. (Then, as now, private interests affected by such proposed legislation could petition Parliament and seek to table for amendments to protect those interests.) Sheridan therefore asked that the second reading of the Bill be postponed. Although the monopoly argument was derided by Sir Herbert Mackworth who affirmed “there was not in the whole Bill one word that could support such an inference”⁶⁵, the concepts of monopoly and interference with private rights were emotive issues in the late eighteenth century. When Charles James Fox alleged that Sadler’s Wells was attempting to manipulate parliamentary procedure, the real or synthetic indignation of the House was enough to get Sheridan’s amendment passed and the Bill sank.

It did not, however, sink without trace. A new Bill entitled the Interludes Bill was introduced to the House within the month. Although no copy of this Bill now exists (it is not mentioned in Hansard and only perfunctorily in the House of Commons Journals), it is possible to draw some inferences about its contents from a list of amendments tabled in the House of Commons and reported in the House of Commons Journal after the Bill was returned from the House of Lords on 25th June 1788. It would seem to have included stipulations that during the time of presentations no alcohol was to be served in premises where presentations took place and that some limited provision was to be made for some representation of something approximating to “legitimate drama” in places of entertainment other than the Patent Theatres or even the Minor Theatres. What was of vital importance was that it was wider in scope than the Sadler’s Wells Bill and sought to amend and amplify the extant theatrical laws.

In response, the proprietors of Sadler’s Wells were quick to petition that an amendment be passed to include a special clause enabling Sadler’s Wells to be allowed to continue with its accustomed forms of presentations. This petition was accepted although the end result of such a provision would have been virtually that sought in the former Sadler’s Wells Bill. The Interludes Bill progressed smoothly through Parliament until other Minor Theatres, including the Royalty, sought to hijack it. Petitions were presented by the Royalty, the Royal Circus, and Astley’s, all seeking special clauses to be added in their favour also. The Commons rejected these petitions because they were submitted too late for the amendments to be in situ for the whole of the Bill’s passage through Parliament. However, when the Bill reached the Lords, these applications were viewed favourably. The Bill was therefore returned to the Commons, this time with clauses in favour of these three theatres. By this time the Patentees had

petitioned Parliament to not give licensing favours to the three new applicants, though not voicing any objection to the Sadler's Wells clause. The Duke of Richmond quickly recognised that, had the Lords conceded the demands of the Patentees, Sadler's Wells would have received unfair preferential treatment and said he was at a loss to understand why the Patentees should wish this to be so.

The reasoning of the Patentees was obvious. The Interludes Bill as it was presented to the House of Lords would have given Parliament an opportunity to redefine the position vis-à-vis the Major Theatres and the Minor Theatres and other centres of entertainment that were springing up in Town. Although it meant making some concessions to Sadler's Wells, in the face of tremendous competition from within the metropolis the surer guidelines to be drawn up would have worked in the Patentees' favour. Presumably the proprietors of the Patent Theatres judged that the granting of a licence to the relatively out-of-town Sadler's Wells would not have been a great price to pay. As Sadler's Wells was obviously in a confrontational mode and the public interest in the affair was probably doing more to swell the audiences in Islington than was the disputed repertoire of the theatre, it would defuse a dangerously volatile situation. Such a concession would certainly be less injurious to the Winter Theatres than legislation allowing the same rights to the far more dangerous unauthorised theatres close by. The draft clause in favour of Sadler's Wells was already in place: better the devil one knew, particularly if it was a little remote. However, when the Bill was returned from the Lords the inclusion of the other more central theatres was too much. Despite the approbation of the Lords the interests of the Patentees were strongly represented in the Commons and the amended Bill, like its predecessor, failed.

The fundamental importance of these Bills was that they created an awareness of the need to amend the Licensing Act of 1737 in favour of a wider dissemination of theatre, as opposed to purely musical entertainments. They also inadvertently pointed to the means by which the rest of the country could flout the restrictions of the Licensing Act. During the wrangling between the Patentees and the Commons, one MP, a Mr. Hussey, had recognised that there were very powerful forces working from a position of self-interest against the provision of further theatrical entertainment in London. Whilst he presumably realised there was little that could be done in large cities where powerful monopolistic Patents were already in place, Hussey did not see why other malicious parties should deprive the masses of their entertainment or victimise the troupes of travelling players that were in a highly

vulnerable state in the provinces. Putting forward what he defined as the “pulse of the house”, he tabled an amending clause to relax the law affecting strolling players to enable them to perform, upon receipt of a licence from the Quarter Sessions, in any specified town or city, providing it was at least thirty miles from London and fifteen miles from any other Patent theatre⁶⁶. Hussey’s amendment was not accepted. Like the petitions from the other minor houses, it introduced new material into an existing Bill. However, when the Interludes Bill fell, Hussey’s amendment became the foundation of the highly important Theatrical Representations Act of 1788 previously mentioned, which revolutionised the provincial scene and eventually influenced theatre in the metropolis by gradually but fatally undermining the strength of the patentees.

Considering that in 1774 Mr. Attorney-General Thurlow had accused London booksellers of being a “set of impudent monopolising men”⁶⁷ because they were attempting to invoke the force of the Law to impugn any who encroached upon their interests, and this highlighting of the monopolistic demands of their petition ensured the failure of the booksellers’ suit to Parliament, one is forced to ask why the monopolistic concept of Patent Houses was tolerated particularly in the face of the cavalier attitude of the patentees during the Royalty affair and, subsequently, the failure of the Sadler’s Wells and Interlude Bills. Even the legality of the Patents themselves was by now highly dubious: although a case could be made for the continuing validity of the Patents held by Covent Garden and His Majesty’s Theatre, Colman who professed to hold the Patent for the Little Theatre in the Haymarket was in a highly contentious position because the Patent he was working under had been granted to his predecessor, Foote, personally and was to last only during Foote’s lifetime. Although Colman had purchased it from Foote, it was not legally transferable⁶⁸. It is also difficult to prove that by this time any Patent was still in place for Drury Lane. Since 1682 the Killigrew and Davenant Patents had been combined under Davenant’s successors and were now held by the management of Covent Garden⁶⁹.

The crucial issues were the influence and connections of the individual or body in whose hands the Patent monopoly rested, the economic consequences of its termination and the people those economic consequences might affect. Although in the first half of the eighteenth century social control was a dominating issue as far as governing class thinking vis-à-vis theatre was concerned, another important imperative to examine is entrepreneurship which, like social control, was vital to the success of the late

eighteenth and early nineteenth century commercial and industrial expansion. In this context, theatre, perhaps the first service industry to appear in the rapidly growing towns and even faster-growing metropolis, proved an attractive proposition for both large and small investors. As Gen. Tarleton made clear in a parliamentary debate in 1811:

... this was the age of speculation. They had hon. gentlemen speculating in canals, who were not possessed of a foot of land, and cared very little for the water; and they had hon. gentlemen speculating in theatres, who never read the poets, and never entered a playhouse⁷⁰.

In the debate on the Sadler's Wells Bill, Sheridan revealed that the two Winter Theatres represented an investment of almost £200,000. Speculators who were prepared to embark upon this type of financial undertaking obviously included many from the top of the social ladder and theatre would not necessarily be their only area of investment. They were people with influence in Parliament and whom Parliament would want to protect, if not from the viewpoint of class-solidarity at least because of their importance in the general financial stability of the upper-class hegemony and the economy as a whole.

This was apparent in the fight which took place between 1810 and 1812 for what was misleadingly called the Third London Theatre. The plan was put forward by Joshua Smith, the Lord Mayor of the City of London, Thomas Smith, a City of London Alderman, Charles Hutton, Doctor of Laws, and seven other prominent London Gentlemen, including a dramatist and five members of Parliament⁷¹. Because of the growth of the cities of London and Westminster they argued that "it would be expedient and convenient for the inhabitants of the said cities and suburbs that there should be another Theatre for dramatic representations".⁷² The timing of the movement was highly significant. The Old-Price riots of 1809, the worst of a series of theatre-related riots that took place sporadically from the middle of the eighteenth century onwards, all of which were occasioned by managements acting in their own financial interests rather than catering for the expectations of the audiences, had been the focus of attention for all levels of London society and had obsessed the press. Between September and December 1809 *The Examiner*, a pro Old-Price newspaper, had devoted 610 column inches to the riots, 690 column inches to the war with France and 321 column inches to domestic politics whilst *The Morning Post* which was anti the riots had devoted 72 column inches to the riots, 25 column inches to the war with France and 21 column inches to domestic political matters⁷³. The principles the Third-

London-Theatre petitioners professed to hold were a determination to revert to old prices and to “furnishing correct, moral, and rational entertainments”.⁷⁴ This was an important stipulation as it was being recognised by some as an entitlement of the public:

the innocent and instructive amusement of the public was in itself a good, that to that good the public had *prima facie* an unquestionable right, and that no restrictions should be put upon the enjoyment of that right⁷⁵.

It would be a mistake, however, to read into this too philanthropic a desire on the part of the speaker or those who accepted his premise. In the face of the hugely increased numbers of the working classes the word ‘necessity’ could have been inserted in the place of the word ‘right’. The Duke of Norfolk perhaps more accurately revealed the motivation of those who advocated the proliferation of the spoken drama: “well regulated theatres, he had no doubt were highly proper in all large cities, and contributed, not only to the entertainment of the people, but also to the improvement of their morals”⁷⁶.

Accordingly the ten men had decided to raise an investment of £200,000 between them which would take the form of transferable shares and asked Parliament to bring in a Bill to enable their plan to proceed. It is obvious that the Third London Theatre Bill caught and expressed the mood of the times and although each of the petitioners would have benefited financially from the opening of the proposed theatre it was primarily conceived as a means to promote both social stability and social improvement.

In contrast, the existing Patentees, legitimate or spurious as they may have been, were a group of self-interested individuals who generally had little interest in drama or theatre itself. Internecine fighting was not restricted to Major versus Minor theatre battles such as the Royalty Theatre affair, it permeated the relationships between the Patentees themselves. Though the Winter Theatres enlisted the help of Colman to vanquish Palmer and his Royalty Theatre venture, he too became their victim when they substantially extended their seasons to shorten the summer season so much that the Haymarket theatre was almost squeezed out of existence⁷⁷. Nor was the opera exempt from such squabbles and the battle between the Pantheon in Oxford Street and the King’s Theatre in the Haymarket over the right to present operatic performances was equally fierce in the last two decades of the eighteenth century. By 1809 the wily Sheridan had infiltrated the opera controversy and gained a controlling interest over who should hold the opera monopoly.

The petitioners were intending to form a corporation which would safeguard them from personal responsibility for any liabilities over and above that of their individual subscriptions. The stockholders of Drury Lane, however, were responsible to the extent of their private fortunes for the indebtedness of the theatre⁷⁸. Although financial factors were obviously not absent from the planning of the new proposal the petitioners were willing for the terms of their requested charter to be “limited in any way His Majesty’s advisers may think proper”,⁷⁹ and argued that incorporation would provide a more stable background for the theatre than individual ownership in property⁸⁰. Obviously this was primarily an attempt at social control by those in a position to best analyse mob trends in their locality even though their own interests might benefit from a quiescent populace.

There was another important factor to the timing of the Bill. It sought to capitalise on the incapacity of the main exponent of theatrical entrepreneurship, Sheridan. In 1791 Sheridan had conceived the grandiose plan of demolishing the Theatre Royal in Drury Lane in order to build a much larger theatre with a much larger audience capacity. Once the rebuilding had started, the aforementioned matter of the legitimacy of the Patents re-surfaced. The investors suddenly realised that Drury Lane Theatre was not actually in possession of a valid Patent and threatened to withdraw their financial support. In response, Sheridan managed to purchase the ‘dormant patent’ held by Harris at Covent Garden at a cost of £20,000, £5,000 of which had been co-erced from the coffers of the newly re-opened King’s Theatre in the Haymarket at which Sheridan’s company was then appearing and for whom he was interceding in a dispute with the Pantheon in Oxford Street.

The original forecast of £150,000 for rebuilding Drury Lane proved very wide of the mark and in 1802, by which time the theatre had been opened for eight years, the financial problems of the theatre had reached such a pitch that its affairs were placed under an Order of the Court of Chancery. When the theatre burnt down in 1809, having been insured only in the amount of £35,000, Sheridan and his backers were in even more serious trouble⁸¹. Sheridan immediately joined forces with two of his competitors who had secured licences to perform English opera: Colonel Greville who was intending to open the Pantheon, and Mr. Arnold who was busily preparing the Lyceum. After suggesting that all three licences be combined, Sheridan, under the aegis of the triple management promptly moved his

company into the Lyceum for the rest of the winter season. He then appealed to Parliament for a Bill to enable him to re-imburse those who had lost money in the Drury Lane scheme and to build a new theatre. This Sheridan wanted to achieve by raising a fund that would accomplish both eventualities, on the condition that those who subscribed to the fund would not be liable for any demands beyond the amount of their original subscriptions.

There was great scepticism within Parliament as to whether or not this would or could be accomplished. Meanwhile the petitioners for the Third London Theatre pressed ahead with their scheme. Sheridan, following a similar campaign to that used to defeat the Sadler's Wells Bill, pressed for deferment of the debate. With tremendous audacity, he also played the "fiend monopoly" card which his staunchest supporter, Whitbread, introduced into the debate⁸². To the criticisms heaped upon the debased entertainment provided at the Patent theatres and the "perversion of the public taste by the introduction of quadrupeds",⁸³ Sheridan advanced the argument that "it was the taste of the town that perverted the theatre".⁸⁴ He countered the argument that the size of the auditoria of the Patent theatres made it impossible to appreciate actors' expressions and voices by pointing out that a smaller theatre (the Little Theatre in the Haymarket) was in existence which was too small to incorporate horses or other beasts, where faces could be seen and voices heard, yet it was often empty⁸⁵. He attributed this phenomenon to the fact that the taste of the town was "being perverted by the depravity of manners, and the alteration in the mode of living which prevented people of fashion from attending and taking the lead in theatres as formerly".⁸⁶ Sheridan then indicted the managers at the Winter theatres, particularly Kemble at Covent Garden, who was so jealous of good actors that he would not risk competing with them on the stage. Consequently, Sheridan claimed, the cream of the acting profession was moving to the provinces or leaving the country altogether⁸⁷. Parliament voted in favour of Sheridan's latest Drury Lane speculation and the protection of its subscribers while the Third London Theatre Bill was defeated. Entrepreneurism had won.

Of course the whole idea of a Third London Theatre was ludicrous. Theatres were springing up everywhere due to the policy of Lord Dartmouth (Lord Chamberlain from 1804-1812) who was not in sympathy with the concept of theatrical monopoly. Whilst he did not excite controversy by opposing it publicly he took the subtler course of undermining it through his wide administrative powers by

licensing many new Minor Theatres. Nicholson, for example, cites the *Morning Chronicle* of Nov. 16th 1807, which lists thirteen new theatres then up and running or in the final stages of preparation⁸⁸.

One has to question the motives and underlying concerns of Lord Dartmouth. Nicholson argues only that Dartmouth was anti the whole concept of Patenteeism⁸⁹ but there was more to Dartmouth's actions than this purely negative aim. He was not in sympathy with the rank and file of the acting profession. When faced with a petition against the employment practices of the Little Theatre in the Haymarket he concluded that the petition had been instigated by inferior performers, "the mere refuse of the London Theatres". But he was not only deriding those at the bottom of the pecking order in the Winter Theatres who found it difficult to obtain work during the summer but also those for whom he was legislating in his espousal of the Minor Theatre cause. The facts suggest that his objective was to regulate and rationalise the spread of working-class entertainment and that the thinking behind the Disorderly Houses Act was still uppermost in some ruling class minds and its shadow not only influenced the conduct of Dartmouth but many others in the early decades of the nineteenth century, particularly as popular entertainments were beginning to move underground and manifest themselves in tavern or public-house entertainment which was as yet completely unregulated as far as legislation was concerned.

Minor Theatres and tavern entertainment rooms, although not in the same league as the huge Winter Theatres, were entrepreneurial concerns but financial gain was not always the primary object. The Sans Souci was opened in 1806 by John Scott at a cost of £10,000 in order to enable his daughter to become an actress and therefore introduce her to society. Thirteen successful years later his daughter had lost interest in the stage and the theatre was sold for £25,000⁹⁰.

This tiny incident of Scott's short tenure of the Sans Souci is highly important. It reveals a positive attitude towards theatre and things theatrical as being meritorious in their own right. This attitude had paradoxically been growing in parallel with the negative attitude that instigated the Disorderly Houses Act, and in tandem with the crass entrepreneurialism of the later half of the 1800s. How this new attitude came into being as far back as 1737 when the Licensing Act was being fought and how it led eventually to the Theatres Act of 1843 forms the beginning of the next chapter of this thesis.

Notes

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- ¹ See Nicholson (1906), p.125.
² Hansard, Parliamentary History of England Vol. XIV c.1234.
³ See *ibid.* Vol. X c.1325 - 1333.
⁴ *Ibid.* c.1326.
⁵ *Ibid.* Vol. XIII c.1243-4.
⁶ *Ibid.* Vol. X c.329.
⁷ *Ibid.* c.341.
⁸ See *ibid.* Vol. XIII c.1243-4.
⁹ *Ibid.* Vol. XIV c.868-9.
¹⁰ *Ibid.*
¹¹ *Ibid.* Vol. X . c.1329.
¹² *Ibid.* c.1326.
¹³ Lee W.L.M. *History of the Police in England*, p.367.
¹⁴ Hansard, Parliamentary History of England Vol. IX c.1288.
¹⁵ McLynn (1989), p.xvi.
¹⁶ *Ibid.* p.xi.
¹⁷ See McLynn, *op.cit.* p.224.
¹⁸ McLynn, *op.cit.* Pp.223-4; Thomas, *op.cit.* Pp.312-318.
¹⁹ Hansard, Parliamentary History of England Vol.XVIII c.641.
²⁰ *Ibid.*
²¹ *Ibid.*
²² *Ibid.* Vol. XV c.779-781.
²³ *Ibid.* c.1359-1360.
²⁴ *Ibid.* c.1358-1362.
²⁵ *Ibid.* c.1380-1386.
²⁶ *Ibid.* c.1390-1418.
²⁷ *Ibid.* Vol. XVII c.1090-91.
²⁸ *Ibid.* c.1090.
²⁹ *Ibid.* c.1086.
³⁰ *Ibid.* c.1094.
³¹ *Op.cit.* p.307.
³² *Ibid.* Pp.236-238.
³³ Howell in Foulkes R.(ed), *Scenes from Provincial Stages* Pp.39-40.
³⁴ *Ibid.* Pp.38-39.
³⁵ See for example Bratton in Foulkes (ed) *op.cit.* Pp.43-43, who details a circuit of eleven towns in and around Kent that were used by a troupe run by Sarah Baker from 1772 to 1815.
³⁶ *Theatre Notebook*, Vol. XLVI p.121.
³⁷ *Ibid.* p.20.
³⁸ *Ibid.*
³⁹ *Ibid.* p.21.
⁴⁰ McLynn *op.cit.* p.xii.
⁴¹ *Ibid.* Pp.126-7.
⁴² Rosenfeld (1960) p.151.
⁴³ Charles Beecher Hogan in Donohue Jr.(ed) (1971) p.84n.
⁴⁴ Rosenfeld in Foulkes (ed), *op.cit.* Pp.88-89.
⁴⁵ In Donohue Jr.(ed) *op.cit.* Pp.63-64.
⁴⁶ Nicholson, *op.cit.* p.100.
⁴⁷ *London Chronicle* 11th June, 1787, cited *ibid.* Pp.101-2.
⁴⁸ Cited *ibid.* p.104.
⁴⁹ *Ibid.* p.103.
⁵⁰ Prologue to *Tit for Tat*, *European Magazine*, September 1786, cited *ibid.* p.105.
⁵¹ Palmer, cited *ibid.* p.106.
⁵² Cited *ibid.* p.115.
⁵³ Cited *ibid.* p.116.
⁵⁴ *Ibid.* p.117.
⁵⁵ Hansard, Parliamentary History of England Vol. XXVII c.160.
⁵⁶ *Ibid.*
⁵⁷ *Ibid.*
⁵⁸ *Ibid.* c.162.
⁵⁹ *Ibid.* c.159.
⁶⁰ *Ibid.*
⁶¹ *Ibid.* c.160.
⁶² *Ibid.* c.161.
⁶³ *Ibid.* c.160.
⁶⁴ *Ibid.* c.161.
⁶⁵ *Ibid.*
⁶⁶ Nicholson *op.cit.* Pp.133-134.
⁶⁷ Hansard, Parliamentary History of England Vol. XVII. c.1086
⁶⁸ Samuel Foote (1720-1777) had been given a Patent for the Little Theatre in the Haymarket as compensation for injuries he sustained after falling from the Duke of York's horse which he had been goaded by the Duke himself to mount which resulted in the amputation of one of Foote's legs.

⁶⁹ See Nicholson *op.cit.* Pp.142-143.

⁷⁰ General Tarleton during attempted second reading of the London Theatre Bill, May 9th 1811, cited in Hansard: Parliamentary Debates, Series I. Vol. XIX c.1143.

⁷¹ Nicholson *op.cit.* p.192.

⁷² Hansard: Parliamentary Debates, Series I. Vol. XVIII c.1088.

⁷³ Baer, *op.cit.* p.46.

⁷⁴ Hansard: Parliamentary Debates, Series I. Vol. XIX c.497.

⁷⁵ Mr Taylor in a debate on The State of Theatres of the Metropolis, in Hansard: *Parliamentary Debates*: Series I. Vol. XX c.289.

⁷⁶ Debate on the Drury Lane Theatre Bill; Hansard: *Parliamentary Debates*: Series I. Vol. XXI c.1075.

⁷⁷ Nicholson, *op.cit.* Pp.150-154.

⁷⁸ *Ibid.* p.204n.

⁷⁹ *Ibid.* p.202.

⁸⁰ *Ibid.* p.200.

⁸¹ For verification of these figures see Hansard: Parliamentary Debates, Series I, Vol. XVI c.758.

⁸² *Ibid.* Vol. XXII c.99.

⁸³ *Ibid.* Vol. XIX c.1145 see also Vol. XXI c.1210.

⁸⁴ *Ibid.* Vol. XIX c.1145.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ See Nicholson *op.cit.* p.237-238n.

⁸⁸ *Ibid.* Pp.165-166.

⁸⁹ *Ibid.* Pp.163-164.

⁹⁰ Macqueen-Pope (1961), p.231.

CHAPTER V: THE THEATRES ACT (1843).

As the nineteenth century came in, many new Minor Theatres had appeared and more were developing from the thriving 'Pub Theatre' scene: the Pavilion in Whitechapel opened in 1828, the Standard in Shoreditch in 1835, and the Eagle Saloon in the City Road in 1838. Other purpose-built Minor Theatres grew up ever nearer to the beleaguered Patent Theatres: the Coburg opened in the New Cut; the Lyceum opened in Bow Street, yards away from Covent Garden; the Olympic, the Sans Pareil and the Strand Theatre all opened in the Strand, and St James's Theatre opened defiantly close to the Lord Chamberlain's own office at St. James's Palace from where the nation's censor seemed remarkably reluctant to exert his powers between 1750-1800¹ despite the fact that quite vehement satire was still found on the stage.

By the time of the setting up of the Parliamentary Select Committee on Dramatic Literature in 1832 those seeking to introduce new theatre legislation had totally different aims from those of either Charles II or Sir Robert Walpole. They sought to be prescriptive rather than restrictive, they wanted to reclaim rather than exclude. What had brought about this new attitude?

Section i: The Influence of Garrick.

The prime motivating force behind the 1843 Theatres Act was the rise in prestige of the acting profession. To understand this phenomenon one has to examine the meteoric rise of David Garrick. This was more a case of the times producing the man than the man producing the times.

Garrick's arrival in London in 1737 at the age of twenty coincided with the passing of the Licensing Act which had attempted to re-affirm the concept that all actors, save those who worked in the two Patent theatres, were rogues and vagabonds. His first London performances took place at the illegal theatre in Goodman's Fields where he felt obliged, at first, to adopt the name of Lyddall, followed by the soubriquets, 'young Gentleman', or, 'a young Gentlemen who never appear'd before', in order not to embarrass his middle-class friends and family in Lichfield. But the line between the respectable and the mountebank was fine and ill defined. An actor at the bottom of the pile, even at a Patent theatre, was not considered to be respectable, as evidenced by the dismissive comments made by Lord

Dartmouth concerning the anti-Haymarket petition discussed in the previous chapter. However, an actor who was successful, even on an illegal platform, was respectable. The degree of success was measured by two yardsticks: the acclaim of the audience and the corresponding financial returns, both of which will be seen to be of vital importance when discussing the Theatres Act of 1843.

Garrick's triumphant portrayal of Richard III at Goodman's Fields led him, the next day, to write to his brother to confess that he had now, on the strength of that success and the financial returns it promised, decided to become an actor permanently. In anticipation of his brother's displeasure, and in mitigation of his decision, Garrick confided:

I know you will bee much displeas'd with Me yet I hope when You shall find that I may have ye genius of an Actor without ye Vices, You will think Less Severe of Me & not be asham'd to own me for a Brother ... Last Night I play'd Richard ye Third to ye Surprize of Every Body & as I shall make very near £300 p Annum by It & as it is really what I doat upon I am resolv'd to pursue it.²

His brother, duly shocked, tried to dissuade Garrick from his choice of career. As Garrick felt the need to affirm, "I have not yet had my Name in ye Bills",³ his brother obviously voiced his concern about the slur Garrick's choice of career would bring upon the family reputation. Garrick anticipated a similar reaction from his youthful companions and confided to a cousin, "The only thing that gives me pain ... is that my Friends I suppose will look very cool upon Me".⁴ Thirty-four years later things were very different. Garrick had a huge number of acquaintances and friends not only among the landed gentry and the aristocracy but also within Court circles and between 1771 and his death in 1779 he was invited to many of the luxurious summer parties that were the feature of society country life.⁵

Why did Garrick become so feted? Apart from his talent he brought a new realism to the profession of an actor and introduced innovations that transformed theatregoing. But many before him, for example Thomas Betterton and Colley Cibber, and many who came after him like Madam Vestris, had or were to contribute in like measure without exciting such clamour. Nothing that Garrick did vis-à-vis his profession was totally new. Even his famed style of acting had been foreshadowed by Charles Macklin whose performances as Shylock at Drury Lane, almost exactly ten months before Garrick's Goodman's Fields debut as Richard III, were in every way as extraordinary and revolutionary as those of Garrick in the illegally-operating Minor theatre. And Garrick most certainly had his detractors: Johnson

condemned his vanity and the lack of substance in his conversation ⁶ whilst Theophilus Cibber deplored the extravagance of his acting technique.⁷

Even Garrick's validation of the Minor theatres as 'nurseries' for fledgeling actors had been anticipated by the nursery theatres of equally dubious legality created by Killigrew in Hatton Gardens, Duckworth at Bun Hill in Finsbury Fields, and Lady Davenant in the Barbican at the end of the first decade after the Restoration.⁸ His much-vaunted desire to improve the stage by improving the public taste was certainly part of the thinking of Betterton and Cibber also. Perhaps Garrick's greatest skill was his judicious cultivation of friends and acquaintances, both in and out of the profession, and the equally effective cultivation and manipulation of his own image:

he had the means to travel as an aristocrat in his own carriage, and to engage the most elegant apartments where he wished to sojourn for a month or more. For both his countrymen and foreign society he became one of the heroes of the current Anglomania.⁹

Despite the high social connections of the last nine years of his life Garrick was not a socialite in the accepted sense. Often invitations and acceptances "were the result of but slight acquaintance, and there was little more in the association than the prestige of the title and the fame of the actor".¹⁰ Garrick most definitely cultivated a detached, almost mysterious, aura. Stone and Kahrl discovered that even though "Garrick addressed on average every twelfth letter to someone with a title, and he saved letters from 25 additional aristocratic correspondents" he was not on intimate terms with them:

the names and titles are most impressive until the occasion of most acquaintances is inspected: either they sought Garrick or he addressed them for patronage, assistance in amateur theatricals, the favor of seats for a performance, acknowledgements.¹¹

Garrick was in some respects almost a construct of the public imagination, a cipher, a figurehead, and he was fully conscious of the fact and even promoted this image. He once wrote to his brother, "...in short I believe nobody (as an Actor) was ever more carress'd & My Character as a private Man makes ('em) more desirous of my Company - (all this Entre nous as one Brothr to Another)¹²".

A lavish dramatic performance, stage managed by Sheridan, was even constructed around his funeral. Bells tolled all afternoon and the procession of 50 carriages accompanied by pages and black-clad

horsemen took several hours to escort the coffin, covered with crimson velvet drapery held in place with silver nails, from the Adelphi in the Strand to Westminster Abbey where Garrick's body was interred beneath the memorial to Shakespeare. Some were appalled, some laughed wryly, and Horace Walpole was disgusted at this display.¹³ What was it all for?

In his autobiography Colley Cibber documents, how, soon after the Restoration of Charles II, Edward Kynaston, a beautiful youth in the King's Company who specialised in acting women's roles, so entranced the audiences that "the ladies of quality prided themselves in taking him with them in their coaches to Hyde-park, in his theatrical habit, after the play".¹⁴ Stella Tillyard's *Aristocrats* which documents the lives of the Lennox girls from 1740 to 1832 recorded "Everybody joined in the cult of Garrick....They worshipped actors and actresses as minor deities, confused actors with their roles and cast themselves as heroes and heroines¹⁵."

It is tempting to see this as an instance of the Kynaston syndrome but it was nothing of the kind. The appeal of Kynaston was his beauty, the eroticism of the ambiguity of his sexual image and the stamp of "by Royal appointment" inherent in his position as a member of the Patent company. There was also a hint of feminist radicalism in the flouting of social convention and sexual stereotype. The "cult" of Garrick was something totally different.

The second half of the eighteenth century was a period of rapid economic and demographic transformation and social and political upheaval. The almost bewildered society that developed through the period became atomised as far as hierarchical status was concerned and increasingly unfocused as a nation. Between 1750 and 1770 a vast growth in the turnpike road network led to a new unification of the nation and enabled individuals, commodities and information to circulate on an unprecedented scale. As Greg Laugero points out in his study, 'Infrastructures of Enlightenment: Road-Making, the Public Sphere, and the Emergence of Literature'¹⁶, this brought about "new kinds of individuals for a new kind of society" and the "remaking of society via the dissemination of knowledge informed the language of revolution and parliamentary reform in the 1780s and 1790s". Organisations such as "Corresponding Societies" circumvented such restrictions as the Test and Corporation Acts by the dissemination of tracts and pamphlets on subjects of mutual concern to interested parties.

Kathleen Wilson, in 'Citizenship, Empire, and Modernity in the English Provinces, c.1720-1790', highlights another important phenomenon that is integral to Greg Laugero's thesis: the importance of newspapers in the "social production of information". She documents the emergence of 244 provincial newspapers in fifty-five different towns over the eighteenth century through which the "social, gender, and racial contours of the national community (was) constructed by the newspaper and periodical press"¹⁷. By 1760 there were also four daily and six thrice-weekly London newspapers¹⁸. Wilson writes of the inseparability of a society's historical "reality" from its forms of cultural representation citing John Tomlinson who posited "The 'lived reality' of national identity is a reality lived in representations - not in direct communal solidarity".¹⁹ Wilson credits newspapers with integrating:

the imperial project and Britain's performance and standing abroad with the prosperity, mores, and class-hierarchies of everyday life at home. Local and national politics, Court gossip, the notable rites de passage of the local gentry and bourgeoisie, philanthropic and economic initiatives, and the "quaint customs" or "insensible" behaviours of the common people: such content endowed readers with the power of possession (OUR colonies, ships, MPs and gentry) (and) a highly mediated "national" belonging that was constructed through and in tandem with other (local regional, social) identities.²⁰

A third important argument and investigation, that of Linda Colley in 'Whose Nation: Class and National Consciousness in Britain', posits a retrenchment of the dominant landed classes during the second half of the eighteenth century. They were unwilling to promote the kind of popular national consciousness that other nations such as France and Prussia were working towards. For example Britain persistently refused to institute a national system of education: a succession of Whig education Bills failed to get through Parliament and when in 1833 a Whig administration did finally allocate £20,000 towards education this amounted only to no more than the sum allocated that year for the maintenance of the Royal stables.²¹ Another observation of Colley, tangential to her study but of paramount significance to this one, is the lack of any official cult of the hero in this period. Not until 1795 did Parliament make a formal decision to recognise the nation's naval and military heroes by commissioning statues to be erected in St Paul's Cathedral. Even then there was a restricted access for the poor as the Cathedral charged for admission to view them.²² Colley identifies ruling class thinking on this subject to be that of nervousness in the face of "popular participation" in the nation's affairs²³ and concludes that the popular conception that national consciousness during the second half of the

eighteenth century “was inherently inimical to class consciousness and served merely as an instrument of elite control” is in fact a flawed hypothesis. Instead, she argues, it was “aspiring social groups and sectional interests throughout Britain (that) found patriotic and nationalist language invaluable ... it was the dominant landed class which most turned its back on the nation and sought and found refuge in the language of class”.²⁴

Surprisingly, none of these commentators includes theatre within the substance of their debates. Had they done so they would have enhanced the validity of their arguments which combine to explain the Garrick enigma. Garrick filled the void created by the absence of national heroes. His rise from Goodman’s Fields gave him the aura of a folk hero. His oft stated new ideas made him a man of the times. His skill in interpreting the works of Shakespeare (whose plays formed 27% of all tragedies at Drury Lane between 1741 and 1776 and 16% of all the comedies during the same period²⁵) brought new life to a series of archetypal heroes and villains that were already embedded in the national psyche and helped them to assume an almost allegorical nationalistic significance. By a process of association the aura of the heroes he portrayed was transferred to Garrick himself. The high point came with his mammoth Shakespeare Jubilee Festival in 1769 at the end of which, dressed and made up as Shakespeare, he recited his famous Ode in honour of his and the nation’s hero. Even one of his greatest rivals reacted to the day of pomp and splendour with emotional rather than critical appraisal:

I heard with rapture the great genius, author of the Ode recite it at the Jubilee in Stratford Upon Avon, amidst admiring multitudes.... and ever thought one of the most fortunate circumstances of my life was living in the days of Garrick.²⁶

The Shakespeare Jubilee was such an immense success that Garrick capitalised on it in a playlet that was presented as an afterpiece at Drury Lane and achieved the longest run of any play performed in the eighteenth century. Hopkins, the prompter, wrote of it: “there never was an Entertainment produc’d that gave so much pleasure to all degrees Boxes, Pit, and Gallery”.²⁷ The famous Gainsborough portrait of Garrick standing with the bust of Shakespeare shows how the phenomenon of Garrick and his transition to icon was of vital importance to the theatre’s claim for legitimacy within mainstream British culture. The depiction of each basking in the other’s glory served to equate the two national

figures and made complementary the histrionic and literary arts. The association was further emphasised by Garrick's final resting-place beneath the Shakespeare monument in Westminster Abbey.

As Garrick was equated to Shakespeare so successful actors were equated to Garrick. Those at the top of the acting profession had finally broken through the barriers of prejudice and were accepted by, and of real use to, the ruling classes - and as more than just entertainers. The theatre became accepted as a microcosm of life and successful actors in this microcosm became equated with successful people in the macrocosm. Garrick moved into the realm of legend in his own lifetime because the country needed such a legend as a focus for the national consciousness just as two centuries later, Olivier and Leigh, two immensely successful actors, were to become the idealised British couple of the 1940s, exploited by the media and the establishment, with Olivier's wartime film of *Henry V* taking on an almost spiritual significance in the hands of the wartime propagandists.

Of course this type of use of a dramatic work was not new: Hughes documents the fact that Rowe's *Tamerlane* was played throughout much of the eighteenth century at the beginning of November to commemorate the birthday and landing at Torbay of William III.²⁸ Nevertheless, the breakthrough was that, as examples and role models, leading actors of each generation from Garrick onwards became and have remained potential (and, in some cases, potent) agents of social control: their capacity to enthral an audience seemed, in Georgian times, to mirror the achievements of an eminent politician to carry the House or a charismatic general to galvanise his troops. Almost to their surprise, actors began to enjoy fellowship with the great or would be great.

Frederick Yates, an actor who achieved fame at London's Adelphi Theatre at the beginning of the nineteenth century, told his young son Edmund to remember how the Duke of Wellington and Daniel O'Connell stopped and spoke to them in the street.²⁹ What secured this ruling class approbation was not always histrionic talent. The valedictions to actors often alluded to the deceased's control of an audience. The obituary of Frederick Yates in *The Standard* in 1842 recognised:

The command he possessed over the audience has been frequently exemplified; by one word addressed in his peculiar way he could quiet the most uproarious gallery and secure the goodwill of his hearers under the most embarrassing circumstances.³⁰

But the potential within theatre for ruling class manipulation and social control could also manifest itself as a focus for radicalism in opposition to the state. The Major/Minor theatre split of the late eighteenth century, where approved and non-approved theatres existed side by side each harbouring the people's champions and playing similar repertoires, meant that every day the non-Patent theatres were breaking the law. This situation could not continue as it challenged the rule of Law itself. It had to be re-assessed taking into account the new prestige of both actors and their profession. Their role needed to be codified and brought within the compass of the state whose stability increasingly depended on the rule of law rather than the rights or whims of Kings or a ruling class.

Section ii: The Minor theatre and the Diversification of Genre.

In order to understand the trends and events that led up to the 1843 Theatres Act it is necessary to explore one more influence on eighteenth and early nineteenth century theatre: the diversification of genre. The period saw the emergence and rise of Burlesque, Pantomime, Burletta, and Melodrama as, at least in part, defiant manoeuvres to outwit the restrictions of the Licensing Act of 1737. The first three of these new theatrical forms - burlesque, pantomime and burletta - were anarchic in concept, subversive in intent and phenomenally popular in practice. Although they cocked a snook at the ruling classes just as viciously as the satires of Fielding, it was done in a less confrontational manner.

According to Nicholson, the Burletta (a diminutive of the Italian 'burla', mockery) crept in through the back door of the theatre scene at the Marylebone Gardens around 1740.³¹ Best described as a satirical operatic sketch, a musical Interlude that travestied classical themes, it quickly developed into a musical farce. It was an onslaught on contemporary ruling class mores and socially-accepted behaviour that fired a broadside at ruling-class education. Burletta was a theatrical form tailored to appeal to those who were flouting social convention in the new sexually liberated milieu of the Pleasure Garden. Of course for the travesty to hit home the subjects needed to be familiar and instantly recognisable which meant that as the genre extended into the wider society, whose familiarity with the classics and opera was limited, the terms of reference (and the targets) became more recognisable and universal.

Burlesque, a much earlier theatrical phenomenon on the world theatre scene, emerged in Britain on the back of the Burletta. This too was an iconoclastic phenomenon just as finely targeted on establishment values as the Burletta but more suited to the nineteenth-century theatregoing public. In particular it lampooned successful, familiar, contemporary, literary icons. It was the “Monty Python” or “Beyond the Fringe” of the day which was to tumble Scott’s novels, Byron’s heroic poems, Verdi’s operas, Boucicault’s dramas, the contemporary melodramatic successes discussed below and even the ultimate sacred cow, Shakespeare. James Ellis suggests there were over a hundred burlesques of the bard in the nineteenth century, citing R. Farquharson Sharp, who traced fifty-nine that were staged between 1792 and 1895. He identifies *Hamlet* as the most frequently burlesqued of Shakespeare’s plays and notes that the earliest extant full-scale burlesque published was *Hamlet Travestie*, by John Poole, which appeared in print in 1810 and was first performed at the New Theatre in Tottenham St in 1813.³²

Richard Ford, in a study of burlesques of Scott’s Waverley novels, concluded that by 1850 the subjects of burlesque were not in themselves the basis of the humour: they were just a starting point, a structure upon which to build a network of topical “puns, allusions, parodies and hits” that were “independent of the relationship between a burlesque and a novel”: for example *Here’s Another Guy Mannering* which was performed in 1874 was a skit on the acting style of Henry Irving, not the novel itself.³³

Pantomime was even more subversive. It could criticise the establishment and leading figures of the day through the use of ‘gags’: purely visual jokes which were invisible in a printed script and so out of reach of the censor’s pencil. Pantomime also provided spectacle that was free from the homage to the hegemony inherent in the pageant and procession of traditional drama. It was, and is, a hybrid entertainment owing much to the Commedia dell’Arte tradition which, according to Macqueen-Pope, first made its appearance in Britain during the reign of James I when a troupe of Venetian performers came to London.³⁴ It appealed to the British taste and it was gradually anglicised as a vernacular entertainment by the addition of elements from the medieval Mystery and Morality plays and kept alive in the great fairs of Britain where Pepys documents its presence in 1667.³⁵

The first full British Pantomime was *The Tavern Bilkers*, produced by Rich at Lincoln’s Inn Fields in 1717³⁶. The genre soon spread to the fairs. Its early use of gender-bending was an important theatrical

phenomenon totally different to the travesti roles of the young men of the immediate post-Restoration period or the breeches roles that were popular in the theatre from the seventeenth to late nineteenth centuries. One could learn as much about sexual expectations and attitudes, stereotyping and inter-sex rivalry from pantomime as one could from many more serious and weighty studies of sociologists.

Each of these manifestations of the dramatic muse was grist to the mills of the new Minor theatres of the post Licensing Act era who were only allowed to perform a musical repertoire. Being at bay actually strengthened the institution of theatre. As it sought to evade the restrictions of the Licensing Act through new modes of performance theatre actually became more vital, more independent of control mechanisms and more representative of its patrons. It was the Burletta, however, that proved most influential to the growth of the Minor theatre scene, providing an alternative stage as ruthlessly avant-garde as that created by Joan Littlewood at the Theatre Royal in London's Stratford-East in the late nineteen-fifties. Though the concept of Burletta had to be broadened and coarsened to amuse the less sophisticated audiences attracted to the Minor theatres, it provided an important loophole that Minor theatre managers seized upon. By the time the Major theatres or the government woke up to what was happening, Burletta had become a blanket-term that covered any entertainment that incorporated singing. Later, just adding music sufficed to justify the use of the term Burletta and eventually even this was dispensed with: Covent Garden produced Fielding's *Tom Thumb* in the mid 1820s as a Burletta containing dialogue without music,³⁷ making Burletta totally undefinable. In 1827 the Duke of Montrose, the Lord Chamberlain, was forced to define a Burletta as something that was called a Burletta and had been called a Burletta in the past.³⁸ The demarcation between Major and Minor theatre entertainments was gone.

This does not mean that the Minor houses rushed to play Shakespeare. There was still the question of audience appeal and Garrick's maxim, that theatre would not be improved until the taste of the audience had improved, held very true. Theatres in the poorer districts had to cater for those who paid at the door who, particularly towards the end of the eighteenth century, were largely uneducated except by the lore of the workplace. As working hours had become more regulated people were segregated into working groups of a close class-identity. The common, basic culture of the population of Garrick's time was disappearing and being replaced by a number of fragmented, somewhat unwelcome, class-

based cultures. Social historian, John Rule, in his study of the labouring classes in early industrial England, cites Dr Cunningham who recognised that, “for the mass of the people ... the context of recreational conflict was one of an increase in leisure opportunities of an ‘undesirable’ kind for the working classes. Some of the people, perhaps most, made their own culture³⁹”.

The problem theatre managers faced with this lack of a common culture was revealed to Mayhew by a costermonger:

Love and murder suits us best, sir....Of Hamlet we can make neither end nor side ...Macbeth would be better liked, if it was only the witches and the fighting. The high words in a tragedy we call jaw-breakers, and say we can't tumble to that barrikin.⁴⁰

The general coarsening of the poor through industrialisation and the rapid, uncontrolled growth of urban settlements meant that by the last quarter of the eighteenth century, if the lower classes sought drama, what they looked for was an entertainment that was black and white: one that reflected the deprivation they experienced in their everyday lives but which gave hope of retribution for malefactors and the restitution of lower-class rights and opportunities. This need was met by the new Melodrama, an underclass reaction to, and substitute for, fashionable German Romanticism and the heavy English Gothic novel. It made sense of the experience of the common people and the ubiquitous nemesis satisfied their dreams of wish-fulfilment. Music accompanied the action to protect the managers from allegations of breaches of the theatre monopoly from the Major theatres. When this requirement was relaxed, the vogue for spectacle took over and Melodrama flourished: then, as with Burletta, Melodrama was taken up by the Major theatres themselves.

However, the movement of genre was not just from the Minor to the Major theatres. By the beginning of the nineteenth century, Public House entertainment was well established and here the Burletta reigned supreme. Dewey Ganzel overstates his case but nevertheless locates an important trend in his article, ‘Patent Wrongs and Patent Theatres: Drama and the Law in the Early Nineteenth Century’:

Burlettas proved so attractive to early nineteenth century audiences that the public houses before long emphasised their theatrical presentations over their other amusements; soon they were scarcely distinguishable from any other sort of theatre.⁴¹

For the ruling classes this was a dangerous development. An unregulated platform had been created in a major centre of labouring class recreation from which the hegemony was openly criticised and ridiculed in terms that were often semi-pornographic. This in itself was a form of radicalism to be discussed in the Church section of this thesis.

Penny Gaffs, catering for a volatile audience of “youths and the poverty-stricken riff-raff ... where entertainment of a barbarous nature could be seen”⁴² also started to appear during the second decade of the nineteenth century. Whether the gory blood-and-thunder Melodramas that were played in these theatres, or their unsubtle parodying of the more affluent classes, posed much of a threat to the social order is debatable; nevertheless it was widely thought that Penny Gaffs encouraged violence if only because most of the audience had to steal in order to be able to afford to pay for a ticket to enter and this, it was considered, helped to lead them to a life of crime⁴³.

In the metropolis and the major towns and cities of the country a radical new approach to the problem of theatre was overdue. The Licensing Act was obviously now in tatters: a dual licensing authority had been created, the Lord Chamberlain for the patent theatres and the magistracy for other places of entertainment. Much of Walpole's legislation was, like the aristocracy, effete. The high point of the Mercantile Age was already over and the Industrial Age was in the ascendant. Confrontation between the aristocracy and the people was becoming less important than that between the Middle and Working Classes which was growing. To achieve any kind of theatre regulation the governing classes needed a holistic approach. This was not forthcoming. The governing classes were neither particularly worried nor concerned with the current state of affairs. The monopolies had virtually defeated themselves: a system of class-based entertainment was satisfying each class-group within society and resulting, by and large, in a quiescent populace which was all the governing classes wanted from theatre.

Section iii: The Rise in Prestige of Theatre.

Theatre on the eve of the 1843 Act was, in three fundamental ways, a very different social phenomenon to the institution that had led Walpole to move for the 1737 Licensing Act:

- (a) Theatre had become part of the fabric of society,
- (b) Theatre was now perceived as a major instrument of social control,
- (c) Theatre had become a vital social determinant and defining mechanism.

These changes had taken place gradually as Theatre adjusted to external influences, perceptions and dictates. That theatre had become part of the fabric of society was no mere abstract concept: the physical construction and location of a theatre had acquired a symbolic quality of its own quite apart from any performance that took place within it. The Theatre Royal in Bristol, built in 1766 as a monument to civic pride, used Drury Lane as a model in an obvious emulation of capital-city culture. Over the years the internal décor was constantly up-dated to keep abreast of current London fashion⁴⁴. The external architecture of the theatre and its very location exude a self-satisfaction that was criticised by commissioners sent by the government elected to Parliament after the Great Reform Bill of 1832 to investigate the administration of the ancient corporations. These reported that in Bristol:

The ruling principle of the corporation seems to have been, at all times, the desire of power, and a watchful jealousy that nothing should be undertaken within the limits of the city over which they cannot, at pleasure, exercise control.⁴⁵

But the external appearance and siting of a theatre was not only a potent symbol in the provinces. In 1820 the Theatre Royal in the Haymarket, formerly Potter's Little Theatre in the Hay, was rebuilt by Nash and moved a fraction down the Haymarket to provide the focus of a vista that had been created by a development to the south of Piccadilly from St James's St, through King St, St James's Square and Charles II St. E.W. Brayley writing in 1826 defined the new symbolic status of theatre when he documented that the site of the new theatre was: "chosen to conform with, and to give increased respectability to, the improvements in its immediate vicinity".⁴⁶

The second change that had come about was the new ruling-class perception of theatre as a major instrument of social control. The Royal Box in the aforementioned Theatre Royal in Bristol (in which royalty were hardly ever to sit) was restored to its position in the centre of the auditorium. This presented a paternalistic model of society to the audience in keeping with Bristol's ancient Municipal Corporation status, re-enforcing the autonomy of the ruling body and emphasising the theatre's function as an agency of social control. In London, the experience of the Minor theatres showed that smaller

auditoria reduced audience rowdyism. Because what was being said on the stage could be heard in all parts of the house this affected the behaviour of the patrons in the Gallery. Hazlitt recorded that by 1818 the Minor houses were much more successful in keeping audiences under control than were the Major houses whose repertoire was supposed to be the more ennobling:

The Gods...at Drury Lane and Covent-garden, we suspect “keep such a dreadful pudder o’er our heads,” from their impatience at not being able to hear what is passing below; and, at the Minor theatres, are the most quiet and attentive of the audience.⁴⁷

Consequently, from 1810 to 1813 Parliament grappled with the problems of providing a third legitimate London home for the regular drama, a smaller Major theatre in which everybody could hear.

The third change, that theatre had become a vital social determinant and defining mechanism, resulted from its immense popularity. Dr Alan Woods posits that a society’s perception of itself is revealed in its mass culture and for Britain during the early nineteenth century the mass culture was theatrical. He cites the work of Otto Baensch who theorised that a study of the mass culture of a society will “provide direct insight into the concerns, preoccupations, and underlying views of the world so basic that they are seldom clearly expressed by contemporaries”⁴⁸. Woods, perhaps Whiggishly, was analysing the surviving early 19th century repertoire to enable late 20th century enquirers to understand better the early 19th century psyche. Paradoxically, his argument can be taken further: the early 19th century theatregoer was also using theatre, albeit subliminally, to tap into a store of cultural values to make his life meaningful. In a society of accelerating change, theatre was an important cultural repository. Audiences were not just looking to recognise social values; they were there to try to find out what those social values were. A further argument of Dr. Woods is equally interesting:

Perhaps more about English theatre in the early nineteenth century can be learned from Alfred Bunn, Ducrow, and the host of minor English playwrights ... than from Macready, the Kembles and the Keans; certainly Sadler’s Wells and Astley’s reveal more about the total English society than do Drury Lane and Covent Garden.⁴⁹

This, almost uncannily, augments an argument put forward in “Touching Things Theatrical”, a rather tongue in cheek article by Morgan Rattler in *Fraser’s Magazine* in 1833 which documented the overtaking of the regular drama by melodrama. It saw the theatres as the resort of the masses rather

than the elite who had deserted drama in favour of the opera and rationalised that “for the multitude, the poetry and philosophy of the greatest dramatist that ever breathed have no existence, the interest they feel is only in the incidents of the piece and the performance of the favourite actors⁵⁰”. The article also deplored the contemporary “mutilation” of the works of Shakespeare and the coarseness of the playing of his characters arguing that this offended the sensibilities of the serious aficionado and confused the plebeian audience. Rattler wrote of the current social and demographic upheaval, to be known later as the Industrial Revolution, that its effect on the population had been to produce a “solemn, stock-jobbing, grumbling” society whose amusements were:

those which require no knowledge beyond that of the common mechanic; which occasion no trouble of thought, and which, in their flimsiness of construction, coarse excitement, and extravagant absurdity, are calculated to please a hard-worked and care-oppressed people.⁵¹

Accordingly the taste of the theatregoing public had changed and it had become “a legal fiction to call any theatre, in which the genius of melodrama does not reign sublime, our national theatre”⁵². This meant that the focus of theatrical success and vitality had now become Astley’s (a highly successful Minor theatre on Surreyside) which was:

devoted to the celebration of our national achievements: while paper-and-scissors familiars of our patent theatres are busied in plundering the litterateurs of other countries, the dramatist of Astley’s seeks for inspiration in the glorious deeds of Old England ... and, adding a laurel to the wreaths of Nelson and Wellington, teaches our children to be proud that they were born Britons. It is accordingly, perfectly clear that Astley’s is, in fact, the national theatre.⁵³

This contemporary appraisal was endorsed by the evidence of actor and dramatist, Thomas Serle, to Bulwer Lytton’s Parliamentary Select Committee on Dramatic Literature in 1832⁵⁴. Woods is obviously right: the Minor theatres reflected more of the true British experience than the Major theatres. They catered for a far more indigenous audience⁵⁵ and had, therefore, to reflect a more socially specific, recognisable image. Sometimes, managements targeted a particular interest group and worked within specific parameters. This was the case with the nautical and aquatic dramas at Sadler’s Wells⁵⁶, the overtly patriotic equestrian entertainments at Astley’s⁵⁷, or Mme Vestris’ tasteful, ultra-realistic productions at the Olympic theatre which were fastidiously accurate in historical or contemporary detail and which always ended at the genteel hour of 11.00 p.m. instead of the more usual midnight⁵⁸.

The provincial Minor theatre was vitally important. It enabled provincial theatregoers to make sense of their lives. It helped them consolidate the ever more complex regional culture and relate it to a national culture. This responsibility was not treated lightly. Paul Ranger has researched the provision of theatre in some English provincial towns and cities⁵⁹. He details an early 19th century theatre circuit of Oxford, Reading, Newbury and Windsor, under the management of Henry Thornton, each of which represented a quite different facet of English provincial life. Thornton, who seems not to have been exceptional, selected by the values inherent in the writing, subject matter and mode of presentation, a venue-specific repertoire of plays so as to appeal specifically to each theatre's patrons. This was a sensibly cautious *modus operandi* that represented more than pecuniary motives or considerations.

Theatre meant just as much to groups with specific, specialised interests within London society. In 1805 Dowton, at the Haymarket, had decided to revive for his own benefit performance *The Tailors; or, A Tragedy For Warm Weather*, a play that ridiculed the 'Knights of the Thimble'. The London tailors were incensed. Macqueen-Pope gives an amusing, though perhaps exaggerated, account of what ensued. He recounts Dowton receiving letters threatening him with between 17,000 and 27,000 rioting tailors if the performance went ahead⁶⁰. Brayley documents in a more sober fashion that in fact about 700 turned up at the performance. As the capacity of the house was about £300 (implying a maximum audience of 2500 to 3000) the tailors represented approximately 25% of the audience: a fearsome corporate adversary⁶¹. Macqueen-Pope records that one of the tailors threw a pair of shears at Dowton and both commentators record that the Horse Guards had to be called out to disperse the rioters, sixteen of whom were arrested and carted away to Bow Street Gaol. Theatre, particularly the work of the Minor theatres, was obviously recognised during the period under study as being an important transmitter and guardian of values and social mores.

The Major theatres provided a different theatrical experience. In 1831, during a celebrated legal Minor/Major confrontation, the Lord Chancellor, although somewhat incredulous, revealed that he was aware that the huge Winter Theatres had the reputation of being orientated towards visitors to London rather than local residents⁶². George Colman, the Examiner of Plays under the Lord Chamberlain between 1824-1836, was quite sure that this was a justified perception⁶³. The agenda of the Patent

Theatres and Opera Houses was to promote and glorify the London-Season experience. They had become symbols and they used symbols to enrich the experience they provided. Building on the work of Garrick who had instigated the virtual canonisation of Shakespeare, and using the fact that they alone were authorised to perform his plays, they built Shakespeare into a national super-hero. The managers of the Winter Theatres argued that the speech of the Chorus in *Henry V*, “A kingdom for a stage, princes to act, and monarchs to behold the swelling scene”, was a coded command from Shakespeare to posterity that his plays should only be produced in the “noblest temples of the Muses”. Now that drama had grown out of the “cradle” of Shakespeare’s epoch into the majesty of their own, the Winter theatres ingeniously dismissed the historical fact that Shakespeare’s works had been written for theatres like the Swan and the Globe and sought instead to create the myth that only they were large enough or had scenic resources enough to perform his plays properly⁶⁴.

Making a national icon of the actor-playwright Shakespeare was an important strategy in the battle actors waged to elevate their place in society. The histrionics and spectacle employed in performances of Shakespeare’s plays represented more than what Michael Booth claims to be a Victorian propensity to see theatre as “a series of beautiful pictures”⁶⁵. Even though Charles Kean was elected a Fellow of the prestigious Society of Antiquaries partly on the strength of the scholarship of his historically accurate productions of Shakespeare’s plays⁶⁶ it went further than the desire to use the production of a play as an historical treatise. As patrons of Renaissance painters paid to have themselves included in religious pictures to show their close connection with deities, and the similarity of their position in the cosmic scale, so 19th century actors created a legend, which they then improved upon so as to reveal the importance of their calling, the depth of their perception, and the breadth of their intellect. Using the excuse that they were carrying out the Bard’s wishes and doing merely as he would have done had he their facilities and expertise, they judiciously altered the text, incident, and plot of his works and out-Shakespeared Shakespeare to “enhance” and make accessible not only his genius but also their own. Theatre was now becoming recognised as a primary social force:

... theatricals generally are a standing topic of conversation in all circles. To be conversant with such matters is considered a most valuable accomplishment; and he who is unacquainted with them makes but a poor figure in London society, however great and varied his intellectual attainments otherwise⁶⁷.

Other agencies within society were also trying to use theatre as disseminator of ideas and values as Harry Pedicord's research into the infiltration of theatre by Freemasons demonstrates⁶⁸. He attributes no less than 204 performances of *The London Merchant* to direct Masonic influence: 32 of them actually bore the specifically Masonic advertisement "At the Particular Desire of several Persons of Quality and Distinction and eminent Merchants of the City of London"⁶⁹. Examining the incidence of performances of *The London Merchant*, *The Generous Freemason*, *Solomon's Temple*, and *Harlequin Freemason*, Pedicord concludes:

...in these four pieces Freemasonry can be seen as a vital adjunct to the London theatre scene, revering the arts, answering calls of distress from needy actors and their friends, influencing audiences in matters of decorum, and celebrating its own very real enjoyment of the playhouses.⁷⁰

Section iv: Edward Bulwer-Lytton's Espousal of the Theatrical Cause.

In the first thirty-two years of the 19th century, before Bulwer-Lytton, on whom the spotlight now falls, espoused the theatrical cause, eleven new theatres had been built and countless reconstructions and improvements had been made to the theatres that had existed previously. In the eleven years that passed between the publication of the findings of the House of Commons Select Committee on Dramatic Literature and the passing of the Theatres Act in 1843 a further fifteen came into existence⁷¹. A substantial new theatre every two years on average over forty-three years does not suggest an institution or industry in need of a champion. When, in 1832, Edward Bulwer-Lytton rose in Parliament to move for a Select Committee to inquire into the State of the Laws affecting Dramatic Literature and the Performance of the Drama, theatre was an accepted form of entertainment, one of the primary forums for literary endeavour and a thriving industry. His reasons were primarily personal: Bulwer-Lytton recognised in theatre a social and artistic expedient that temporarily suited his purposes.

The youngest of three sons, Bulwer-Lytton enjoyed the advantages and opportunities inherent in his position as a member of the privileged classes. He had indulged in writing although he had never thought of pecuniary gain:

His idea, indeed, had always been to pass for a fine gentleman of intellectual tastes, devoted to literary study, capable of literary performance, but by circumstance of family and fortune set quite apart from any of the poor devils who turn authors to keep the wolf from the door.⁷²

Then, in 1827, when he was twenty-four years old, he fell out with his mother, the eccentric chatelaine of the family estate of Knebworth, Herts, upon whom he leaned financially. The withdrawal of Mrs Bulwer-Lytton's financial support left her son with the paltry annual income of about £300⁷³. He had, therefore, to find a way to support himself. Writing, the obvious choice, did not initially go well. In 1827 he published a novel, *Falkland*, which he had started when he was eighteen and finished when he was twenty-two. For Lytton, who had decided he also wanted a parliamentary career, the critical reaction to the book was catastrophic: "The London reviewers generally found the book unentertaining, sickeningly monotonous, and downright dull, nor uninteresting and un instructive only, but morally and socially pernicious into the bargain."⁷⁴

The book was suppressed and not published again until after Bulwer-Lytton's death. This volte-face was clearly a strategy to safeguard his parliamentary aspirations as well as a sop to placate the publishers, editors and reading public who, due to his greatly reduced financial circumstances, Bulwer-Lytton now had to court assiduously. For these ends Bulwer-Lytton was now quite willing to sacrifice his principles. However, the fashionable set no doubt would have concurred with Escott, Bulwer-Lytton's biographer, who naively attributes the withdrawal of the book to the fact that the author was "sincerely touched with a sense of responsibility to the public he addressed".⁷⁵ Nevertheless, Colburn, a publisher, who managed the fashionable fiction house of the time was suitably impressed by both *Falkland* and the author's seemingly magnanimous gesture. He offered Bulwer-Lytton £500 to write another novel. For Bulwer-Lytton, who saw his future as:

Three years of retirement at his country-home, occupied with writing which might yield something like fame, as well as enough to make both ends meet; then three years of foreign travel, with more taking-in and giving-out of literary-treasure; after this a parliamentary career, begun on the strength of a literary reputation established⁷⁶

this seemed to be playing into his hands. It was not to be achieved easily. After a gruelling period spent as a "hired producer of 'copy' to editors' order, and the writer up to 'cuts' in annuals or magazines"⁷⁷ for pay that "would have been looked down upon by a second-rate hack of Fleet Street or Paternoster

Row”⁷⁸ Bulwer-Lytton did produce four successful novels in quick succession: *Pelham*, a satire on fashionable life which secured him the £500 promised by Colburn, *Disowned*, a moralistic fable, *Devereux*, a historical romance, and *Paul Clifford*, a satirical crime novel. Then, at the end of 1831, Colburn offered him the editorship of his *New Monthly Magazine* which had been started in 1824 to compete with the two other popular magazines of the day, *Fraser's* and *Blackwood's*. This Bulwer-Lytton accepted, partly to please the publisher who was his lifeblood and partly because he realised it could help him in his parliamentary career which had commenced the same year at the height of Reform fever. The Grey administration had been dissolved and Bulwer-Lytton had been washed in as a radical Liberal member for St Ives in Grey's new administration formed in 1831. It seems that the young Bulwer-Lytton saw in the theatre an opportunity to promote himself.

Around this time the prestige of theatre was in the ascendant. This, as I have already attempted to show, was partly because, as a legacy of Garrick, the social standing of successful actors which was totally irrespective of their birth or education and dependent only on their physical attributes, talent, and luck, was rising steadily. This cannot, however, be totally attributed to the legacy of Garrick. In a society where wealth was an important social determinant, actors were successful figures. Although strolling players were paid roughly the same as local labourers, a move up to regular circuit work brought a wage of 30s per week. This was good money: at the turn of the century a Lancashire cotton weaver could expect 26s 8d a week, but by 1832 this had dwindled to 6s 4d, whilst in 1817 common artificers in Birmingham were working for 1s a day. A move to the Winter theatres would be the next step. At the turn of the century most actors at Drury Lane were receiving from £17 down to £3 per week, most actresses earned from £12 down to £3, Kemble, the manager, earned £56 14s, and Mrs Jordan, one of the company's top stars, averaged £31 10s (in 1804-5 she received a total for the season of £1081 10s). Meanwhile at Covent Garden in 1804 Mrs Siddons earned £20 a night which rose to 50 guineas by 1811. And the great Malibran, the darling of the opera-going aristocracy, commanded £125 per week at the King's Theatre in 1835. These substantial salaries enabled performers to cut a pretty figure in society. George Hauger, to whom I am indebted for the foregoing salary information, could surely not be more wrong when he states “in spite of his earnings ... the actor was a less acceptable member of society than his pauperised fellow-countryman”.⁷⁹ The opposite was the case. The evidence in the writings of F.A. Wendeborn, a German visitor to England towards the end of the

eighteenth century, undermines the idea that members of the acting profession were social pariahs: “...the character of a player has nothing degrading in England, and those who are at the head of the profession are rather courted, even by people of rank, and introduced into the best companies.”⁸⁰

This was no mere foible of a fashionable beau-monde. Leading intellectual figures such as Charles Lamb, in his *Essays of Elia*, and Leigh Hunt, in *Critical Essays on the Performers of the London Theatres*, discussed performances and popular performers in a serious and scholarly way. Charles Beecher Hogan found:

The advent of a good new actor, actress, or singer was a topic of discussion everywhere. Contemporary letters, journals, diaries constantly record the gossip of the stage. Nowhere is this more clearly to be observed than in the newspapers and magazines.⁸¹

As they became fashionable celebrities, actors sometimes lifted themselves from the common weal and adopted fashionable society’s attitude towards the audiences upon whom they depended for their rise to eminence as a letter from Edmund Kean to Frederick Yates, written January 4th 1831, testifies:

Dear Yates, _Can I have my usual box to-night? I stay in London but a couple of days, and it will be an indulgence. I detest mixing with the canaille. I like the public’s money, but despise them. _Yours truly, Edmund Kean.⁸²

Increasingly, as we have already seen with the case of Miss Scott at the Sans Pareil, theatre came to be seen as a doorway to fashionable society and wealth. Yet by early Victorian times this was a different phenomenon to that of the young late seventeenth-century actresses who acquired a social position through a carefully engineered marriage. The key which opened the door of social advancement to these new theatrical social-climbers was a widespread recognition of their histrionic talent. As players became feted celebrities so the works which demonstrated their talent became the subject of widespread attention and the authors responsible for them became celebrities in their own right. As this door was opening to those who provided the new works of drama for the acting profession, Bulwer-Lytton, who was conscious of the need to enhance and consolidate his social prestige, attempted to walk through it.

His family background was not impeccable. Despite Escott’s attempt to add the magic of the Vikings and the mystery of an alchemist to his pedigree it was firmly located in the fortunate marriage of his

paternal great-grandfather into a Norfolk landed family, augmented a generation later by a link to a Hertfordshire land-owning family (whose lands he would eventually inherit)⁸³. Lord Castlereagh (the eldest son of the third Marquess of Londonderry) opined of him soon after Lytton entered Parliament, “Bulwer! Oh! He’s a low fellow, is he not?”⁸⁴ This voiced what could have been a popular perception. James Grant evidently had a poor opinion of his parliamentary attendance and interests:

It is curious to observe with what interest particular members listen to the speeches of other honourable gentlemen, to which the members generally pay no attention, when the subject chances to be a favourite one with those particular members. If, for example, there be anything highly imaginative in the speech of an honourable gentleman, Mr. Edward Lytton-Bulwer is sure, if in the house, to be all attention, however listless all other members may be around him.⁸⁵

The Diaries of William Macready reveal three instances where Bulwer-Lytton, with whom he became intimately acquainted, exhibited, or seemed to be aware of, a social inadequacy. The first came at the beginning of their association: after meeting Macready, Bulwer-Lytton, obviously trying to ingratiate himself with the noted actor, spoke of his pleasure at “the honour of Macready’s acquaintance”.⁸⁶ This offended the actor as he thought Bulwer-Lytton was being condescending. The second instance came a few years later when Bulwer-Lytton betrayed an obvious, almost inordinate pleasure at being praised by Queen Victoria after a performance of *The Lady of Lyons*. Macready noted: “It was curious to see a man of Bulwer’s great mind evidently so much delighted by the praise and compliments of a little girl - because a Queen!”⁸⁷. He later documented Bulwer-Lytton’s obvious social unease at a dinner party where the actor was surprised to see “Bulwer do things - in fact, betray a gaucherie of manner (!) that I dared not for my life have done”.⁸⁸

Another result of the rising prestige of the actor was that he provided the benchmark for judging the oratory of the day. This was another area in which Bulwer-Lytton felt deficient and nervous, so much so that he accepted Macready’s help in an effort to improve his elocution although his “delivery was defective to the last”.⁸⁹ This also shows a lack of perspicacity on Bulwer-Lytton’s part. Dramatic elocution involved a degree of histrionics and affectation that would have been inappropriate in Parliament and the falseness of this affectation would have been obvious to many notable orators in the House who easily commanded the attention of crowds and rallies often 4000 strong on issues like the Reform Act and the Corn Laws. Nor was dramatic elocution always representative of the standards that

many of the aristocracy were brought up to emulate. The recent dismay noted in certain circles with the way modern youth has adopted Australian vocal inflexions, due to the influence of soap operas imported by the BBC for showing at peak viewing-time for young-adolescents, had its eighteenth century equivalent. In 1791 John Walker published his *Critical Pronouncing Dictionary and Expositor of the English Language*. In this book he decried the pronunciation of certain words from the stage⁹⁰ because he recognised that, whether or not it followed contemporary academic thought on what was or was not “good English”, theatre had become one of the prime arbiters of good taste and the current theatrical declamatory style was the ultimate authority and influence in matters of speech. Indeed, in parts of the dictionary he cites Garrick and the stage as an authority on issues of pronunciation.⁹¹

Nevertheless Bulwer-Lytton had accurately judged the vogue of the period when he espoused the theatrical cause, and Charles Beecher Hogan was correct (though he grossly understated the case) when he wrote, “knowledge of theatrical activity was of real importance to a sizeable segment of London’s population”.⁹² One only has to turn to *The Great Metropolis* to appreciate just how important were theatres for nineteenth-century Londoners. John Grant describes them as:

...the principal source of amusement to all classes of the inhabitants. The highest and the lowest, the most intellectual and the most illiterate, evince an equal partiality to them. The people of London are a theatre going people, in the largest and broadest sense of the phrase....It is so powerful with a very numerous class, both in the higher and lower ranks of life, that it must be gratified at any sacrifice, and under any circumstances.⁹³

Clearly, a young man who wished to make his mark in society could do much worse than to be seen to be an influential figure in this milieu. And the time was ripe: “Reform” was in the air and feelings were beginning to run high against official oppression. This included the operation of the monopoly enjoyed by the two Major Houses. In practice the monopoly was a dead letter and geographically it could not be otherwise. London was growing rapidly and the overcrowded, often slum, conditions in the centre of the two cities of London and Westminster where the Winter theatres were situated, led to a demographic redistribution of London society. In less than a century the more prosperous classes migrated towards the suburbs aided by the building of Westminster Bridge in 1750, the William Pitt Bridge (later renamed Blackfriars Bridge) in 1769, and the Strand Bridge (later called Waterloo Bridge) in 1817. With or without permission, theatres were built in the new centres of affluent population and

the new residents demanded a level of entertainment that was often superior to that presented by the over-large Major theatres which were restricted both by their size and the taste of their established audience to "...the representation of performances in which sound is more thought of than sense, and where the eye-sight may be captivated without any attempt to interest the understanding."⁹⁴

In 1830, as the Minor theatres became more audacious in the selection of their repertoire, scarcely bothering to cloak their defiance with any kind of subterfuge, the managements of Drury Lane and Covent Garden launched into a relentless persecution of the Minors, particularly the more recent newcomers: the Tottenham Street Theatre, the City Theatre, the Pavilion, the Garrick, the St. James Theatre, the Norton Folgate and the Strand Theatre. The first of this list temporarily surrendered in December 1830 occasioning a storm of criticism of the monopolists in the popular press. *The Times* voiced the opinion that as long as the Minor theatres were guilty of neither slander nor injury to the public morals "neither the prerogative nor the Legislature can have any reason to interfere with them".⁹⁵

Section v: Demands for New Legislation.

At the end of 1831, accurately feeling and responding to the pulse of the times, a remonstrance meeting of dramatists and Minor-Theatre managers was held at the Albion Tavern chaired by Thomas Serle a dramatist and Minor-Theatre actor. The purpose of the meeting was to table a series of resolutions to highlight and promote the grievances against the repressive system under which those in the Minor theatres felt themselves to be working⁹⁶, even though they were making a mockery of the whole legal system. A further meeting was scheduled for February 24th 1832 at the City of London Tavern.

The Times was quick to take up the cudgels again and on January 4th compared the monopoly to a proclamation declared by buttonmakers in 1790 to the effect that a penalty of £5 would be chargeable on every individual wearing covered buttons to his coat. This had been immediately repealed, a fate the writer forecast in the near future for the dramatic monopoly. On February 1st, just over three weeks prior to the second meeting of the remonstrance committee, the *New Monthly Magazine*, which had been under the editorship of Bulwer-Lytton since the previous November, was one of a number of publications to join the fray. It published a five-page article entitled 'The State of the Drama'⁹⁷, an obvious parody on the fairly new 'State of the Nation' debates in Parliament. This could have been the work of Thomas Serle, and this was an impression that Bulwer-Lytton sought to foster. When

questioned by Bulwer-Lytton for his Select Committee, Serle stated that he had written on the subject of the Drama for the *New Monthly Magazine*⁹⁸. Nevertheless, I suggest that the article was actually the work of Bulwer-Lytton: it documented not only complaints made at the Albion-Tavern meeting the previous month but also complaints specific to the oppression of dramatic authors that were not aired until the second remonstrance meeting which took place three weeks after the article appeared. The chairman on that occasion was Bulwer-Lytton himself, who had not taken long to jump on the bandwagon⁹⁹. Within two months Bulwer-Lytton presented a petition to the House of Commons which was:

very numerous and respectably signed, from noblemen, gentlemen, merchants, traders and others, of London, praying for the repeal of all legislative enactments which tend to restrict the performance of dramatic entertainments in the metropolis.¹⁰⁰

He announced his intention of moving in the Commons for a Select Committee to be set up to examine the issue and from the findings of this Committee to construct a Bill to introduce to Parliament. The Minor theatres must have considered themselves fortunate to find such an influential champion even if he seemed to be altering the terms of the argument and loading it heavily on the side of the dramatists rather than the performers. The question that must be asked is why was Bulwer-Lytton doing this? Did he see himself as a dramatist in the making? I suggest that this is part, but only part, of the story.

Bulwer-Lytton had considered writing for the stage and had experimented with the dramatist's art. Early on in their relationship he admitted to Macready that he had written a play on the death of Cromwell that had been "lost"¹⁰¹. Why had he not pursued this literary avenue? Writing for the stage was becoming increasingly lucrative and, in view of his financial difficulties, this would have been of particular importance to him. The sums concerned were not inconsiderable. In 1782 John Dent received £100 for a farce, *Too Civil By Half* and in 1796 Prince Hoare earned £210 for his farce, *Lock and Key*¹⁰². Full length plays attracted correspondingly higher remuneration: O'Keeffe's *The Castle of Andalusia* realised £369 in 1783 whilst Thomas Morton's *A Cure for the Heart Ache* brought him payment of £500 in 1797¹⁰³, a fee which was doubled to £1000 for *Town and Country* which he wrote in 1808¹⁰⁴.

These were of course fees commanded at the prestigious Winter Theatres; at the Minor theatres the rates were less. Nevertheless, John Buckstone received £60 for *Henriette*, which was performed at the Adelphi in 1832, and a further £10 for the provincial rights for a year. The following year he asked a fee of £70 and £10 for provincial copyright for *The Rake and his Pupil* at the same theatre, and in the same year his drama *Ellen Wareham* at the Theatre Royal Haymarket brought him £100¹⁰⁵.

As the number of Minor theatres was multiplying, authors such as Buckstone were realising very substantial incomes. Nicoll documents 80 known new plays from Buckstone in the period 1825 to 1847 and even at a very conservative estimate of an average of £100 a piece this would give him an average annual income of nearly £400. This was over a £100 more than the allowances Bulwer-Lytton was receiving for himself and his wife. Moreover, fees for plays were constantly increasing: by 1884 they were to rise to £10,000 for a London play with £3,000 for the provincial copyright!¹⁰⁶ Nevertheless this was still in the future and in the early 1830s it has to be admitted that writing a novel for a publisher could be more lucrative. As Douglas Jerrold, the dramatist responsible for the contemporary success *Black-Eyed Susan*, informed the Select Committee, perhaps taking advantage of Thomas Duncombe being in the chair to raise the spectre of Bulwer-Lytton's pecuniary motives, "a gentleman will get £1000 for a novel, and Mr. Sheridan Knowles only got £400 for *The Hunchback*"¹⁰⁷.

Yet the financial returns were only part of the story. Of more concern to Bulwer-Lytton was the lack of prestige associated with the art of writing for the theatre. It is primarily in this area that one must look to understand Edward Bulwer-Lytton's original reluctance to write for the stage and his later attempt at the transition from novelist to dramatist.

When Bulwer-Lytton told Macready that his play, *Cromwell*, was lost he probably meant discarded or abandoned. Why should he have "lost" his play? I suggest that from the questioning during the investigations of the Select Committee the answer is obvious. As the law then stood, the only theatres for which Bulwer-Lytton could write, if his image and social standing were to be preserved (and these, for him, were both vitally important issues), were the Major theatres. There were only three of them, and one of these, the Haymarket, was of dubious status. In these theatres failure could be expensive. Even at the Adelphi a mistake would cost in the region of £2,000 as Frederick Yates found out when

Laporte of the Italian opera, Bunn from Drury Lane, and Yates himself embarked upon a race to Paris to engage what were rumoured to be some extremely successful and popular Hindu temple dancers, the Bayadères. Yates' triumph in reaching Paris first and engaging the troupe turned sour when they flopped miserably in London leaving the Yates family to remember them as the "Buy-em-dears".¹⁰⁸

Because of this, authors faced fierce competition, even if they managed to get their plays as much as read, let alone staged. Bulwer-Lytton fully aired the predicament of new dramatists and their position vis-à-vis the Major theatres in his questioning of witnesses for his Select Committee. Three connected areas of concern were thrown into high relief in his questioning of the playwrights Thomas Serle, John Poole and Richard Peake and the theatre proprietors Forbes and Morris. Firstly he tried to ascertain the likelihood of a play being initially rejected by the Major theatres but subsequently accepted by them if it was a successful draw at a Minor theatre¹⁰⁹, secondly he probed the extent to which a new play's chances of success were dependent on it being considered as a suitable vehicle by the actors who would have to perform it¹¹⁰, and thirdly he tried to find out what the chances were of a submitted play being actually read.¹¹¹ It is obvious that Lytton's interest on these points was not purely academic.

Bulwer-Lytton's new parliamentary career as a radical reformer and his gradual establishment as a writer must be looked at in tandem. It prompts the second question one must ask to attempt to explain Bulwer-Lytton's espousal of the cause of the drama. Did he see in dramatic literature the possibility of a respectable cloak under which he could promulgate radical political thought? Or was he camouflaging paternalistic Tory political principles as radical philosophy and attempting to use drama to subvert the march of reform to protect the great land-owning fraternity to which he knew he would ascend upon the death of his mother? The answers are not clear-cut.

The Reform Act of 1832 brought a partial democracy to the great industrial towns and enfranchised a whole new middle class. Success in politics therefore meant that one had to establish one's credentials with this new (and largest) section of the electorate. Bulwer-Lytton's writing had, therefore, a dual function: it was the source not just of his income but also of his reputation. To combine these two needs he must have realised it was necessary for him to change his targeted readership. His novels, which had gained him a reputation in the eyes of society, were aimed at the aristocracy and upper-

middle classes. They reflected upper-class values and caste and were written to appeal to upper-class sensibilities and experience, hence the lack of censure for his lampooning of upper-class society in *Paul Clifford* discussed earlier. To support this thesis, Bulwer-Lytton's later novel, *Eugene Aram*, published in 1832, was a study of a man whose deprivations led him to crime and homicide - a situation that explored an ethical problem that would appeal to the new radical middle-class intelligentsia.

This change of style was noticed by some of his critical contemporaries who began "to charge him with only producing, in his most effective passages, the stock personages and incidents of the transpontine melodrama".¹¹² But *Eugene Aram* was only a novel and novels did not have the circulation that they were to enjoy a quarter of a century later in Victoria's reign. The stage was the platform upon which ideas travelled up and down the country to reach into the class-consciousness of the various strata of society and particularly that of the middle classes who now held the casting vote for prospective Parliamentary candidates. But for Bulwer-Lytton himself to capitalise politically on this mode of dissemination of ideas or philosophy, or capitalise financially from the growing theatrical scene, the Minor theatres, which provided the greatest outlet for an author's work, had to be legitimized. Furthermore, if this technique for infiltrating society at large was to be successful, the author, not the actor or the theatre manager, had to be in control of the text of the play. This was not the case in 1832.

As soon as a writer's play was actually published it became public property. Even if it were not published, as far back as 1774, the more unscrupulous theatre managers sometimes had had shorthand writers in an audience to take down the words of the new play so that they could have it performed,¹¹³ and of course a popular play could be 'adjusted' and its title changed to avoid a prosecution for plagiarism. A man with the social and artistic pretensions and literary aspirations of Bulwer-Lytton must have been horrified by the spectacle of Lord Byron, a figure upon whom he modelled himself¹¹⁴, being cast to the masses when his play *Marino Faliero* was produced at Drury Lane by Elliston, in total disregard of the author's wishes. Pierce Egan evokes the contemporary controversy:

The circumstances were somewhat new in the history of the Drama: the question being, whether a published Play could legally be brought on the Stage without the consent, or rather we should say, in defiance of the Author... the Piece was performed several nights, and underwent all the puffing of the adventurous Manager, as well as the severity of the Critics. The newspapers of the day were filled with histories and observations, upon it. No subject engrossed the conversation of the polite and play-going part of the community but Lord

Byron, The Doge of Venice, and Mr. Elliston. They were all bepraised and beplastered - exalted and debased - acquitted and condemned.¹¹⁵

It must have become obvious to Bulwer-Lytton that if he intended to use the stage for any political purpose he must, as a writer, have a greater hold over the material he produced than was then available. After the Report of the Select Committee was published two Bills were presented to Parliament simultaneously.¹¹⁶ The first, the Dramatic Authors Bill, was a clear-cut copyright measure that passed through the Houses easily. As even Bulwer-Lytton's rivals writing in *Fraser's Magazine* realised, this was a foregone conclusion when "a new invention in bobbin-net, or an improved lock, would be amply secured to its proprietor".¹¹⁷ The second proposal was the more contentious Dramatic Performances Bill which, because of vested interests in high places, was obviously going to have a stormier ride through the two Houses. Vested interest was not to be the only obstacle. High on Bulwer-Lytton's agenda in this bill was the reversal of the ruling of the Licensing Act of 1737 to restore politics to the stage. The introduction of this line of thought into the Minutes of Evidence of the Select Committee caused consternation. Francis Place was introduced to the Select Committee as a pamphleteer who had exposed an element of fraud in the raising of funds for the rebuilding of Drury Lane theatre at the beginning of the nineteenth century and as a man who had "given great attention to the subject of theatres"¹¹⁸. This needs qualifying. The purpose of Place's evidence was to show that the monopoly enjoyed by the Winter theatres was neither an artistic nor a financial viability. In reality, however, he was a political activist and reformer and his interest in both theatre and the Select Committee was political: he wanted to bring about the end of what he regarded as an invidious system of privilege.

Bulwer-Lytton used Place to raise the issue of political plays. The issue was introduced gently by separating two questions with a discussion arguing that the good sense of audiences and actors would tolerate only material which was moral and decent, and would often themselves censor offensive material which the Licensor of Plays had let pass. Nevertheless Place's two suggestions, first that overtly political plays should be allowed and second that political allusions in any play should not be censored¹¹⁹ led to the room being cleared of observers for a while and the expectation that his evidence be not minuted¹²⁰. Following hard on the heels of all the Reform agitation, removing censorship of political material was obviously a dangerous issue and, as Bulwer-Lytton realised, one that could do more harm than good to the Minor theatre cause¹²¹.

The issue of political censorship was not raised again. It was, however, still a primary aim of Bulwer-Lytton to allow the stage to be used for political purposes. Although he expunged all references to political and moral censorship from his Dramatic Performances Bill, no doubt flushed with success at the passing into law of his Dramatic Authors Bill, he revealed his thoughts on the issue:

the Athenians, always in a sea of politics, were nevertheless always willing to crowd the theatre, ... the theatre with them was political; tragedy represented the sentiment, and comedy represented the characters of the times... We banish the Political from the stage of the most vivid of its actual sources of interest. At present the English, instead of finding politics on the stage, find their stage in politics.... I doubt if the drama will become thoroughly popular until it is permitted to embody the most popular emotions. In these times the public is absorbed in politics, and yet the stage, which should represent the times, especially banishes appeals to the most general feelings¹²².

The titles of his plays and the text itself showed that he, like the Minor theatre managers, was prepared to push the limits of opposition to breaking point in his desire to explore politics through drama.

Cromwell and *Richelieu*, and the proposed works: *The Murder of Clytemnestra*, *Robert Walpole*, *Richard Neville - the Earl of Warwick*, *Oedipus Tyrannus*, and *Darnley* show Bulwer-Lytton's preoccupations. On Feb. 21st 1838, at the end of one of the first performances of *The Lady of Lyons*, whilst its author was still unknown, Macready felt the need to address the audience to refute imputations that had been made concerning political allusions in the play. He stated:

there are no political allusions that do not grow out of the piece... Had it been otherwise I am certain the author, whom I have the honour to know, would never have descended to such means to entrap your applause; the licenser would never have permitted it, nor, I believe, will you think that I should have had the bad taste to encourage it... art and literature have no politics¹²³.

This of course was not true. As Charles Shattuck reveals, *The Lady of Lyons* was "exactly consonant with the rising spirit of Liberalism in the decade"¹²⁴. Once Bulwer-Lytton's authorship had been revealed, *The Times* launched an attack and wrote of the "bile stirred up by indignation at the politics of the mess"¹²⁵. *Richelieu* contained similar material and nine months later when Bulwer-Lytton presented the completed play to Macready, the actor warned him that his play "would not serve his interest, whether in reference to his literary fame, his station, or his political position"¹²⁶. In fact

Richelieu completed a political project through which one could see the transfer of political power from “the One Man” to “old provincial chivalry”. It formed the first part of a trilogy which had been started mid-stream with *La Duchesse de la Vallière* and had continued with *The Lady of Lyons*. The question that now has to be asked is what does this reveal vis-à-vis Bulwer-Lytton’s politics?

The French background, theme and general development of this trilogy, has echoes of his *Asmodeus at Large*. This fictional dialogue advocated Bulwer-Lytton’s own concept of cosmopolitanism which was a set of rather half-formed theories based on youthful observations of early nineteenth-century French society gained from his own travels in the mid eighteen-twenties. In *Asmodeus*, Bulwer-Lytton states, “You English do not pay enough attention to foreign literature and foreign politics to understand your own”¹²⁷. He saw the English Reform movement as “part of the great current of political change then traversing continental Europe”¹²⁸. To understand Bulwer-Lytton’s thinking one must examine his essay on George Duval’s *Souvenirs de la Terreur de 1788 a 1793*¹²⁹ in which he interpreted the French Revolution of 1789 as primarily a middle-class movement and blamed it upon the civil, religious and commercial stranglehold-policy developed by Cardinal Richelieu in the seventeenth century which enabled the growth of a rootless middle class whose only hope of social or political advancement lay in an emulation of an effete aristocracy and the purchase of land. Bulwer-Lytton’s political activity can be seen as pure protectionism for himself and for the ethos of leisure and refinement of his class against the encroachment of the crass middle-class ethic of entrepreneurialism upon society¹³⁰. The reason he rejected the concept of a representative chamber that only reflected the interests of the established landowners and promoted an extension of the franchise was because it led to:

that safeguard of modern society...There can be no dangerous and prolonged separation between the classes where elections are popular and frequent. What the feudal system was in binding together the baron and the vassal, the electoral is in binding together the great proprietor and the agriculturalist - the great merchant and the artisan - the rich and the poor: there is a link of iron between the most ambitious statesman and the meanest voter¹³¹.

Bulwer-Lytton’s pre-occupations were similar to those Dickens (later a close friend and literary associate) revealed in 1859 when he wrote *A Tale of Two Cities* though Bulwer-Lytton showed less compassion and a greater sense of class-preservation. Bulwer-Lytton’s championship of those newly enfranchised by the 1832 Reform Bill was cautious and self-interested. In supporting the proposal to

require elections to take place by secret ballot rather than the current practice of self-declaration he told the House that “He was of the opinion that the ballot would never tend to diminish the legitimate influence of the wealthy or that it would interrupt the natural order and constitution of society”¹³².

He ran with many hares and many hounds. Bulwer-Lytton’s son attempted to explain his father’s political creed. This was no mean task. Bulwer-Lytton was, during the 1830s, a supporter of the Whigs to the point of being a member of Brooks’s Club, the Whig social stronghold; yet his literary development and his position as the favourite pupil of Joseph Hume placed him firmly in the Radical camp. He entered Parliament in 1831 as a Liberal, yet when re-elected in 1852 after an absence from the house of eleven years he sat as a Conservative. Commenting on this his son explained his father’s statement in a private memorandum of 1837 or 1838 that a “mediating Government, between perilous extremes, must continue to represent the only administration worthy of public confidence” as evidence of:

A Conservative principle...clearly defined...as a motive for supporting a Liberal Government. And, indeed, at no time in his life had my father any intellectual sympathy either with the exclusive material aims and locally limited views of the middle-class Liberals, or with the programme of extreme radicalism, which seemed unpractical, and in some ways unpatriotic¹³³.

By the time Bulwer-Lytton metamorphosed into an active Conservative politician his writing for the stage had all but ceased. This was, I would argue, chiefly because of the retirement from the stage in 1851 of Macready upon whom all of Bulwer-Lytton’s success as a dramatist had relied. It may also have been in part because, despite the passing of the Dramatic Copyright Act, writing for the stage had never brought him the financial returns he had hoped for, so he reverted to writing novels¹³⁴. Perhaps also with a safe Conservative seat he now felt less need to “appeal to gods and galleries” which had been his avowed intention when writing *La Duchesse de la Vallière*¹³⁵. Also, Bulwer-Lytton’s close artistic and professional relationship with Benjamin Disraeli, who converted him to Conservatism, quickly distanced him from the old actor who hated the very word Tory¹³⁶ and who had, only the year before his retirement, described Disraeli as “this miserable, circumcized, soi-distant Christian.”¹³⁷ It is significant however that in the year of the Great Exhibition, ever with his eye to the main chance, we see Bulwer-Lytton surface, dramatically speaking, as a member of the establishment with a play *Not So*

Bad As We Seem which was performed before Queen Victoria at Devonshire House in Piccadilly by a distinguished cast of amateurs including Charles Dickens, Mark Lemon - the editor of *Punch*, playwright Douglas Jerrold, archaeologist Peter Cunningham and other society figures¹³⁸.

The political motivation for Bulwer-Lytton's interest in drama was to woo the masses, particularly the middle-class vote, with popular but sanitised reformist propaganda which was paternalistic rather than revolutionary in intent to support the establishment in its need to placate and subdue the turbulent workforce. At the height of the Reform agitation in 1832 he unequivocally laid down his creed:

Amusement keeps men cheerful and contented – it engenders a spirit of urbanity – it reconciles the poor to the pleasures of their superiors which are of the same sort, though in another sphere; it removes the sense of hardship...deprived of more gentle relaxations the poor are driven to the alehouse, they talk over their superiors – and whoever talks of others in order to praise them?¹³⁹

Bulwer-Lytton played the system within party demarcation lines as a politician as much as he did as a dramatist in using Macready. It is difficult to say with any certainty which was the more important to him - his political or his literary career and reputation. In 1835 when the Whigs regained power after the Melbourne – Peel, Whig – Tory, rapid change of administration brought about by the death of Earl Spencer, they attributed their success largely to Bulwer-Lytton's hugely successful pamphlet, *Letter To A Late Cabinet Minister On The Crisis*¹⁴⁰. He was duly offered a Junior Lordship in the Admiralty in the new government but he declined, saying he preferred his independence as a private member and did not want official duties to interfere with his literary engagements. He was, however, quick to accept Melbourne's more prestigious offer of a baronetcy in 1838¹⁴¹.

Escott's appraisal of Bulwer-Lytton as a "regenerator and even founder" of the modern stage¹⁴² has neither foundation nor validity. One is forced to the conclusion that Bulwer-Lytton was a dilettante who attempted to infiltrate the drama in order to make a name for himself but failed both as dramatist and as political activist on behalf of the drama. Were it not for the encouragement of Macready who was, I suggest, attracted to Bulwer-Lytton as a Radical like himself¹⁴³ with the added appeal of a literary bent, it is unlikely that Bulwer-Lytton would have written for the stage at all. As it was, each play of Bulwer-Lytton's was extensively altered and rewritten under Macready's guidance once the

aspiring playwright had assiduously courted the actor. After even Macready could do nothing to rescue *Cromwell* and Bulwer-Lytton had written the first of his trilogy, *La Duchesse de la Vallière*, it was dedicated to Macready in order to win over the actor who was “quite overcome” by the gesture¹⁴⁴.

The negotiations to have the play performed left even Macready surprised by Bulwer-Lytton’s tenacity and desire for financial reward¹⁴⁵. Macready began with Bunn of Drury Lane who was asked for £200 down and £5 for each performance of the as yet unread play by an as yet anonymous author (although Bulwer-Lytton revealed both identity and play later during the negotiations). He then tried Osbaldiston of Covent Garden. Both managers rejected the idea so Macready approached Morris at the Haymarket. Bulwer-Lytton can be seen to be attempting to cash in on the Copyright Bill he had recently steered through Parliament and also to be trying to set an example for other dramatists to follow. He was, however, so insecure when he came to promote his second play, *The Lady of Lyons*, that he told Macready not to publish his name as the author unless and until it had proved successful.

Why was Bulwer-Lytton attracted to Macready? Did he see in Macready someone floundering to keep at the top of his profession who might be glad of his help and the prestige associated with his name. *Fraser’s Magazine* was not alone in harbouring a less than whole-hearted appreciation of Macready’s talent:

The only actor with the slightest pretension to high tragic capabilities is Macready; and notwithstanding a more than ordinary degree of general information, constant study of the best dramatic authors, ancient and modern; and not a few natural advantages, I fear he is never destined to succeed in any character of a better order than those in the melodramatic pieces¹⁴⁶.

Strangely, Macready had never been a supporter of Bulwer-Lytton’s attempts to enlarge the prerogative for performing legitimate drama; nevertheless Bulwer-Lytton set out to woo him. After the dubious benefit of the dedication of his first play to Macready, Bulwer-Lytton went so far as to offer his second play as a gift to the actor who was by then in severe financial straits at Covent Garden. When the play was proved a success and Bulwer-Lytton received a cheque for £210 from Macready he promptly returned it¹⁴⁷ thus cementing a relationship built upon mutual dependency that was to give Bulwer-Lytton a ready outlet for his plays for at least the next two years. It is obvious from Macready’s diaries that the actor was flattered by Bulwer-Lytton’s attentions although he was aware of his dilettantism¹⁴⁸.

However, after the success of *Richelieu* he found Bulwer-Lytton more difficult to steer and by 1845 when Bulwer-Lytton's ideas for plays which were never to see the light of day got more and more obtuse, he began to see through the wiles of the would-be dramatist:

I took the opportunity of telling Forster that Bulwer's expression, in his letter to me at Dublin, of "desiring to serve me by writing a new play" was not very generous nor correct: that understanding, as I believed I did, his position, it was certainly to "serve himself!"¹⁴⁹

Bulwer-Lytton was quite willing to resort to almost underhand tactics to achieve his ends as was shown when he took up Macready's suggestion that he contemplate using the nom-de-plume of Calvert¹⁵⁰, presumably to shield him from some of the vitriol which emanated from the press of the day whenever a new play of his was reviewed.

This is even more apparent when one analyses closely the campaign to legitimise the Minor theatres. There is almost a hint of the absurd in the report of the Commons debate on the State of the Drama on May 31st 1832. After Bulwer-Lytton had moved for the creation of a Select Committee to Inquire into the Laws affecting Dramatic Literature and the Performance of the Drama he spelled out quite clearly and accurately what those findings were likely to be. Not that this prediction was difficult: nothing in the eventual report was in any way unexpected or unknown and there was little that had not been covered by the resolutions of the two remonstrance meetings at the Albion and City of London Taverns. When the findings of the Select Committee were published *The Athenaeum* poured scorn on them:

Thus it will be seen, twelve days (of testimony) have been expended by a grave Committee of the House of Commons, in examining nearly forty gentlemen, whose opinions no one person connected with theatricals, could have found a difficulty in detailing in one half-hour¹⁵¹.

Presumably *The Athenaeum* is referring to the fact that the substance of the report merely aired issues that had occupied the press since the Tottenham Street Theatre had been closed a year earlier. The similarity between the evidence of some of the witnesses and the points Bulwer-Lytton made in his speech to the House when he moved for the Select Committee actually suggests collusion. Perhaps the most blatant example was the testimony of the dramatist Thomas Serle who, like two of the other witnesses, George Davidge, the proprietor of the Coburg Theatre, and the playwright W.T. Moncrieff,

was a prime mover of the remonstrance meetings. He contributed a surprising piece of nonsense to the effect that he believed the specific purpose of the Theatrical Patents was to encourage English drama in the form of English literature performed by English Actors¹⁵². This seems to have been a response to the equally ludicrous cue given by Bulwer-Lytton when he argued that the one possible reason for the drawing up of the Patents after the Restoration was to preserve the dignity of the English drama¹⁵³. Both contributions were obviously broadsides aimed at the current vogue for French and German plays that were ousting the work of British dramatists from both Major and Minor stages¹⁵⁴.

What was even more obvious was that Bulwer-Lytton was using the issue of the state of the laws affecting the performance of the drama to promote other political and personal issues dear to his heart but which were not the concern of the theatre, particularly the Minor theatres on whose behalf he claimed to be appealing to the House. His wider agenda was always present during his questioning of the witnesses summoned to the Select Committee and they underpinned the subsequent Report. The opening of the Report indicates its hazy focus. In accordance with convention, the Report first informs the reader that it was ordered that “a Select Committee be appointed to inquire into the state of the Laws affecting Dramatic Literature” and the names of the persons constituting the Committee were then recorded. The introduction to the actual report then noted that the Select Committee was empowered to report its observations on a number of petitions relating to “Dramatic Entertainments” that had been presented to the House in that Parliamentary Session. Compared with the terms of reference originally set by the House the focus can be seen to have shifted slightly and considered not what was being written for the stage but more what was being performed on it. These changes in the terms of reference reveal acceptance of the preoccupations of Bulwer-Lytton:

In examining the state of the Laws affecting the interests and exhibition of the Drama, Your Committee find that a considerable decline, both in the Literature of the Stage, and the Taste of the Public for Theatrical Performances, is generally conceded.¹⁵⁵

This is a highly charged sentence and needs examining closely. The concept of Taste had radically altered as the eighteenth century progressed until it had become the accepted term for the faculty of artistic appreciation. Fashionable socialites were known as connoisseurs or men of taste. Professor Elizabeth Manwaring found it almost “the most used English word in the whole vocabulary of the

eighteenth century”¹⁵⁶. In 1756, the 120th issue of a periodical titled *Connoisseur* identified the following problem:

...fine ladies and gentlemen dress with taste; the architects, whether Gothic or Chinese, build with taste; critics read with taste; and, in short, fiddlers, players, singers, dancers, and mechanics themselves, are all the sons and daughters of taste. Yet in this superabundance of taste, few can say what it really is, or what the word really signifies.

Yet many people tried to define it. Hutchinson’s *Inquiry into the Original of our Ideas of Beauty and Virtue* which first appeared in 1725 put forward the concept of a series of ‘Internal Senses’ which respond to stimuli in a different way to the organic senses: the greater the capacity of these senses, the greater the person’s “fine genius or taste”. Burke’s introductory essay to the highly *influential Sublime and Beautiful*, and Hume’s *The Standard of Taste*, both of which were published in the late 1750s, each posit that the appreciation of beauty is a purely sensory experience modified in the individual by his imagination, judgement, individual memories and efficiency of physical sense organs. In 1790, Archibald Allison set the tone for the next generation’s thinking, with his theory in *Essays On Taste* that the “emotions of taste” were a series of unified emotional responses triggered off by a set of imaginative responses to a series of related ideas set in motion by the perception of a material object¹⁵⁷. This evolution of the concept of taste is of vital importance to any study of the evolution of theatre, theatrical genre, mode of performance, or performance venue. By the time Bulwer-Lytton was campaigning for a reform of theatre legislation, the certainties of the fixed rules and codes in which the educated, Court-trained aristocracy had been steeped, which had governed artistic enterprise from the Restoration through to the first decades of the nineteenth century, had gone. The ‘man of wit’ had become a defunct concept. As the Industrial Revolution gathered pace he became an anachronism: society was much more mobile and the man of wealth could buy into the fashionable elite, staking his claim not on the eloquence and sparkle of his conversation, nor on social accomplishments, but on what he possessed or had accumulated. As there were by now so few ground rules or benchmarks for ‘Taste’ anyone could claim to have it. What was worse, as taste was a by-product of experience, there was now, theoretically, a multiplicity of tastes that were class-defined. A pamphlet published in 1834 castigated the monopoly enjoyed by Drury Lane and Covent Garden for restricting the rights of the Minor theatres to perform the regular drama stating that “a perfect freedom of capital is all that is

required to give us, in every grade of society, and in every class of taste, a drama that could affect and benefit all parties".¹⁵⁸

Sheridan himself had crossed a significant boundary of taste in the disastrous first performance of *The Rivals* in 1775. One of the reasons given for the play's lack of success was that an English actor played the part of the dupe, Lucius O'Trigger. When the play was revived ten days later with an Irishman playing the part it was well received¹⁵⁹. It was obviously within the bounds of taste for an Irishman to parody his own countrymen, that could be construed as people laughing at themselves, but for an outsider to lampoon a recognisable racial group within society would obviously have totally different connotations and this offended a number of the audience, some of whom no doubt sat uneasily and watchfully in seats that only through a new found wealth could they now afford. Many of these would probably have felt an affinity with the coarse stage character whom they perceived as being maligned.

But 'Taste' was not the only thing that had changed and it is vital that each of Bulwer-Lytton's complaints is analysed carefully, firstly to see if there is any substance to it and secondly to see if any other agenda is revealed. Bulwer-Lytton highlighted what he saw as a coarsening in the style of 'Theatrical Performances' where plays of perceived literary value had been superseded by entertainments which featured gratuitous spectacle or, what was even worse, the use of animals.

Section vi: The demand for Theatrical Relevance and Verisimilitude.

Of course there was no greater coarsening of taste here than there had been just after the Restoration when audiences flocked to see productions by the Patentees because they were to be performed in the borrowed coronation robes of Charles II. Then the attraction was the glorious robes of state after the austerity of the Commonwealth: now the nation was in the thick of industrialisation with all the attendant technological advances and colonial initiatives. A stage that did not recognise this would quickly have become moribund. Bulwer-Lytton's reproach of the "love for scenic effect" stating that, "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,¹⁶⁰" was quite simply flying in the face of all known facts. The innovative use of visual

stimuli as an adjunct to what had been primarily an aural experience where location had been portrayed through a ritualistic use of balconies, upstage entrances, and proscenium doors, had proved, in the right hands, to be an added sophistication to which the cultured of the Restoration responded.

It was an obvious development of the vogue for painting and the visual arts in general which had grown dramatically as the techniques and aesthetic awareness of British artists themselves had improved from the middle of the seventeenth century onwards. Summers, in his study of Restoration performance technique, emphasises the pictorial nature of scenery which included, for example, natives hunting boar, fishing and feasting. He cites stage directions like “The prospect having continu’d a while”, and, “This being discern’d a while”¹⁶¹. This emphasises that the time spent by the audience looking at scenery on an empty stage was considered to be an integral part of the performance and vital to the total dramatic experience. It was only a relatively short step from this to the emergence of the Dioramas and Cosmoramas that Bulwer-Lytton attacked so vehemently in his speech on the State of the Drama.

The difference between the late Seventeenth and early Nineteenth Century experience was that the former was an attempt to emulate the great theatres of Europe whereas the latter sought to acknowledge the audience’s everyday environment, experience and, indeed, demands. Contemporaries watched the progress of the great Canal Era as it developed from its beginnings in Worsley in 1761 into a nationwide network of transportation and communication linking one end of the country to the other. They saw technology harnessing the power of water to carry enormous loads up and down hills by the intricate use of flights of locks or water-powered lifts and inclined planes. Roads became punctuated with swing-bridges; record-breaking tunnels and aqueducts which were constructed to overcome the natural terrain; and two new important occupations, the navy and the bargee were established.

In the spirit of this age Charles Dibdin (the Younger 1768-1833) devised his celebrated aquatic exhibitions to relive such British triumphs as *The Siege of Gibraltar*, and to provide spectacles for pantomimes and melodramas such as the famous *An Bratach* finale which led to Sadler’s Wells having:

not only the honour of being repeatedly visited by all the British and foreign nobility in London; but, with very few exceptions, the whole of the royal family; and it was no uncommon thing to see a triple row of coroneted Carriages, extending the whole length of the

extensive carriage ground, from the Coach gate in Islington Road down to the Theatre...so great was the demand for places.¹⁶²

The spectacle was a clever synthesis of Britain's maritime prowess and engineering superiority. It also continued a thematic tradition that had been established by the elder Dibdin's success with nautical songs which had capitalised on the xenophobia aroused during the wars with France. A link was thus forged with what had become a folk tradition that gave rise in turn to the younger Dibdin's famous anti-Napoleonic songs, a collection of which could "furnish a tolerably accurate history of that wonderful Man to the period of his being made Emperor, and beyond it"¹⁶³. These entertainments were prepared under the utmost secrecy. Workmen constructing the various water-mechanisms were actually locked into the theatre day and night so that no other theatre could steal Dibdin's thunder.

However, only part of the success of these aquatic spectacles can be attributed to patriotic sentiment. More important was Dibdin's perspicacity in using "many imposing hydraulic appendages"¹⁶⁴ to tap into the contemporary wonder at the harnessing of water-power. Some of the witnesses before Bulwer-Lytton's Select Committee attributed the decline in attendance at the Major theatres to "the excitement of politics and occupation, which has not permitted the public to attend to amusements so much"¹⁶⁵. Those who were capitalising on these current events could fill their theatres with ease. Dibdin found that his theatre was full during periods of national excitement and his experience was that "Theatres prosper most during War"¹⁶⁶. This was because, unlike the managers of the Winter theatres, he could feel the national pulse. His memoirs record how he built upon current events as in his reconstruction of the famous bayonet charge which routed the French during the Battle of Salamanca in one of two musical and military melanges to celebrate the Duke of Wellington's victories.¹⁶⁷

Audiences' obsession with topicality was part of a desire for realism that epitomises the age. It was imperative that a veneer of visual or thematic verisimilitude, in one form or another, be present in even the most fantastic dramatic scenario. Dibdin records that advertising his presentations as incorporating "real waterfalls ... and real water...though it appear superfluous to the critical, was absolutely a necessary specification".¹⁶⁸ Michael Booth, one of the foremost commentators on Victorian theatre, attributes this to the fact that the early Victorians were subjected to a mass of new pictorial devices and had a "pictorial culture", therefore, as audiences, they "did not have the visual imagination of their

ancestors".¹⁶⁹ This argument is too simplistic. The Victorian imagination was continually stretched by the welter of rapid technological and social change that occurred during the era.

The technology which enabled illustrated magazines to come into being and which provided cheap reproductions of popular paintings consolidated the interest in art that was fostered by the new public art galleries that sprang up in the great towns and cities proclaiming their new municipal prestige and cultural identity. The new medium of photography that emerged with the first image created by and within a camera by Joseph-Nicephore Niepce in 1826 brought a new awareness of form and detail. The many Mechanics Institutes and similar organisations which grew up from the beginning of the 19th century set out to educate the working classes and enable the ordinary man to appreciate the how and why of his rapidly changing environment. Periodicals like the *Penny Magazine* that eschewed fiction for more useful instruction were started by agencies like the Society for the Diffusion of Useful Knowledge¹⁷⁰. Organisations such as The Leeds Philosophical and Literary Society, which was established in 1819, were engaged in the pursuit and exchange of knowledge of the arts and sciences.

Yet this is not the entire picture. Society was changing so rapidly that those swept along with it, particularly the lower classes who had no control over what was going on, found it confusing and difficult to keep up with. Although new ways to disseminate information and to allow people to appreciate finer detail helped the general population to keep abreast of the tide of change there was a hunger for something permanent and unchanging which was satisfied by a new appreciation of archetypal characters and events rooted in either fantasy or reality. This together with a new historical awareness resulted in audiences paying great attention to the minutiae of incident, scene and costume.

Managers were astute enough to realise that this new awareness and knowledge had to be acknowledged by the stage. Dibdin, for *The Siege of Gibraltar* at Sadler's Wells, had the shipwrights and riggers at the Woolwich Dockyard construct a large number of exact miniatures of contemporary ships of all rates, all correctly rigged and armed with specially cast brass cannons which were fired and recharged during performances.¹⁷¹ Audiences were keen to check the details for themselves: naval officers were allowed to inspect the models after the performances and seamen regularly climbed down from the galleries and dived into the water to check that that too was real.¹⁷²

The authors of the previously mentioned pamphlet, *Major and Minor theatres. A Concise View of the Question*, berated the Major houses for descending to this level and engaging a thousand extra labourers and soldiers at a shilling a night, throwing open their theatres and exhibiting “a real mob” and “a real bonfire in a real street” which the pamphleteer suggests happened “some eight seasons since”¹⁷³. This suggests a date of 1824. If this is correct, the fire effect may have been an unusual embellishment but it was not new. Macqueen-Pope documents how at Drury Lane c.1776, as part of Garrick’s attempts to bring a new realism to the stage, a hole was made in the back wall of the stage so that the audience could see a real fire devour a painted wooden representation of a row of houses erected behind the theatre¹⁷⁴. Nevertheless, new idea or not, it does demonstrate the lengths the theatre establishment were prepared to go to satisfy the strong desire on the part of audiences for realism. There are many other contemporary examples to prove the point. In 1779, the one-act prelude, *Illuminations*, was based on the firework display which celebrated the acquittal of Admiral Keppel of misconduct in recent naval operations. In 1784, *Aerostation* celebrated the recent balloon ascents from Bunhill Fields by Lunardi and Blanchard, while *England’s Glory* in 1785 exalted Admiral Duncan’s defeat of the Dutch. In 1860 John Hollingshead wrote an article for the *London Review* entitled ‘The Pugilistic Drama’ documenting the immense public interest in the activities of two contemporary boxers, the Briton, Thomas Sayers, and the American, John Heenan, whose championship fight so caught the enthusiasm of the nation that they then embarked upon a national sparring tour. The Olympic Theatre was the first to capitalise upon this event with a farce. It was followed by plays in other Minor theatres, ending up (Hollingshead hoped) with an awful melodrama: *The Champion’s Belt*, at the Victoria Theatre, formerly the Coburg.

Hollingshead sought to explain why this last play, which he personally obviously deplored, was so popular and almost necessary. He alluded to an acquaintance who “never wished to study any other History of England than Shakespeare’s plays” and praised the members of the Dramatic Authors’ Society and others who wrote for the Minor theatres for recording the present for posterity as Shakespeare had done some two and a half centuries earlier. He argued that they were writing a new history of England and this unfortunately was necessary and important because:

The thousands who flock every night to this temple of the drama are, unlike the gentleman before alluded to, who was so satisfied with the historical lessons contained in Shakespeare’s

plays - they have scarcely any other teacher. That gentleman could read and write, and cast accounts, but, unfortunately, the bulk of a Victorian audience either possess no such accomplishments, or possess them in a very limited degree. It is too bad if the author, the stage-manager, and the printer have combined to impose upon ignorance and good nature.¹⁷⁵

The demand for a dramatic exploration of current events was so great that when a classical theme was chosen by a playwright it was usually as a metaphor for a current situation, as in 1799 when Sheridan's *Pizarro* explored a situation comparable to the possible invasion of England by Napoleon. Also there was a desire for a dramatic representation and examination of the rapidly changing environment, not just from a localised national perspective but also the far-flung territories of the emerging British Empire which most had little hope of experiencing at first hand. Indeed the pretext of using a staged dramatic situation within which to examine such themes could be totally abandoned. This is what brought forth the Dioramas and Cosmoramas which in effect were theatrical presentations consisting of highly elaborate sets with no dramatic content at all that Bulwer-Lytton was so dismissive of in his address to the Commons on May 31st 1832¹⁷⁶. These did not point to any lack of awareness, imagination or perception on the part of the audiences: in fact the reverse is true. Audiences were more discerning, sensibilities were more acute and the stage was even more significant than ever before for audiences at the beginning of the 19th century. True, the emphasis was moving from the literary and dramatic content towards the visual experience and from the imaginative to the topical but these entertainments represented the dominant preoccupations of theatregoers. In our own time theatre has adapted to current events, issues and pressures in much the same way as it did for the society that was the 'Victorians', a term that denoted a whole imperialist and elitist way of thinking, not just the epoch of a reigning monarch.

Cynics attributed the phenomena of mounting spectacles in which animals were used on the stage (much decried by the intelligentsia and those involved in more traditional theatre) to the fact that the huge Winter Theatres preferred animals to human performers because "the quadrupeds...could be obtained at a cheaper rate, and could act on the largest theatre, as there was no necessity for watching the expressive turns of their countenances!"¹⁷⁷ They had totally missed the point. The second half of the 18th century had been a time of great territorial expansion. India, Canada, Sierra Leone and Australia came under British control either directly or through great state-authorized mercantile bodies such as the East India Company and Hudson's Bay Company. At the beginning of the 19th century

Trinidad, Ceylon, Mauritius, Malta, and the Cape of Good Hope followed. Although the Victorian concept of a British Empire did not perhaps emerge until after the Great Exhibition of 1851, the emerging international role was nevertheless an important cultural concept, as Morris has recently argued:

The imperial experience had inevitably left its mark upon the British. The East Indian Nabobs...formed a distinctive sub-society of their own among the British moneyed classes...The Caribbean planters, too...formed a cohesive group and the West India Interest provided one of parliament's most persistent lobbies...Stowe and Fonthill were built with sugar money; in the spa societies of Bath, Cheltenham or Tunbridge Wells the planters were instantly recognisable...In London, though the offices of empire hardly showed, the monuments of imperial trade were evident enough. Beyond the Tower the East India and West India docks were thronged with masts and riggings; in the warehouses of the Hudson's Bay Company the beaver pelts and fox skins were piled in their lucrative thousands...at the corner of Lime and Leadenhall Streets, stood the headquarters of the East India Company, surmounted by a huge Britannia, containing a magnificent library and an Oriental Repository of Indian Treasures. In Liverpool, Bristol and Glasgow, entire communities had been enriched by the imperial enterprise.¹⁷⁸

Following the major government-sponsored voyages of exploration and territorial annexation, such as those of Captain Cook, public interest was such that the Africa Society was formed in 1788, the Raleigh Travellers' Club in 1827, and the Geographical Society of London (now the Royal Geographical Society) in 1830.

The interest in unfamiliar species of plant and animal life fostered by imperial expansion was fashionable and intense. In 1752 the Imperial Menagerie of the Schönbrunn Palace in Vienna, the first modern zoo, was founded. It was opened to the general public in 1765. In 1775 a zoo was founded in one of Madrid's Royal parks and in 1793 the Jardin des Plantes was created in Paris. In London, although there had been a Royal menagerie inside the Tower of London from the 17th century, this new interest prompted, in 1826, the inauguration of the Zoological Society of London whose collection of animals in Regent's Park immediately attracted large crowds when it opened to public view in 1828 (its original agenda had an economic bias: a wish to experiment with the acclimatisation and domestication of a wider range of animals of potential use for food or work, both for Britain and the new colonies). The Duke of Norfolk seems to have been definitely out of touch with the times when, during the debate on the Drury Lane Bill in the House of Lords in March 1812, he deplored "exhibitions of a most unprecedented and extraordinary kind, such as the introduction of the monsters of Africa, and other distant climes, upon the stage, forming loathsome or disgusting spectacles."¹⁷⁹

Seven months after her coronation, to the chagrin of Macready, Queen Victoria herself paid her third visit to Van Amburgh and his menagerie of lions at Drury Lane and actually went up onto the stage after the performance.¹⁸⁰ Though contemporaries and later commentators perceived the spectacle of animals to be a retrogressive step in theatrical presentations it was nothing of the kind. It was innovative, exciting and as dramatically viable as the use of holograms, lasers and three-dimensional sound effects today. The naturalist was a respected researcher. (It is worth remembering that Darwin was actually on his Beagle voyage when the Select committee was pursuing its investigations although his theories of evolution were not to be published until 1859.) According to the evidence of Mr E. Swift, an author and playgoer who described himself to the Select Committee on Dramatic Literature as a person of literary habits not in any way connected with the theatres, the London Zoological Gardens were one of the few attractions in the metropolis where the number of visitors was increasing year by year in contrast even to the Crown Jewels and the Tower of London which were experiencing a decrease in the number of visitors.¹⁸¹

Theatre was responding to its patrons' growing awareness of themselves, their place in the national and world order, the current state of technological advance, and their growing artistic appreciation. It was providing a vital, meaningful and enhancing entertainment scene that matched audience expectations. Unfortunately for literary dandies like Bulwer-Lytton - described by Tennyson as "would-be Popes and Brummels"¹⁸² - the theatrical forum was one in which they were becoming less important, particularly if they had nothing vitally new to say. And Bulwer-Lytton did not. His early parliamentary career consisted of capitalising on a succession of fail-safe causes. He entered Parliament on the crest of Reform fever and immediately espoused the cause to repeal the Game Laws. This was the deadest of dead letters. The killing and eating of game except by the great landowners was, on paper, prohibited yet further enabling legislation sanctioning licensed game dealers and the potential for transporting carcasses quickly to markets had made the laws unworkable. Poaching was simple and profitable.

After this 'success' Bulwer-Lytton moved to another well-aired issue of the day, the question of the monopolies of the Drama. Here he was less successful. He had three targets: the copyright laws, censorship, and the monopolies themselves. On the first of these he was quickly, but not unexpectedly,

successful. The whole issue had been aired so thoroughly and was so in tune with the pulse of the times that the Bill had no real opposition and received the Royal Assent within three months. The issue of censorship by the Lord Chamberlain, was much more contentious. Bulwer-Lytton realised that if its abolition was made part of the Dramatic Performances Bill, the legislation as a whole would fail so he dropped this issue. Surprisingly the attack on the monopolies, which was also in tune with the times and should have been successful, failed. Although it passed through the Commons, the Lords rejected it on its Second Reading. The reasons for this are hard to identify. Expectations were running high and Bulwer-Lytton or his amanuenses had been forecasting a triumph in columns devoted to Drama in the *New Monthly Magazine* for almost a year; for example the July 1832 issue claimed:

It is clear that the acted drama of this country is on the eve of a great and important change; the decree for its reformation has gone forth, and nothing can now prevent its fulfilment....the Reform Bill for our national drama is at hand.¹⁸³

Section vii: The Failure of the Dramatic Performances Bill.

What went wrong? It would seem that the Bill was defeated because of the very sentiment Bulwer-Lytton recorded at the end of the above eulogy. When Bulwer-Lytton was proposing a Select Committee to enquire into the state of the drama Sir Charles Wetherell voiced a common fear that, "the House had Reform enough upon its hands without reforming the prerogatives of...all the theatres".¹⁸⁴ The debate on the Second Reading of the Dramatic Performances Bill in the Lords on Aug. 2nd 1833 was brief, but the common theme of all who spoke against the Bill was an objection to the clause that would have made it mandatory for the Lord Chamberlain to grant a licence to anyone in a district who wanted to open a theatre, providing that a majority of the inhabitants of that area did not object to it. The bulk of the dissenting argument came from the Bishop of London who advanced an intriguing, though ludicrous, mathematical argument based on circle geometry, forecasting the possibility of 250 theatres within two miles of the General Post Office close to his Cathedral of St. Paul's.¹⁸⁵

There are two main aspects to this issue. Firstly, although the spectre of a proliferation of largely uncontrolled and uncontrollable small theatres worried the governing classes, they were trying to prevent a situation which had already occurred. Theatres were already far more numerous than most

analysts of the period recognise. It is of course possible that the governing classes were aware of this and worried about the difficulty of regulating them even within the contemporary restrictive legislative framework. There is no doubt that there were many very Minor theatres in London at the time that were so small and situated in temporary accommodation, or public house accommodation, that they were all but ignored in discussion of theatres and drama. These were rarely if ever prosecuted for their (illegal) operations because they operated on such a small financial scale (typically a maximum capacity of some £10 to £15 a night) that any judgement against them would have been unenforceable: the proprietors need only have taken advantage of the Insolvency Act to escape any fines imposed so the work and expense of the Major theatres that tried to bring them to book would have been wasted.¹⁸⁶

We are unlikely to learn much more about these theatres because of the lack of documentation and the fact that the press largely ignored them, yet there is no doubt that many played an important part in the local community. Exceptionally, *The Athenaeum* took great delight in reporting on one such “minor Minor”, the Orange Tree Theatre in Queen St. Pimlico, that consisted of one “Veranda” and a Pit. No bills were available for the performance and the performers were unknown and by all accounts untalented. Nevertheless, after lampooning an obviously dire performance the reviewer added:

By the time the Interlude commenced, the company on the stage had become better known to us, through their evident intimacy with the company in the box. Now that we have had our joke, it is but fair to say, that there was no offence in any part of the entertainments, that the audience seemed highly pleased, and that their shillings and sixpences are, to our thinking, much more rationally spent here than in the public house.¹⁸⁷

Yet there were those who were not so complacent. Many in the governing class seemed to feel that the rights of the common man had been increased more than sufficiently without giving them yet another forum for debate, particularly one as class specific as that typified by the Orange Tree. The danger had been recognised in an earlier issue of *The Athenaeum* in an article on Mob Songs which included the observation, “In these uneasy times, common men use strong language, and indulge in many wild speculations concerning natural rights and wholesome rule”.¹⁸⁸

It was presumably feared that were further theatres authorised, the drama in the newly-legalised theatres would have provided a fertile seeding ground for these “speculations” and the obvious rapport

between performer and audience seen at theatres like the Orange Tree Theatre in Pimlico could, in the new age of Reform, lead to an incitement to insurrection. There is little doubt that one of the reasons for the failure of Bulwer-Lytton's Bill was that many felt that a brake was needed to prevent the process of Reform getting out of hand. The other aspect of the case is that the rights of the common man, or at least those common men owning or leasing property worth over £10 a year and now eligible to vote, were increasing. Yet the rights or privileges of those who had traditionally governed them were on the wane. The Theatres Bill could hence be seen as yet another attack, firstly on the prerogative of the Monarch whose right to license theatres would have been transferred formally to the Lord Chamberlain and secondly on the power of the Lord Chamberlain himself by making him a pawn of the people.

The brevity of the debate on the second reading suggests that minds were already made up. The diaries of Macready show that on the day before the debate, Bunn, a proprietor of both the Major theatres, had been "beating up for Lords' votes against the Theatres' Bill".¹⁸⁹ The two Lords who spoke up for the Bill referred to the vexed question of vested interests and tried to refute the claims for protection made by those in the Major theatres. Though they put forward a strong case, the fact that the debate was over so quickly shows how well the proprietors of the Patent Theatres had done their lobbying.

To all those who had followed the appointment, progress, and reporting of the Select Committee and had watched the passage of the subsequent Dramatic Performances Bill through the Commons by the healthy margin of 38 to 7, its failure in the Lords by 19 to 15 came as a great surprise. Such a decision, which ignored both the Commons and the clear sentiments of public opinion, was symptomatic of an effete aristocracy at bay. The failure of the Dramatic Performances Bill must have been a blow for Bulwer-Lytton as it must also have been for others with literary aspirations in the Lower House who made up the new breed of politicians such as Thomas Noon Talfourd, the author of the contemporary success, *Ion*. Yet the disappointment would have been more acutely felt by dedicated reformers such as Joseph Hume and Henry (Orator) Hunt who had vigorously supported Bulwer-Lytton in the House. For them, extending the principle of Free Trade to the theatre would have had a further, very real, political motive. It would have opened up a wider avenue for political propaganda than that contemplated by Bulwer-Lytton. He was jumping on the fashionable Free Trade political bandwagon to promote his literary aims and interests whereas Hume and Hunt were using the literary campaign to promote a wider

political agenda. When Hunt decried the existing law because it created “a complete monopoly of talent or what may very properly be called a monopoly of tongues”¹⁹⁰, he was looking at the whole issue of radical political drama. In contrast Bulwer-Lytton appears to have been far more interested in seeking prestige as a successful dramatist so as to enhance a “social life, in which he figured as a prince of the wits and dandies ... gracing Lady Blessington’s evenings at Seamore Place and Gore House”¹⁹¹.

There is little doubt that Bulwer-Lytton was perceived as a dilettante, occupied with appearances and easy image-building causes. Bunn had realised this and was attributing Bulwer-Lytton’s motives to self-glorification when he called him the “young reformer” after meeting him to persuade him to amend his Bill in favour of the Major theatres¹⁹². Macready had reached the same conclusion quite early on in their relationship. When calling upon Bulwer-Lytton unexpectedly, he was surprised at the appearance of the young man who was “certainly by far the best dressed”¹⁹³ new young MP. He found him “deshabille, in the most lamentable style of foppery - a hookah in his mouth, his hair, whiskers, tuft, etc., all grievously cared for His manner was frank, manly ... so contradictory of his appearance”¹⁹⁴. On a subsequent occasion Macready reported “he was in complete deshabille...the unornamented man of genius undandified”¹⁹⁵. Tennyson was even less enamoured and in a very public argument in *Punch* in 1846 addressed him as:

That padded man - that wears the stays-

Who kill’d the girls and thrill’d the boys,
With dandy pathos when you wrote,
A Lion you, that made a noise,
And shook a mane in papillotes.

And once you tried the Muses too;
You fail’d Sir..

What profits now to understand
The merits of a spotless shirt-
A dapper boot – a little hand –
If half the little soul is dirt?¹⁹⁶

Nevertheless, in one respect Bulwer-Lytton did understand the mood of the times. He realised that only by opening up a general intercourse with the classes that were now becoming powerful by either sheer weight of numbers or commercial or industrial wealth could the landed aristocracy, to which he would himself eventually ascend, survive in the modern world. He was also astute in his choice of associates.

His assiduous almost demeaning courtship of Macready to promote his own dramatic efforts was a case in point.

Bulwer-Lytton was coldly calculating in his dealings with Macready. He had diligently pursued the issue of getting a play produced in his questioning of witnesses to the Select Committee and realised the difficulties involved. In 1836 he had used the ploy of dedicating , *La Duchesse de la Vallière*, to Macready who was quite overcome. He obviously hoped that Macready would use his contacts in the world of theatre to get the work on the stage. This indeed happened but it did not ease the play's passage through the processes of selection used by the Major theatres. Despite the endeavours of the actor the negotiations took almost a year. The eventual production of the play at Covent Garden was a disaster. When in 1838 Bulwer-Lytton first approached the actor with his occupy yourself, *The Lady of Lyons*, Macready had recently taken over the Covent Garden Theatre but was on the point of bankruptcy. The fact that the play was given to Macready gratis and the cheque returned when the actor tried to pay Bulwer-Lytton after the piece achieved success not only flattered Macready but also staved off a difficult situation. Did Bulwer-Lytton have other motives? Had Macready cleverly been placed under an obligation to Bulwer-Lytton that the playwright manqué then exploited to the full. I suggest that this was a calculated stratagem. Later on, once Bulwer-Lytton's play *Richelieu* had been judged a success, after having received much help from Macready, the actor found Bulwer-Lytton much less cordial.¹⁹⁷

Even though on the surface Bulwer-Lytton lost the battle to establish the legitimacy of the Minor theatres, the Major theatres had in fact only achieved a Pyrrhic victory which merely postponed the inevitable. Much doubt had been raised as to the legitimacy of the way the financial proprietors of the Winter theatres pursued through the courts anyone they perceived to be infringing the terms of their out-dated Patents. Perfectly respectable people found themselves severely disadvantaged or at financial risk because of the privileges claimed by the Major theatres. Regardless of the strict terms of the 100 year-old law it was obvious that a judgement in favour of what were so widely perceived to be the unjust and indefensible rights of the Major theatres would be difficult to obtain from any court. In practice therefore, the exposure of the unfairness of the current law, defended only in the House of Lords in defiance of a decisive Commons vote, meant that the Minor theatres were now virtually free to

proceed with impunity. Their reputation and social position had been confirmed not just by the House of Commons but by popular opinion, a much stronger force than legislation. It was not therefore an unmitigated failure for Bulwer-Lytton. The de facto opening up of the horizons for him and all other aspiring dramatists was also greatly supplemented by the successful passage of Bulwer-Lytton's Copyright Bill: playwrights could now control where and under what financial conditions their works were performed. If, for example, a Bulwer-Lytton play now found its way onto the boards of a more important Minor theatre, such as the Adelphi, the Coburg or the Olympic, where plays were performed to socially advantaged, respectable audiences, by actors of quality, in productions that were sensitive and artistically sound, it carried a new respectability.

In 1833, there was another move to get a Dramatic Licences Bill through the Lords. Though it again failed, objections presented on this occasion were subtly different. Once again the Marquess of Clanricarde moved for the Lords to put the Minor theatres on the same footing as the Majors and once again the Bishop of London was the first to speak against the Bill, saying this time it was not just the proliferation of theatres that worried him but the plays themselves, "the mode in which plays were represented at theatres was subversive of the moral feelings of the people; and if not checked would ultimately shake the State itself¹⁹⁸."

Obviously the Church was beginning to assume the role of guardian and supervisor of the poor (to be discussed fully in the next chapter) but there is another important trend here that should be recognised. Theatre was becoming recognised as the domain of the inferior classes, those of the middle class downwards, and hence losing its traditional status as the reserve of "persons of quality"¹⁹⁹. There was an even more marked split opening up between the opera and the drama and there was crystallising a system of class demarcation according to the type of entertainment a person favoured. The Lords no longer defended the Major theatres in terms of preserving the dignity of drama. Many counter-proposals, such as a proposed optimum capacity of 1500 for newly licensed theatres,²⁰⁰ smacked more of social control than an appreciation of drama. No longer was the prerogative of the Lord Chamberlain seen to be under threat. On the contrary, Lord Segrave and the Earl of Malmesbury were both concerned about the power invested in the incumbent of the office to wreak havoc by an excessive

zeal of theatrical licensing, especially as, under the terms of the Bill, the Lord Mayor of London would also have been empowered to license theatres within the City of London.

Section viii: The Passing of the Theatres Act 1843

Nine years later the defunct and spurious theatre monopoly originally established in 1662 was finally laid to rest by the Theatres Act of 1843, 6 & 7 Vict. c.68, to which there was no real opposition. All pretensions to privilege on the part of the Major theatres had been abandoned in the face of extreme hostility to them shown by Lord Conyngham who became Lord Chamberlain in 1836 and who took every opportunity to promote the Minor theatres and to restrict the Majors. A move to reserve the privilege of playing Shakespeare to the Patent theatres as a token gesture to their illustrious past was abandoned. There were really only two major bones of contention as the 1843 Bill passed speedily through the Lords. Firstly there was concern about the power vested in the office of Lord Chamberlain, mainly arising from the widespread view that the latest incumbent, Lord Conyngham, had overstepped his powers in his harassing of the Major theatres. This was a complete volte-face from the concerns a decade earlier. The perils posed by the enemy without in the shape of volatile lower class audiences were almost forgotten in face of the new spectre of an enemy within. There was a closing of ranks of quite striking proportions revealing fourth columnist fears of almost the intensity of the Wilkes debacle almost a century earlier. The confidence of the Upper House in the office of Lord Chamberlain had obviously been dented by Lord Conyngham's championing of the cause of the Minor theatres and, by implication, the rights of the middle and lower classes.

Secondly, there was an underlying fear of political infiltration of theatre. This was not perceived to come from the substance of the text of plays but rather from the use of theatres by politicians who were capitalising on the public perception of theatres as forums for the people. On August 5th 1843 *The Times* reported that Captain Polhill, the MP for Bedford, saw a problem with theatres sub-letting their premises for "any other" purposes. Sir J. Graham, speaking on behalf of the Lord Chamberlain, said he knew of no instances of this actually happening but thought it would be considered that theatres would not be in breach of the law if they did so as long as they did not actually charge a fee for such sub-lettings. Polhill had obviously hit a raw nerve here and on the 8th August *The Times* reported that he

had subsequently been a little more specific and had voiced his concern about theatres being let for “political purposes”. Sir J. Graham took umbrage at this because he did not see why he should have to speak for the Lord Chamberlain on specifics but added that Captain Polhill well knew that theatres had been let for activities that could be deemed political.

The implication of this line of questioning seems to be that Lord Conyngham himself had been involved in using a theatre for a public gathering which had assumed a political connotation, if only by virtue of Conyngham’s position and Sir J. Graham objected to being called to account for it. On the 16th August *The Times* reported two more concerns about the Lord Chamberlain which are not voiced in Hansard. Lord Brougham brought up the issue that there were circumstances where the Lord Chamberlain did not necessarily have to be in either House of Parliament, for example were he to be an Irish peer. The Earl of Glengall, an inveterate opponent of lifting the monopolies and therefore no champion of Lord Conyngham, also pointed out that the theatres were open at times when Parliament was not actually sitting. Were harm to be done in September, for example, the Lord Chamberlain would not be brought to account until the following February or March. A solution to these problems, albeit an inadequate one if faced by a man of the stamp of Conyngham, was arrived at by a careful stipulation of what the Lord Chamberlain was and was not empowered to do.

The power to limit or dictate the general repertoire of theatres which Conyngham had wielded so ruthlessly to the disadvantage of the Major theatres in, for example, refusing to allow them to perform foreign plays or opera²⁰¹, was denied him. The Lord Chamberlain would instead be a:

licensing authority for the Cities of London and Westminster, and of the boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth and Southwark, and also those places where her Majesty ... shall reside.²⁰²

He was, however, empowered to suppress “any performances that were calculated to offend public decency, or to peril the public peace”²⁰³. In addition his pre-production countrywide censorship of play scripts continued unchanged. Meanwhile, Bulwer-Lytton’s career as a dramatist had to all intents and purposes come to an end and his hopes of a parliamentary career were in limbo. He had resigned from the House in high dudgeon in 1841 because of the repeal of the Corn Laws and was busying himself

investigating the occult and writing his three-volume historical novel, *The Last of the Barons*. He seems not to have been personally interested in the result of the *Regulation of Theatres Bill* and he was not to be active in professional drama again until the next great nationwide cause to inspire Britain, the Great Exhibition when his play, *Not So Bad As We Seem*, was performed by a group of distinguished amateurs under the aegis of his Guild of Literature and Art. It is difficult not to perceive both the Guild and the play as yet another attempt to promote himself on the back of a high profile national enterprise.

The Act originally intended by Bulwer-Lytton to be a high-principled statement of literary pretensions had reached the statute book, in the words of Lord Clanricarde who had been involved with the issue almost from its inception, as a mere “measure of police”.²⁰⁴ The government who had in the Lord Chamberlain a censor to expunge the most obvious inflammatory excesses relinquished any apparent interest in dramatic literature and the control of theatre, except as a political expedient. Fashionable “society”, a section of the population that continued to dwindle in numbers, had long been losing its influence in the face of the march of industrialism and the rising middle class. They were now in effect relinquishing all patronage and retaining only the most cursory control over theatre, one of the most important cultural determinants and transmitters of social values of the age. Instead they were retreating to the heady, socially exclusive world of the opera or to private theatricals. Public drama had been consigned to the masses, but the question of whether or by whom there should be some policy or legal oversight of what the masses did with theatre remained unresolved.

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- ¹ Nicoll, op.cit. Vol. III p.19.
² Cited in Stone and Kahrl (USA 1979), p.26.
³ Cited ibid. p.27.
⁴ Cited ibid. p.26.
⁵ Ibid. Pp.369-370.
⁶ Ibid p.635.
⁷ Ibid p.519.
⁸ Leacroft, op.cit p.88.
⁹ Ibid. p.297.
¹⁰ Ibid. p.370.
¹¹ Ibid.
¹² Cited ibid p.357.
¹³ Ibid. p.643.
¹⁴ Cibber, op.cit. p.75.
¹⁵ Published Chatto and Windus (1994), p.183.
¹⁶ See *Eighteenth-Century Studies* Vol.29 No.1 Autumn 1995.
¹⁷ Ibid.
¹⁸ Golby and Purdue; *The Civilisation of the Crowd*, p.33.
¹⁹ See 'Citizenship, Empire, and Modernity in the English Provinces', *Eighteenth-Century Studies* Vol.29 op.cit.
²⁰ Ibid.
²¹ See *Past and Present* No.113. p.105.
²² Ibid.
²³ Ibid. p.108.
²⁴ Ibid. p.117.
²⁵ Stone and Kahrl op.cit. p.505.
²⁶ Ibid. p.581.
²⁷ Ibid. p.583.
²⁸ *The Drama's Patrons* p.159.
²⁹ *Edmund Yates: his Recollections and Experiences* Vol. I. p.25.
³⁰ Ibid. p.60.
³¹ Nicholson op.cit. p.281.
³² *19th Century Theatre Research* Vol.XI No.I. Summer 1983.
³³ Ibid. No.2. Autumn 1978.
³⁴ *The Curtain Rises*, op.cit. p.73.
³⁵ Rosenfeld (1960), p.145.
³⁶ Weaver, *The History of Mimes and Pantomimes* (1728), p.45.
³⁷ Nicholson op.cit. p.285.
³⁸ Ibid.
³⁹ *The Labouring Classes in Early Industrial England 1750-1850*, p.225.
⁴⁰ *London Labour and the London Poor* (1851), Vol.I. p.15.
⁴¹ *Publication of the Modern Language Association of America* Vol. LXXVI No.4 Pt 1, p.387.
⁴² A.E. Wilson (1954) p.202.
⁴³ Grant (1830) cited ibid. p.203.
⁴⁴ See Leacroft op.cit. p.114.
⁴⁵ Cited in Reed op.cit. p.286.
⁴⁶ Brayley (1826) p.38.
⁴⁷ *A View of the English Stage* (1818) 1821 ed. p.133.
⁴⁸ 'Some Research Approaches to Popular Nineteenth-Century British Plays', *Theatre Studies* Vol.19, p.76.
⁴⁹ Ibid.
⁵⁰ 'Touching Things Theatrical', *Fraser's Magazine*, Vol.VIII No.XLV(1833) p.343
⁵¹ Ibid p.344.
⁵² Ibid. p.345.
⁵³ Ibid.
⁵⁴ Minutes of Evidence before the 1832 Select Committee on Dramatic Literature p.122, Q.2133.
⁵⁵ Ibid. Qs. 2130-2133, and p.146, Qs. 2606-2608.
⁵⁶ See *Memoirs of Charles Dibdin the Younger* ed. G. Speaight (1956) Pp.59-67.
⁵⁷ Erroll Sherson, *London's Lost Theatres of the Nineteenth Century* (1925) Pp.52-76.
⁵⁸ James H. Butler, 'An Appreciation Of The Plays Produced By Madame Vestris During Her Management Of The Olympic Theatre In London From January 3, 1831 To May 31, 1839', *Theatre Survey* Vol.10 No.2 (Nov.1969).
⁵⁹ See 'A Matter of Choice: A Comparison Of Locations and Repertoire In Some English Provincial Theatres' in *Nineteenth Century Theatre Research* Vol.10, No.2 (Winter 1982).
⁶⁰ *The Curtain Rises*, (1961) p.195.
⁶¹ Brayley, op.cit. p.38-39.
⁶² See *The Times* 25th January 1831 p.3.
⁶³ 1832 Select Committee on Dramatic Literature: Minutes of Evidence. p.70, Q.1058.
⁶⁴ See Ibid. Pp. 217 and 220 Qs. 3897 and 3963-3967.
⁶⁵ 'Shakespeare as Spectacle and History: The Victorian Period', *Theatre Research International* Vol.I, No.2 (1976), p.101.
⁶⁶ Ibid. p.109.
⁶⁷ James Grant, *The Great Metropolis*, op.cit. p.23.
⁶⁸ See Harry W. Pedicord: 'Masonic Theatre Pieces In London 1730-1780', *Theatre Survey* Vol.XXV No.2 (Nov.1984).
⁶⁹ Ibid. p.159.

- ⁷⁰ Ibid. p.165.
- ⁷¹ Ganzel: *Publication of the Modern Language Association of America* Vol lxxvi op.cit. p.389.
- ⁷² T. Escott: *Edward Bulwer, First Baron Lytton of Knebworth* (1910) p.87.
- ⁷³ Ibid. p.127.
- ⁷⁴ Ibid. p.109.
- ⁷⁵ Ibid. p.116.
- ⁷⁶ Ibid. p.126.
- ⁷⁷ Ibid. p.133.
- ⁷⁸ Ibid. p.147.
- ⁷⁹ 'Actors' Earnings, 1800-1830', *Proceedings of the Leeds Philosophical and Literary Society* Vol VII Pt.iii March 1955.
- ⁸⁰ *A View of England*, Vol. II . p.246.
- ⁸¹ *The London Stage 1660-1800*; Pt. 5: 1776-1800, p.clxxvii.
- ⁸² *Edmund Yates: his Recollections and Experiences* (1884) Vol.I. p.20.
- ⁸³ Escott op.cit Pp 9-12.
- ⁸⁴ *The Diaries of William Charles Macready*_(ed. W. Toynbee) Vol I p.52.
- ⁸⁵ James Grant, op.cit. Vol. I. Bk. ii p.170.
- ⁸⁶ *The Diaries of William Charles Macready*_op.cit. Vol. I p.233.
- ⁸⁷ Ibid. p.446.
- ⁸⁸ Ibid. Vol. II. Pp.2-3.
- ⁸⁹ Ibid. Vol I. p.459; Vol. II p.118.
- ⁹⁰ Walker (1791), Pp.29,38,44,50; and also in the comment in the body of the dictionary on the pronunciation of certain words i.e. confidant, fierce and sigh.
- ⁹¹ Ibid. Pp. 30,31, 37.
- ⁹² *The London Stage 1660-1800* Pt.5, op.cit. p.xlvii.
- ⁹³ James Grant, *The Great Metropolis* (3rd ed. 1838) op.cit. p.20-21.
- ⁹⁴ *The Times*, Jan. 31, 1831.
- ⁹⁵ Ibid.
- ⁹⁶ W. Nicholson op.cit. p.312.
- ⁹⁷ *The New Monthly Magazine*, Vol.XXXVI No.CXXXIV, Pp.131-135.
- ⁹⁸ 1832 Select Committee on Dramatic Literature, Minutes of Evidence P.116 Q.2052.
- ⁹⁹ W. Nicholson op.cit. p.324.
- ¹⁰⁰ *Mirror Of Parliament*, 1832 p.2154.
- ¹⁰¹ *The Diaries of William Charles Macready*, op.cit. Vol.I. p.196.
- ¹⁰² Hogan, op.cit. p.cxcii.
- ¹⁰³ Ibid.
- ¹⁰⁴ Nicoll, *A History of English Drama 1660-1900*, op.cit. Vol. III p.46.
- ¹⁰⁵ Edmund Yates, op.cit. p.33-34.
- ¹⁰⁶ Ibid.
- ¹⁰⁷ 1832 Select Committee on Dramatic Literature Minutes of Evidence P. 157 Q.2805.
- ¹⁰⁸ Yates, op.cit. p.30.
- ¹⁰⁹ 1832 Select Committee on Dramatic Literature Minutes of Evidence p.122 Q.2127-8; p.190 Qs.3403-3406; p.193 Qs.3470-3473.
- ¹¹⁰ Ibid. p.117 Qs.2058-2059; P.113 Qs.1979-1982.
- ¹¹¹ Ibid. p.113, Qs.1983-1988: p.150, Qs.2683-2685.
- ¹¹² Escott op.cit. p.229.
- ¹¹³ See Hansard: Parliamentary History of England Vol. XVII c. 1094.
- ¹¹⁴ Escott, op.cit. p.80.
- ¹¹⁵ *Real Life In London* Vol.I. (1821) 1905 ed. p.132.
- ¹¹⁶ See Hansard: Parliamentary Debates, Series III Vol.XVI, Cols.560-561, March 12 1833.
- ¹¹⁷ *Fraser's Magazine* Vol.XIII, No.XLV, p.132.
- ¹¹⁸ Minutes of Evidence before 1832 Select Committee on Dramatic Literature p. 205. Qs. 3689-3691.
- ¹¹⁹ See Ibid. Pp.207-8, Qs3727 and 3736.
- ¹²⁰ *Morning Chronicle*, 16th July 1832.
- ¹²¹ Hansard: Parliamentary Debates, Series III Vol. XVI c.561.
- ¹²² *England and the English* p.305-6.
- ¹²³ *The Diaries of William Charles Macready* op.cit. Vol.I p.445
- ¹²⁴ Shattuck (ed), op.cit. p.11
- ¹²⁵ February 24th 1838.
- ¹²⁶ *The Diaries of William Charles Macready* op.cit. Vol. I. p.479.
- ¹²⁷ *Asmodeus at Large* p.36.
- ¹²⁸ Lytton-Bulwer, cited in Escott p.194.
- ¹²⁹ *Foreign Quarterly Review* Vol.XXIX (1842)
- ¹³⁰ See 'Letters to John Bull' Pp.145-146 in *Pamphlets and Sketches* (1887).
- ¹³¹ Ibid. p.278.
- ¹³² Reported in *The Times* Feb.16th 1838.
- ¹³³ *Speeches of Lord Lytton* Vol.I. p.xix.
- ¹³⁴ Shattuck op.cit. p.8.
- ¹³⁵ Ibid. p.55.
- ¹³⁶ Ibid. p.5
- ¹³⁷ *The Diaries of William Charles Macready* op.cit. Vol.II p.473.
- ¹³⁸ Escott op.cit. p.249.
- ¹³⁹ Meacham (ed) p.36.
- ¹⁴⁰ Abraham Hayward and A.W. Kinglake citing Melbourne, in Escott op.cit. p.216.
- ¹⁴¹ Escott, op.cit. p.216.

- ¹⁴² Ibid. p.212.
- ¹⁴³ Shattuck op.cit. p.5.
- ¹⁴⁴ *The Diaries of William Charles Macready* op.cit. Vol.I p.279.
- ¹⁴⁵ Ibid. Pp.280 and 287.
- ¹⁴⁶ 'Touching Things Theatrical': *Fraser's Magazine*, Sept. 1833 p.342.
- ¹⁴⁷ *The Diaries of William Charles Macready* op.cit. Vol.I p.448.
- ¹⁴⁸ Ibid. Vol.I p.437, 476, 502.
- ¹⁴⁹ Ibid Vol.II p.315.
- ¹⁵⁰ Ibid Vol.II P.26.
- ¹⁵¹ Cited in Ganzel op.cit. p. 385.
- ¹⁵² Minutes of Evidence before 1832 Select Committee on Dramatic Literature. p.122, Q.2125.
- ¹⁵³ Hansard: Parliamentary Debates, Series III Vol.XIII, c.240.
- ¹⁵⁴ Ibid. p.127 Qs.2234-2236.
- ¹⁵⁵ Report from the 1832 Select Committee on Dramatic Literature, p.3.
- ¹⁵⁶ *Italian landscape in Eighteenth Century England*, p.27 cited in 'Theories of Taste in the Eighteenth Century': Jefferson D.W. *Proceedings of the Leeds Philosophical and Literary Society*, Vol.5 December 1938, p.3.
- ¹⁵⁷ I am indebted to the work of D. W. Jefferson for much of the information referred to which was contained in his essay *ibid*.
- ¹⁵⁸ *Major and Minor theatres. A concise View of the Question, as Regards the Public, the Patentees, and the Profession*. p.18.
- ¹⁵⁹ See T. V. White: 'The Stage Irishman', in *Essays By Divers Hands*, New Series Vol.XLV (1988) p.60-61.
- ¹⁶⁰ Hansard: Parliamentary Debates, Series III Vol. XIII c.240.
- ¹⁶¹ Summers, *The Playhouse of Pepys* (1935), p.52.
- ¹⁶² *Memoirs of Charles Dibdin the Younger*, ed. Speaight (1956) p.67.
- ¹⁶³ Ibid. p.65.
- ¹⁶⁴ Ibid. p. 103.
- ¹⁶⁵ Minutes of Evidence before 1832 Select Committee on Dramatic Literature. p.125 Q.2194. See also p.157, Qs. 2817/8.
- ¹⁶⁶ *Memoirs of Charles Dibdin the Younger* op.cit. p.119.
- ¹⁶⁷ Ibid. p.107.
- ¹⁶⁸ Ibid. p.98.
- ¹⁶⁹ *Theatre in the Victorian Age* (1991), p.95.
- ¹⁷⁰ See *The Civilisation of the Crowd*, Golby and Purdue (1984) p.96.
- ¹⁷¹ *Memoirs of Charles Dibdin the Younger* (ed. Speaight) op.cit. p.60.
- ¹⁷² Ibid. p.64.
- ¹⁷³ *Major and Minor Theatres*, op.cit. p.7.
- ¹⁷⁴ *The Curtain Rises* (1961), p.169.
- ¹⁷⁵ Reproduced in J. Hollingshead, *Ways of Life* (1860) Pp.186-197.
- ¹⁷⁶ Hansard: Parliamentary Debates, Series III Vol. XIII c.241.
- ¹⁷⁷ Ibid. Vol. XIX c.1144.
- ¹⁷⁸ J. Morris, *Pax Britannica* (1973) 1992 ed. Vol.I p.11.
- ¹⁷⁹ Hansard: Parliamentary Debates, Series III Vol.XXI c.1210.
- ¹⁸⁰ *The Diaries of William Charles Macready* op.cit. Vol I, p.493.
- ¹⁸¹ 1832 Select Committee on Dramatic Literature, Minutes of Evidence Pp. 164-5 Qs.2947 and 2957-8.
- ¹⁸² *The Diaries of William Charles Macready* op.cit. p.324.
- ¹⁸³ Vol. XXXVI No. CXXXIX July 1832 p.303.
- ¹⁸⁴ Hansard Parliamentary Debates, Series III Vol.XIII c.248.
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- ¹⁸⁶ See the evidence of Charles Kemble, 1832 Select Committee on Dramatic Literature Minutes of Evidence, p.51 Qs. 715-718.
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- ¹⁸⁸ *Ibid*.No. 249. Aug 4th 1832, p.504.
- ¹⁸⁹ *The Diaries of William Charles Macready* op.cit. Vol.I p.53.
- ¹⁹⁰ *Mirror of Parliament* 1832, p.2154.
- ¹⁹¹ Shattuck (ed.) op.cit. p.6.
- ¹⁹² *The Stage* i.111.
- ¹⁹³ Escott op.cit. p.207.
- ¹⁹⁴ *The Diaries of William Charles Macready* Vol. I, op.cit. p.278.
- ¹⁹⁵ Ibid. p.283.
- ¹⁹⁶ Ibid. p.324.
- ¹⁹⁷ *The Diaries of William Charles Macready* op.cit. Vol.I p.501-2.
- ¹⁹⁸ Hansard: Parliamentary Debates, Series III Vol. XXIV c.909.
- ¹⁹⁹ Ibid. c.911.
- ²⁰⁰ Ibid. c.912.
- ²⁰¹ See Nicholson op.cit. Pp.404, 408.
- ²⁰² Isaacs, *The Law Relating to Theatres, Music Halls, and Other Public Entertainments* (1927) p.333.
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CHAPTER VI: THE RELIGIOUS IMPERATIVE.

Section i: A New Ruling-class Approach to the Problem of Theatre.

Bulwer-Lytton had realised that all hope of retaining a restricted, selective, upper-class theatre scene had vanished and the governing classes had to infiltrate the institution of theatre if they were to mould or control the populist, catholic tendencies of the most important theatres of the day. Restrictive legislation was not the answer: confrontation with the resourceful initiatives of the entrepreneurial managers could be seen to have created more problems than it had solved.

Market forces had worked against attempts to substitute “high art” for the popular entertainments that caught the national consciousness and brought the vitally important middle and lower classes flocking to the theatre. Even for the theatres most patronised by well-to-do socialites the patronage of the lower orders still spelled the success or failure of a theatrical venture which was measured in financial terms. Theatre managers were therefore faced with a dilemma. They did not want to discourage lower-class audiences yet they needed also to woo the rich upper classes. The initial ploy was to create expensively priced Orchestra Stalls to replace part of the Pit, but this threw the extremes of the class system together to the annoyance of the upper classes. To counteract this, rather than limit the class-base of their audiences, theatre managers sought to segregate their patrons and there appears to have been a campaign to consign the unacceptable face and manners of the poor to the recesses of the Gallery and as far as possible from persons of “quality”. As the 19th century wound to a close, the newly rebuilt Her Majesty’s Theatre could boast a design that divided its audience into five separate classes, each of which entered and departed via two distinct entrances and exits into different streets.¹

This was, of course, a measure undertaken by the individual theatre managers themselves prompted by those who had invested in their activities: it was not a government initiative. It did nevertheless conform to a new general government agenda that attempted to counter the threat posed by the ever-increasing numbers of the lower orders by endeavouring to soften their behaviour, improve their manners, and instil in them the deferential values of the lower middle classes. Many Minor theatres

recognised this largely unspoken agenda as they tried, often desperately and against all odds, to raise the tone of their entertainment.² Yet there were also Minor theatres that catered almost exclusively for a very deprived audience and pandered to the taste of their clientele with plays that fifty years earlier would not have passed the censor. The governing classes saw these theatres as agencies of control: they may not have softened manners but they did contain and confine a potentially dangerous section of the populace. But outside this sphere of recognised theatrical activity lay yet another theatrical focus which was virtually unacknowledged by the ruling classes during the first half of the 19th century: the phenomenon of Public House entertainment and the Penny Gaffs.

During the third reading of the Theatres Regulation Bill in the House of Commons, Mr Duncombe told the House, “there was nothing of greater difficulty and delicacy than for a Parliament to interfere with the amusements of the people”.³ This was a highly significant statement. It held the key to subsequent government thinking on the vexed question of the nation’s entertainment and heralded a totally different strategy to keep the nation under control. In this strategy theatre was an important ingredient.

Duncombe’s awareness of the “delicacy” of overtly intervening in public entertainment reveals the government’s response to the volatility of contemporary society and movements for reform which were increasingly instrumental within it: the Owenite Co-operative philosophy of the early years of the century, and experiments like the Rochdale Society of Equitable Pioneers (1844) together with the more menacing Chartism campaign (1830-1848) which presented a number of petitions to Parliament.

This co-operation of workers in political or quasi-political activity was worrying. One antidote was to relax the restrictions on working class entertainment. It was safer and infinitely preferable to have the working class in theatre galleries, enjoying the socially-correct middle-class entertainments of the Major theatres, or even bawling their lungs out as a red-ochred bestreaked Nancy was dragged round the stage by her hair by Bill Sykes at less salubrious theatres such as the Victoria which catered for a predominantly lower-class audience⁴, than to have them spend their time organising collectivist activity which could lead to unfortunate incidents and highly publicised scandals like the Tolpuddle Martyrs.

There were other reasons why theatre suddenly gained tacit government approval. In an early debate upon the subject of Discontent among the Working Classes it was admitted that the Reform Act of 1832 had left the working classes feeling cheated. They had campaigned vigorously for the measure yet, unlike the middle classes who had gained considerably in power, very few had derived any significant benefit from the new legislation because of the property requirements for the franchise. The result of this was that a rigid distinction between the two classes was now apparent which had not existed previously and this had created a considerable antagonism.⁵ Safe in their own theatres, watching officially sanctioned entertainments, this antagonism was less likely to manifest itself in open conflict.

As for the Major theatres, they could be seen to be playing a part in a new, covert government strategy to civilise the masses that was not progressing as fast as some would hope. In the above-mentioned debate, three years before the passing of the 1843 Theatres Act, Mr. Smith O'Brien had deplored the fact that the government were "doing SO LITTLE (my emphasis) towards promoting the intellectual amusements of the people".⁶ Allowing the major Minor theatres to flourish by infringing if not the letter of the law most definitely its spirit could be seen more as a reaction to sentiments of this kind than as a response to any perceived disability under which the Minor theatres themselves were operating.

An analysis of contemporary government initiatives reveals that indeed this was the current ruling-class thinking. It explains why, during a debate in the House of Lords on the dangers posed by Socialism⁷, when the Bishops were baying for blood at the threat the new political philosophy created for religion, many of the Lords Temporal seemed unmoved or disinclined to act. The Marquess of Normanby warned that nothing was more likely to give Socialism "a substantial form, and practical influence, than persecution"⁸. Viscount Melbourne told the House of the difficulties in using legislation to single out and destroy one particular organisation within the country and warned that, in the case of failed prosecutions, "It was thought very doubtful whether they did not increase that which they were meant to repress"⁹. The Duke of Wellington moved to close the debate by stating somewhat enigmatically that "some measure, short of directly proceeding against such a system, might be adopted"¹⁰.

There were many in both Houses who were pursuing a policy of fostering in the poor an appreciation of the Arts. It was part of a wider agenda to "civilise" and tame the people, and theatre was perceived as

having a part to play in this scheme. Part of the unspoken agenda of this policy was indoctrination. The most striking representation of this thinking can be seen in Frederick Lord Leighton's painting of Cymon and Iphigenia which was completed in 1884. The painting shows a young shepherd boy contemplating the sleeping form of the priestess Iphigenia. As he looks at her, the sight of her beauty gives him an understanding of his own situation, an aesthetic awareness is created within him that complements this new awareness of his deferential role in society and he becomes civilised.

One can discern this type of thinking within the government as early as 1835 when Ewart urged Parliament to enquire into the constitution and effects of the Royal Academy when he brought forward his motion for the encouragement of the Fine Arts¹¹. Although Ewart stressed the benefits such encouragement harboured for the manufacturing interests in the country, others put forward other more social benefits. O'Connell, the Irish radical leader, thought "in other countries the poorer classes of the people had habitual opportunities of seeing works of art, by which their taste was refined ... the effect of contemplating works of high art in the continental churches was to raise and soften the public mind"¹². Warburton argued: "it was necessary to exhibit to the people fine specimens of painting and sculpture, and improve their taste generally"¹³ before any benefits were likely to filter down to the manufacturing arena. Painting was not the only art to be brought into commission. In 1842, petitions were presented to the Lords by Lord Wharncliffe and to the Commons by Sir Robert Peel seeking support from the education grant for Singing to become part of elementary education. At the end of 1841 singing classes for the instruction of elementary schoolmasters and schoolmistresses had been introduced at Exeter Hall, paid for by subscription and private contributions. This experiment was so successful that, by the middle of 1842, 50,000 were enrolled into the lessons and they had had the effect of inculcating:

a strong wish for instruction in other elementary branches of education ... Should these institutions be enabled to continue ... there could be no doubt that in a very short time a large portion of the lower classes in the metropolis would be withdrawn from the public houses ... and the vicious habits which at present degraded and pauperised so many thousands of persons, would be in great measure abandoned.¹⁴

The Marquess of Lansdowne stressed that the experiment was not just a London phenomenon: many people had travelled a distance to take part in the enterprise. He then delivered the coup de grace by

opining that “it had utility as well as pleasure to every species of physical constitution, and enabled whole masses to partake at once of its pleasure and its beneficial results”.¹⁵

It is difficult to attribute to coincidence the fact that this experiment was started in the same year as the debates on the perils of Socialism and on the question of the discontent of the poorer classes of society, particularly as it was a Privy Council initiative not a general government measure. One can see here the working of wheels within wheels to use the arts as a tool to create a web of social cohesion and thus social control. And in this scheme the general entertainment scene was a vital component.

This was by no means the first time that the government had taken notice of Congreve's bon mot of music having charms to soothe the savage breast. In 1835 the staving off of the third reading of the Music and Dancing Bill because of the objections of Covent Garden Theatre was but a temporary obstacle for a measure which was in fact designed to promote entertainment in the alehouses. The ostensible purpose of this Bill was to keep the lower orders out of beer and gin shops by the provision of “innocent amusements”¹⁶. Here one is looking at a “lesser of the two evils” solution: while the lower orders were themselves singing or dancing (the original thinking behind the Bill), or watching singing and dancing (the actual outcome), they were hopefully drinking less and, more importantly, they were far less likely to be talking about politics.

In 1836, Potter presented to the Commons a petition from a Devon solicitor who deprecated the fact that a young boy had been imprisoned under the Vagrancy Laws (5 Geo IV) for begging when in fact he was just singing to villagers who had given him some refreshments and tips for his pains. The solicitor gave two reasons why this was a wholly unacceptable situation and why he begged for a softening of the laws. His reasoning was cleverly constructed to strike at the heart of government preoccupations. Firstly, he stated “that in those countries where music and harmless amusements were encouraged, drunkenness prevailed to a much lesser extent than in England”¹⁷, and, secondly, he remembered how, at the time of the commencement of the French Revolution, ballad singers were actually employed in England to sing loyal songs “to put down what were called French principles”¹⁸.

By 1846, there were moves to permit the Sunday opening of the British Museum, the National Gallery, “and similar places calculated to afford innocent and instructive recreation”¹⁹. Hume, who submitted a Motion to this effect on August 14th 1843, maintained, “all attempts by legislation to make people moral or religious, were futile. An Act of Parliament could not make a man more moral than he was before; and therefore, it was high time that other modes of improvement were attempted.”²⁰ This was forty years before Lord Leighton’s picture, *Cymon and Iphigenia*, a tangible manifestation of this thinking came into being. The stimulus for the picture, it is said, came from Leighton reading the incident in the *Decameron* in which Boccaccio had penned the line, “from a labourer, Cymon became a judge of beauty”²¹. Yet the picture is much more than an artist’s reaction to a passage from classical literature, it is pure social comment: a statement aimed specifically at the establishment encapsulating the hopes that attended contemporary government initiatives to subdue the masses and persuade them to accept their perceived place in the social hierarchy. Leighton was self-consciously a member of the establishment and the first artist to be elevated to the peerage. He was a shrewd financial entrepreneur, much pre-occupied with the educational aspect of art²², who made considerable capital from investing in the new industrial might of the country. Leighton’s primary stimulus for the picture was more likely his approval of the legislation passed in 1883 which enabled London’s National Gallery to remain open into the evening on three days of the week to give working men an opportunity to view the pictures.

After the Theatres Act of 1843, Parliament did not concern itself to any serious degree with the theatre-question again during the period of this study²³. There were surely two reasons for this. Firstly, the institution of theatre had grown to such an extent that the investment of capital and manpower in not only the theatres themselves but in allied trades and industries that had grown into “a network of business connections linking theatres with outside entrepreneurs and small manufacturers”²⁴ was such that any new government measures, particularly those that might curtail theatrical activity, could have an adverse effect on the local and indeed national economy. A series of articles in *The Stage* in the early 1880s reveal just how intricate and dynamic the relationship was between theatre and industry. For example, major technological innovations were introduced to light transformation scenes. At the New Alhambra alone the new general gas-fitting had a capacity of a staggering 3400 individual gas lights, 819 of which were employed in the gigantic “sun-light” which was the largest in the world at that time²⁵. When one considers that the government was very tentative in its approach to any change

in the Licensing system of Public Houses and Beer-shops in 1857 because “the great amount of capital invested in those trades and the great interests involved, [meant] very great caution was required in dealing with the subject”²⁶ it is obvious that similar concerns would accompany any proposed move towards restrictive measures for theatre.

Section ii: The Nineteenth Century Non-Conformist Threat.

The second reason for Parliament opting out of all but the most cursory regulation of the stage was more complex. The stage was rapidly adjusting to the new, more highly stratified social scene that was the aftermath of the Reform Act of 1832 which had set the middle classes securely on the road to dominance in society. Parallel with their rising profile, and to an extent dependent upon it, was the rise in power, prestige and influence of religious Nonconformity. The year that saw the emancipation of the Minor theatres also witnessed the birth of the Anti State-Church Association under Edward Miall. In opposition to these forces was working class militancy and the development of Socialism which had, at worst, a strongly atheistic face and at best a hazily defined, totally non-aligned, Deism²⁷. Anglicanism was therefore facing a two-pronged attack from Socialism and Nonconformity. Until the middle of the century it was the former enemy that it most feared. It is indicative that the aforementioned debate on the evils of Socialism on January 24th 1840 was instigated by the Bishop of Exeter whose diocese was the very heart of Corn Laws Toryism and that he and the Bishop of London, dominated the proceedings.

The publication in 1845 of Friedrich Engels’ *Die Lage der arbeitenden Klasse in England* and of Marx’s *The Communist Manifesto* (1848), which were to take on a new and more sinister light in 1848 with the second overthrow of the monarchy in France, the proclamation of “La République”, and the ensuing revolutionary fever which raged across Europe, made the British government even more aware of the volcano in its midst and any attempt on the liberties of the people in the shape of theatrical manipulation would have been most unwise. Nevertheless something had to be done to contain dangers that lay in the increasing “association” of the working classes.

Two alternatives presented themselves: Religion, in the form of Anglicanism, and, paradoxically, Trade Unionism. As early as 1818, after the French wars, the government looked to the Church to help civilise or engender subservient social values in the lowest orders. One measure taken was the building of “parliamentary” parish churches in many new urban suburbs and other new residential areas. The government was suspicious of Religious Dissent which had strong political connotations but which had been thrust upon the populace, particularly in the growing industrial towns, through the sheer lack of Church accommodation. In order to increase the capacity of the Established Church to enable it to play its part in guiding and containing the masses, the Million Act, so called because it provided £1,000,000 to build churches in areas of rapid population growth, was drawn up.

Looking at the other alternative, by the middle of the century it was clear that workers who combined in trade unions tended to be less militant than unaligned Chartists because they constituted both a progressive and yet conservative stabilising force in industrial towns as they were more content to place their trust in Free Trade, the extension of the franchise and constitutional action through Liberal politics. By 1842, Dr. G.C. Holland found that “where men were in union, the higher their pay, the less fluctuation in their trade, the more sober, intelligent, moral and thrifty the workmen, and the fewer in the gaols and on the parish”²⁸.

And the two could work in tandem. The Church was not necessarily in conflict with Trade-Unionism: many who embraced the latter cause would often, at least outwardly, embrace the former if only for the sake of respectability. What was becoming apparent was that they had a common enemy: the public house. Some, both in Parliament and out, were increasingly putting their trust in the political solutions that were apparent when working men’s secular needs were met, others saw the church as an agent of education that was not doing its job as far as the rank and file were concerned and the country was therefore having to rely on restrictive legislation to force the working classes into behaving acceptably. During a debate in the Commons in 1842 regarding Sunday licensing hours for public-houses the established church came under considerable fire. Captain Rous pointed out that:

there were thousands of people in Westminster who had no church whatever to go to; and yet, within a hundred yards of where they now sat, they had a magnificent Abbey, with nine churches, which only offered accommodation to about 200 poor persons; and yet this establishment was maintained at a cost of about £25,000 per annum²⁹.

He was, of course, pointing out the loophole in the Million Act: even though more churches had been built, due to the prevailing system of rented and appropriated pews which were always taken up by the middle and upper classes, there were still very few free sittings available to the poor.

Mr Duncombe talked about the “enormous salaries and small duties of the Dean and Chapter of Westminster Abbey”³⁰. The Dean in question was “Soapy Sam” Wilberforce, son of William Wilberforce of Slavery Emancipation fame, who was very unpopular with radicals long before he became Bishop of Oxford in 1846. But the complaints of Rous and Duncombe paled into insignificance before the invective of Mr. Muntz who located:

one law for the rich and another for the poor...They were always calling aloud ...Church! Church! Church! He should like to know how the poor men who worked fourteen hours a day during six days, were to rest from labour and enjoy themselves on Sunday, if they were forced to go to church? How did hon. Members in that house enjoy themselves? They went to clubs and rode out in carriages, but the poor working men had no such advantages. The knowledge of this made them feel disgust at the humbug, when, under the mask of morality, without allowing them time to bolt their food, they drove them to church...It was not the way to acquire the goodwill of the people³¹.

Rous voiced the common perception of the problem of the working classes and its solution:

the best way to act was, for the clergy to take as much care as they could of their religious education, for the improvement of the poorer classes would much more depend on that than on any legislative restrictions which they might impose with regard to public-houses³².

The fact of the matter was that by the middle of the century the Established Church realised it had to be more accountable and that the government perceived it to have an allotted role in its overall political agenda which was to instil deferential values in the great mass of the poor. Then, almost like a bolt from Heaven, the Religious Census of 1851 revealed to the Established Church two awful, unexpected truths: the majority of the artisan class had no religious affiliation of any kind and, even more shocking and dangerous for the continuation of its establishment, half of all those who participated in religious observation were of Nonconformist persuasion. In order to validate its privileged, protected, position within the establishment of the country, Anglicanism had to be seen to be the primary religious agency

of reform. In order to weaken Anglicanism, Nonconformity had to prove it was the stronger agent of reform in the country. Once again theatre, which had become a symbol of the society that patronised it, was to prove a focus for those who wanted to further their own interests. This time it was religious zealots who were to attack theatre in their quest for sectarian superiority.

To appreciate how much religion reacted with theatre to rationalise and prove itself in the Victorian era one must refer back to the period at the beginning of this study and examine the volatile relationship that existed between the two institutions over the two hundred years prior to the 1851 census.

Section iii: The Stage and the Build-up of Anti Religious Establishmentism before 1800.

Since the Restoration, the church's reaction to, and perception of, the theatre had been determined by the church's perception of itself vis-à-vis other institutions in the country. But "church" was a term that without careful qualification had little meaning in the context of the new Caroline society. It was an institution that was riven by schism and internecine rivalry. Each sect saw itself as a fragile and threatened power bloc within a society that was itself in danger of moral collapse: and the number of sects was legion. At the beginning of the Civil War, Thomas Edwards attempted to list them all in a book he called *Gangraena*. By the time it was published the sects had multiplied so much as to make a second volume necessary and by the time that was finished a third was immediately called for which resulted in the project being abandoned³³.

Obviously some sects, like the 17th century Diggers, were short lived and relatively unimportant in the longer term but it would be inadvisable to under-estimate the influence any of them could have had during its existence, especially on an institution like the theatre which has to respond so critically to the current, mood, whim, or prevailing fashion in society in order to survive.

An analysis of the fundamental beliefs of the various sects sheds little light on their reaction or attitude to the theatre and theatre per se was not necessarily the target of religious anti-theatrical prejudice. As the nineteenth century came to a close theatre came to be seen as an ally by religious pressure groups

because of the way it could be used to communicate with and indoctrinate the lower classes, yet during most of the 240 years' span of this study, theatre came under attack as it represented a particular society: in the eyes of its detractors it was representative of and a channel of communication for a specific social group. This can be clearly seen just before the beginning proper of this study with the publication in 1633 of William Prynne's *Histrion-mastix* which was an attack upon the stage subtitled:

wherein it is evidenced ... that popular Stage plays (the very Pompes of the Divell, which we renounce in baptism, if we believe the Fathers) are sinful, heathenish, lewd and ungodly spectacles, and most pernicious corruptions.

Prynne, a Presbyterian, was seen to be using the stage as a metaphor for the extravagant religious practices of the Anglican Archbishop Laud and also for the lavish Court kept by Charles I and the stage-struck Queen Henrietta, his Catholic and hence ritual-loving Queen. He was arrested and at his trial before the Star Chamber in 1634 Dorset, the Lord Chamberlain, condemned him as:

the damner of Prince, people and State this brittle conscienced brother will sweat at the sight of a surplice, tremble at a cappe, and rather suffer death than put on women's apparrell (and) he hath scandalised the Queenes Majesty ... one whose vertues noe Orator is able to display, noe Poet able to sett out³⁴

Mutilation of the ears and a £5,000 fine did not stop Prynne from issuing more anti-church pamphlets and Laud eventually had his ears completely removed and had him branded SD, meaning seditious dissembler. For this, Prynne eventually had Laud brought to trial by the Long Parliament and executed.

Prynne's diatribe shows the Presbyterians' pathological fear of the power of the Pope wielded through Roman Catholicism, a religion approved of by the early Caroline monarchy and copied by the increased ritualism of the Anglican church under Laud. In Presbyterianism we see a desire for an order and stability greater than that exercised by a dissolute monarchy and authoritarian church structure led by royalist bishops more concerned with their position in the Lords than their hold over the clergy or, through them, the control of the masses. Like other Puritan sects they were the natural concomitant of the new mercantile spirit in society which depended upon individualism and urban living as opposed to the paternalism of a rural community structure. But, with the success of the Revolution and the New Model Army, Puritan sects like the Levellers arose who, because of creeds of the ultimate sanction of

personal conscience, were increasingly dismissive of authoritarian religious or civil structure. Fearing the breakdown of national order and control, the Presbyterians threw in their lot with the gathering forces for Restoration and sought favour with the exiled Charles II and his Royalist sympathisers so as to be able to influence any Restoration settlement. Professing, as a justification for their actions, a belief in divinely ordained temporal authority if not by divine right then by divine sanction they sought to intimidate Charles by exaggerating their numbers and influence³⁵. Their leaders went to Holland and pledged their support to the king, but in return demanded a broad non-, or severely-limited, Episcopal national church in which they would wield power, reasoning, presumably, that through it they would be able to influence and take advantage of the new wealth coming into the country which had hitherto been the prerogative of the Tory land-owning gentry.

Charles, fully recognising his ignorance of the morass of religious pressure groups within British society, followed a course of appeasement and vague promise until he was in power. He privately held that "Presbyterianism was no religion for gentlemen and certainly not one for kings: it was worse than Popery, in that it could make all things legal and encouraged the clergy to try to direct the state"³⁶, yet he wanted to assess the claim of the Presbyterians that they comprised half the population and controlled most of the nation's trade and industry: if this was true it meant they could do him harm. When he reached England Charles left all the religious wrangling first to the incumbent Convention, to Convocation and then to Parliament, "Religion, he told the Houses, was too hard a matter for him and he would leave it to them"³⁷.

Whilst carefully blocking any early major parliamentary reform, he half-heartedly attempted various movements for comprehension and indulgence to establish religious tolerance which were all blocked by Parliament which, itself, in 1661 started a series of measures with the Corporation Act, the Act of Uniformity (1662), the Conventicle Act (1664), the Five Mile Act (1665) and the Test Acts of the 1670s which effectively blocked Dissenters and then Catholics from professional advancement and from holding any key position in the administration of the country. Any initial worries of Charles were removed when the Compton Census of 1676 revealed that although vociferous in the large towns, in the nation as a whole Dissenters were a small minority.

As the King was, nevertheless, wary of religious sects so were they wary of him. Although no sect was likely to incur the righteous wrath of the King, who by common consent was more interested in the lure of the pleasures of this life than subscribing to the tenets of any particular religious faction, both recognised that the other could be a useful tool in manipulating a government that was in turn manipulating them. The land-owning gentry in Parliament wanted security of tenure for their property and a re-affirmation of their status that they saw as threatened by the new, non-land-owning mercantile *nouveaux riches*. One half of Dissent wanted a nationally monitored organisation whilst the other half wanted local autonomy with each congregation free to develop under the spiritual eye of a locally elected pastor. The former had the advantage that it could control a quiescent representation of the workforce enabling it to create a national power base by establishing a stake in the industrial and commercial potential of the new age whereas the latter would be more able to react more efficiently to local industrial conditions and thus create a network of local power bases. The Anglican Church, in contrast, wanted a powerful centralised institution (on, despite its protestations, Roman Church lines) and a crushing of Dissent. Only through a monopoly of religion, they felt, could they hold real power over the population which would in turn make them indispensable to the government upon whose favour their Establishment (and many of the most important and lucrative clerical livelihoods) rested. Between the accession of Charles II and the Glorious Revolution of 1688, therefore, each sect was careful not to court trouble and open censure from ecclesiastical forces was rare. Although minor Puritan groups rejoiced in their exclusiveness and separation from both the world and the worldliness of the exuberant Restoration theatre, the major Puritans still looked to the monarchy for help in constructing a broad national church and while the Anglicans sat smug and silent, Dissenters gritted their teeth while the court wits wrote satires on Puritanism and the political and amorous intrigues of Puritan circles. Even the redoubtable Prynne who campaigned for the Restoration of the monarchy was silent about the excesses of the new Caroline theatre, which exceeded those which had led to the publication of his *Histrio-mastix*, and accepted a post under Charles II.

Then came the intellectual maelstrom caused by the Revolutionary Settlement of 1688 which brought the more moderate William and Mary to the throne. Although most Anglicans, and those Puritans who subscribed to the concept of Divine Right, found it within their consciences to take the Oath of Allegiance to William and Mary, some could not accept the overthrow of an established monarch and

became known as non-jurors (from the French for a legal oath, because they would not swear allegiance). Once these non-jurors found themselves outside the church and therefore outside the establishment there was both opportunity and motive to attack what they saw as a corrupt society that had such malleable values. What better way to attack it than to censure its focus - the theatre.

Prynne had assembled a collage of anti-theatrical opinion from the depths of antiquity onwards and tried to make it relevant to his day in order to emphasise his point that the society he vilified was exhibiting a breakdown of a moral and structural cohesion that had been developed from the time of the Greeks. The non-jurors, in contrast, held that a pruning of modern influences in theatre was needed to remove the vice that was undermining public morality - again a fairly obvious metaphor for the revolutionary settlement which was in their eyes a sin against established rules of conduct. These loose values they saw as morally licentious and society-corrupting. The non-juror Jeremy Collier firmly and publicly declared his sympathies in 1696 by giving public absolution to his friends, Sir John Friend and William Parkyns, as they awaited execution for attempting to assassinate the King. Then, in 1698, he published his celebrated *Short View of the Immorality and Profaneness of the English Stage*. Before castigating Wycherley, Dryden, Congreve, Vanbrugh and D'Urfey, the fashionable authors of the time whose satires so successfully entertained the society he held in contempt, he forcibly stated his case:

the business of plays is to recommend Virtue, and discountenance Vice; to shew the Uncertainty of Humane Greatness, the suddain Turns of Fate, and the Unhappy conclusions of Violence and Injustice: 'Tis to expose the Singularities of Pride and Fancy, to make Folly and Falsehood contemptible and to bring every Thing that is ill Under Infamy, and Neglect³⁸.

Collier was using the theatre to censure the Court whose values he so deprecated by inferring that the audience at the theatre, which was primarily the Court and polite society, and the society portrayed in the plays of the authors he then went on to criticise, were synonymous. This inferred that if the plays were to be purified it would be a symbol that the court had purified its taste and therefore its values.

The difference between Collier and Prynne was that whilst Prynne wanted to get rid of a ruling structure he found papist and offensive and advocated a complete ban on its focus, the theatre, Collier wanted a return to a previous set of values and advocated a transformed theatre or focus. To make his point more forcibly in his second essay on this subject, *A Defense of the Short View of the Profaneness*

and Immorality of the English Stage, he actually extolled the virtues not only of Aeschylus, Sophocles, and Euripides but also of Terence and Plautus and even the Tudor and Jacobean Dramatists. Although this has puzzled many readers from the seventeenth century onwards, when we look upon the theatre as a synonym for the Court it makes complete sense. What Collier was doing was validating the fable of Apostolic Succession through bishops of the Anglican church and limiting his censure to the heinous sins committed by tampering with the doctrine of Divine Right.

The furore engendered by Collier's writings, which lasted for over a quarter of a century, attracted much support from the Dissenting sects who characteristically misunderstood his basic tenets because they were looking at society from another position. The anonymous writer of *The Stage Condemn'd* (London 1698), a man with obvious Dissenting tendencies, likens the playhouse to the "Church of the Devil"³⁹ and tells Collier that his theory that previous theatre portrayed virtue to its audiences is mistaken and that "God hath appointed sufficient Means for Recommending Vertue and Discountenancing Vice without the Stage"⁴⁰.

Arthur Bedford, a dissenting parson, joined the controversy in 1706 and avowed the stage to be "a Sink of Sin, a Cage of Uncleaness, and the Original Cause of all our Profaneness"⁴¹. Both he and Collier indulged in detailed criticisms of the texts of contemporary playwrights but whereas Bedford was content to cite over 2,000 instances of impure phrases, and a few years later picked out another 1,400 instances of mis-use of scriptural texts, Collier was more concerned with stylistic and constructional imperfections such as Congreve's use of "a Litter of Epithetes (which) makes the Poem look like a Bitch overstock'd with Puppies, and Sucks the Sence almost to skin and Bone"⁴².

In contrast to contemporary Anglican thought which frowned upon any kind of overt "enthusiasm" as it was seen as a corollary of Dissent, the non-juror William Law put forward his own brand of insular, separatist, Christian Mysticism. This could be seen as a means to preserve one's faith, or perhaps to maintain the number of the faithful, in an increasingly secular age. His *The absolute Unlawfulness of Stage-Entertainments fully demonstrated* (1726) advocated, at least on the surface, a total rejection of the theatre as a means to attain spirituality but as before, there was a secondary agenda. His rhetoric betrayed an underlying tendency to equate theatre with those who ran the country. His opposition to

the techniques of the drama was a response to those who were using carefully reasoned argument to dispute the validity and wisdom of the Hanoverian succession. Law averred that:

Discourses are an Application to our whole Soul, as they entertain the Heart, and awaken and employ all our Passions, so they more fatally undo all that Religion has done, than several other Sins. For as Religion consists in a right Turn of Mind ... so whatever supports a quite contrary Turn of Mind ... has all the Contrariety to Religion that it can possibly have.⁴³

Law, with an almost foolhardy insouciance, then went on to construct three discourses of his own, using characters of his own creation, to sway his auditors' thinking in exactly the same way that the government attempted to sway his! Notwithstanding the odium he poured upon the stage he used its techniques for his own purposes. He even used theatrical metaphor: "I have mentioned these several Degrees of Prejudice, to put People upon suspecting themselves, and trying the Stage of their Hearts"⁴⁴. In talking of prejudices, earlier in his document, he fired another broadside at established opinion:

Now as Prejudices, the Force of Education, the Authority of Numbers, the Way of the World, the Example of great Names, may make people believe, so the same Causes may make People act against all Sense and Reason, and be guilty of Practices which no more suit with the Purity of their Religion, than Transubstantiation agrees with common Sense.⁴⁵

Of course it would be facile to interpret the diatribes against the theatre of those Anglicans outside the establishment solely as an underlying, encoded, condemnation of those who did not share their persuasions of conscience. The strictness of principle adopted by the non-jurors and their admirers necessitated a similar strictness in their private lives if their protestations were to be taken seriously but it would also be an over-simplification to deny that these essays, written by some of the finest brains in the country at the time looked upon the theatre in some measure as a metaphor for society.

By 1726, the playgoing public, the capacity of the legitimate theatres and the numbers of other sites of theatrical activity frequented by playgoers had grown considerably. But were the demands and tastes of these new audiences conditioned by the controversies created by the non-jurors? It would seem not: the tone of the writings of the non-jurors and the non-dissenting supporters they attracted shows more evidence of being influenced by the standards of the theatre than vice-versa. From the reign of Anne onwards there had been a call from those who considered themselves the more genteel members of the audiences for more tasteful dramas and a segregation from the taste of the lustier audiences in some

venues who were beginning to call the tune. A self-imposed censorship was beginning to grow up which was due more to the perception of embryonic class-consciousness which was defined more through the theatre than the exhortations of Collier, Law or the tender consciences they aroused.

Throughout the period the Anglican community was largely silent on the subject of theatre and even sometimes condemnatory of the non-jurors, but the dissenters, who now realised that doors of political and administrative power and even the higher seats of education were barred to them, worked towards enlarging their numbers by seeking to encompass those who were largely ignored by the Anglican community, i.e. the expanding urban artisan community. Whether one accepts this as altruism or as a middle-class ploy to harness forces for the embryonic giants of trade and industry that were soon to transform the country is not important at this point in this chapter, it is their methods that are under scrutiny.

Dissenters who allied themselves to Collier's crusade eschewed ecclesiastical stipulation recognising only what was sanctioned through biblical revelation. They emphasised their exclusiveness and withdrawal from the world into the realms of spirit and individual conscience and condemned the stage which was for them a symbol of repressive Anglican, predominantly Tory, society, the modern Babylon. This was not their only objection to theatre. The act of mimesis itself which took place in the playhouse was in an almost metaphysical way also an anathema.

This was not necessarily the attitude of Methodism, a religious movement that appeared from the midst of the Anglican establishment at the end of the third decade of the eighteenth century. The ethos of Methodism, although originally conceived as a movement within Anglicanism, was separatist, Arminian and exclusive and fiercely evangelical. Its Anglican base pronounced passive resistance, its Puritan base declared the ultimate sanction of personal conscience, its Arminian philosophy encompassed a whole-society spectrum yet its exclusive, separatist philosophy created a need to keep its followers safe from contamination, not from the ideas of the theatre but from the social values of the performers and those they had corrupted:

To those people who argue that plays, when well acted, set virtue and vice strongly before us, recommending the former and condemning the latter, his reply was: 'the conduct of a bold and

vicious rake always found more admirers than the conduct of a steady and virtuous man found imitators'.⁴⁶

There was no denying the social conscience of this movement but its work ethic was highly suspect:

most of the present stage entertainments ... naturally tend to efface all traces of piety and seriousness out of the minds of men; but as they are peculiarly hurtful to a trading city, giving a wrong turn to youth especially, gay, trifling, and directly opposite to the spirit of industry and close application to business; and as drinking and debauchery of every kind are constant attendants on these entertainments, with indolence, effeminacy, and idleness, which affect trade in high degree.⁴⁷

The founders of Methodism, John and Charles Wesley, and indeed their father, Samuel, an Anglican rector but erstwhile nonconformist, can be seen as influential members of the upper stratum of the new, informed middle classes that were the progeny of those who developed a self-awareness after the demise of Church and Court press-censorship during the Commonwealth which let flow an avalanche of political pamphleteering. Although post-Restoration forces attempted to reinstate censorship with the Licensing Act of 1662, they had a limited success and the rise of the theatre and coffee-house society led to an even more informed and politically sophisticated middle-class public opinion:

Sometimes I am seen thrusting my head into a round of politicians at Will's, and listening with great attention to the narratives that are made in those little circular audiences.⁴⁸

After the play the best Company generally go to Tom's and Will's Coffee-houses, near adjoining, where there is ... the best of Conversation till Midnight.⁴⁹

John Wesley, when a conventional Anglican, like others of his ultimate persuasion, had been as keen on theatre as many of his peers until he joined the Holy Club in 1729:

In his younger days John Wesley was deeply interested in the Theatre, and when visiting friends in London went to watch performances. In November, 1729, he saw 'The Scornful Wife' at the Old Playhouse, and possibly about this time he witnessed 'Macbeth' at Drury Lane.⁵⁰

But after his conversion, the need for a selective separatism from the world assumed a greater importance. In a letter to a Mrs Chapman, John Wesley explained:

Do you endeavour to keep alive your taste for all the truly innocent pleasures of life? So do I likewise. Do you refuse no pleasure but what is a hindrance to some greater good or has a tendency to some evil? It is my very rule.⁵¹

There was nothing wrong with plays as long as they weren't performed. It wasn't that they were intrinsically evil, indeed T.B. Shepherd writes, "As he travelled on horseback, and then later by coach, he carried a copy of Shakespeare with him and wrote annotations in the margins. In the Diaries about 1783 there are frequent references to his reading of Shakespeare".⁵²

What is perhaps even more significant is that the ban on theatre may refer only to his less socially advantaged and therefore less sophisticated converts. Thus he could, in 1768, applaud the performance of Terence's *Adelphi* given by the Westminster Scholars.⁵³ In 1757 he made a rather ambiguous comment after reading the storm-provoking *Douglas*, written by a Presbyterian minister, John Home:

Today DOUGLAS, the play which has made so much noise, was put into my hands. I was astonished to find it one of the finest tragedies I ever read. What a pity that a few lines were not left out, and that it was ever acted at Edinburgh!⁵⁴

It is possible that this comment shows that Wesley thought it would have been better had the play been read rather than performed but the presence of the exclamation mark seems more to punctuate a highly derogatory broadside on the cultural sensibilities of the Scots and infers that the proper audience and theatre for this play would have been found in London. It was strange that Wesley should have criticised the Scottish Presbyterians so harshly. Perhaps it was an Anglican broadside at the hypocrisy of those who eschewed bishops in favour of Presbyteries which turned out to be far more narrow-minded and bigoted than the High-Church Anglican bishops whose social manoeuvring demanded a more open and liberal policy. *Douglas* was attended "by all the Literati and most of the Judges"⁵⁵ and, furthermore, "several ... ministers of this Church were present & some of them oftener than once at the acting of the said play before a numerous audience".⁵⁶

Those clergy who had attended *Douglas* were soundly rebuked for "interrupting the Presbytery's endeavours for suppressing stage plays",⁵⁷ a policy which had been made more difficult by the fact that the prohibition on theatres in Scotland had been repealed in 1750. Clergyman, Alexander Carlyle, had a formal libel drawn up against him for:

associating himself or familiarly keeping company with the players, persons who by their profession and in the eye of the law were of bad fame, with attending the rehearsal of Douglas and assisting or directing the players on that occasion, and appearing openly in the playhouse.⁵⁸

For these transgressions both he and Wallace, whose paper, quoted above, admonishing the prosecuting presbyteries was in the event unpublished, had their future careers and those of their relations blacked by the church.

Clandestine theatre-going may have been the norm for those high up in the Scottish Presbyterian and Methodist hierarchies but for those at the top of the Anglican establishment playgoing was almost de rigueur. Although Charles Churchill, author of *The Rosciad*, a satire on the theatrical personages of the day, was much criticised for his frequent visits to the theatre this was due more to the scandal of his private life than his interest in the drama. For prominent Anglicans their appearance at the play, particularly at the two great fashionable theatres, was important. This was partly because they had to be seen to support and form part of the general establishment but it was also to rejoice in their social superiority over their dissenting brethren. From the Restoration onwards, Puritanism had been a target for Court dramatists who sought favour with the Royalist Court by ridiculing the leaders of the Commonwealth who had attempted to bring them to such harm. This lampooning increased with the advent of Methodism whose adherents instigated the first Evangelical Crusade. Even though it came from the heart of Anglicanism, the puritan propensities of Methodism for separatism and its censure of the stage brought forth an unprecedented ridicule from the dramatists which the Anglican establishment supported. George Whitefield, an early Methodist preacher who vociferously attacked the stage, had an unfortunate squint and was immortalised in a number of plays as the bigoted and hypocritical 'Dr. Squintum'. Even Charles Churchill joined in the attack:

Hypocrisy of Cunning born,
Crept in and stole it ere the morn;
Whitefield, that greatest of all saints,
Who always prays and never faints,...
Received it from the squinting dame.⁵⁹

The attack on religion through Methodism generally became much more intense and overt and plays such as *The Minor*, its sequel, *The Methodist* and, *Trick upon Trick, or Methodism Displayed* excited much attention. As the Evangelical Revolution gathered momentum, the Methodists disappeared as a

separate anti-theatrical force as the weight of evangelical zeal drove a wedge through society, effectively removing a powerful, predominantly middle-class, section of the population from the mainstream theatrical scene.

Not surprisingly, particularly once the force of the evangelical crusade had spread to the Anglican communities in the developing towns and cities during the second half of the 18th century, the reasonably simple split between the Anglican church with its predominantly Tory congregations and the Non-Conformist phalanx with its predominantly Whig support began to take on a much more complex appearance. Carswell is of the opinion that by 1720, “from being a power, the church had become an interest - widespread and influential it is true, but still primarily an interest”⁶⁰, yet it is possible to push this date back by almost a half-century. The acceptance of the Anglican Church estate by the Whigs, who gradually assumed the bishoprics when they came to power, showed the perceived importance of the church as a power-base in the early part of the century. The subsequent atomisation of politics resulted in the conflict between Whig and Tory gradually escalating to a situation where Country Whig and Court Whig, Country Tory and Court Tory, all battled together in an internecine struggle of self-interest. Each interest group affiliated itself to the religious denomination that promised the best returns vis-à-vis a quiescent workforce. This, together with the concurrent atomisation of the Anglican/Dissent dichotomy, annihilated the concept of Church and State as a partnership of co-equal authorities in the realm. In 1717 the potential of the Anglican Church as a power base was such that George I suspended Convocation, yet this only recognised the church’s strength: the move limited the scope of its power but did not fundamentally weaken it as an institution. It was the nascent religious sectarianism inherent in the Evangelical Revival and the consequent broadening of the social base of influence within the Evangelical movement which, by weakening the elitism of its hierarchy, and by producing a plurality of small-scale vested interests, destroyed the capacity not only of Anglicanism but also Non-Conformity to be a major political force in mid-late Georgian England. To preserve the identity of the sects, extraneous influences had to be vetoed and theatre became a prime target.

Although commentators on this period highlight the conflict between Anglicanism and Dissent, from this point an equally fundamental social rift developed between Low and High church Anglicanism, and between ‘elite chapel’ and ‘Dissent for the masses’ within non-conformity. This is of particular

importance when looking at the interaction between theatre and religion. It was mainly the sects which owed their existence to evangelism that warned against the influence of the theatre. These were almost exclusively the domain of the lower middle class and the respectable section of the working class that became known as the “aristocracy of labour”. John Wesley was dismissive of “genteel Methodism”⁶¹, and indeed “the aristocratic component of the evangelical revival was small, and dependent on family relationships”⁶². Speaking of Whitefield, Dr Johnson opined “He had devoted himself to the lower classes of mankind, and among them he was of use”⁶³. Yet Johnson’s “lower classes of mankind” must not be mistaken for the “lowest classes of mankind”. Developing in the fast-growing towns, particularly at the turn of the nineteenth century, was a section of the poor that was outside the reach of Church or Chapel. Langford’s cynical observation that Wesley worked on the premise that “the poor were suitable cases for treatment primarily because they lacked the diversity of opportunity for sin available to the rich,”⁶⁴ gives a false picture of the section of society upon which the Evangelical Revival took a hold. As social deprivation took a greater hold upon the labouring poor it created many more “avenues of sin” for them and so effectively took them out of the grasp of religious zeal.

But within the lower middle classes and the higher reaches of the working classes, the separatism of the committed Evangelicals was almost complete and was brought about as much by the way they were shunned by fashionable society for the unfashionable zeal with which they followed their faith as by the Puritan ethos behind the movement which entailed a retreat from situations which could lead to corruption. Nevertheless, although those who took part in the Evangelical Revolution were primarily from a limited and closely delineated section of society, and may even have formed a minority of that area of society in London, the movement had a tremendous effect on the development of popular culture from that time onwards. Because they fell in the middle, socially speaking, of what had been the general playgoing audience, their rejection of theatre polarised the way managers, playwrights and the companies themselves considered the demands and expectations of one end of the social spectrum or the other and geared their theatrical entertainments accordingly.

This was not the only polarisation that was taking place. As the middle classes, particularly dissenters, tended to have most power in the new industrial and commercial towns rather than in the established historic cities; and as the middle classes in the great conurbations gravitated towards the suburbs,

particularly from the 18th century onwards, anything approaching subversive, political, and dialectic theatre became primarily a big city-centre phenomenon appealing to a social, primarily urban-Anglican, elite. Although it is true that in rural, squire-and-parson dominated, communities there was still a flourishing folk-theatre and performances by occasional bands of travelling players, this theatre, like much of the music-hall that took its place in later urban society, was safe because it was hierarchically-correct. It was aimed at the labouring classes and both delineated and reinforced the concept of a stratified model of society. It is also true that most of the ‘popular’ urban theatre from the passing of the Licensing Act of 1737 to the advent of the social dramas of Shaw, Ibsen et al., whilst aiming at a centreless cross-section of society, could be seen to reinforce the concept of stratification. It exulted in and made hallowed each stratum’s perceived position within the social hierarchy. However, it was nevertheless enjoyed primarily by city-centre dwellers and short-term or “social-season” visitors.

Thus, through the 18th century, the Evangelical movement split theatre by demography and class. And as both the upper and lower classes of London created their class consciousness through the theatre there was bound to be a difficult area in the middle, i.e. that dominated by the two great patent theatres, which fell between two stools with a limited middle-class base upon which to base its activities.

What was missing was an aristocratic influence. Ironically, from the time of the Glorious Revolution, theatre sought to win the approbation of the merchant and mercantile classes who had generally been vilified in Restoration drama, but who had now risen in status. It was a reaction to Blackmore’s view:

The Labours of the meanest Persons, that conduce to the Welfare and Benefit of the Publick, are more valuable, because more useful, than the Employments of those, who apply themselves only, or principally to divert and entertain the Fancy; and therefore must be as much preferable to the Occupation or Profession of a Wit, as the Improvement and Happiness of Men is to be regarded above their Mirth and Recreation,⁶⁵

and Addison’s opinion that:

There are not more useful Members in a Commonwealth than Merchants. They knit Mankind together in a mutual Intercourse of good Offices, distribute the Gifts of Nature, find Work for the Poor, add Wealth to the Rich, and Magnificence to the Great⁶⁶.

Unfortunately the ensuing drama did not please the court sophisticates. They had little time for the moralising that appeared on the stage,

Then crushed by Rules, and weaken'd as refin'd,
For Years the Pow'r of Tragedy declin'd;
From Bard to Bard, the frigid Caution crept,
Till Declamation roar'd while Passion slept.
Yet still did Virtue deign the Stage to tread,
Philosophy remain'd, though Nature Fled.⁶⁷

Just as the carriages of the fashionable congregations of Chelsea soon ceased to come to St Luke's when the new incumbent, William Cadogan, embraced Sabbatarianism and supported charity schools⁶⁸, so the fashionable elite deserted the playhouse for the opera where “to the most perfect singing, and the effects of a powerful and well-disciplined band, are frequently added excellent acting, splendid scenes and decorations, with such dancing as a playhouse, from its inferior prices, is seldom able to furnish”.⁶⁹

It is clear the aristocracy was creating a metaphor for itself. However, opera started to suffer from its own extravagance and companies like the Opera of the Nobility went bankrupt. Even Handel, once the darling of the nobility for his Italian operas, turned to the middle classes with his English oratorios and charitable works for the Foundling hospital of the retired sea captain, Thomas Coram. The aristocracy reacted by turning further into itself and retreated into private, predominantly amateur theatricals.

But although the evangelicals' influence on the location and scope of theatre for those outside its influence is important, it is but one side of the coin. It is interesting to see that many of the techniques of the institution they damned were the techniques they themselves employed to capture and keep their hold upon the faithful. Evangelical sermons, both in content and delivery, were theatrical in the extreme. It is hard to differentiate between the inherent violence in the language used in the Minor theatres and that used in the non-conformist pulpits when ministers were describing the horrors of the hell-fire to come or emoting on the 'Blood of the Lamb' and other like expressions of religious ardour that littered the sermons. Closer comparisons can be made. George Whitefield, a well-known preacher at The Tabernacle in the Tottenham Court Road, London, travelled widely and “preached lurid and dramatic sermons so successfully outside theatres”⁷⁰ that many London actors went to hear him. Horace

Walpole ascribed to him 'the fascinations of a Garrick' and Garrick himself said that he would give a hundred pounds if he could 'only say "Oh!" like Mr Whitefield'.⁷¹

So obvious was this technique that a satirical twelve-page pamphlet was written, supposedly by Squintum (Whitefield), entitled *A letter of Expostulation from the Manager of the Theatre in Tottenham Court to the Manager of the Theatre in the Haymarket*. In this pamphlet the actor Foote is asked to join forces with Squintum to pool their resources. Both deal in passions says Squintum and:

The passions alone, I find fit for my trade,
The passions are nat'ral, but the morals were made.⁷²

For those who adhered strictly to the tenets of the Low, separatist, churches the pulpit provided a more than adequate substitute for the theatre. The sermons which were delivered from them were seen as dramatic recitations and anticipated with a frisson of excitement. They were not only often published but were often re-played time and time again upon request. When the religious influence began to fade towards the middle of the 19th century the melodrama proper was its natural progeny.

For those outside the sects such preaching was also seen very much as theatre and there was at times little difference in the eyes of the upper classes between the charity appearances of celebrated preachers and benefit performances for individual actors. Horace Walpole tells an anecdote of the Duchess of York, however, which revealed that there was little doubt where the lower class preference lay:

A company of strollers came to Weybridge to act in a barn: she was solicited to go to it and did so out of charity, and carried all her servants. Next day a Methodist teacher came to preach a charity sermon in the same theatre, and she consented to hear it on the same motive - but her servants desired to be excused, on not understanding English. - "Oh!" said the duchess, "but you went to the comedy, which you understood less, and you shall go to the sermon," to which she gave handsomely, and for them.⁷³

As was seen in the furore concerning the production of *Douglas* in Scotland there is also no doubt that many dissenters, particularly those from the upper and lower classes, did not always conform to the strictness of the Puritan ideal and were to be found at what was later (during the Victorian period) to be called 'innocent diversions'. This, therefore, had a reigning-in effect on what theatre managers presented to their audiences. Even though in London society the strict evangelists were in a minority,

they were aggressively vociferous and therefore able to bring about a reform of general ethics and mores not only amongst their followers but also amongst those not of their religious persuasion, particularly vis-à-vis what was considered acceptable upon the stage.

For those within the High Anglican establishment the theatre was generally regarded as well within the bounds of respectability. Although Langford points out that “bishops ritually appeared to cast doubt on the wisdom of licensing new theatres” this appears to have been merely role-playing: “Bishop Lowth of London, at least, was not above observing that only custom prevented him from attending the theatre himself.”⁷⁴ It was the theatre’s effect upon the lower orders of society that was uppermost in their minds: their own attendance, more often at private theatricals, troubled their consciences much less.

Sybil Rosenfeld, in *Temples of Thespis, a study of private theatricals 1700 - 1820*, documents numerous examples of clerics not only attending fashionable private theatricals but also participating in them. For example in 1782 the Duke of Cumberland, the Archbishop of York, and Lord Chancellor Thurlow had accepted invitations to a general rehearsal of Lady Craven’s theatricals at Queensbury House⁷⁵. Dr. Hoadley, then Bishop of Bangor, actually wrote the prologue for a performance of *All For Love* organised by Sarah, Duchess of Marlborough, at Blenheim Palace in 1718⁷⁶ where towards the end of the century performances of Kelly’s *False Delicacy* had a prologue written by William Cole, the Duke’s chaplain and tutor to his sons, and an epilogue written by John Randolph who became Bishop of London⁷⁷. Two weeks later, two bishops and three deans witnessed the same performance⁷⁸. The House of Commons was twice adjourned early to allow the members to attend private theatricals at Drury Lane Theatre and Richmond House. Of the former it was said, “Such an exhibition was probably never seen before in Europe ... In a word it was the most splendid appearance of nobility ever seen in a theatre, and including Royalty itself”⁷⁹. Although they are not mentioned explicitly it is inconceivable that the higher echelons of the church were not to be found in this throng: indeed had they stayed away in protest or on moral grounds this would surely have attracted contemporary comment.

Of course not everybody was caught up in the religious in-fighting of the age and for those not intimately involved much of it could pass unnoticed. Many people, particularly in London, lived through the period unmoved and sometimes uninfluenced by the spectacle. Addison reported, “It is a

melancholy reflection, that our country, which in times of Popery was called the nation of Saints, should now have less appearance of religion in it, than any other neighbouring state or kingdom".⁸⁰This does not mean that those of the population that did not enthusiastically subscribe to a particular denomination were in themselves actually irreligious. The atheism that became almost fashionable amongst radical mid-nineteenth century reformers was a doctrine that had little sway during the eighteenth century. The ruling classes saw in it a recipe for anarchy, a point of view that was confirmed and hardened at the end of the century by the spectacle of the supposed atheism of revolutionary France with its disestablished church. The middle classes saw it as a social stigma of pariah-esque proportions.

The lower classes, who were increasingly reluctant church or chapel-goers, were caught in a morass of superstition that was a remnant of the witch-hunts of not too distant memory. There was, however, another less vociferous, amorphous religious force developing throughout the eighteenth century that appealed to the thinkers across the classes and that was Deism. It was a reaction to the ignominious spectacle of the prelates of the church vying with each other for personal gain and it gathered force as a backlash to the social confines that evangelism sought to instil amongst its converts.

Deism, a sort of intellectual pantheism, was the answer to those who saw through the machinations of Church and State and who could not stomach the theological intricacies of the differences between Church and Chapel. It was a means of opting out of the power struggles in society in a way which still left one firmly in society as a non-aligned member embracing a little of the dogma of each group but not enough to bring the embarrassment of having to take sides. One accepted God, and in a limited sense the Bible, but eschewed the temporal and corporeal organisation in His name. At the beginning of the century Addison managed to steer a Deist course although he realised Deism itself could be an intellectual refuge for atheism⁸¹. His Deism had leanings towards Anglicanism but only inasmuch as an established church provided a focus for religion within what was his prime concern throughout his life - the social workings of the state. For the Anglican clergy he had nothing but contempt. He found the country clergy too ignorant, the High Church clergy too political in inspiration, and he viewed evangelism as "criminal and erroneous", Presbyterians as "splenetick", Roman Catholicism "irrational", and Puritanism "odious and ridiculous".⁸²

Addison, whose literary outpourings are mostly found in *The Tatler* and his own journal *The Spectator*, looked to the theatre as the medium through which to express his ideal of the individual and his role within the state. The phenomenal success of his play, *Cato* (1713), is evidence of the accuracy of his assessment of the popular mood of the times and his awareness of the power and prestige of the theatre of the day. Dr Smalridge, Dean of Christ Church and Bishop of Bristol recorded, “gave myself the pleasure of seeing *Cato* acted and heartily wish all Discourses from the Pulpit were as instructive and edifying ... as that which the Audience was then entertained from the Stage”.⁸³

Deism was very much a religious manifestation of the large town or city where the patriarchal society had broken down and religious affiliation was not a social obligation for either the governors or governed. It was part of a trend set in motion by sectarianism that could not but grow. It went hand in hand with the coffee house society where informed debate was the norm and the theatre and serious journals were often its natural focus and means of expression:

This coffee-house is every night crowded with men of parts. Almost every one you meet is a polite scholar and a witt ... every branch of literature is critically examined, and the merit of every production of the press or performance of the theatre, weighed and determined.⁸⁴

Horace Walpole, at the end of the 18th century, can be seen to be echoing Addison’s religious views although with more acrimony. In a letter to his friend the Rev. Cole he stated:

Church and king are terms for monopolies. Exalted notions of church matters are contradictions in terms to the lowliness and humility of the gospel.-There is nothing sublime but the divinity. Nothing is sacred but as his work. A tree, or a brute stone is more respectable as such, than a mortal called an archbishop, or an edifice called a church, which are the puny and perishable productions of men. Calvin and Wesley had just the same views as the Pope; power and wealth their objects.⁸⁵

Walpole too was no stranger to the theatre. Although he considered himself more an academic than a socialite he had intermittent bursts of theatrical enthusiasm and rejoiced in a letter to the Hon.

H.S.Conway, dated 18th November 1781, on being in Berkeley Square:

tending and nursing and waiting on Mr Jephson’s play ... it has seemed strange to me, who for these three or four years have not been so many times to the playhouse, nor knew six of the actors by sight, to be at two rehearsals, behind the scenes, in the green-room and acquainted with half the company.⁸⁶

Although he perceived no social stigma to be attached to these backstage activities he did hint at some censure of theatre audiences in a letter to Hannah More on 22nd April 1789 recounting a visit to the theatre in the company of Mrs Garrick when Mr. Conway, the author, included an extra comic character, an abbé, into his comedy on its transition from the private to the public stage, “it was added by the advice of the players to enliven it - that is, to stretch the jaws of the pit and galleries”.⁸⁷

The picture that presented itself at the end of the eighteenth century was markedly different to that of the end of the previous century. The battle that Religion was fighting was no longer just an issue of Court politics and therefore theatre was no longer primarily a metaphor for Court society. Religion, as high-churchman William Cole had observed as far back as 1766, was in the market place:

The discipline of our Church, thro' the Practices of the Dissenters, is now so relaxed as to come to nothing, there is no parlying with your Parishioners on any Point of Doctrine or Discipline: for if you are rigid, they will either abstain from an ordinance, or go over to the Dissenters.⁸⁸

As religious fervour divided into a few clearly defined sects, sheer force of numbers and social influence were becoming the new shibboleths that were perceived as the precursors of political power. Activists within the upper and middle classes tended to align on broadly accepted religious lines and an evangelical momentum gathered apace at the turn of the 19th century that was, as far as Anglicanism was concerned, particularly fuelled by the separation of Methodism from the Established Church.

Within the great cities Anglican evangelists tried to re-establish a paternalistic, ordered hierarchical society by ministering to the poor through religious instruction and improving societies, although little was done to actually attract the poor to the churches. Within this movement, groups like the Clapham Sect had high-profile agendas such as the abolition of slavery which indulged the consciences of the rich Tories, bathing them in a glow of philanthropy which obviated the need to get personally involved in more local ‘hands on’ social issues.

The lower middle class tended to swell the ranks of the Baptists but their strict Calvinistic beliefs fostered a limited following. Their major contribution to the tide of evangelism was centred abroad in missionary work particularly from 1792 when the English Baptist Missionary Society was formed. A

large home missionary programme was created by the Methodists in the expanding industrial areas that was eagerly seized upon by the rest of the middle classes to the point that a schism within Methodism occurred in 1811 when the Primitive Methodists split from the Wesleyan Methodists to work with the more ambitious lower classes, often finding a political role within the emerging trade unions.

The aim of all this evangelism was unequivocal. It was to civilise and convert the new urban non-churchgoing lower classes. Its result is not so clear cut. Although many education and welfare initiatives had an effect on working class life, as far as actual churchgoing was concerned, evangelism was spectacularly unsuccessful. It is true that some of the middle classes, particularly active Liberals, were quick to jump on the evangelistic Non-Conformist bandwagon and the new symbiosis between Dissent and Radicalism actually helped both causes as the public awareness of the enthusiasm of the new dual-movement could not but help to emancipate both. The less committed members of the middle classes found their way to the new Anglican churches but this was more of a token gesture to respectability made easier by the fact that whereas one had to 'belong' to a Non-Conformist chapel, one merely attended an Anglican Church. The working classes were still, however, conspicuous by their absence from places of worship. Nevertheless, before the revelations of the Religious Census of 1851 the supposed superiority in numbers of Anglicans vis-à-vis Non-Conformists was perceived as a bulwark against the demands of Dissent for the abolition of the privileges of the Established Church.

Anglicans in the upper reaches of polite society were largely untouched by either the Evangelical Revival or the High Church movement and as the Georgian Age lurched towards the nineteenth century Anglicanism became a lax and sometimes corrupt institution. Horace Walpole upbraided the "mercenary views" of Dr Butler who, "when a private clergyman, wrote Whig pamphlets, and when bishop of Oxford preaches Tory sermons".⁸⁹ George Grenville, when Prime Minister, is reported to have "considered bishoprics as of two kinds, bishops of business for men of abilities and learning, and bishops of ease for men of family and fashion".⁹⁰ Carswell cites the Rev. E. Pyle, Archdeacon of York and Canon of Winchester, who, in 1750, wrote, "The life of a prebendary is a pretty easy way of dawdling away one's time: praying, walking, visiting; and as little study as the heart could wish".⁹¹

Despite the revolutionary zeal of the evangelists of all persuasions, it was theatre rather than the churches, chapels, or any of the improving societies they spawned, that became the focus for the new mercantile and industrial society in general and the dispossessed at the bottom of the social scale in particular. Theatre, therefore, became a target for those who were working in the religious field who saw it as standing for all that was unproductive and disruptive in society.

Although the High Church of polite society was content to patronise a somewhat reformed theatre in order to try to demonstrate and hold on to its pivotal place in that society, in order to cope with the theatrical hydra they now faced, the fulmination of the evangelists, both Non-Conformist and Anglican, fell upon the stage. The attack took many forms. For an actor to dare to assume the character of a devout Christian was seen as an act of profanity: "Jane Shore invoking God to witness that her soul shall never more know pollution, in the mouth of perhaps a bad character, is horrible".⁹²

For the Rev. W.J Abdy, even the mere representation of natural phenomena was seen as an affront to the Almighty. "The imitation of thunder and other such works of the Almighty, as in the witch-scene in Macbeth, I think objectionable".⁹³ Evangelists used all the techniques of melodrama to drive home their message to dissuade waverers from patronising the theatres. The Rev. J. Venn told his flock, "The theatre is the great supporter of the Devil's Kingdom. No doubt he has a prime motive to regulate the theatre".⁹⁴ Some even constructed their own scenes and populated them with malevolent characters. The Rev. T. Scott wrote, "Some say the 'play is a school.' If so, the devil is the headmaster".⁹⁵ These and other techniques reminiscent of the most purple scenes from Gothic dramatic fiction were used to try to frighten people from theatrical entertainments. The Rev. B. Wood warned, "Tillotson says, the play-house is as much the temple of the devil, as the Church is the temple of Jesus Christ".⁹⁶

The religious lobby in society obviously realised the potency of theatre as a sounding board for matters of fashion and recognised its potential to capture the popular imagination. It tried to negate this and emphasise the exclusiveness of its own calling through statements like that of the Rev. R. Cecil who warned, "The taste generated in the theatre is as opposed as possible to the taste of Jesus Christ."⁹⁷ Some evangelists, like the aforementioned Rev. B. Wood were more pragmatic and adopted a quasi-intellectual approach to their enemy: "The theatre exhibits fascinating representations of sin. If any one

will say that the tendency is to degrade sin, yet let us remember that youth look more at the representation than the moral".⁹⁸

But through all their invective towards drama, theatres and players one can see a desperation on the part of those who censured it. The Rev. J. Pratt realised that, "A sermon is the essence of dullness after a play: this shews the evil of the play-house".⁹⁹ Sometimes this desperation bordered on paranoia: the Rev. J. Venn perceived the theatre to be an ubiquitous enemy: "If any attempt is to be made against religion, the play-house is made use of".¹⁰⁰

Yet despite all the religious imagery and high-blown sentiment, the social perspective was never far away. The Rev. W.J. Abdy who regarded any attempt to simulate the forces of nature as blasphemy betrayed an interest that was far less cosmic in scale when he revealed his fear that the balance of society that guaranteed his livelihood was jeopardised by the example set by the stage:

Plays tend to unfit young people for the business of life. They set young men above the business of their station; and young women above domestic duties. They bring young people into the company of those who are worse than themselves.¹⁰¹

Section iv: Rowland Hill and the Menace of the Stage as a Social Force.

Prynne, Collier and Law had each attacked the theatre partly because they viewed the stage as providing a platform for corrupt performers and insidious writings but they also used theatre as a whipping boy or proxy for the corrupt and insidious Court or State for which it was an accepted mirror. The early nineteenth century counterpart to all this, brought about as almost an act of desperation in the face of the failure of the Evangelical Revolution, was Rowland Hill's *Warning To Professors containing Aphoristic Observations on the Nature and Tendency of Public Amusements*. This publication had a similar agenda, although the terms of reference, like the society and theatre that it attacked, had shifted somewhat. The licentiousness and ebullience of theatre which was flying in the face of the stipulations of the 1737 Licensing Act, the explosion of the visual element of productions, the increasing glorification of the acting profession, and the attention paid to the opulence of the fittings of the major auditoria, stood in stark contrast to the puritan ethic of the Evangelical Revolution.

Theatre, in all its aspects, became a symbol of the denigration of religious authority and influence brought about by the indifference of both society and the state, and also, by inference, the established High Church and more socially select Dissenting Chapels. As well as a stage for corrupt performers, or a platform for licentious ideas, theatres were by now seen as meeting places for an errant audience.

Prynne saw the Court to be the agency with the most power to eradicate the evils he perceived in contemporary society and thus made it the target for his moralising. Collier, however, had seen the intelligentsia and society wits to be the prime force in the country just as Law had perceived it to be the government. Consequently each had addressed his anti-theatrical censure to a specific section of the ruling classes under the impression that the targets of their moralising were the key force in society and able to bring about the reforms each wanted.

Hill (1744-1833) looked far wider to the general body of committed Christians for support. He saw their efforts and solidarity to be the only force capable of remedying the situation. He therefore exhorted Christians to recognise the need for the separatism of religious bodies and to consecrate this exclusiveness to make it a source of power so that religious groups could enjoy an intrinsic authority to compensate for their loss of extrinsic influence. Even amongst those of his own Non-Conformist sympathies he saw that “an unhappy conformity to the world, in most of its foolish and fashionable amusements, exists among too many of the professors of this day”.¹⁰² He considered that Non-Conformity itself was in danger of being hoist with its own petard. Those he was attacking were rationalising what he regarded as their folly by recourse to the fundamental principle of religious Dissent, “the SACRED right of private conscience”¹⁰³, and this caused a problem:

were Ministers to proceed against such, WITHOUT PARTIALITY AND WITHOUT HYPOCRISY, there would be more exclusions from different churches, than the PRACTICE OF THE TIMES and SOUND POLICY could possibly admit.¹⁰⁴

Hill did not appeal to the priesthood to endorse his thinking but instead hinted that they were complicit with the forces of corruption in the country, as exemplified by public shows and displays that he regarded as contrary to public morals and good order:

even Ministers have been known to sanction these exhibitions by their countenance and support; and, at times, even GRACE their sermons with some of those FINE STROKES OF MORALITY, which have been delivered from the stage.¹⁰⁵

Neither did he advocate pressure for the actual closure of theatres. The spectacle of the “damned” only served to throw into higher relief the superiority of those of his persuasion, whom he described as “a chosen generation; a royal priesthood; an holy nation; a peculiar people”.¹⁰⁶ After being denied Anglican priestly orders, Hill had built the Surrey Chapel in London in 1783 and developed an extensive Methodist-like programme of religious education and helped fund the enormously influential Religious Tract Society, the British and Foreign Bible Society, and the London Missionary Society. Each of these developments was to significantly influence Victorian evangelical religious policy and mid to late 19th century Church and Chapel practice.

As with Prynne and Collier, Hill’s background reveals his own personal agenda and that he was using anti-theatrical propaganda as a means of promoting his own discontent and vindicating his behaviour and that of his followers. *A Warning To Professors containing Aphoristic Observations on the Nature and Tendency of Public Amusements* was, in the main, aimed unashamedly at a more middle-class audience than the wide band of addressees would suggest. He admonished those in the great cities for attending Oratorio performances which from the 1740s when Handel developed the genre had become a hugely popular, respectable, middle-class alternative to the excesses of the opera patronised by the more libidinous upper classes. Hill particularly deprecated the use of secular venues and theatrical performers for the performance of Oratorio:

I am to hire SUCH places, built for SUCH purposes; and pay those people to sing for me SONGS SO SACRED, when with the same lips and instruments, and from the same principle of hire, they can employ the same powers, on SONGS SO ABOMINABLY PROFANE.¹⁰⁷

Turning to the rapidly growing provincial towns, he highlighted especially the dangers posed by the theatre in the manufacturing towns vis-à-vis the labouring classes whom he called the ‘manufacturers’:

That our manufacturers may meet with proper encouragement, are we not under the cruel necessity of giving them but low wages for their labour, in order to promote an extensive sale for the commodity? Is it, then, any thing better than a most cruel robbery, to suffer such to be tempted to part with the little pittance they so hardly earn, and which is so much needed for themselves and families, to spend it upon a set of these strangers, who only corrupt their minds, and leave them in beggary to lament their folly?¹⁰⁸

Hill delineated the position vis-à-vis domestic servants, “It is their business to attend to the concerns of their masters and mistresses, as though they were their own; and, for this purpose, they should stay at home and mind their avocations”.¹⁰⁹ His targeting of one closely defined section of society shows a contemporary awareness of a shift in the power structure of society and how this was partly delineated by religious alignment. It explains why, even with the relaxing of government attitudes towards theatre after 1843, though theatre became a majority interest in the metropolis and in the great cities, legitimate theatre remained a minority interest in the provincial industrial towns. Langford reasons that Non-Conformity in general:

found its most promising environment in semi-industrial communities which had outstripped the capacity of paternalistic landowners and parish clergy to cater for them. Part of the evangelical success lay in its appeal to a ruling class that was less confident and less polite than that which governed by a combination of property and prescription in agricultural districts and in old municipalities.¹¹⁰

Hill appealed even more directly to the middle class interest of the country by prophesying the perils and social consequences of patronising the theatre:

Servants and manufacturers being thus equally corrupted, what must be the consequence? That which ruins a good servant ruins our domestic happiness, as it is to them we are indebted for many of our enjoyments in private life all our strength and wealth, as a nation, consists in the industry and frugality of the poor - to corrupt them is to weaken the very sinews of the nation; a spirit of dissipation among our manufacturers, cannot but ultimately tend to the destruction of our commerce!¹¹¹

Hill was explicit in his views of the relationship between the middle and working classes and the perceived responsibility of the new middle-class evangelical churches and chapels. As far as the ‘manufacturers’ were concerned, he saw the function of the establishment was to “keep them pure and upright in their conduct before God and man.”¹¹² Regarding servants Hill was equally unequivocal:

it is the solemn duty of every Christian master of a family to remember, that his servants should be esteemed a sort of secondary children; and, that the care of their souls is, in a great measure, committed to his charge.¹¹³

Theatre, patronised by, “bankrupts ... mixing with profligates of every class, each of them waiting at the door or windows, to catch what they can gratis”,¹¹⁴ had become, for Hill, a symbol for the non-

evangelical society. Performers, he argued, became one with their audiences, “a set of mercenary buffoons take it in hand to lash the follies of mankind, while the lashers and the lashed are to be found, in general, among the common herd of the dissolute and profane”.¹¹⁵

Hill’s philosophy epitomises the concerns of divines of all persuasions through the Regency period and into the Victorian Age. Religion became an entrenched almost defensive institution, fighting to keep control of what power it still enjoyed. This could only be achieved by religious sects reforming their modus operandi so as to keep their heads above water in the tides of a changing society. The Low Church and chapels sought a local, autonomous platform from which to work and endeavoured to isolate their adherents from progressive ideas in society. The strategy of the Anglican High Church and the higher status Dissenting Chapels, however, was to develop an internal political power structure and to actively participate in the arena of national government to promote reactionary ideals. This now meant that both ends of the religious spectrum identified the theatre, the agency which most speedily and efficiently disseminated and consolidated new ideas, as one of their main enemies in society.

Section v: Anglicanism and the Fear of Dis-Establishment.

By the early 19th century, although theatres had many new ideas to explore, the escalating rate of urban social change and social awareness which brought forth, for example, Chartism and the rise of embryonic trade unions, was leaving the Church behind. It had also to be confronted by secular government. The agitation for parliamentary reform, and the resulting Reform Act of 1832, introduced a new standard of accountability to government which was bound to affect all the other great institutions of the country, hence the subsequent reforms of municipal government in 1836/7 and of the universities in the following decade. Those with the most privileges had the most to fear: they who were furthest removed from the new ten-pound householders who had been newly enfranchised.

Particularly vulnerable were the House of Lords and the Established Church and holding the unenviable position as members of both were the bishops, causing Macaulay to opine that in the case of a serious dispute between the two houses of parliament he “would not give a sixpence for a coronet or a penny for a mitre”.¹¹⁶ *Principles of Church Reform*, a pamphlet by the educational reformer, Dr. Arnold,

raised fears for the Church Establishment¹¹⁷ and with good reason: to the end of the period covered in this study, all further ecclesiastical legislation could be regarded as anti-clerical.

The first broadsides felt by the Church were the Ecclesiastical Commissioners Acts of 1836 and 1840 which effectively made the Church of England a corporation to be run by a board of commissioners who limited the revenue available to bishops and religious chapters. These Acts which attacked the privilege enjoyed by the episcopacy in certain Sees, and by the incumbents of some cathedrals and collegiate churches, were complemented by the Pluralities Acts of 1838, 1850 and 1885 (limiting and then abolishing the holding of often highly profitable multiple livings), the Church Discipline Act of 1840, and the Public Worship Act of 1874, which facilitated the disciplining and, if necessary, removal of corrupt clergy.

Not content with the removal of most of the ecclesiastical abuses within the organisation of the Church of England, the government also sought to limit the stranglehold the Established Church enjoyed over religious worship and rites of passage vis-à-vis Non-Conformists. The Burial Laws Act (1832) which permitted the interment of Non-Conformists in parish churchyards was followed by the granting of powers for town councils to establish secular municipal cemeteries. The Marriage Act (1836) redressed the long-standing Non-Conformist grievance that only Anglican marriages were legal and even paved the way for purely secular marriages in due course, and repealing of the contentious 1753 Marriage Act which had been enacted to invalidate marriages celebrated in Dissenting Chapels. These reforms particularly enraged the Church of England. As the church historian Kenneth Hylson-Smith analyses:

It was intolerable that the state legislature, the members of which were not even bound to express their belief in the Atonement, had virtually usurped the commission of the church to make ecclesiastical laws in matters wholly or partly spiritual.¹¹⁸

But church fury was impotent and was rendered even more so by the Matrimonial Causes Act (1857) which provided for divorce to be a universal right, though initially only on the grounds of adultery, without the enormous expense of obtaining a Private Act of Parliament in each case. The important exclusive access of members of the Church of England to university education was weakened by the Oxford University Act (1854) but it was not until 1871 that this privilege inherent in being a member of the Established Church was totally removed by the Universities Tests Act (1871) and the College

Charter Act (1871). (A similar Bill had been passed by the Commons in 1834 only to be thrown out by the Lords.) Perhaps the most wide reaching enactment was the Compulsory Church Rate Abolition Act (1868) which brought an end to the hated Church Tithes but for churchmen it paled into insignificance against the Irish Church Act of 1869 which dis-established the Church of Ireland. The Church of England had been a part of the United Church of England and Ireland: what could happen to one part of the institution could just as easily happen to the other.

And yet no matter how Whig or Liberal, or anti-clerical, the sympathies of the legislature were from 1832 onwards, there was a perceived danger in reducing too far the Church influence in the country. The spectre of anti-clerical France loomed large over the government and in the wake of the demise of the authority of the Church could come anarchy. Dissent, for all its claims to conscience, had not completely cast off the cloak it had been given in the 18th century when it was seen by many as a possible harbinger of revolution and in all the measures tabled above there can be seen an ameliorative to the Established Church of the nation. The Matrimonial Causes Act (1857) enabled divorce but upheld the Church's right not to remarry a divorced party, hence allowing, in principle, for the Church to condemn what the state was prepared to condone. The Burial Laws Act of 1832 permitted the interment of Non-Conformists in churchyards but the relatives had to undergo the indignity of an Anglican burial rite and even the Ecclesiastical Commissioners Acts, 1836 and 1840, made sure that Bishops retained their estates so that they could remain amongst the ranks of land-owners.

Nevertheless, the less Evangelical wings of the Church, particularly those of the Broad Church position and the new, influential Oxford Movement, anticipated the legislation that was to follow the Reform Act and felt that the writing was on the wall for the Church Establishment. Their worst fears were probably realised with the passing of the Burial Laws Act (1832) and they were quick to respond. Newman's *Ad Clerum* Tracts, the first of which appeared in 1833, were in fact the first organised shriek of an institution at bay, a clarion call to a Church that felt its existence to be seriously threatened. The first Tract prophesied the downfall of the Church hierarchy and somewhat prematurely eulogised, "black event as it would be for the country, we could not wish them [the bishops] a more blessed termination of their course than the spoiling of their goods, and martyrdom".¹¹⁹

The returns of the Religious Census of 1851 were particularly depressing for Anglicanism. Much dispute has arisen over the manner in which this census was conducted as well as over the various interpretations of its findings but one thing was indisputable and that was that the population of England could be split into three virtually equal groups, non church-goers, who were primarily from the lowest stratum of society, Anglicans and Non-Conformists. Dissenters saw this as an incontrovertible case for the dis-establishment of Anglicanism. For the Anglicans it exacerbated the insecurity felt in the face of the anticlerical legislation that had been enacted, leaving them even more paranoid about that which was yet to come. It was also grist to the mill of the Oxford Movement within the High Church who could attribute the fall in support of Anglicanism to the Erastianism that had marked Church policy since the Restoration which had still held sway in the High Church throughout the Evangelical Revolution when the Low Church was attempting to distance itself from the Anglican hierarchy to provide a viable alternative to the pro-active Dissenting Churches.

But more important than the strength of Non-Conformity in the country revealed by the 1851 census, which took Anglicanism by surprise, was the way those analysing the census focused on the non-church-going lower working-classes, the rabble, who were already a lawless thorn in the side of society and government. Here was a chance for Anglicanism not only to prove its worth as an institution by the standards of the ethos of accountability that came with the Reform Act, but also to ingratiate itself with the government. The government was quite willing for them to take on this role.

The rise of factory reformers such as John Wood, Oastler, Graham, and Horner, whose concerted efforts over the sixteen years following the Reform Act culminated in the Ten Hours Act of 1847 and finally the Factory Act of 1853, exacerbated, in the minds of the ruling classes, the problem posed by the working classes. The lowest classes in society now had more leisure-time at their disposal but were as yet outside the formative influence of the Church. This led to a general feeling that if this new leisure time was mis-used or uncontrolled, the working classes could cause much social inconvenience and, perhaps worse, political disturbance.

From the government's point of view such fears provided one of the *raison d'être* for the Church, and hence an ultimately non-confrontational, placatory approach to ecclesiastical reform was adopted.

From the Church's point of view this highlighted a sphere of activity by which it could make itself indispensable and thus inviolable. From Dissent's point of view here was a chance to increase its hold over the nation and re-inforce its demands for church dis-establishment and the removal of privilege for a minority religious force in the country. The quest for the domination and subjection of the working classes, hitherto virtually ignored by the religious forces in the country, began in earnest. However, years of neglect had allowed the labouring classes to develop formidable defences against this hoped-for religious infiltration.

Firstly there was the sheer weight of numbers that represented a concentrated force in the large manufacturing towns and cities. Some districts had at their core virtual no-go areas from which emerged a brutish casual workforce. Surrounding this core was a more stable, but more numerous, group of the poorly paid upon whom the middle classes relied for the success of their industries.

Secondly, a direct consequence of this 'ghettoising', was the labouring masses' growing appreciation of themselves as a self-contained class. In the rural, paternalistic model of society they had been part of a system with an obvious figurehead and overall hierarchy. As the new urban lower-middle and skilled-artisan classes embraced religious evangelism with its ethos of spiritual and material improvement, its emulation of middle class ideals and its veneration of ostentatious respectability, the working classes began to see themselves as a totally separate, non socially mobile unit. They overcame their debasement in three ways: by constructing a new set of values that eschewed the conventions and trappings of their detractors; by scorning the ideals of those who rode roughshod over them; and by the establishment of a multi-faceted and layered system of entertainment which consolidated their self-awareness, which made tangible and gave voice to their privations, and which subversively ridiculed their taskmasters thus enhancing their own self-esteem.

The combined results of the Reform Act of 1832, the ensuing ecclesiastical legislation, and the findings of the Religious Census of 1851, brought about a tremendous change in the attitude of the Established Church to theatre in general and working class theatre in particular, thus bringing the rest of Anglicanism into line with the Low Church and the Dissenting Sects as Britain moved into the

evangelical revivalism of the third quarter of the nineteenth century. But whilst High Anglicanism denigrated the theatre, it was astute enough to employ the techniques that made it so popular.

The ensuing style of High Churchmanship offered “a religion with ‘colour, movement, action’,”¹²⁰ presaging the Ultramontanistism that was soon to rise in importance in Roman Catholicism where British Roman Catholics looked more steadfastly to Rome as the mentor on ritual and dogma. The Church was rejecting secular considerations and turning in towards itself to seek justification not in the state, which was deserting it, but in its own metaphysical ethos and the spiritual authority of the clergy which was out of reach of governmental influence. It was upon these terms of a sacerdotal priesthood, with all the ritualistic trappings that such an approach to religion entailed, that it presented itself to its adherents.

For this concentration on the spiritual to be successful, more mundane worldly pursuits had to be denied and, for the first time, theatre came under sustained attack from this section of Anglicanism. As with the rise of Methodism, the denigration of theatre was taking place at the same time as the new religious force was taking advantage of some of its techniques. There was a subtle difference, however, between the ways Methodism and the other evangelistic sects had harnessed the forces of the theatre, and the new techniques adopted by the Anglican High Church. The Methodists had adopted the theatre’s hearty, declamatory style and dramatic turn of phrase whereas the new High Churchmen actually put on a performance with the priest as the central, mystical character. Newman is himself on record as appreciating exactly what effect was being created and why: “Who could resist the charm of that spiritual apparition, gliding in the dim afternoon light of the aisles of St Mary’s, rising into the pulpit, and then in the most entrancing of voices breaking the silence with words and thoughts which were a religious music”.¹²¹ As an incarnation of an aspect of God, the priest played out a scene complete with props, costume and scenery, “the prayers were intoned and the psalms chanted; the clergy and a surpliced choir walked to their places in procession; there were lights and flowers on the altar”.¹²²

The rise of High Anglicanism, particularly in the poorer areas of the big cities, was spectacular, leading Charles Booth to affirm in his wide ranging study, *Life and Labour of the People in London*, that, in such areas, “the High Church section is more successful than any other”,¹²³ and the movement progressed swiftly to the use of even more theatrical ritualism.

Section vi: Music as an Alternative Theatre-Base for the Working-Classes.

Despite the success of the High Church the majority of the poor did not embrace religion. Unaffected by ecclesiastical censure of entertainment and unimpressed by the 1737 Licensing Act which had restricted the incidence of legitimate theatre, the lower classes had steadily created their own meaningful, illegitimate, theatrical scene in public houses some of which were metamorphosing into the phenomenon of the Music Hall. To evangelise the 'great unwashed', the religious interests in the country had to focus on this alternative culture and these haunts of the working classes. It was particularly important for both Church and Chapel to preserve their remaining authority, power and prestige by rigorously insisting upon the observance of the Sabbath wherein the manifestation of their rites, and the interaction of their networks of social organisation, could ipso facto proclaim their importance. The obstacles put in their way by the governing classes and working-society at large is evident when one analyses the Minutes of Evidence of the Select Committee which sat through two sessions of parliament, 1852-1853 and 1854. This Committee had a brief to examine:

The System under which Public Houses, Hotels, Beersshops, Dancing Saloons, Coffee Houses, Theatres, Temperance Hotels, and places of Public Entertainment, by whatever name they are called, are Sanctioned and are now regulated, with a view to reporting to this House whether any Alteration or Amendment of the Law can be made for the better Preservation of Public Morals, the Protection of the Revenue, and for the proper Accommodation of the Public.

One of the most extreme witnesses to the Select Committee was John Weylland, who described himself as a "London City Missionary, not a clergyman".¹²⁴ He had ascertained that on the night of the 1851 census, out of the 157,696 population of the parish of Marylebone, only 17,805 attended evening service at one of the 49 places of worship whilst an equal number were in the 366 available public-houses and beershops. In these same drinking haunts, between the hours of 9 p.m. and midnight, 20,000 were in attendance (which included a proportion of the 17,805 who had been there during the hours of divine service).¹²⁵ One gin palace particularly attracted his odium. It had:

a great deal of gilding and plenty of gaslight; there is a self-acting organ at the bar which cost 120 guineas. The bar was crowded ... the organ was playing a merry tune, and there were 43 men and 14 women together, a large number were drunk, and they were generally a dirty and low class of persons.¹²⁶

Although he realised “the majority of working men are against it”¹²⁷ he opined that:

the Christian public are in favour of closing the public-houses on Sunday. I know a great number of Sunday-school teachers who work hard all the week, and voluntarily go to teach on the Sabbath morning; they get their beer overnight in a bottle, and they are willing for the public good to bear that slight inconvenience.¹²⁸

Predictably, another witness who advocated pursuing the same course was the Lord’s Day Observance Society spokesman, the Rev. John Tyrrell Baylee, a Church of England clergyman¹²⁹ who in company with the Rev Archibald McCallum, the governor of a Boys’ House of Refuge, a delinquent reformatory in Glasgow, proposed also to close all other places of amusement such as music rooms and even public libraries, museums, private and public gardens et al.¹³⁰

Although campaigners such as these had some following, the extent of the support for their views has often been exaggerated. Such fanaticism repelled many and the reported level of support at campaigners’ public meetings and rallies must be treated with caution. R. J. Richardson, a Manchester Land and Building Surveyor who fully endorsed the proposal to close the public-houses until after the normal hours of Divine-Service and would not go into music rooms or saloons on a Sunday because he had “a conscientious view on the subject”,¹³¹ nevertheless refused to speak at a public meeting discussing Sunday closure because of the one-sidedness of the church lobby. He explained:

the parties getting up the meeting were purely of the religious class, and ministers of the Gospel of the different churches and chapels, who have at their call the visitors and teachers of the Sunday schools, and they can pack a meeting at any time. There is no chance of a fair and free discussion at any meeting where religion comes into question. I believe all those who have been in the habit of taking a part in the public meetings in Manchester have abstained from attending on that very ground.¹³²

Richardson was a churchgoer whose church affiliation was possibly polite: a commercial obligation. He wanted a regulated, ordered society and, like many others, he viewed properly licensed, censored theatre as morally regenerative. Although critical of the working-classes he appreciated their plight and saw the benefits that theatre and ‘rational’ amusements could bring them. He explained, “I am of the opinion that if two or three theatres were established, and properly conducted under a strict censorship of the drama, it would be a great means of improving the condition of the working classes”.¹³³

Richardson did not perceive church-going to be in decline.¹³⁴ He realised that, as a body, the working classes did not attend Church or Chapel¹³⁵ but appreciated the cultural and sociological gap that existed between them and the middle classes which precluded the former from emulating the latter¹³⁶. Like Weyland and McCallum he saw that music, a medium fostered by improving agencies of the past but neatly turned against them by the labouring classes, was the central subversive issue in working-class entertainment.

From the time of the Commonwealth, because it helped to propagate religion, music had escaped the full ire of the Puritans¹³⁷. Because of the religious link, it was considered the most respectable of the performing arts and this perception continued long after the Restoration. Handel had quit the world of Opera for that of Oratorio because the latter was more acceptable to respectable, middle-class, predominantly non-conformist, mercantilism than the operatic excesses demanded by the entertainment of aristocratic society. The middle classes were obviously more numerous, therefore he had a wider audience and his work was thus more lucrative. The Evangelical Revolution which embraced the puritan work ethic had been quick to harness the power of music in its campaigns. Now as they perceived it to be working against them they found themselves at loggerheads with the government who, as has already been shown, had embraced the cause of music.

The government was more interested in the attendant secular benefits of music. In 1842, Lord Wharncliffe gave an account to the House of Lords of the singing classes in Exeter Hall that had originally been intended as a training measure for schoolmasters and schoolmistresses. He noted that they had quite outgrown their original function and now attracted “those in the middle ranks...down to the humblest working people.”¹³⁸ Sir Robert Peel addressed the House of Commons in 1842 on behalf of teachers who, after benefiting from the Exeter Hall instruction, were now teaching the working class children in London and wanted the project to be further supported by the government because it promised even longer-term benefits. Peel argued that the teachers had found: “That instruction in music tended to refine the manners of the children; and they found that it improved order in the schools and thus promoted the facility of acquiring other branches of education”.¹³⁹

The middle classes who were becoming the dominant political force in the new conurbations seized upon the redeeming power of music. The mid-century was a foment of initiatives and innovations, and musical societies in particular grew up all over the country. 1850 saw Hallé take over the Gentlemen's Concerts in Manchester: within eight years he had set the foundations for the Hallé Orchestra which quickly became the pride of the town. Those denied the opportunity of listening to the histrionic word, unless it came from the pulpit, had every opportunity to enjoy what was perceived as the regenerative power of music during their leisure time association and it was considered to be an important ingredient in working-class education. William Cook Taylor's account of the conduct of patrons of Mancunian public houses "favoured" with concert rooms reveals the pre-occupations of the elite in 1842:

I have never been in a more orderly and better-behaved company. The music was well selected, the songs perfectly unobjectionable; the conversation in the intervals between the pieces, not only decorous, but to some degree refined, and the quantity of liquor consumed by each individual was trifling.¹⁴⁰

Entrepreneurs seized upon the new vogue for music as the 1843 Theatres Act enabled non-dramatic entertainment to be put on without censorship. A new theatrical venue, the Music Saloon or Music Hall came into being. Mander and Mitchenson argue that the term Music Hall was coined in 1848 when Richard Preece called the concert room of the Grapes public house in Southwark Bridge Road the Surrey Music Hall¹⁴¹ but they are mistaken. The term was in use as early as 1788 as shown by a Bill advertising a Musical Romance to be performed at the 'Music Hall' at Three Crowns Corn Market in Warrington¹⁴². Just prior to 1850 the term was adopted to describe premises in Store St. in London which specialised in recitals of sacred music¹⁴³. It was possibly the respectability that came from the association of 'Music Hall' with the proliferation of performances of serious music, predominantly for lower-class audiences, that encouraged publicans to adopt the term for their more secular performance rooms and it was this latter manifestation that Mander and Mitchenson have picked up. Many early Music Halls at times promoted a very serious image. One of London's most famous early Music Halls, the Canterbury in Lambeth, also offered oratorios and selections from operas as major attractions.

This point of contact between music, performers and the public became a crucible that could be the recourse of those that accepted the status quo or it could be exploited by a militant or disenchanted underclass to establish its own ground rules and ethos. The Music Halls or rooms in the less

respectable public houses produced a more lurid entertainment than that available at the Penny Gaffs (discussed in Section ix of this chapter). This led to a word of caution to the government from Her Majesty's Inspector of Schools who, following the publication between 1851-1862 of Mayhew's four-volume work *London Labour and the London Poor*, realised that many inferior public houses were looking for performers with:

A certain cultivation of voice and a due knowledge of exciting and profligate songs, in the best of which 'sentiment' is allied with indelicacy, and humour is depraved into 'slang'...and it is worth reflecting whether that semi-professional skill which the...teaching of music in schools is calculated to impart...may not possibly become a fatal gift to those that acquire it¹⁴⁴.

In many ways this was an accurate perception of what was taking place. The working classes, sometimes together with the more dissolute of the middle and upper classes, had long come to equate music with the forces of improvement and had used the very music that had been drummed into them to neatly turn the tables on their would-be reformers. They used the techniques of singing, and sometimes parodies of the perfectly innocuous music they had been taught, to perform scatological, popular, often topical songs. Audiences flocked to the public-house singing rooms, such as those frequented by the lowest working classes described to the Select Committee in 1853 by the Rev. Bishop where he witnessed "performances of a very gross character, and heard songs which bordered on obscenity, not only in the words themselves, but the gestures and the tone"¹⁴⁵.

Public houses frequented by people slightly higher up the social scale, like the Coal Hole in the Strand which ran the famous Judge and Jury Clubs to lampoon decisions made on controversial topical issues, also engaged singers to entertain their clientele. The repertoire of these performers was not much subtler than that of those who performed in the lower class haunts and J. Balfour opined, "Certainly the singing that I heard there I should not have expected to have heard, if I had been accustomed to go to such places in a common brothel; it was no double meaning but plain out"¹⁴⁶.

Looking at the repertoire of the public house singing rooms from the position in society of the two witnesses mentioned above it is easy to understand their disgust. Everything they held to be important was under attack. The church was the subject of contempt in the Falstaffian, 'the Amorous Parson and

the Farmer's Wife', sung to the tune of the Jacobean air, 'O'er the Water to Charlie' wherein sociological derision had taken the place of political statement:

Down on the floor was the farmer's fair wife,
 In a state that was really quite scarish;
 While a gent, dressed in black, was a toying away,
 Whom he guessed was the parson of th' parish.
 My eyes! Cried the tar, here's a pretty affair –
 You old lubber – I'm sure he could steer baft;
 In another man's berth to stow himself there –
 Here's the parson aboard of the fair craft! Tol de rol, & c.¹⁴⁷

High society took the knocks in the parody, 'Mrs. Bond', which was set to the tune of the romantic ballad, 'Will You Come to the Bower?':

Oh, I'm getting still more hot for you, my charming
 Mrs. Bond,
 And though you will not smile on me, I never will despond.
 This moment, when I write to you, indeed quite stiff I stand,
 And – all that I possess, is sweating in my hand.
 Then won't you let me, won't you let me – tickle you
 Mrs. Bond?
 Even randy little duchesses have lured me to their arms,
 And crumby little countesses have yielded me their charms.
 Then, only give me leave to go a fishing in your pond,
 I've got a rod so long and strong, and such fine bait,
 Mrs. Bond.¹⁴⁸

Politics could also be the object of scorn as in the following song which deplored the Corn Laws:

The Tories are a sliding
 The Country all around,
 And Bobby has a sliding scale,
 To slide about the Town.
 The Corn Bill has caused a pretty row
 With every class of men,
 And sliding Bobby says the price
 Shall stand at Three pounds Ten.¹⁴⁹

Even more damaging could be comments on government initiatives vis-à-vis protecting the establishment shown in the song criticising the dowry of £40,000 provided for the Princess Royal in 1859 and the annual allowance of £8,000 thereafter:

Lord Palmerston he did declare

He'd quickly tax the nation
 To support the Princess Royal
 In her proper rank and station.
 They'll tax the deaf, the lame, the blind,
 To help to pay expenses;
 With a double tax on all the girls
 That' flounced up to the hainches.¹⁵⁰

Section vii: The Public House as the Poor Man's Theatre.

With its echoes of 18th century royal lampoons, this satire was grist to the mill of the revivalists and public houses and the entertainments they offered became the target of reformers. Because of this, time and again in the Minutes of Evidence to the 1852-1854 Select Committee on Public Houses, we see, on the part of the church, sometimes endorsed by the governing classes, the fear of music surfaces. Yet, the dominant classes still saw music as a means of improving and subduing the masses and there grew up a consensus of the degree of musical taste and respectability of venue that one could expect from the various classes. As far as the governing classes were concerned there was a perception that entertainment ought to be class and venue specific. Musical activity outside these accepted venues, wholesome as the music might be, was frowned upon. An inordinate amount of time was spent in Parliament between 1851 and 1864 debating the alleged nuisance caused by street musicians and two Bills were introduced to Parliament to suppress street bands and barrel organs because of the discomfort they caused the upper classes.

Music rooms and saloons multiplied quickly from the middle of the 19th century and Cheshire records that by 1878, when the draconian Metropolitan Management and Building Acts Amendment Act (41 & 42 Vic.c.32) was passed (discussed later on page 341-342), there were 347 houses licensed by the Middlesex magistrates, 61 licensed by the Surrey magistrates and 6 licensed by the City of London, providing in total some 176,000 places nightly¹⁵¹. Diana Howard locates a further 32 music saloons in areas such as Deptford, Catford, Woolwich and Lewisham, licensed by the West Kent Magistrates, which provided an estimated 16,000 places¹⁵². The best of these had been recognised for a number of years as presenting "entertainments as good as that at the Theatre Royal without charging an admission"¹⁵³ and they drew huge audiences of working people partly by the lure of a small entrance fee which was returned in the form of refreshments and partly through the presentation of

“spectacles”¹⁵⁴. They were fast becoming a mid-way point between the smaller public houses with their cabaret-like performances and the theatre with its full-blown dramatic presentations. Although an anathema to the church, to many influential citizens like the aforementioned R. J. Richardson and those he highlighted in his evidence,¹⁵⁵ Music Rooms were a step in the right direction from public house music against which both church and the dominant-class agencies, who were often the butt of their humour, fulminated.

The government found itself in conflict with an unlikely pairing of the beleaguered institutions of Anglicanism and Dissent (a combination of the forces of religion that was to become more widespread and insidious as the century moved towards its close) who were in alliance with the mercantile interests of the country. An example of this partnership between middle-class industrialists and the religious lobby was an association “For The Better Regulation Of Public Houses And Public House Entertainment In The Borough Of Manchester And Salford”, which was composed of 40 of the leading merchants of the Borough with the Bishop as President¹⁵⁶, who sent as their spokesman to the 1852-1853 Parliamentary Select Committee on Public houses Dr. James Hudson, Chairman of their Mancunian Visiting Committee. His evidence will be examined later in this chapter.

The government wanted a docile work force, the mercantile interests wanted a controlled work force and the religious interests wanted an aligned congregation. Music saloons were obviously fulfilling the expectations of the government whilst, in the eyes of the other pressure groups, allowing a perilous freedom for the workforce. Complaints came from clerics working in the industrial centres of Britain. The Rev. Francis Bishop, a minister of the Liverpool Domestic Mission Society, described to the 1852-53 Select Committee a Sunday evening scene in a Music Saloon:

I heard the Old Hundred Psalm sung, the Hallelujah Chorus, Bishop Ken’s magnificent Evening Hymn, and the Jubilate Deo. The organ was a large one, with 12 stops, and on the fingerboard was laid a long tobacco-pipe evidently belonging to the organist, with which he doubtless at times refreshed himself. The singers formed a curious group, consisting of three men and one woman ... one of them especially ... bore constantly on his face a kind of smile that seemed to indicate that he considered the whole affair a comical joke. It was a melancholy thing to see and hear this group singing in such a place, and to such company, ‘Glory to Thee, My God this night,’ and ‘We are His people and the sheep of His pasture’.¹⁵⁷

The church was becoming worried that the trappings of religion were losing their dignity and exclusiveness. More particularly, once its mechanisms were out in the market place there was an obvious concern that the reverence that the church needed to keep both its mystique and its authority would evaporate. But this was not the only concern to be voiced by the clerical lobby. The Rev. John Clay, a chaplain in a House of Correction in Preston, told the Select Committee that, "The adult prisoners ascribe their ruin to the beerhouses and public houses; the young ones ... ascribe their ruin, as far as it goes, to the concert-room and the dancing-room".¹⁵⁸ For him it was the insidious example inherent in the "representations" that he initially took to task. He cited the dramas of *Dick Turpin* and *Jack Sheppard* as having "Done more mischief than the Committee will be prepared to believe. It is a fact, that the young, and even some of those who have reached 21 or 22 years of age ... regard Dick Turpin and Jack Sheppard as benefactors of the poor".¹⁵⁹ Another problem he saw arising from the entertainment rooms of licensed premises was the prevalence of comedy based on issues of vice or crime which were "presented in a laughable shape, as something to be laughed at; and to the young mind a vice which may be represented as laughable, finds its way into practice".¹⁶⁰

Unlike the other representatives of religion who gave testimony to the Commons Select Committee, Clay did not see one of the vices of the theatre as being a temptation to drink. It was the opposite. The tendency on the part of public houses and beershops to provide entertainment meant that the labouring classes could use the establishments "for the nominal purpose of drinking, but for the real purpose of entertainment from these representations"¹⁶¹. Drinking had become a cloak behind which hid the real evil, theatre - or at least popular working-class theatre. Clay's remedy for this was to sanitise the entertainment of the working classes. He compared the tight control of the "legitimate" theatre with the licentiousness of popular entertainments and although, for the poor, the stuff of their comedy was a reflection of their environment, he saw middle-class interference as the only remedy for its coarseness:

While the Lord chamberlain exercises so strict a surveillance on the dramatic entertainments of a higher class the magistrates of borough towns should a fortiori exercise a still more strict superintendence as to the representations for the entertainment of the labouring classes.¹⁶²

Section viii: Obscenity as Political Statement.

It is true that some acts in both public-houses and concert rooms were, or bordered on, what middle-class observers would deem as obscene:

Very often songs are sung of an obscene and indecent character.... There was a boy and girl, certainly not more than 13 or 14 years of age, representing some scene of "The Henpecked Husband," and the allusions were of the filthiest description ... and those filthy allusions seemed to be understood by the majority of the boys and girls present.¹⁶³

Yet what the polite classes, and even we today, might regard as offensive was often the result of a precept being couched in terms of reference that were the norm for those for whom it was intended. In 1840, Mr. Slaney, the MP for Shrewsbury, had quoted the returns of the Statistical Society of Manchester to show the destitution of the working classes in the industrial areas of the country. He cited the example of Bury which had a population of 20,000. 3,000 working-class homes were visited: "in 773 of them, the families slept three and four in a bed; in 209, four and five slept in a bed; in 67 five and six slept in a bed, and in 15, six and seven slept in a bed".¹⁶⁴

Obviously young people brought up under these conditions would have been sexually precocious and entertainments like that cited above would only have reflected normal adolescent banter. And this was where families had actually kept together: Chesney cites Mayhew in a description of lodging houses for those with no actual family ties:

In certain houses, young lodgers, children and adolescents, were bundled in together. 'There was very wicked carryings on,' said a girl who had experienced this. 'The boys, if any difference, was the worst. We lay packed on a full night, a dozen boys and girls squeezed into one bed...some at the foot and some at the top - boys and girls all mixed. I can't go into all the particulars, but whatever could take place in words or acts between boys and girls did take place'.¹⁶⁵

In 1850, Slaney again took the floor of the House to remind MPs of the facts he had presented for their attention a decade previously. He cited a report made by the Children's Employment Commission, also in 1840, which had found:

in a large portion of the kingdom the moral condition of the children was lamentably low, and that no means appeared to exist of effecting any improvement in the physical or moral condition of the young children employed in factories.¹⁶⁶

For the audiences and performers at the lower grade public houses the entertainments offered were but an accurate mirror of their experience and a means by which to come to terms with their pain. But this is not the total picture: there was a heavy subtext to many of these presentations. Although the tavern entertainers were exploiting the working class predicament it was a self-conscious parody. They were well aware that as they were laughing at the standards they were being forced to adopt they were also thumbing their noses at middle-class values and norms.

Working-class entertainment was a radical, though non-revolutionary, political statement. Just as the puritanical sects revelled in their exclusiveness the working classes revelled in the values of their culture. It was an exhibition of solidarity in deprivation that gave value to their condition. It can be seen as a reaction to the campaign against immorality waged by agencies like the Society for the Suppression of Vice. And it was nothing new. During the Queen Caroline affair a generation earlier, pornographic comment had flooded onto the market from all walks of society as a reaction to the excesses of the monarch's consort. By the 1830s, radical activists were peddling literary pornography to shame the:

“reverend hypocrites” of the Suppression of Vice Society whom they saw as an “evangelical conspiracy preoccupied only with the morality of the labouring classes, and for reasons that were more political than religious”. Their court defences hammered the class message that the “Vice Society” deliberately overlooked instances of blasphemy and obscenity among the aristocratic and genteel, never prosecuting erotic classical works of bishops or those taught at public schools.¹⁶⁷

Although the trade in anti-establishment pornographic literature had largely died out by mid-century, the tradition of using overt obscenity as a subversive force was perpetuated in Music-Hall until the 1860s when the Halls began to take hold as the major theatrical force in the country and a wider audience was being courted. Another fact that must be considered is that what was deemed to be pornography by one section of the population, one which may have developed its sensibilities to the point of affectation, was not necessarily that which would cause offence to other less hierarchically fragile sections of society.

One is forced to consider the modern parallel of this syndrome with the furore which resulted in Dennis Lemmon, the editor of *Gay Times*, being successfully prosecuted by Mary Whitehouse in the mid 1970s for publishing a supposedly obscene and blasphemous poem on the subject of the crucifixion.

Although the alleged blasphemy was what secured the prosecution's case it was more the obscenity that Lemmon was perceived to be enlisting to promote the homosexual cause that offended the plaintiffs and it was generally accepted that it was sexual minority-group discrimination and persecution that resulted in the case being decided against him. On the stage Lemmon would have been on safer ground, as Kenneth Tynan showed with his production of *Oh Calcutta* which appeared at the Round House in 1969. In this production Tynan deliberately sailed as close to the wind of pornography as he could and despite all the brouhaha about the point of the piece being to use sexual imagery and overt sexual behaviour in a humorous way to show the harmlessness of what had been for so long illegal, there was no doubt in most people's minds that one of the paramount aims of the entertainment was to shock middle-class sensibilities with an overt, sustained attack on one of their most cherished shibboleths: and Tynan got away with it. Although *Oh Calcutta*, a play on the French *Ah quel cu t'as*, (what an arse you've got), appeared one year after the abolition of the Lord Chamberlain's powers of theatrical censorship it was not conceived to revel in the new freedom of the stage: it had been created before the censorship of the Lord Chamberlain was abolished which was why so much of the show was in mime, dumb show and dance which could not be presented for the censor's approval. This makes the show an even more iconoclastic construction and one can only speculate on the controversy that it would have caused had the censorship of the stage not been lifted before it reached performance. Even so it would appear that with the legislation controlling the stage being as it was there would have been little the authorities could have done about it.

Although Oleg Kerensky in his book, *The New British Drama*, says of pre-1968 censorship:

Before that time, the actual language spoken by people in real life, especially by people without middle-class inhibitions, could not be spoken on the stage. Everyday 'four letter' swear words were banned. Whole areas of discussion were also forbidden. Homosexuality could not be discussed and no real sexuality of any kind could be depicted.¹⁶⁸

This was not actually the case. In 1959 Frank Norman's *Fings Ain't Wot They Used T'Be*, which started life in Joan Littlewood's subversive Theatre Workshop in London's Stratford East as a comment

on the Wolfenden Report on prostitution, is but one example of a play that revelled in all these topics, although obviously in a far more restrained way than did Tynan a decade later. The reason Littlewood, and many others, got away with it was, I suggest, because by this time the theatre was no longer the prime resort of the working classes who had forsaken theatre for the rigorously censored dream factory of the cinema and it was by then fashionable to be daring in one's artistic sensibilities as it singled one out from the lower classes with their sanitised Big Screen entertainment. The situation was very different when in the 1870s Henry Arthur Jones' play, *Welcome, Little Stranger*, fell foul of the censor:

The opening scene of this play was a corridor - a nurse crossed the stage, a servant opened a door for a doctor carrying a bag, one or two other characters came on, and, after a certain amount of va et vient, the nurse entered and said, "It is a fine boy." Because of this preliminary scene the Censor refused to license the play.¹⁶⁹

Against sensibilities so acute it is no wonder that the more sexually-explicit working-class tavern entertainment was branded as obscene.

Section ix: Penny Gaffs.

The censure and notoriety of Penny Gaffs must be treated with equal circumspection. John Hollingshead describes these haunts of his youth, which were run by characters like the much hunted showman, Old Saunders, whose dramas such as *The Bleeding Nun* were played in a booth which was pitched wherever there was available ground not under police surveillance. There were also the two maiden ladies who kept the Penny Gaff in Lambeth's New Cut who knitted to pass the time when not taking money or checks at the door, and who donated the stockings they made to youngsters such as Hollingshead himself who looked as if they might need them. Another such character, the stout benevolent Mrs Harwood, had a Gaff at Shoreditch and passed the young Hollingshead in at the door because he didn't take up much room¹⁷⁰. Such examples paint a different picture to that presented by another eye-witness, James Grant, who estimated that in the 1830s there were up to a hundred of these unlicensed houses in the metropolis catering for a total audience of about 24,000 a night, most of whom were boys from eight to sixteen years of age¹⁷¹. His complaints against the Penny Gaffs ranged from the "mangling, or, as they call it, abridging" of the texts of standard plays, particularly the works of

Shakespeare¹⁷², to the danger of the young patrons stealing and then pawning articles of value in to obtain the pennies needed to get into the Gaffs¹⁷³.

His criticisms of the buildings themselves is revealing of middle-class attitudes and demonstrates how cautiously one should accept contemporary censure, based as it often was on contemporary notions of taste and decorum that were founded almost solely on ostentation. He deprecated the mean conditions of the interiors: the “naked bricks (which) encounter the eye whenever the walls are seen; while, in an upward direction, you see the joist-work in the same naked state in which it proceeded from the hands of the carpenter”.¹⁷⁴ He condemned the lack of social discrimination in the auditoria: “the distinction of boxes, pit, and gallery, are, with a very few exceptions, unknown. It is all gallery together”¹⁷⁵. He then highlighted the danger of glorifying the villains of the pieces which he found “most injurious”.¹⁷⁶

The most important concern for this study, was the predilection of the Penny Gaff audiences for topical atrocities which enabled them to assess current events in their own terms. He complained that:

the minute that accounts of any such occurrence appear in the newspapers, a piece embodying the most shocking incidents in that occurrence is got up for representation at these establishments. The recent atrocity known by the name of the Edgeware murder, was quite a windfall to many of the Penny Theatres. Pieces founded on the most frightful of the circumstances connected with it were forthwith got up, and acted to crowded houses, amidst great applause.¹⁷⁷

After quoting a number of the plays in detail Grant concluded:

Penny Theatres are rapidly on the increase. The oldest of them is of comparatively modern growth, and if they continue for a few years to increase as rapidly as they have done for the last five or six years, they cannot fail to attract the attention of the magistrates, if not the legislature itself. I am quite satisfied they do incalculable mischief to the morals of the youths that frequent them.¹⁷⁸

This unwittingly highlights the reason why we know so little about the Penny Gaffs: few contemporary commentators were interested in them. Their performances were neither advertised nor reviewed in the press and the legislature seemed to have a hazy knowledge of the existence of the mass of unlicensed venues presenting uncensored plays and other theatrical events unregulated by either the local authority or the Lord Chamberlain. When the subject of Penny Theatres was raised in the 1852-1853 and 1854

Select Committees on Public Houses there was obviously a confusion in the minds of both committee and witnesses as to what constituted a Penny Gaff. They found it difficult to differentiate between the Penny Gaffs described above by Hollingshead and Grant which had their roots in the old fair tradition, were theatrical in ethos and sought to provide lurid dramatic entertainments, and the proliferating Music Saloons where non-dramatic entertainments took place. It was the latter which were, over the next quarter-century, to metamorphose into the Music Halls that dominated the theatrical scene well into the 20th century.

It was considered that Dr. Hudson, the Chairman of the Mancunian Visiting Committee mentioned earlier, was talking about Penny Theatres when he discussed three Music Saloons in Manchester¹⁷⁹ but it was a totally different phenomenon he was describing. They were totally different institutions to the Penny Gaffs described by James Grant. As will be shown, they attracted patrons from a much wider age spectrum than the smaller blood and thunder Gaffs which were more akin to the fair booths. This shows just how out of touch the authorities were with the working-class theatre scene. The reason for this would appear to be that the government was just not interested.

Section x: The Church and the Moral Welfare of the People.

The moral and spiritual welfare of the people was the concern of the religious bodies in the country, and the supervision and condition of the working-classes was largely the concern of their employers. The government was increasingly concerned with the general environment but its legislation was often only permissive rather than mandatory and designed more to protect the standard of living of the upper-classes than to alleviate the lot of the labouring classes. Even that redoubtable, indefatigable champion of the working classes, Mr Slaney, the Member for Shrewsbury, saw the problem largely in these terms and located three separate areas of concern:

the inconveniences of the people might be divided into three heads: first, the want of legislative provision for the preservation of their health, and the comfort of their houses; secondly, the want of provision against the fluctuations which constantly occurred in the commerce of the country; and, thirdly, the want of religious instruction and education.¹⁸⁰

The government, however, was far more worried about insurrection and problems of public order. One thing they did not want to do was to give the working-classes the idea that the government could be looked to for help with general social problems. That would be “getting the working classes into a habit of thinking that those things would be done for them which could only be done by themselves”.¹⁸¹ The government’s manner of thinking is revealed by its attempt to hide the problem by shipping some of the unproductive poor, particularly young women and orphans, off to the colonies. This was a conscious alternative to legislation which would protect women from prostitution or make provision for the education and relief of orphan children.¹⁸² The evidence of witnesses to the 1852-1853 and 1854 Select Committees on Public Houses often seems couched in terms specifically chosen to inflame the government. Dr Hudson’s evidence was a case in point:

I wish particularly to state that in all the large manufacturing towns of Lancashire there is a class of places of entertainment springing up, which are attended by large masses of the working community, especially the young; the object of the parties in attending those places is that of amusement; but in many cases those places of entertainment are licensed beerhouses.¹⁸³

It would seem from this that the concerns of Hudson’s committee coincided with those of the government which was much pre-occupied with possible harbingers of social unrest like the drunkenness and free combination of large numbers of the working classes. The Committee was most persistent in its questioning of Hudson. Three times he was asked exactly what evils he perceived to be encouraged by the music saloons. His answer was the habits of drunkenness and the promiscuous mixing of the sexes, and he recommended that the places be put under better management and licensed solely for entertainment.¹⁸⁴ He was at pains to stress, “in Manchester there are not less than 25,000 of our working mill hands who attend those places per week. ... It is almost the sole public amusement of the artisans and the working mill hands”.¹⁸⁵

From his earlier statement it would appear that his concern was focussed on the young workforce. Hudson actually analysed the composition of the clientele of three of the major embryonic music halls in his area.¹⁸⁶ The average constitution of Hudson’s chosen Mancunian music saloons on a survey of seven Saturday evenings taken in Sept. Oct. Dec. and Apr. was as follows:

THE CASINO			THE VICTORIA		
AGE	MALES	FEMALES	AGE	MALES	FEMALES
-15	120	10	-15	80	5
15-20	200	100	15-20	420	200
20-30	400	150	20-30	200	100
30+	140	45	30+	100	60
TOTALS	<u>860</u>	<u>305</u>	TOTALS	<u>800</u>	<u>365</u>

The Casino attracted an average audience of 15,000 per week. Country patrons attended early in the evening and when they left to get home their places were taken by local Mancunians. Of the children who were present, many were without their parents. The Victoria was described as catering for an audience composed exclusively of mill hands. Figures for the Polytechnic were similar. This meant that on any Saturday about 3,000 mill hands patronised these three houses alone¹⁸⁷.

The focus of the committee of which Hudson was the spokesman was quite specific. They took "an active interest in examining into the operations of public houses, beer houses, and places of public entertainment"¹⁸⁸ and campaigned for the removal of the beer licence from such premises. The issues would seem to be very clear: the Committee appeared to be honing in on the contemporary problem of drunkenness which was seen as a vice that was encouraged by the provision of entertainment in licensed premises to which ambience the young were particularly susceptible. But this was merely a veneer to galvanise the government into action.

Hudson admitted that drunkenness in Manchester was, in fact, decreasing. His investigations showed that many of the tokens issued at the door of the Casino upon payment of the 2d entrance fee, which were supposed to be exchanged for drinks, were, at the Casino, either just thrown away, 12,000 being lost per annum at a cost to the proprietor of £50, or exchanged for non-alcoholic drinks. Over a period of one month a tally of refreshments revealed that 60,000 patrons had consumed 1,500 gallons of Ginger Beer and 160 gallons of coffee, compared with 180 gallons of beer and porter.¹⁸⁹ This averages out at only 0.024 pints of beer per person per visit.

This demolished the temperance aspect of Hudson's argument and he had to be prompted to revive it by invoking the spectre that these places might apply for spirit licences¹⁹⁰. He then admitted that he

considered Music Salons were better conducted than the public house singing rooms¹⁹¹ demolishing his premise that they encouraged the unwholesome combination of working people. It also negated his argument for licensing the Music Saloons. On the defensive, he stated his argument to be that, although they did not contravene any law as they did not open during the hours of Divine Worship, they played “sacred polkas” on Sundays which was “injurious to factory lads and girls”¹⁹². At this point the Chairman pointed out the weakness of Hudson’s argument, stating that it was difficult to see what the licensing of Music Saloons was likely to achieve as those already under magisterial control appeared to be worse run than those that were not. Obviously taking into account the power wielded locally by the members of Hudson’s committee, the Chairman of the Select Committee further suggested that the proposed licensing was but a precursor to closing the music saloons.

In denying this Hudson was forced to put all his cards on the table. The magistrates only had power to close premises that had drinks licences if complaints from local inhabitants were received and this rarely happened. A licence purely for music and dancing, however, required a bond of good character from the licensee, which was enforceable by regular police inspection. The Chairman pointed out that there was already ample provision for the police to investigate unruly premises and quoted chapter and verse to prove his point. As there were no contemporary violations of the law therefore few prosecutions, he asked if Hudson desired to create a new law for the people to break so that they may be prosecuted¹⁹³. Hudson pleaded ignorance of the contemporary legislation but suggested issuing a mandamus to magistrates who did not carry out the letter of the law. When, considering that the general moral tone of Manchester was improving, the Select Committee forced Hudson to define what it was he objected to, he admitted it was the type of music he was opposed to, dance music, and once again cited the sacred polkas and suggested that a ban on these be included in the proposed licence¹⁹⁴.

This was a clear, fairly typical example of how provincial power structures concerned with contemporary social issues that had little to do with theatre, were being infiltrated by religious power groups trying to eradicate the hold the entertainment scene had over the working populace. The aim of these religious infiltrations was to close down centres of entertainment altogether so that they could not compete with the church. It is obvious that those involved in central government were aware of the subterfuge of the religious lobby and were to an extent hostile to their aims and desired to limit their

scope to education through Schools, Sunday Schools and Missions. Nor was the Church ignorant of this government perspective. In 1854, during a debate on the “Spiritual Destitution of the Labouring Classes,” when the spectre of Anglicanism becoming a minority religious group in the country had been introduced by the Earl of Aberdeen, Samuel Wilberforce, the Bishop of Oxford argued against giving the Established Church extra government grants for such social work, as this could only result in a diminution of its liberty: what the Church required, he argued, was less government restraint¹⁹⁵.

What Wilberforce was advocating was the eschewing of direct government support in favour of that of voluntarist bodies such as Hudson’s influential provincial committee as the latter were more likely to pump funds into local religious bodies to achieve a desired end. In this the Bishop sought parity with the forces of Nonconformity who were by their very nature acting unofficially, almost in conflict with the establishment but with the support of local power enclaves, to achieve local religious supremacy.

The suspicion of church bigotry that can be discerned in the questioning of Dr. Hudson manifested itself a number of times in the Minutes of Evidence, particularly that given by agencies who genuinely sought to raise the tone of music saloon entertainment but felt their effort was thwarted by the religious bodies. Mr T. Beggs, an employer with a working class background, who had been the Secretary for the National Temperance Society, complained:

an attempt was made some three years ago to give the working classes of Birmingham, in the large town-hall, music of a first-rate character, but that experiment was very seriously affected; it had not fair play, because the greater number of the religious people took an objection to anything but sacred music being produced ... this very narrow view ... compromises the success of such experiments.¹⁹⁶

George Grey, for 35 years a general director of “spectacular performances” at theatres, concert rooms, and other places of entertainment, reviled:

a gentleman in Manchester, who, I think, is chaplain to one of the gaols, who has got a crotchet in his head, and he asks every person who comes before him in his official capacity, “Have you ever been to a concert-room?” “Yes.” Down it goes that he is ruined by the concert-rooms. I think it is most inconclusive.¹⁹⁷

Here we see the dangerous path the church was treading. The House of Lords, in its deliberations on the Sale of Beer Act 1850, concluded, “drunkenness is the main cause of crime, disorder, and distress in England”¹⁹⁸. The Select Committee on Public Houses 1854 opined:

Dramatic and musical performances have a tendency, under strict censorship, to raise the character of the people, and there is evidence of a growing taste for such entertainments among the working classes, and which it appears to Your Committee may be made to serve as a powerful counter-attraction to the public-house.¹⁹⁹

Obviously, from the middle of the 19th century theatre was at the centre of a conflict of interests between State and Church. Even the lowest type of labouring-class entertainment, despite all the anti-establishment content of its performance, could be seen as the lesser of two evils. Mr Brown, a member of the Select Committee, recalled how an acquaintance had reported:

in visiting one of those dancing-saloons he found almost a riot going forward; that the proprietor of the house came in, and ordered the curtain to be drawn, and then there appeared upon the stage a female very handsomely dressed, who sang a very indecent song, and that they were immediately as quiet as mice.²⁰⁰

This kind of occurrence might be condemned in public as morally degenerate but many were willing to condone it in private as a means to contain working-class frustration and bring about labouring-class quiescence. Henry Pownall, the chairman of the Middlesex Bench of Magistrates questioned by another Select Committee during the 1866 investigations of Theatre licences, revealed that the authorities used the provision of entertainment in the poorer areas as a means to control the people:

In some parts we grant them [music licences] a great deal more freely than in others; we should not grant a music license (sic) so freely in many of the respectable parts of London as we do down in Wapping and Poplar, where the sailors come.²⁰¹

This was a situation that had to be approached with caution. A heavy-handed campaign by the religious interest in the country could do more harm than good. As there was a perceived aristocracy of labour so there was a perceived aristocracy of leisure. It was neatly summed up by a concert room proprietor in Manchester, Mr Benjamin Lang, in a letter to the Select Committee 1854, appealing for concert rooms to be awarded the status of Minor theatres and allowed to present the regular drama:

Every class of society has its peculiar kind of entertainments; the higher classes, the subscription concerts, operas; the tradesmen, public concerts of various sorts; shopkeepers, their glee clubs, madrigal societies & c.; Free Trade Hall and Mechanics' Institution concerts also on a very cheap scale; and the working classes, the honest, toiling operatives, have their cheap concerts and Minor theatres.²⁰²

But Lang's generalisation must be treated with caution. It voiced the Victorian utopia rather than the actuality. Lang was establishing the credentials of Concert Rooms and the non-alcoholic nature of most of their refreshments. Public-houses proper, from which most of the Concert Rooms had grown, were conveniently not mentioned until later in the letter when he suggested that they should be licensed only to provide music because of their connection with alcohol, a connection he said which the Concert Rooms were willing to totally forego. Beerhalls, the lowest of the low, where much vocal entertainment took place, were not mentioned at all. Nevertheless, unmistakable as was the desire to acknowledge only that which was respectable and conveniently ignore that which was not, the mass-appeal and profitability of working-class entertainment and the entrepreneurial spirit of Benjamin Lang is a clear sub-text of the communication.

Lang had clearly anticipated the government line expressed by James Balfour, messenger to E. P. Bouverie and member of the Statistical Society, who connected theatre-going with sobriety when he discovered that even the "lower order of Jews ... were not a drunken people ...after their Sabbath, (they) were great frequenters of theatres; the theatres in their quarter were crammed"²⁰³. He cited the example of the Rational Recreational Society in Leeds who had tried providing sanitised amusements for the working classes and he was struck by the attentiveness of the "working classes in fustian jackets"²⁰⁴. He concluded that if the government subsidised such entertainment it could result in "a saving of the poor-rates and the expenses of prosecuting prisoners, and so on, there would be an economy"²⁰⁵. This introduced another factor into the equation. The economic problems caused by the insurrection or anti-social behaviour of the working classes overcame the fear of the power the poor could wield.

The struggle the Church had to maintain its influence, to preserve the observation of the Sabbath and to uphold the dignity of church offices, was only part of its problem. Despite the exertions of evangelism there is evidence that the appeal of Non-Conformity was already falling in the face of the inexorable march of the stage and that from the mid-century onwards, provincial chapels were being converted

into theatres²⁰⁶. If the religious interest was to succeed against Balfour's philosophy it had to negate the influence of working-class theatre, replace it with something else and then remove the means to regress. But governmental apathy towards both the Church and the reform of labouring class entertainment, made the struggle harder. The Select Committee of 1852 - 1853 and 1854 was the last one concerned with theatre and entertainment to call members of the clergy or those with a primarily religious interest as witnesses. Neither the 1866 nor the 1892 Select Committees on Theatre sought the religious view nor discussed the issue vis-à-vis the Church interest. This was symptomatic of the partial severance of the bond between Church and State, sought by the Bishop of Oxford in 1854, during the debate on the Spiritual Destitution of the Labouring Classes which was almost unofficially adopted and characterised the way that from this point the two institutions moved forward. Much of what the Church, and indeed religion in general, was to do henceforward would not have been possible had it been looked upon as a co-authority with government. The ruling classes were content to let religion mop up the residuum in its own way in return for turning a blind eye to its internal manoeuvrings.

From the time of the 1852-1853 and 1854 Select Committee onwards, any conflict on theatre centred on working class, middle and upper class, entertainment and it was instigated by religious pressure groups, though often in a political disguise. Some members of the Lords, who were looking further afield than the nuisance caused by the impotence of the Church, were, however, unhappy with the arrangement. They advocated a retraining of the poor according to the principles of subservience in the contemporary reading of religion. They thought the government ought to be seen to be supporting the Church in order to instil in the populace the State's claim of the "sanction of the Divine Law for the enforcement of its ordinances"²⁰⁷. Their fears were voiced by the Earl of Clancarty:

such spiritual destitution, such heathen ignorance as has been described as existing among a large section of the population, not only reflects disgrace upon a Protestant government, but is fraught with danger to the stability of the state Be assured that to uphold the fabric of society, especially in a free country, the restraints of religion are not less essential than those of the municipal law.²⁰⁸

The two instruments of State, Church and Parliament, thus moved forward in an uneasy alliance; each aware of its dependence on the other but wary of acknowledging the reciprocal reliance for fear of becoming bounden. Thus we see in 1856 that although a very successful measure was adopted by the

government to provide concerts by military bands in the growing number of public parks on Sundays, “upon the ground that the lower orders would thereby be withdrawn from more questionable proceedings”²⁰⁹, the development was brought to its knees within a few months, at least within the metropolis, because of a letter of complaint from the Archbishop of Canterbury:

stating on his own part, and on behalf of his episcopal brethren, reasons why he conceived that in deference to the religious feelings of a large portion of the community it would be desirable that the bands should not continue to play on Sunday evenings in Kensington Gardens and the parks.²¹⁰

It was an astute move on the part of the government to offer an alternative social focus for the poor on the Sabbath to try to draw them away from the entertainment of the more dubious music saloons or the very dubious public-house variety acts which bred separatist class consolidation. Yet in deference to Church sensitivity these successful, shamelessly glamorous, patriotic entertainments, which idealised Queen and Country, were discontinued almost immediately. This was despite the fact that the performances were so successful that a combination of 79,247 persons in Kensington Gardens on one Sunday alone caused worried questions in the Commons about the wisdom of allowing such gatherings until Sir Benjamin Hall rose to say that several Members of both Houses of Parliament had been present and that they all agreed that “the conduct of the people had been most admirable”²¹¹.

In retaliation, during the Ritualist riots which took place in 1860 in the deprived parish of St George’s-in-the-East, the Church was told, almost in as many words, to get its act in order and exercise control over the labouring classes. This was partly because no laws existed under which the magistrates could punish the rioters and partly because although extra police had been drafted in at the beginning of the riots they had now been withdrawn because “during that time there had been ample opportunity for the clergy to make such alterations in the service as would meet the wishes of the congregation”²¹². The message was clear: the poor had been passed over to the Church whose brief was to cope with them.

The support of the government in stopping the bands was one thing because it was to do with the poor who were considered to be the Church’s responsibility but it was no good the Church trying to assert its authority anywhere else. In 1866, when, on the pretext of cattle plague, the ecclesiastical authorities tried to instigate a Day of Humiliation which would have involved a general fast and cessation of work

in order to attend solemn rites in church the request was refused by the government. Days of Humiliation or public prayer – for example for deliverance from the cholera epidemics, were a reasonably common occurrence before the Religious Census of 1851 and could be viewed as an attempt by the Church to flex its muscles by periodically demanding a national show of religious sentiment and affiliation. It is clear that government were no longer prepared to sanction such claims to authority. The excuse of the House was that as the effects of the cattle plague had been felt in so few areas it was pointless to call the whole nation to church to atone for calling down such localised divine displeasure as most of the penitents would be unaware of any divine retribution or culpability. Even though Mr Bright, speaking in the Commons, thought members would have appreciated the holiday - evidently he thought that only the governed should abase themselves to the Almighty - he said the measure should be rejected.²¹³

The Church's task of weaning the working population away from a theatre that was feeding its independence was made the more difficult by the fact that in 1865 upper middle-class theatre was enjoying a resurgence of popularity in London, due to the work of Marie Wilton and later her husband Squire Bancroft who had accurately located the upper-class prejudice against theatre as stemming from the fact that it was not socially 'respectable'. As was the case when this adjective was used by the forces of Dissent, its definition had a lot to do with 'exclusive'. Wilton took over the Queen's Theatre, refurbished it, and re-opened it as The Prince of Wales's Theatre with a repertoire of genteel, middle-class, realistic comedy which completely altered theatre and theatre-going as a social symbol. The change of perspective was taken further when, building upon the success of this experiment, the Bancrofts took over the Royal Haymarket Theatre and made draconian internal alterations to remove the lower-classes from the gaze of the polite, quiet, fashionable audiences who were now patronising the theatre in ever-increasing numbers with the upwardly mobile lower middle-classes in hot pursuit.

But the legitimate stage's concept of 'respectability' had connotations over and beyond a segregation from the standards and taint of the working-classes. It also involved keeping itself separate from the equally offensive taint of politics. An intriguing letter dated July 9th 1845 from Thomas Hollingsworth, an actor at the Theatre Royal Covent Garden, to Richard Cobden of the Anti-Corn Law League, shows

that this concept was shared by fashionable audiences of the first half of the 19th century. The recipient of the letter was berated for holding meetings at the theatre and asked to consider:

the irreparable injury you have done to a whole community by the holding - if not your midnight orgies - your Monster - meetings at the Theatre Royal, Covent Garden. Her Most Gracious Majesty will not enter its doors - no, not even to patronise Foreign Talent - what have the English Actors to expect? The only National Theatre that was left for the National Drama, is now discarded by Royalty, because the League's meetings have contaminated the building, made the scenes advocates of the cause, and the fittings-up and properties participators in the agitation.²¹⁴

The new watchword for the religious lobby became 'morality', a term almost synonymous with 'respectability', which Non-Conformity still held to signify being untainted by things worldly – a concept used to keep the less fashion-conscious middle-classes to heel. This new banner enabled the High Church, the Low Church and Dissent to combine their efforts in a common cause. But the Church was fast becoming the butt of lower-class humour. In this respect it was moving along a parallel path to opera and the regular drama which were also often derided from the stages of Music Halls.

In some respects the legitimate theatre had no reason to be bothered by this situation and theatre managers were often content to leave the Music Halls to their own devices.²¹⁵ Ridicule merely stressed the class difference between drama and music hall, reinforcing the perceived superiority of the former over the latter and crystallising the class structure of theatre upon which the fashionable, society theatre-managers were capitalising. Nevertheless, as the Major Theatres had persecuted Minor Theatres for infringements of the 1737 Licensing Act, the erstwhile Minor theatres now kept a wary eye on the Music Halls and often used the services of informers to gather evidence to prosecute them for infringements of the terms of the 1843 Theatres Act. In many respects they had cause to be concerned.

Between 1818 and 1843 no new theatres had been built in London²¹⁶, yet, starting with the appearance of the Canterbury Hall in 1852, forty-one London Music Halls were opened during the next fourteen years. These Music Halls could accommodate 179,300 patrons, thrice the 55,787 of the metropolitan theatres.²¹⁷ Author and theatre-manager Dion Boucicault was not overly concerned by this competition. He told the 1866 Select Committee on Theatrical Licenses and Regulations that it worked in favour of the theatres as his research showed that the Gallery and Pit audience had been recruited from the Music

Halls²¹⁸. This must be looked at carefully. He was locating a specific category of working-class patrons who had originally gone to the public houses alone but had graduated to the Music Hall, often under pressure from their wives who wanted to accompany their husbands in their leisure hours and who now looked for something a little more intellectual than their husbands had hitherto been used to²¹⁹. What he wrongly inferred was that this audience now patronised the theatre exclusively.

It is more probable that he was talking about the section of the theatre audience that Frederick Stanley, the Solicitor who worked for the Music Hall Proprietors' Protection Association, and the Hon. S.C.B. Ponsonby of the Lord Chamberlain's Office located as frequenting the Galleries and Pits of the theatre as well as the Music Hall²²⁰. Witnesses with a greater awareness of the economics of theatre, like Webster, the Lessee of the Adelphi Theatre, disagreed²²¹. Buckstone, the Proprietor of the Haymarket Theatre, and Lee, the Manager of the City of London Theatre²²², were quite sure that the reverse was the case and that audiences at the Music Halls were at the expense of the Pits and Galleries of theatres.

There are two important issues to consider here which triggered a confrontation between the Theatre Managers and those of the Music Halls. The first was the relative sophistication of the entertainments at the Music Halls: the Alhambra presented ballets that rivalled those at the opera and even gave the British premiere of Offenbach's *La Belle Hélène*²²³. The Oxford also beat the opera houses by giving the first British performances of a number of successful foreign operas²²⁴. This new sophistication was reflected by the physical ambience created by the decor and fittings of the new Music Halls which rivalled the best of the theatres. Theatre and Music Hall architecture as a specialised art had come into being. In contrast to the elegance of the neo-classical theatres built by architects like C.J.Phipps rose the eccentric Baroque, Oriental, Gothic, Flemish, Middle Eastern or in the case of the London Coliseum, Romanesque extravaganzas of the great Music Halls of Frank Matcham and the like²²⁵.

The second issue was the discrimination in favour of Music Halls on the part of many magistrates and JPs. Although provincial Liberal magistrates often relied upon the "Chapel vote" and to protect their political interests would oppose applications for music or theatre licences in areas like Bolton in the 1850s where the forces of Dissent were particularly hostile to places of entertainment²²⁶, this was not a general picture. Bailey's assertion that the attitudes of the magistracy were probably more repressive

than benevolent²²⁷ does not hold up when one examines the meteoric rise of Music Hall which, to use his own words, “dominated popular recreations in the second half of the nineteenth century”²²⁸. In London and many other cities and large towns, places of entertainment were seen as an antidote to crime. Henry Pownall, the Chairman of the Middlesex Bench of Magistrates, told the 1866 Select Committee on Theatrical Licences that places of entertainment drew those prone to disorder from the streets and “concentrated” them and that consequently there had been a great improvement in the state of the streets at night²²⁹. Richard Reason, an inspector in the London Police Force, made a similar claim for the Penny Gaffs which, he said, kept young criminals from picking people’s pockets²³⁰.

Sir Thomas Henry, the Chief Magistrate of Bow St. Police Court was slightly less cynical and perceived Music Halls to be a far superior alternative to Public House entertainment²³¹. His attitude was essentially realistic. He appreciated that the Music Halls had such a following by 1866 that it would have been impossible to suppress it so the only way forward was to direct it²³². Others were far more positive in their appraisal of the benefits of Music Halls. George Chapple Norton, a magistrate at Lambeth Police Court, bore witness to the homely spectacle presented at the Canterbury Hall by the “artizans, and I am happy to say very much with their wives and children ... also enjoying the performance”²³³. Norton was so impressed by the behaviour at the Music Halls that he wanted the restrictions on dramatic entertainments removed so that the taste of the audiences could be further refined²³⁴. Frederick Tomlins, the editor of *The Weekly Times* and a contributor to some of the daily papers, who had followed the fortunes of theatre and Music Hall for some 40, years was even more fulsome in his appreciation of the social benefits of Music Halls although, unlike the legislature, he saw them as following the taste of the populace rather than leading it:

I consider the effect of the music halls most beneficial ... and so important that I hope the Legislature will do everything they can to improve and by no means curtail their operations; they are sure to go on in an intellectual direction, and to follow the better taste and improved education of the people.²³⁵

He also saw great social benefit in the institution:

you see artisans and small shopkeepers, with their wives and families it is quite a godsend to the wife and family to get out of their dull homes the publicity and elegance of the halls do much good to the manners of the people; and the mixing together in public, in my opinion, does much more towards civilising the people than anything else.²³⁶

In addition, the fact that a petition signed by 24 noted dramatic authors had been presented to Parliament asking for the passing of legislation which would enable them to write for the Halls²³⁷, coupled with the fact that actors themselves were gravitating towards the Halls where they could expect a far higher remuneration²³⁸, put the forces of the legitimate theatre firmly on the defensive. The government was disinclined to interfere and the Report of the Select Committee of 1866 which advocated an extension of the restricted licence under which Music Halls operated was largely ignored, leaving the two highly successful, socially important agencies of popular entertainment, theatre and Music Hall, to find their own ways forward. This they did by gradually growing more like each other. Meanwhile, the Church, which saw itself as an imperilled institution, battled on alone.

For the religious lobby, the opposition created by the Music Halls was very damaging. Over the sixty-three years between the 1851 Religious Census and the outbreak of World War One a number of ploys were used by the Church to attack the entertainment scene and in particular the Music Halls. Firstly, religion tried more overtly than before to play the stage at its own game and offered counter attractions to the working population. Obelkevich, who carried out a detailed study of religion in a rural Lincolnshire society, found that in Methodism, by 1875, “evangelism yielded to entertainment”²³⁹. The same was true for urban life. There was a “self-conscious shift of emphasis towards the range of recreational clubs and societies ... the football clubs, PSAs, Bands of Hope, Boys’ Brigades”²⁴⁰. Jeffrey Cox who conducted an exhaustive study of religious life in Lambeth from 1870 to 1930 found that in the year 1899-1900, in Lambeth alone, there was a total of 193 organisations under such headings as mothers’ meetings, young men’s clubs, literary societies, debating societies, girls’ or young women’s clubs, women’s clubs (excluding mothers’ meetings), men’s clubs, gymnasium or recreational classes, uniformed organisations such as Church Lads’ Brigades, and sports clubs²⁴¹. Although, strictly speaking, the date of this observation falls outside the parameters of this thesis it is important that it be taken into account. Cox is recording the results of a trend which had its roots in the findings of the Religious Census of 1851, developed in the minds of the various religious agencies and became sufficiently manifest by 1870 to actually be recorded. These organisations, an important part of working-class social life, were born out of the struggle between Church and Theatre in the second half of the 19th century. What Cox saw in 1900 was the result of work done from the 1860s onwards. He

also identified a second tactic of 13 church venues being used for regular (weekly or monthly) concerts or public entertainments²⁴², but the reverse of this tactic was also employed through:

the holding of services in secular settings such as theatres; Anglo-Catholic parish and city missions and the work of slum-ritualist clergy in their semi-monastic clergy communities in notoriously poor parishes, the creation of the Salvation Army and ... the Church Army ... the emergence of Central Halls ...(and) popular services with choirs and a setting which sought to borrow from the ethos of the theatre and avoid that of the conventional church.²⁴³

The forces of religion were obviously quite desperately trying the 'if you can't beat them, join them' game by turning missions into temporary theatres and sometimes moving into the theatres themselves for religious observances.

Thirdly, as has already been shown, both Church and Chapel often hid themselves behind the facades of secular pressure groups, from which position they guided the groups' crusades (which sometimes had rather dubious motives) against real or supposed abuses of the working class. One of the most successful of these pressure groups was the National Vigilance Association. Religion, in all its denominational guises, was quick to home in on this movement. Of a total committee of 35, 27 were men of whom at least eight were high-ranking in church or chapel²⁴⁴. At its inaugural meeting two government figures laid down the principles of the Association. The first resolution which was moved by Mr. Stansfield M. P. was succinct: "this Conference recommends the formation of a National Vigilance Association of men and women for the enforcement and improvement of the laws for the repression of criminal vice and public immorality".²⁴⁵ The second resolution, moved by Lord Lymington, proposed a network of local Vigilance Committees, each affiliated to the National Committee, which should co-operate for the protection of women, minors and children²⁴⁶. He cleverly dodged the issue of responsibility by proposing that these local Committees co-operate with the newly formed local authorities. The Bishop of Bedford put forward a resolution which highlighted "the responsibility of mistresses and employers of labour for the protection of young girls in their employment ... (and) the need of associated effort on the part of women, both in the interest of their own sex, and in the cause of public morality".²⁴⁷ This was followed by a resolution put forward by the Rev. Hugh Price which said, "in view of the overcrowded condition of the female labour market, the Conference expresses a strong opinion in favour of ...equalising as far as possible the disproportion of

the sexes at home and in the colonies by well-directed emigration".²⁴⁸ This is not the place to go into the highly contentious subtext implied by this quotation, but the repressive ethos is obvious.

Few things could have been more of an anathema to this Association than the sight of a successful Music Hall. However, the role of paid agitator or informer that had been used from the mid-eighteenth century to block the provision of entertainment on behalf of financially interested parties, such as commercial competitors, which had fallen into disrepute was now given a new lease of life.²⁴⁹ The reform of the ancient municipal corporations and the creation of new local authorities between 1888 and 1891, however, made this mode of action more effective and immediate. The potentials of the local government reforms were eagerly seized upon by middle class agitators, amongst whom were the members of the Literature Sub-Committee of the National Vigilance Association. They revelled in "the splendid weapon afforded us by our ability to oppose the renewal of the licence of those music halls where the performances were of an indecent or objectionable character."²⁵⁰ It appears that on all but one occasion when this weapon was used by the Association they managed to stop the renewal of a licence to a Music Hall that was considered to have offended the sub-committee's sensibilities²⁵¹.

A fourth ploy to destroy popular entertainments was where key figures of the various religious denominations colluded with their sworn enemies (in confessional terms) if they thought that a combined attack could help to eliminate working-class theatre. An example of such an unholy, holy alliance was the combining of the forces of Archbishop Tait of Canterbury and General Booth and his Salvation Army which was documented by Stewart Headlam. These two forces conspired together to enable the ostensibly hated Booth to purchase the Grecian Theatre in City Road in London when it was going through a difficult financial patch so it could be turned into a Salvationist Temple.

Section xi: Stewart Headlam and the Christian Socialists.

Stewart Headlam, a Christian Socialist, worked for the stage to be recognised as a respectable profession. The Christian Socialists were a group of well-intentioned clergy within the Established Church who actually accomplished very little because, although appreciating the very real privations of the poor, they strove not so much to promote political intervention to ease the plight of the poorest

sections of society, but urged them to help themselves as much as possible within the class structure and in practice worked to get the poor to accept hardship. What Headlam did achieve, however, was to make the Church more guarded in its censure. This can be seen from the first draft of a letter from Archbishop Tate to Headlam in 1882 on the subject of the purchasing of the Grecian Theatre (the words in capitals were written but then crossed out and replaced by Tait):

My Dear Mr. Headlam,

I have not had time, till now, to reply to the letter I received from you a few days ago, enclosing a copy of the resolution passed by the Council of the Church and Stage Guild. [ON THE SUBJECT OF THE AQUISITION OF THE EAGLE TAVERN GRECIAN THEATRE] With reference to a recent correspondence between Mr. Booth of the Salvation Army and myself. I would merely point out to you in reply that I expressed in my letter no opinion as to the [CHARACTER] precise nature of the entertainments given in the Grecian Theatre, or the characters who perform there. I am glad to [LEARN FROM] see the favourable judgement which has been formed of them by those on behalf of whom you write.

I do not however, understand you [TO DENY] affirm that the whole premises in question, and the dancing [SALOONS, HAVE LONG BEEN THE RESORT OF PERSONS] Saloons, are or have been a harmless and healthy place of amusement; or that it is undeniable that they should become, under whatever management, a centre of Christian life and work.²⁵²

Here, Tait neatly attributed his own criticism of the theatre to Headlam by means of a few judiciously altered phrases that altered the whole tenor of the letter. This was a carefully contrived attempt to discredit Headlam for his ceaseless campaigning on behalf of the rank and file performers of the day. In his lecture, "Theatres and Music Halls", which was given on October 7th 1877, Headlam described dancing as "an art which you should get all your children taught"²⁵³ reasoning that it would be more beneficial than "the military drill which they are now taught"²⁵⁴. He also said he felt sorry for "anyone who thinks that short skirts or trunk-hose are indecent"²⁵⁵. As these were the very theatrical costumes the National Vigilance Society had campaigned against so vehemently, this caused a predictable furore.

Headlam was no stranger to confrontation or controversy. In 'Theatres and Music Halls' he quoted John Bunyan's *Pilgrim's Progress* which expressed regret at "the young woman whose name was Dull", and said that all such women should be sent to the Music Hall to see "young women who are so full of life and mirth"²⁵⁶. He condemned the "gloomy religious people" within his own Church for making a "sweeping condemnation of a place"²⁵⁷. This seemed to infer Non-Conformist superiority and the Lord Bishop of London wrote to say that he had read Headlam's lecture and accompanying letter of explanation "with great pain"²⁵⁸. Headlam's professed "deep respect for all those whose work it is to minister to our amusements"²⁵⁹, and his opinion that "Theatre going ... has a really brightening

effect on those that go"²⁶⁰, led Jackson to write that he felt it was "vain to argue with one who prefers so hesitatingly his own judgement backed by the approval of actors and proprietors of Music Halls to that of his Incumbent and his Bishop"²⁶¹.

As the Church was struggling to consolidate its position vis-à-vis the upper strata of society, as well as attempting to bring the masses to heel, Headlam's vitriolic condemnation of the leisured classes "who consume without producing," who created the low reputation of places of entertainment because they frequented them for the purposes of easy sexual gratification²⁶², when coupled with his appreciation of the masses who "work much better and much harder if they can get ... the recreation which they want"²⁶³, forced the Bishop of London to "ask pardon of our great Master if I erred, as I fear I did, in admitting you to the Ministry"²⁶⁴.

Headlam was nevertheless a determined pioneer. He countered his Bishop's attack by publishing in *The Era* the full text of both his lecture and of the subsequent correspondence between Jackson and himself. Nothing could have been more calculated to fuel the controversy: the power and position-conscious upper echelons of the Established Church were clearly those who most came under fire. Yet Headlam was no lone voice. The mother of an actress wrote to Headlam:

The Church has been such a cruel antagonist to the stage, that a kind word from one of her sons will be doubly welcome to the histrionic profession. The Green Room however has its own little jokes at the expense of the clericals, and if given fair play would hold its own with the pulpit. In my poor opinion they are both human necessities and should be friends, not enemies in the cause of truth and beauty.²⁶⁵

A particularly radical "London Vicar" (who was allowed to remain anonymous) was more direct in his condemnation of the classes that had hitherto ruled the Church of England:

if they still stand out for all the old privileges of wealth, position, and culture, they will have to be over-ridden in ecclesiastical, as in temporal politics, and the sooner they know there is a whole School ... of clergy coming up, who are neither uncultured nor deficient in sympathy with the ideas and the better aims of the wealthy and refined but they are determined to destroy, one way or another, the air of private property in the Church, which these classes are apt to adopt, and to compel them to share their religious blessings with the poor.²⁶⁶

This correspondent, obviously a member of Headlam's socialist Guild of St Matthew, was using the theatre controversy to promote the political philosophy on land-ownership of the emerging socialist

movement. Although purporting to support the stand that Headlam was making, the anonymous reverend gentleman was nevertheless dismayed by the “sickening and demoralising vulgarity”²⁶⁷ of the labouring classes. His letter highlighted an antagonism towards theatre, and a cynicism regarding the possibility of “civilising” the masses, that still existed even within the ranks of the most free-thinking clergy whose ostensible primary concern was to elevate the labouring classes to the rank of the respectable poor by changing their behaviour rather than ameliorating their social conditions. He revealed the despondency with which the religious institutions tried to accommodate governmental expectations in an increasingly secular society:

I know not how reasonable people can expect us to make much direct impression of a spiritual sort, on the population which is capable of bawling "Whoa Emma!" about the streets, day and nights for months, with inexhaustible delight in its monotonous and unredeemed imbecility. For myself, I own I always feel a certain scruple in taking the same people off the pavements and trying to make them sing (a hymn) I confess that if I am to choose between hearing East-End louts and hoydens, making night hideous on their way home from Treats, in vans and excursion trains by bawling 'Whoa Emma!' or bawling 'Safe in the arms of Jesus', then I must vote for 'Whoa Emma!'.²⁶⁸

Furthermore, he exposed the low opinion of the masses held even by socialist sympathisers within the church and their *modus operandi* for infiltrating theatre in the quest for church domination:

It is a question of indirect attempts to Christianise by slowly civilising and refining their amusements. And this you cannot do without in some degree sharing their amusements and contributing as much as they will let you, and you can bear, of a better sort.²⁶⁹

Anti-theatrical crusading was now being directed away from the audiences and onto the actors themselves. In 1874, the Bishop of Manchester called for the “improvement” of theatrical productions and followed this with a Church Mission to the acting profession, urging actors and actresses to purify the stage²⁷⁰. In the same year a Dramatic Reform Association was formed which numbered many younger progressive clergymen amongst its ranks²⁷¹ who endeavoured to persuade the acting profession to bring their work more in line with the tender consciences of their parishioners in order that it might be accepted as respectable. Then, in 1879, Headlam, whose extrusion from parochial ministry at St Matthew’s Church in Bethnal Green was followed by a failure to secure any further parochial office, formed his own Church and Stage Guild which sought to put working-class theatre on a par, vis-à-vis respectability, with the theatre of fashionable society.

Section xii: The Religious Influence in Local Authorities.

But the influence of these various church initiatives was in the longer term negligible: they stirred the water but did not make it flow in the required direction. What then was the end result of the Church and Chapel persecution of the theatre? Indirectly through movements such as the National Vigilance Association it did act as a brake upon the more overtly sexual stage presentations, but theatre was a resilient institution. In practice it survived the knocks of the religious bodies and instead increased in importance from a social perspective. A more apposite question would be what effect did theatre have on religion?

A far more dangerous adversary as far as lower class theatre and entertainment was concerned would seem to have been the coming of age of middle class consciousness and solidarity. Middle class moral superiority was confirmed by the Bishop of Winchester in his assessment of the era which spawned the National Vigilance Association:

we find the forces of law and government, which should be "ministers for good", paralysed, or almost contributory. Out of date statutes, under which it was impossible to "get a conviction"; magistrates and courts averse to be troubled with such matters; police taking tune and cue accordingly; and bitter prejudice and suspicion about anyone who ventured to meddle by private initiative.²⁷²

This appraisal of the climate of opinion in the 1860s presages the direct action that the middle classes were to take, when they were finally almost totally emancipated by the Local Government Act, 1888 (51 & 52 Vic.c.41). The tightening of the ensuing middle class grip on the fabric of society was a natural progression which began with the passing of the Municipal Corporations Act of 1835 and its Amendments Act of 1837.

These enactments were instigated to help cope with the problem caused by, firstly, the rapidly increasing, unruly, volatile, mobile working-classes in the new industrial towns; and secondly, the political agitation that the Tory-Anglican traditional governing hierarchy was experiencing from the new urban elite who were often Dissenting Whig-Radicals who objected to the self-election through co-option and the not-infrequent religious "tests" that the old municipal corporations adopted before 1836 to ensure that suitable leading citizens had access to the corporations.

Not only did these two Acts of the 1830s sweep away the 178 old corporations still operating under medieval and Tudor charters and replace them by 178 elected town councils with household suffrage and a three year residency and rate-paying franchise, they also provided the means by which other, unincorporated, towns could petition the Crown for a Charter of Incorporation which, if granted, would confer similar benefits on the new boroughs. Within twenty years, twenty-two large towns, eighteen of which were new industrial centres in the north and midlands, had gained chartered Municipal Corporation status under the new provisions²⁷³.

It was to be expected that these new democratic bodies, wherein politically guided Non-Conformity (typically Unitarian and Baptist at first, but increasingly of the Methodist tradition) was often dominant, would immediately take on the forces of entertainment and instigate a purge against theatrical licentiousness. This did not, however, take place and the members of the 1866 House of Commons Select Committee took particular note of the lack of local legislation to control Theatre and Music Hall in the provinces. The new, rapidly expanding, towns were of course free from many of the restrictions that faced theatre managers within twenty miles of the metropolis where licensing remained very strict²⁷⁴. In the context of this study this difference is highly important. Why did the newly emerging powerful middle classes not attack theatre more rigorously?

One of the reasons was that it took the reformed corporations some time to establish themselves and to win all the legal authority and assets from the old corporations. Leicester, for example, was in the courts for 13 years before the claims of the former regime and its staff to own all the property of the old, pre-reform Town Council were settled. The new incorporations had to develop their own social authority by involving the leading citizens in the community before they could become the political expression of the urban elite. In some areas this was not an automatic occurrence. Birmingham had to promote municipal service as being a religious imperative during the 1860s and 1870s to coerce the right people onto the council, while in Sheffield and Cardiff the intellectual and propertied classes within the towns shunned the inefficient, ineffective lower-middle-class dominated councils until roused by political imperatives to contest the seats²⁷⁵.

A second reason was that even when safely ensconced in municipal office a link had to be forged between the elected and the electorate if the council was not to fall prey to the criticism that had fallen upon the old privileged incorporations. A heavy-handed approach to the entertainment of the people, even under religious pressure, would not always have been a wise course of action. Much more sensible was the course more generally adopted, characterised by Meller as sanitation first and civilisation second²⁷⁶. The thinking was presumably that once the “respectable artisans” had been won over by the obvious benefits of an improved environment and their pride kindled in the soaring municipal edifices of the new towns, which were highly charged symbols of reform in their own right, the social habits of at least the respectable part of the working class would become more easy to control. Consequently, in many provincial towns and cities, anti-theatrical restrictions had to wait until the second phase of municipal reform. Yet even then there was almost a ‘phoney war’. By this time the local theatre would have become for many, especially the grandees of the larger towns, a symbol of civic pride and might therefore almost automatically escape the censure that was heaped on Music Hall and public-house entertainments. However, this was only part of the picture and overall the claimed middle-class antagonism towards popular entertainment has been much exaggerated. What has been accepted as middle-class hostility was in fact religious pressure working through class prejudice and it was focussed strongly on one section of the population.

The 1888 Act creating elected County Councils (including of course a London County Council) sought to remedy another tangle of overlapping areas, authorities and jurisdictions with one piece of all-inclusive legislation. This extended the obvious benefits of democratic and decentralised authority to most of the rest of the country in place of ad hoc arrangements. For example the Metropolitan Board of Works was superseded by the London County Council itself. From this period onwards, by analysing the very limited effects it had upon the entertainment scene in London in the last decade of the nineteenth century and the subsequent Edwardian period, one can see how effete was the final fling of the Legislature and Church against the twin institutions of Theatre and Music Hall in Britain before the ravages of the First World War were to totally change them as signifying practices for society.

From the carefully documented information on the London entertainment scene in Diana Howard’s *London Theatres and Music Halls 1850-1950* a clear picture of the persecution of lower-class public

house theatre in the late Victorian and Edwardian periods emerges. In 1878, Parliament had passed the Metropolitan Management and Building Acts Amendment Act (41 & 42 Vic.c.32). This laid down minimum conditions regarding structure and fire safety for those places of public entertainment that were over a basic minimum size and, hence, capacity. Although this purported to be for the protection of the classes who patronised the venues, most of which were public houses, it could perhaps equally be regarded as a mechanism to safeguard the propertied classes whose financial interests, and indeed actual property, could suffer from being in the proximity of buildings which suffered structural or fire damage. There was little in the legislation that was new.

This enactment was really no more than a delegation of authority whereby the onus of accountability was passed from the Lord Chamberlain, who had previously investigated the safety aspects of the architectural specifications of establishments seeking licences, to the fledgling Metropolitan Board of Works which had only been in existence since 1855. As this new Board of Works was actually in control of the newly established Fire Brigade²⁷⁷ it seemed sensible to Parliament that matters concerning fire hazard should come under its aegis. Nevertheless, in the face of the 1878 Metropolitan Management and Building Acts Amendment Act, a number of minor Music Halls and Music Saloons did not even try to re-apply for licences under the new safety standards but this could have been because other more popular and larger establishments were taking their audiences.

Very soon after the inception in 1889 of the London County Council, a further 81 centres of entertainment, almost all of which were public houses, were forced to close down for not fulfilling the terms of the by then 11 year old 1878 Act. At first sight this would seem to indicate that the old Metropolitan Board of Works had been remiss in its duty by not applying the safety regulations properly but I suggest this was not necessarily the case. A tell-tale indication recorded by Diana Howard in relation to her entry no.247 (the Durant Arms Public House in Bethnal Green) strongly suggests that the new London County Council was being quite draconian in its administration of the law: although the Music Room above the bar was below the limits laid down in the 1878 Act, and hence not subject to licensing at all, the terms of the Act were nevertheless invoked to close it down²⁷⁸. A close inspection of the details of the 81 premises closed under the London County Council axe in 1889 reveals that the Durant Arms was by no means an isolated case. It was not the 1878 legislation

that caused the closure of so many places of entertainment as theatre historians, Mander and Mitchenson suggest²⁷⁹: it seems to have been much more a case of an established Act being hijacked by the forces of religion working within the middle-class interest through the new London County council to suppress unsupervised centres of working-class combination.

Some of the licensees ultimately affected obviously sought in 1889 to disguise the capacity of their houses.²⁸⁰ Nevertheless, at the most conservative estimate, space for 15,080 persons per night was removed from the working class entertainment scene. However, it would be easy to read too much into this manifestation of middle-class censure and accept these events as typical of a general antagonism towards Theatre and Music Hall. On the contrary, the last quarter of the nineteenth century is replete with examples of successful theatre ventures that appealed directly to the middle-classes. For example, Gilbert and Sullivan successfully introduced a satirical genre of operetta that appealed to the middle-class audience which Victorian ladies felt they could not only attend but attend unescorted²⁸¹. From the outset, Gilbert and Sullivan's self imposed brief was, "to do all in our power to wipe out the grosser element, never to let an offending word escape our characters, and never to allow a man to appear as a woman or vice versa"²⁸².

They did not always adhere to this principle: a man dresses as a woman in *Princess Ida*, for example, though the widespread cross-dressing that occurred in pantomime was rejected. Nevertheless, I suggest that the true appeal of Gilbert and Sullivan lay not just in the faultless reputation they insisted upon on both sides of the curtain, but even more in the lampooning by Gilbert of the upper classes (over whom the middle classes most definitely felt superior) coupled with an almost irreverent pastiche by Sullivan of many classical composers. The desire by D'Oyly Carte to build the Royal English Opera House (now the Palace theatre), which opened in 1891 with a performance of Sullivan's serious opera, *Ivanhoe*, is a clear indication of the middle-class interest in theatre.

Entrepreneurs like Oswald Stoll were similarly obviously targeting the middle-class audience when, at the turn of the century, they opened prestigious and sumptuous Music Halls such as the London Coliseum (now the home of English National Opera):

the Coliseum is the only theatre in Europe which provides lifts to take the audience to the upper parts of the building. From the Grand Salon ladies pass through two draped archways into the Ladies' Boudoir, which is beautifully fitted...Large handsomely draped openings divide the Grand Salon from the Grand Staircase. From the ground floor...the marble staircase is continued down to the large Baronial Smoking Hall...There are spacious tea rooms in every tier - the Terrace Tea Room, Grand Tier Tea Room and Balcony Tea Room. Dainty Snacks at moderate charges can be obtained all day...Physicians and others expecting urgent telephone calls or telegrams should leave a notification of the number of the seat they are occupying. If a message comes they will be instantly informed.²⁸³

This is not to say that there was any reconciliation between the middle and working classes. The people's champion, Marie Lloyd, never appeared at the Coliseum as Stoll thought she would lower the tone of the establishment²⁸⁴.

Even more instrumental in raising the prestige and perceived respectability of the histrionic profession, and the final nail in the coffin of the 19th century agencies that attempted to restrict theatre, was the knighting of Henry Irving in 1895 which removed any stigma from the attendance at the legitimate theatre by those who felt that a lapse of seriousness could be construed if they were to patronise the Music Halls. Of course in small towns the theatre could still be viewed with suspicion by those whose job it was to administer to the needs of the populace and whose reputation relied upon the industry of their charges. For example Luton gained its Grand Theatre in 1898, its opening being attended by the cream of town and "country" society which was detailed with much pride in a local newspaper:

The numerous company assembled included magistrates, town councillors, county councillors, from the neighbouring borough of St Albans, solicitors, magistrates' clerks, members of the medical profession, a Church of England curate, and plait merchants and straw hat manufacturers too numerous to mention, ladies in equal numbers being present²⁸⁵.

Lillie Langtry was invited down to formally open the house and delighted the crowd with her clarion address from the stage which was carefully worded to appeal to civic pride:

In this important town of Luton, of over forty thousand inhabitants, the opening of a theatre is of special interest, more particularly as I understand this is not merely the largest town in Bedfordshire, but the only one that possesses such an advantage - (applause)...this theatre has been placed at the disposal of the inhabitants for their instruction and recreation, and I can only hope that the companies visiting it will produce such plays as will silence and remove any prejudices that may have existed against its erection - (loud applause)...the architect has designed...a theatre of which all Bedfordshire may well feel proud.²⁸⁶

The local press was also fulsome in its praise of the theatre using similar terms of reference to those employed so cleverly by Langtry:

The building is a magnificent one in every respect, and one scarcely knows which to admire the more, the beauty of the decorations or the substantial character of the structure itself. The theatre must certainly rank as the handsomest of our public buildings.²⁸⁷

The original licence for the theatre had been obtained the January prior to the December opening and the management had obviously played safe with the first production which was *The Sign Of The Cross*: by today's standards a dreadfully sentimental religious drama. The play was a very popular, well-known, piece of its time and the fact that it drew capacity crowds for the entire week of its run must have pleased the Town Council and re-assured them that they had done the right thing although the play's popularity could have been due as much to the notoriety of the orgy scene in its second act as to the religious proselytism of its plot.

Nevertheless, the local newspapers were almost immediately full of a new unexpected controversy. When the original licence for the theatre had been granted, many within the town council were unaware that obtaining a theatre licence meant that a liquor licence was then automatically granted by the Customs and Excise which was responsible for licensing drinking establishments mainly because of the taxation aspects of selling alcohol. The shamefaced Temperance supporters among the Borough Council were then harassed long and loud by the Rev. J. Leach of the Mount Tabor Primitive Methodist Chapel who called the theatre "Luton's new public house"²⁸⁸. Luton was a natural focus in the region for the Temperance movement as the town was notorious for having a very large number of public houses. The Rev. Leach published the fact that as a young man of 20 he had once been tempted to go to the theatre. However, the Doomsday overtones of his reading of the notice, 'Entrance to the Pit', had, he claimed, made him turn back and, he said, he had never been tempted since.²⁸⁹ One has to ask if Leach was simply jumping on the Temperance bandwagon in order to unleash anti-theatrical propaganda for other purposes. For all the Rev. Leach's protestations about divine warnings and the evils of drink, his parting shot in one particularly lengthy letter to the *Luton Reporter* allowed another agenda to his anti-theatre argument to surface momentarily. After mockingly pointing out that several councillors who were lay preachers were not being allowed to preach in local chapels because as they were landlords of nearby public houses they were deemed unsuitable, he attempted to widen the

compass of his claims of their unsuitability to include not only the pulpit but also the mantle of local office by warning, "If the Liberal Party cannot support Temperance interests, let them perish as such and be known by their proper name - Tory."²⁹⁰

Faced with a mounting campaign there was a danger that the theatre licence would not be renewed when the regular application came before the Luton Town Council on Jan.3rd 1899. The heated, protracted debate was printed verbatim in the local papers²⁹¹ but in the end it was decided that there was no alternative but to allow the theatre, which had opened with such local pomp a few weeks previously, to continue. Needless to say once the theatre had secured the backing of the Council and had been supported by numerous letters to the press, some topical gags were quickly inserted into the theatre's first pantomime, *Red Riding Hood*. The controversy did not die away easily, as the local paper recorded:

"The play's the thing!" It certainly is the thing just now in Luton, but the question exercising the minds of a great many individuals is as to whether it is a thing to be shunned or a thing to be welcomed and patronised. According to some, the theatre is all that is bad, whilst in the opinion of others it takes rank with the churches and chapels as an agency for the inculcation of religious and moral principles. Between the fulminations of the one party, and the high-pitched eulogisms of the other, the claims of the theatre as a place of amusement and intellectual recreation seem to be overlooked.²⁹²

The purge against the relatively small public-house theatre music-rooms conducted by the new London County Council in the late 1880s was an ineffectual move when measured against the proliferation of theatres and music halls. Glasstone documents that by the 1890s "Theatre life in London was not all West End. Every borough, every High Street had by this time one, two or more theatres and music halls"²⁹³. And this was just the metropolis. Theatres and music halls were opening in large towns up and down the country and the piers, pavilions and Kursaals of the new leisure and pleasure orientated holiday resorts nearly all made provision for theatre or music hall²⁹⁴. Nor, looking to the future, was the situation to change.

Section xiii: Looking towards the future.

Earlier in this study I eschewed the popular concept of theatre as having gone through a process of conscious development, a point to which I shall return in my conclusion, but that does not mean that

theatre has not progressed through time as a continuum of ever increasing complexity. In order to see the direction of the continuum, analyse its internal momentum, and determine the effect of the forces that have acted upon it at any one time, I feel it is important to sometimes look beyond the time-period parameters set for the focus of the study to see firstly where the phenomenon being studied came from and also where it went. The early origins of theatre I discussed in the Introduction to this research; now I feel it is important to look at a few key moments which took place after the late 1880s to see how some of the initiatives set into place during the period of my study fared with time.

Those who conducted and those who had to live through the two world wars that lurked in the gathering clouds of the future recognised Theatre and Music Hall to be an invaluable means of contact with each other. During World War One, Theatre and Music Hall were seen by the governing classes as potent instruments of propaganda and recruitment but it was not entirely a one way process: the governed classes clamoured for patriotic and sentimental entertainment to help them make sense of the ever more obvious carnage. For the more politically aware audiences of World War Two the element of propaganda was still there, although it was less an exploitation of audiences than a universally acknowledged mechanism to keep up morale and bind the country together during the conflict.

With the cessation of hostilities the institution of theatre rose even higher as a social priority and emerged from the conflict virtually impregnable. From this period onwards the days of the ultimate sanction of censorship which was exercised by the Lord Chamberlain to protect the interests of the ruling classes and maintain the moral fibre of the nation were numbered.

Private Theatre Clubs grew up which were outside the Lord Chamberlain's jurisdiction. Even in the public provincial theatres subterfuges took place which made a mockery of the existing legislation. A prime but by no means isolated example was the case of Peaches Page, an ex-Windmill Theatre performer, whose career at that London theatre had come to an abrupt end when she had involuntarily recoiled from a mouse running across the stage in front of her whilst she posed nude in one of the 'artistic poses-plastiques' for which that theatre had become famous in the 1930s and 1940s. In moving, albeit involuntarily, she had broken that Lord Chamberlain's regulation which stated that artistes could only appear nude as long as they were motionless. The case was much reported in the

press and audiences up and down the country were soon much amused by the inherent lampooning of authority inherent in the bizarre spectacle of Peaches Page being pushed naked on a bicycle from one side of the stage to the other, which as far as her own bodily movement was concerned fulfilled the letter if not the spirit of the regulation that she had previously broken.

The battle for supremacy between the Church and the Stage had long been won. The predominantly secular society which emerged after the two world wars was so much a challenge for the forces of religion that far from trying to combat theatre the church actually vigorously embraced the vogue for theatre to try to entice congregations to their churches and an enormous number of amateur, church-affiliated drama groups arose throughout the country. Many years earlier during the Victorian period the most celebrated performers had already reached almost iconic status and religious imagery had long been adopted by the theatrical profession to the point that it was almost displacing and replacing religious iconology in the consciousness of many. Theatres were known as “temples” and “shrines” of the muses, actors and actresses were “gods” and “goddesses”. Celebrities like Joe Grimaldi and Marie Lloyd were as iconic for the poorer classes as Garrick had been and as Irving was for those higher up the social scale. And this was not just a lower or middle-class phenomenon. A night at the opera in the presence of Royalty was at times an event that had all the trappings of an ecstatic experience:

On the entrance of the Queen the expression of enthusiasm was electrical. The whole audience rose to its feet and one deep loud burst of congratulatory applause burst forth from the vast concourse of human beings. Hats and handkerchiefs were waved. Many ladies sobbed aloud. During this demonstration the Queen stood at the front of her box and curtsied repeatedly, while Prince Albert bowed in reply to the deafening congratulations. (Then followed the National Anthem) At the words “Scatter her enemies”, in particular, the most deafening acclamation arose, and one cheer more was raised when Her Majesty resumed her seat in the corner of the box.²⁹⁵

Despite the oppression which stemmed from late 19th century local restrictive legislation, from religious bigotry, and from middle-class opposition, theatre in one or more of its many guises, in both the larger and the smaller communities, provided a focus for national and local social life and managed to ride out the storm until each of these oppressive forces grew weaker as the 19th century moved into the much more socially and politically complex 20th century.

Notes

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- ¹ Leacroft (1973), p. 273.
² Sherson (1925), Pp.19, 74, 154, 203, 288.
³ *The Times* 5th August 1843.
⁴ Booth J. (1917), p.51.
⁵ Hansard: Parliamentary Debates, Series III: Vol. LI, c.1235.
⁶ *Ibid.* c.1236.
⁷ See *ibid.* report of debate on January 24th 1840.
⁸ *Ibid.* c.537.
⁹ *Ibid.* c.543.
¹⁰ *Ibid.* c.545.
¹¹ *Ibid.* Vol. XXIX, c.553-555.
¹² *Ibid.* c.561.
¹³ *Ibid.* c.562.
¹⁴ *Ibid.* Vol. LXV, c.8.
¹⁵ *Ibid.* c.14.
¹⁶ *Ibid.* Vol. XXX c.1292.
¹⁷ *Ibid.* Vol. XXXV c.90.
¹⁸ *Ibid.* c.91.
¹⁹ *Ibid.* Vol.LXXXVIII c.717.
²⁰ *Ibid.* c.718.
²¹ See Ash R. (1995), Plate 27.
²² *Ibid.* Pp.5-6.
²³ Even post the period covered by this study when there was legislation affecting theatres the emphasis changed to considerations of safety, alcoholic licensing and finally the abolition of censorship in 1968.
²⁴ Booth M, *Victorian Theatrical Trades* (1981), Pp.9-10.
²⁵ *Ibid.* Pp.35-36.
²⁶ Hansard: Parliamentary Debates, Series III: Vol. CXLV Col.81.
²⁷ Wickham (1957), p.110.
²⁸ Cited *ibid.* Pp.161-162.
²⁹ Hansard: Parliamentary Debates, Series III: Vol.LXIII c.1090.
³⁰ *Ibid.*
³¹ *Ibid.* c.1092.
³² *Ibid.* c.1090.
³³ Foss (1988), *op.cit.* p.11.
³⁴ Bod.lib., MS Tanner299, fos.130v-131r.
³⁵ Miller (1991), p.55.
³⁶ *Ibid.* p.57.
³⁷ *Ibid.* p.78.
³⁸ Collier (1698), p.1.
³⁹ *The Stage Condemn'd* p.158.
⁴⁰ *Ibid.* p.45.
⁴¹ *The Evil and Danger of Stage-Plays* p.16.
⁴² *A Short View* p.34.
⁴³ *The absolute Unlawfulness of Stage-Entertainments fully demonstrated: Works*; Vol. II iii p.144 (1892 ed.)
⁴⁴ *Ibid.* p.183.
⁴⁵ *Ibid.* p.155.
⁴⁶ John Dungey, a Methodist preacher, cited in *Proceedings of the Wesley Historical Society*: Vol. XXI, Part 2, p.38.
⁴⁷ Letter dated December 20th, 1764, cited *ibid.* Vol. XX Part 7 p. 167 -168.
⁴⁸ Addison, (1711), cited in Lillywhite, (1963) p.657.
⁴⁹ Mackay, (1722), cited *ibid.* p.658.
⁵⁰ *Proceedings of the Wesley Historical Society* Vol XX Part 7 p.167.
⁵¹ *Ibid.* Vol XXI Part 1 p.7.
⁵² *Ibid.* Vol.XX Part 7 p.168.
⁵³ *Journal*, V, 294 cited *ibid.* Part 2 p.182.
⁵⁴ *Journal*, IV, p.218 cited *ibid.*
⁵⁵ Carlyle (ed. Kinsley 1973) p.58 cited in Sefton, 'Contemporary Ecclesiastical Reactions to Home's Douglas' in *Studies in Church History Society* No.28 (1992) published by the Ecclesiastical History Society.
⁵⁶ Wallace, *Address to the Reverend the Clergy of the Church of Scotland* (1764) cited in Sefton *ibid.*
⁵⁷ *op.cit.* p.356.
⁵⁸ *Ibid.* p. 357.
⁵⁹ *Ghost*, Book 2, P. 639-646.
⁶⁰ *From Revolution to Revolution: England 1688-1776.*(1973) p.81.
⁶¹ Langford (1989), p.254.
⁶² *Ibid.*
⁶³ Boswell, *The Life of Samuel Johnson*, cited *ibid.* p.252.
⁶⁴ *Ibid.* p.253.
⁶⁵ *Essay upon Wit* (1716) cited in Foss, (1971, 1988 ed.) p.172.
⁶⁶ *Spectator* No 69 cited *ibid.* p.173.
⁶⁷ Johnson, *Prologue to the opening of Drury-lane* 1747, cited *ibid.*
⁶⁸ Langford (1989), *op.cit.* p.262.
⁶⁹ Burney, cited in Foss, *op.cit.* p.174.

- ⁷⁰ *Proceedings of the Wesley Historical Society*: Vol. XX part 8, p.184.
- ⁷¹ *Ibid.* p.183.
- ⁷² *Ibid.*
- ⁷³ *Correspondence* Bk.IV page 522; 31.8.1792.
- ⁷⁴ *Op.cit.* p.611.
- ⁷⁵ Rosenfeld (1978), p.57.
- ⁷⁶ *Ibid.* p.109.
- ⁷⁷ *Ibid.* p.111.
- ⁷⁸ *Ibid.* p.113.
- ⁷⁹ *Ibid.* p.97.
- ⁸⁰ Cited in Smithers, *The Life of Joseph Addison*, (1954) p.429.
- ⁸¹ *Ibid.* p.429.
- ⁸² *Ibid.* Pp.428 - 431.
- ⁸³ Cited *ibid* p.259.
- ⁸⁴ 'An appreciation of the Bedford Coffee House' in *The Connoisseur*, No.1, (Jan 31, 1754) cited in Lillywhite p.114.
- ⁸⁵ *Correspondence* Vol..IV p.116, (12th July 1778).
- ⁸⁶ *Ibid.* p.280.
- ⁸⁷ *Ibid* p.463.
- ⁸⁸ Cited in Langford (1989), *op.cit.*p.293.
- ⁸⁹ *Correspondence* Bk.IV p.268, 7th July 1781.
- ⁹⁰ Cited in Langford (1989), p.262.
- ⁹¹ *From Revolution to Revolution: England 1688-1776* (1973) p.164.
- ⁹² Rev.W.J.Abdy, *The Thought of the Evangelical Leaders 1798 -1814*, (Edited by J.Pratt, 1856) p.159.
- ⁹³ *Ibid.*
- ⁹⁴ *Ibid* p.159
- ⁹⁵ *Ibid.* p.161.
- ⁹⁶ *Ibid* p.158.
- ⁹⁷ *Ibid.* p.161.
- ⁹⁸ *Ibid* p.158.
- ⁹⁹ *Ibid* p.160.
- ¹⁰⁰ *Ibid* p.159.
- ¹⁰¹ *Ibid.*
- ¹⁰² Hill R. (1805), p.vi.
- ¹⁰³ *Ibid.*
- ¹⁰⁴ *Ibid* p.vii.
- ¹⁰⁵ *Ibid.* p.30.
- ¹⁰⁶ *Ibid* p.2.
- ¹⁰⁷ *Ibid.* p.36.
- ¹⁰⁸ *Ibid* p.22.
- ¹⁰⁹ *Ibid* p.23.
- ¹¹⁰ Langford (1989), *op.cit.* Pp.252-253.
- ¹¹¹ Hill (1805), *op.cit.* Pp.23-24.
- ¹¹² *Ibid.* p.22.
- ¹¹³ *Ibid.* Pp.23-24.
- ¹¹⁴ *Ibid.* p.25.
- ¹¹⁵ *Ibid* p.27.
- ¹¹⁶ Trevelyan, *Life of Macaulay*, Vol. I, p.303.
- ¹¹⁷ Arnold, *Miscellaneous Works*, p.259.
- ¹¹⁸ Kenneth Hylson-Smith, Edinburgh (1993), p.150.
- ¹¹⁹ *Tracts for the Times*, No1 p.1.
- ¹²⁰ Hylson-Smith *op.cit.* p.205.
- ¹²¹ M. Arnold, on Newman, cited in Hylson-Smith *op. cit.* p. 155.
- ¹²² *Ibid* p.210.
- ¹²³ C. Booth, *Third Series*, Religious Influences p.35.
- ¹²⁴ Minutes of Evidence of the Select Committee of 1854 Q1.
- ¹²⁵ *Ibid* Q11-17.
- ¹²⁶ *Ibid* Q24.
- ¹²⁷ *Ibid* Q47.
- ¹²⁸ *Ibid* Q.48.
- ¹²⁹ *Ibid* Q.275.
- ¹³⁰ *Ibid* Q.4212.
- ¹³¹ *Ibid* Q.3561.
- ¹³² *Ibid* Q.3589.
- ¹³³ *Ibid* Q.3618.
- ¹³⁴ *Ibid* Q.3546.
- ¹³⁵ *Ibid* Q.3549.
- ¹³⁶ *Ibid* Qs..3544-5.
- ¹³⁷ Foss, *op.cit.* Pp 6-7.
- ¹³⁸ Hansard: Parliamentary Debates, Series III; Vol. LXV p.8.
- ¹³⁹ *Ibid.* p.18.
- ¹⁴⁰ *Tour in the Manufacturing Districts* 2nd ed. 1842 cited in Cheshire (1974) p.16.
- ¹⁴¹ *British Music Hall.* (1974), rev. ed. p.21.
- ¹⁴² Cheshire, *op.cit* p.17.
- ¹⁴³ *Ibid.*

- ¹⁴⁴ *Ibid.* p.24.
- ¹⁴⁵ Select Comm. on Public Houses 1852 - 1853 Q.3996.
- ¹⁴⁶ J. Balfour, witness to 1854 Select Comm. on Public Houses, Q.1265.
- ¹⁴⁷ Speaight (ed.), 1975 p.65.
- ¹⁴⁸ *Ibid.* p.35.
- ¹⁴⁹ Palmer (1988), p.248.
- ¹⁵⁰ *Ibid.* p.243.
- ¹⁵¹ *Music Hall in Britain* (1974) p.32-33.
- ¹⁵² Figures arrived at from an analysis of *London Theatres and Music Halls 1850-1950* Pp. 1-268.
- ¹⁵³ Select Comm. on Public Houses 1854, Q.3621.
- ¹⁵⁴ *Ibid.*
- ¹⁵⁵ See n.133.
- ¹⁵⁶ Select Comm. on Public Houses 1852-53 Q.3830.
- ¹⁵⁷ *Ibid.* Q.4013.
- ¹⁵⁸ *Ibid.* Q.6380.
- ¹⁵⁹ *Ibid.* Q.6394.
- ¹⁶⁰ *Ibid.* Q.6407.
- ¹⁶¹ *Ibid.* Q.6401.
- ¹⁶² *Ibid.* Q.6404.
- ¹⁶³ *Ibid.* Q.5474.
- ¹⁶⁴ Hansard: Parliamentary Debates, Series III. Vol. LI, col.1226.
- ¹⁶⁵ Mayhew cited in Chesney, p.100.
- ¹⁶⁶ Hansard: Parliamentary Debates, Series III. Vol. CIX col.360.
- ¹⁶⁷ Iain McCalman: 'Radicalism and Pornography in London', *Past and Present* No.104.
- ¹⁶⁸ Kerensky (1977), p.xix.
- ¹⁶⁹ Doris Arthur Jones (1930), p.58
- ¹⁷⁰ Hollingshead, *My Lifetime* (2nd ed. 1895), Vol.I p.22.
- ¹⁷¹ *Theatre Quarterly*: Vol.I No.4 p.15.
- ¹⁷² *Ibid.* p.16.
- ¹⁷³ *Ibid.* p.15.
- ¹⁷⁴ *Ibid.*
- ¹⁷⁵ *Ibid.*
- ¹⁷⁶ *Ibid.*
- ¹⁷⁷ *Ibid.* p.17.
- ¹⁷⁸ *Ibid.* p.18.
- ¹⁷⁹ See Index to 1852-53 Report p.737.
- ¹⁸⁰ Hansard: Parliamentary Debates, Series III Vol. LI col.1225.
- ¹⁸¹ *Ibid.* Vol. CIX col.365.
- ¹⁸² See, for example, Hansard: Parliamentary Debates, Series III Vol. CIX cols.354-356 & Vol. CXXII cols.1328-1331.
- ¹⁸³ Evidence to Select Committee 1852-1853 Q.3818.
- ¹⁸⁴ *Ibid.* Qs. 3831-3833.
- ¹⁸⁵ *Ibid.* Q.3826-3827.
- ¹⁸⁶ *Ibid.* Q.1822.
- ¹⁸⁷ Evidence to Select Committee 1852-1853 Qs.3827-3829.
- ¹⁸⁸ *Ibid.* Q.3830.
- ¹⁸⁹ *Ibid.* Q.3834.
- ¹⁹⁰ *Ibid.* Q.3836.
- ¹⁹¹ *Ibid.* Q.3839.
- ¹⁹² *Ibid.* Q.3840.
- ¹⁹³ *Ibid.* Q.3872.
- ¹⁹⁴ *Ibid.* Q.3889.
- ¹⁹⁵ Hansard: Parliamentary Debates, Series III, Vol. CXXXIII col.159.
- ¹⁹⁶ Evidence to Select Committee 1852-53 Q.5477.
- ¹⁹⁷ *Ibid.* Q.7818.
- ¹⁹⁸ Cited in the Report from the Select Committee 1854, p.ix.
- ¹⁹⁹ *Ibid.* p.xxvi.
- ²⁰⁰ Evidence to Select Committee 1852-53 Q.3983.
- ²⁰¹ Evidence to the 1866 Select Committee Q.452.
- ²⁰² Report of the Select Committee 1854. Appx. 2 ii, p.289-290.
- ²⁰³ Minutes of Evidence of Select Committee 1854, Q.1447.
- ²⁰⁴ *Ibid.* Q.1301.
- ²⁰⁵ *Ibid.* Q.1302.
- ²⁰⁶ Select Committee on Theatrical Licences 1866 Q.3337.
- ²⁰⁷ Hansard: Parliamentary Debates, Series III, Vol. CXXXIII col.162.
- ²⁰⁸ *Ibid.* col.161-2.
- ²⁰⁹ Hansard: Parliamentary Debates, Series III, Vol. CXXLI col.1911.
- ²¹⁰ *Ibid.* Vol. CXLII c.326.
- ²¹¹ *Ibid.* Vol. CXXLI c.1705.
- ²¹² *Ibid.* Vol. CLVI c.257.
- ²¹³ *Ibid.* Vol. CLXXXII c.502-3.
- ²¹⁴ British Library MSS 43667 f.120.
- ²¹⁵ Minutes of Evidence to the 1866 Select Committee on Theatrical Licences and Regulations Qs.1476, 2749-50, 2771, 7428-9.
- ²¹⁶ *Ibid.* Qs. 1636 and 4191.

- 217 Ibid. Appx 1 p.295 & Appx 3 p.313.
 218 Ibid. Qs.4237, 4244-48, 4278-9, 4342-46.
 219 Ibid Q. 4238.
 220 Ibid. Qs. 195 and 2890.
 221 Ibid. Q.2937.
 222 Ibid. Qs. 3543, 4962.
 223 Ibid. Q.860.
 224 Ibid. Q.2697.
 225 Glasstone, *Victorian and Edwardian Theatres*, Pp.43 & 59.
 226 Bailey P. (1978, 1987 ed.), p.32.
 227 Ibid.
 228 Ibid. p.156.
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 233 Ibid. Q.1230.
 234 Ibid. Q. 1274-5.
 235 Ibid. Q.6873.
 236 Ibid. Qs.6884, 6939.
 237 See Ibid. Qs. 2556.
 238 Ibid. Qs 2910, 2917, 4243, 4375, 5056.
 239 Woodfield (1984), p.72.
 240 Ibid p.73.
 241 Cox, (1982) Table 17, p.299.
 242 Ibid.
 243 Parsons (ed.1988), Vol II p.66.
 244 Coote (1916), p.7.
 245 Ibid. p.5.
 246 Ibid. p.6.
 247 Ibid. p.8.
 248 Ibid.
 249 See Minutes of Evidence to Select Committee of 1866 Qs. 632, 749-764, 1002-3, 2428.
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 251 Ibid p. 85.
 252 *Tait Papers*, Lambeth Palace Lib. 1882 Home G.M. 281.
 253 Headlam (1877), *Lecture* p.5.
 254 Ibid.
 255 Ibid p.6.
 256 Ibid p.4.
 257 Ibid p.7.
 258 *John Jackson Papers*, Lambeth Palace Lib. ref. Fulham Papers Box 38 - 491 p.v.
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 263 Headlam op.cit. p.8.
 264 *Jackson Papers* op.cit. p.v.
 265 Ibid.p.vii.
 266 Ibid. p.10.
 267 Ibid p.viii.
 268 Ibid p.9.
 269 Ibid.
 270 Woodfield (1984), p.12.
 271 Ibid.
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 273 Vine (1879), p.60-2.
 274 See Minutes of Evidence Qs. 2031-37, 5714, 6180-6194, 6967, 7230-34, 7241-2.
 275 Fraser (1979), Pp.158-159 and 162.
 276 *Leisure and the Changing City 1870 – 1914* (1976), p.237.
 277 Evidence to 1866 Select Committee Q.1111.
 278 *London's Theatres and Music Halls 1850-1950* p.74.
 279 *British Music Halls* p.47.
 280 See Howard, entries 111 &147.
 281 Boyer, *Theatre Studies* No.18 p.74.
 282 Sullivan cited in H.S.Wyndham cited Ibid. p.66.
 283 Coliseum Theatre programme cited in Mander and Mitchenson, op.cit. Pp.148-9.
 284 Ibid.
 285 *Luton News* 15th December 1898.
 286 Ibid.
 287 Ibid. p.3.
 288 *Luton Reporter*, Jan.13, 1899.
 289 Ibid. January 19th 1899.
 290 Ibid. January 13th 1899.

²⁹¹ *Luton Reporter*, Jan 6, 1899, & *Luton News* Jan. 5 1899.

²⁹² *Luton News*, Jan.26 1899 p.3.

²⁹³ *Victorian and Edwardian Theatres*, op.cit. p.100.

²⁹⁴ See *Ibid.* Pp. 96-98.

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CHAPTER VII: ANALYSIS & CONCLUSIONS

That theatre in Britain, particularly in London, has been subjected to stresses and strains during the period under study is of course indisputable. Too often however, the supposed negative effects of the legislation directed against theatre have been accepted by many 20th century commentators, whether in the field of general history or theatre history, at face value, and influences felt by one area of theatre, or one theatrical genre, have been overestimated and taken as representative of an effect on theatre as a whole. Indeed sometimes the motives behind particular pieces of legislation and the subsequent effects of that legislation have both been misinterpreted.

Contrary to the widely accepted misconception, the Patents of Charles II did not set out to restrict theatre as such, but to steer it into a model that was acceptable to a libidinous monarch and a court that had been starved of identity and expression during a period of austerity. Patents, a highly valuable form of patronage, sought to protect minority Royalist interests. They were, and would have been, given to anyone who was deemed capable of providing both an entertainment that appealed to the hedonism of Charles II and, in the face of a very limited royal purse, a theatrical setting that would enable him to entertain foreign dignitaries in a manner that was the norm for most other Courts in Europe. Instances of the curtailment of theatrical enterprise did not stem originally from the King or the legislature but were rather a reaction to complaints fuelled by vested interest from within the profession itself. As I have shown, when out of London, Charles was quite happy to attend performances of small bands of players in country barns as long as he was entertained. The ironic thing about Patent legislation was that it was a pro-theatre measure that was anti-government in intent: it protected theatre against puritan excesses and put the organisation of theatre in the hands of the actual practitioners themselves. Because of this, theatre in Britain became subject to a market economy and this meant that as long as this situation continued there was no danger of it becoming effete. Then as now “bums on seats” was the most decisive determinant for the success of any enterprise and standards of writing, acting and production had constantly to change and be innovative to draw the public of all ranks into one playhouse rather than another.

But, as I have shown, post Restoration theatre was not limited to the official playhouses: it permeated all areas of society and social gatherings. This, combined with the increasing recognition of social differences as the paternalist model of society began to atomise and reform with a class-based structure, meant that in addition to the fairly self-satisfied reflection of upper-class society emanating from the great metropolitan theatres there was a growing socially-aware reflection of the lives and expectations of other groups within society, sometimes smacking of satire, available in a theatrical form, in areas of high population density and at the great fairs across the country. These were virtually unrecognised as theatre by the governing classes and thus were largely untouched by contemporary theatre legislation. As such they grew apace with the population.

The Licensing Act of 1737 sought to suppress by draconian measures the usurpation of the theatre by middle-class activists and to water down or indeed eradicate censure of the establishment by the forces of mercantilism. It was evident to contemporary observers that the stage could be and indeed was becoming a medium to be used in party political feuding, in exposing to ridicule the foibles and weaknesses of the ruling classes, and as a means of establishing an identity for different groups within society. What Walpole sought to do was to actually prohibit theatre, or that theatre which took place in playhouses, except for that which was an entertainment or diversion for the top echelons of society, and even this had to be rendered impotent as a means of political censure or ridicule. The truth was that party politics had appeared on the scene at the same time that the ties that had kept the rural paternalistic society together were breaking apart in the developing towns. Here society was realigning itself on a totally different model where different social groups with different experiences of life, different expectations and different cultural values were all looking to theatre to define themselves and possibly even to denigrate the others.

The restriction of a sanitised version of the 'legitimate drama' solely to three theatres within Westminster, and the closure of all theatres in London and the provinces, was I suggest like trying to dam a river by constructing an impediment to its flow in the central, most fast flowing section only. Theatre poured round the sides of the Act in a variety of shapes and guises as those within the profession were forced to find a way to circumvent the legislation. Theatres flourished throughout the kingdom and it could be seen that far from restricting theatre, the Licensing Act actually gave it a shot

in the arm. Those who looked to the theatre for diversion and cultural validation understood and accepted the new *modus operandi* being employed by those within the profession who were seeking to outwit those who framed the Licensing Act. Not only actors and writers but also audiences actually grew in sophistication in combating repression and, through the new modes of provision and reception of the theatrical experience, theatre was regenerated and as a medium of expression it increased in vitality and relevance.

Within fifteen years of the 1737 Act there was a major *volte-face* in government policy in the shape of the Disorderly Houses Act of 1751. This could be seen as a broadside against a burgeoning alternative theatre that was proving difficult to license because it did not take place in theatres nor did it take the shape of the conventional drama. As such the Disorderly Houses Act would seem to have been merely a back up measure for the Licensing Act of 1737. But this is an erroneous reading of the legislation: again it was a measure which worked for theatre rather than against it. In the face of insurrection and a more informed and vociferous population, theatre in almost any of its manifestations was seen as a palliative to volatile situations. And theatre was there in increasing profusion. The message of the Disorderly Houses Act of 1751 was clear: providing the behaviour of the audiences could be monitored and regulated, theatre was seen as a way to keep people away from more troublesome pastimes and their attention away from more contentious issues. Drama was overseen by the Lord Chamberlain who would cut out that which could be seen to be inflammatory so theatre was now to be encouraged – it had become an agent of social control.

The subsequent Theatrical Representations Act of 1788 showed just how successful theatre had become. It was a tidying up piece of legislation. The freedom given to the Magistrates under the terms of the Disorderly Houses Act of 1751 to license theatricals within twenty miles of the metropolis was thereby extended to Justices of the Peace throughout the provinces. This was considered necessary because those in the great towns were not only clamouring for the theatrical amenities enjoyed in the metropolis but indeed many of them were already providing them. The Theatrical Representations Act was virtually a measure to save Parliament's face as the population began to expand at an unprecedented rate and communities, particularly in the old and new towns, began to grow with the

result that a vital, flourishing theatrical scene spread throughout the country. The Theatrical Representations Act of 1788 did not restrict provincial theatre: it attempted to contain it.

In both of these Acts there was evidence of a new governmental attitude. Instead of being opposed to theatre, the ruling classes now wanted to have theatre on their side to help control an increasingly questioning and volatile populace. Theatre, properly regulated, could be an ally. But the non-mainstream theatre which took place away from the great Winter Theatres was increasing in incidence and popularity. Those who worked within it had audiences to whom they had to appeal and for whom they had to be relevant. A whole minor Theatre scene was growing up which had teeth of its own. The Sadler's Wells Bill and the Interludes Bill, both of 1788, show just how clamorous a voice was coming from those theatrical entertainments that circumvented the 1737 Licensing Act. The strength and appeal of the Minor theatre scene was evident from the fight that came from within the profession itself as those who framed these Bills attempted to get them passed into law. This legislation was obstructed in its passage and ultimately failed because of the intervention of powerful establishment figures with vested interests in the Major theatre scene. What the Bills did achieve was a thorough airing of their cause: that there was a thriving theatre that lay outside the law that demanded to be recognised. The injustice of the contemporary legislation, and the fact that it was effete, was laid bare. A fuller emancipation of theatre was obviously the next step forward.

The Theatres Act of 1843 was again a tidying up statute to make legal that which was already taking place. As far as the government was concerned it trod an uneasy path between the desire to subjugate theatre, the need to use theatre, and the desire to let an enormous industry make its own way through a market economy. The earlier Dramatic Performances Bill of 1833 to the surprise of most of the country failed largely because the Lords had had enough of reform and were wary of granting too much too quickly. The Theatres Act itself caused hardly a ripple of controversy as it moved through the Lower and Upper Houses of parliament into law. Again it is important to realise that those working behind the scenes to get the legislation through Parliament had vested interests. The Minor Theatres wanted a legally recognised parity with the Major Theatres, Liberal activists wanted rights for the common man, some politicians, in the face of a fierce party political rivalry, did not want too much power placed in the hands of a few or for the theatre to be used as a platform for politics whilst others,

particularly Bulwer Lytton, wanted the opposite and even originally considered asking for the repeal of censorship to open the theatre up for political debate in plays.

It is a contentious premise that any of the pressures under analysis in the four chapters devoted to the conflict between theatre and the legislature limited the expansion, maturation or relevance of the institution of theatre in its widest sense. This was not what the legislation was framed to achieve: in fact the opposite would seem to have been true. To one of my original questions when embarking upon this study – had theatre been, or could it ever be, the prerogative or public voice of any power bloc or ideology within society – it is now obvious that the answer must be yes. The truth is that one part or area of the theatrical spectrum nearly always has been, but there were, and always are, voices of dissent both from within the commandeered area of theatre and from without.

There was often an underlying agenda to theatre legislation which demonstrated that someone or some group within society was attempting to hijack the institution for his or its own ends. Sometimes this was done by promoting one particular area of theatre at the expense of others: in these instances, however, the focus was, and could only be, on just one small section of theatre. At other times there appear to have been attempts to silence voices coming from stages of which the establishment did not approve. In these cases however, theatre took on the aspect of the hydra and as fast as one means of expression was blocked a number of others grew in its place.

But the legislature was not the only source of pressure for theatre. There was also the censure of social pressure groups. Virtually all of this was overtly or clandestinely instigated by various religious groups or individuals in the country although it did not necessarily have a religious basis: it was more often part of a struggle for power. Even when the censure was religiously motivated, theatre came under fire rather as a reflection of society than as an institution per se. Theatre, particularly during the nineteenth century but generally throughout the period examined in this study, was seen as iconic: social pressure came about when the influence theatre was perceived as exerting did not act in the interest of one particular religious sect or another.

As with legislative pressure, the religious pressure was intermittent and narrowly focused because both institutions saw theatre, or rather a particular branch of theatre, as an influence upon society that they wished to infiltrate or oppose. However, those working within the legislature and the religious institutions used similar tools of the trade to those who earned their living on the stage of the theatre and I have detailed a number of instances where persons involved in the opposing camps went to theatre practitioners to develop their own craft. Eventually both the legislature and the forces of Church and Chapel realised during the nineteenth century that theatre could not be totally controlled. A new symbiosis began to emerge and an alliance was sought so that the influence over society exerted by theatre could be utilised by governmental and religious bodies. The fundamental problem inherent in the battle of the stages was that neither the forces of government nor the forces of religion actually understood the nature of the beast they were trying to control. Theatre is an essential part of the human condition but only as a reflection of itself.

Not the legislature, nor the church, nor dominant class pressure can be seen to have successfully tamed, or influenced theatre to any appreciable extent that was not ultimately in line with contemporary audience expectations or desires. The forces of local middle-class bureaucracy examined during the second half of the previous chapter were to be no more effective in moulding the institution of theatre to promote their ideology than were those of Charles II's Royalist Court, Robert Walpole's besieged government or Bulwer-Lytton's weakening aristocratic society. Dr. Johnson, in his Prologue for the opening of the new Theatre Royal, Drury Lane, in September 1747, pinpointed the ground rules of the successful dramatic enterprise: "The drama's laws the drama's patrons give".¹ Increasingly during the period under scrutiny in this study it was the guardians of society that tried to formulate the "drama's laws": the reception of theatre by its different audiences made those laws a conceit or deceit depending on the social class of the receptors.

Herein lies the problem inherent in analysing the effect of external forces upon the theatre. It is stated again in different terms in a homily later in the same Prologue when Dr. Johnson bid "Truth diffuse her Radiance from the Stage." As society diversified under the pressure of the Industrial Revolution, the many different classes and interest groups that emerged each had their own experience of life and their own perception of "Truth". As the gulf widened between the different ranks, classes and interest

groups in society, each developed its own highly individual general culture which dictated a culture-specific set of norms and values, based on its expectations and general ethos which meant that the “Truth” of life as revealed through personal experience was in no way a universal yardstick by which one could codify behaviour or expectations within society as a whole.

It was Dr. Johnson again, in his 1765 *Preface to Shakespeare*, who famously argued that Shakespeare should be appreciated for holding up to his readers, “a faithful mirror of manners and of life”. This emphasises how he perceived the Tudor dramatist to be working under a brief that he must have recognised was not accorded to dramatists of his own time. It was certainly one that would not be tolerated in times to come by the Victorian middle classes.

Ultimately the irritations and difficulties which emanated from the combined powers of the legislature, the religious interest and the class system over the period researched gave theatre an added vitality and purpose. Pressures did not limit theatre but instead forced it to diversify into a number of independent strands which were patronised by different subsections of society. It would be a mistake to look to understand the institution of theatre solely by analysing one specific genre of performance. Genres were usually created to circumvent external pressures. Neither will mainstream theatre practice itself reveal the strengths, weaknesses or vitality of theatre at any time within the period covered by this study, or I would suggest, at any other.

Throughout this period, Theatre, in each and all of its manifestations, has been an indicator that has actually helped fix social mores at any point in time. Sometimes dominant agencies have used the institution to try to protect their particular social group or impose their standards on others. At other times those subjected to the domination of others have used theatre to lampoon their masters or create a group-consciousness of their own. Although in some periods few contemporary commentators even mentioned the theatre when discussing their society, theatre has always sat in the middle of society as, severally, a bastion, a severe critic, a consolidator of the establishment, and a protector of both the status quo and radical thought. As society grew more complex so did theatre. This study shows that the proliferation of genre was a direct outcome of the fragmentation of society that began with the Restoration and escalated through the mercantile and industrial ages and indeed continues to do so.

The mere fact that a theatre as a building, booth, or open-air site, was, or is, situated in a particular locale and environment and was, or is, designed and fitted in a certain way to attract and accommodate spectators, reveals, “the social and political life of the theatre as a public gathering place that has an importance of its own”². It is a symbolic construct that by its very presence can reveal and make manifest an ideology that is not always that of a powerfully organised hegemony, even though it may purport to accept the latter’s constraints and values. Another important aspect of theatre is its extrinsic *raison d’être* as an enabler of ritual to resist or consolidate the ideology of the hegemony: indeed it can often do one while purporting to do the other.

I would argue that through the many different physical and literary manifestations it has at its disposal English theatre has enabled those of every class and period to give voice to and explore, in their own terms, human values and imperatives both within and outside culture. Though sometimes only dimly understood, these values are embodied within the rites and rituals of the human condition of which theatre is a vital component. The power and indeed effect of theatre upon society is hard to evaluate. Just as no one social theory explains society and no one historical route will lead us to a complete understanding of it, so it is with theatre.

As an institution, theatre is almost unique. Most institutions are, to a greater or lesser extent, closed constructions created by members of a society to fulfil carefully defined purposes within that society and are therefore *ipso facto* power structures with partisan aims and objectives. Michael Bristol crystallises an essential difference between theatre and most other institutions in the opening sentence of his 1985 book, *Carnival and Theatre*: “Theater (sic) is an art form; it is also a social institution”³.

The order of ideas in this sentence, however, concentrates the reader’s focus on the self-conscious *raison d’être* of the institution as an art form which would make it a subject whose appeal would be mainly to theatre or general art historians. I believe that one should reverse the order of Bristol’s two statements within his sentence, thereby altering their implied relative importance, giving greater significance of the subject to political and social studies, i.e. theatre can be viewed as firstly a social institution but one which, as an art form, relies for its continuation largely if not wholly on the

approbation and patronage of those outside it. Theatre, unlike other institutions, is an exoteric construct not an exclusive group. I also feel Bristol does not give sufficient weight to the economic aspect of theatre as an institution. This is probably because his study centres on Tudor theatre when aristocratic patronage was a dominant issue and commercialism was a less important issue than it was seen to be in this study, in a period when one in eight Londoners went to the theatre every week⁴.

It can be argued that none of the agencies that tried to hijack, mould or restrict theatre appreciated that in Britain during the period studied in this thesis there were in effect only two basic catalysts for innovation or change in theatre. The first of these was the chance initiatives of the actual practitioners working within it that hit the consciousness or mood of the times. In 1761 George Colman attempted to codify this phenomenon:

There is perhaps no Country in the World more subordinate to the Power of Fashion as our own. Every Whim, every Word, every Vice, every Virtue in its Turn becomes the Mode, and is followed with a certain Rage of Approbation for a Time. The favourite Stile in all the polite Arts, and the reigning Taste in Letters, are as notoriously Objects of Caprice as Architecture and Dress. A new Poem, or Novel, or Farce, are as inconsiderately extolled or decried as a Ruff or a Chinese Rail, a Hoop or a Bow Window. Hence it happens, that the Publick Taste is often vitiated.⁵

In one way this was wrong. What he defined as fashion was really totemism. Any successful manifestation of theatre seizes upon totems that catch the essence of vague, unformed or unstructured currents of feeling or opinion of an age or movement and gives them tangible form. A case in point was T.D. Rice's chance meeting in 1836 with a Negro street performer in Cincinnati. This led to his music-hall act, *Jim Crow*, which unleashed the whole Negro Minstrel phenomenon and synthesised in an almost metaphysical way a host of issues that were surfacing in people's minds concerning slavery and, sixteen years later, gave weight to the awakening of conscience that had been set in motion by the publication of Harriet Beecher Stowe's *Uncle Tom's Cabin*.⁶

Similarly, Sam Cowell wrote for himself a comic song c.1852, which he sang dressed as a character called Billy Barlow who wore what became the distinctive "tattered remnants of a workman's dress, the cord of a dressing gown tied round the waist, a clay pipe in hand, and one eye badly blacked; the whole crowned by the famous brimless hat".⁷ So successful was the visual image of Billy Barlow and

the subtext of his song that he marched into folklore through Penny Gaffs, the entertainments of numerous street performers, and even as an additional character in Punch and Judy. It was surely no coincidence that this character achieved such universal recognition amongst the labouring classes after the hype and self-congratulation of the Great Exhibition which had centred on the Middle Class initiative which was seen to be the inspiration behind Britain's industrial supremacy.

Harry Randall, a Music Hall comedian who made his very successful debut in 1879 at Deacon's Music Hall, sometimes known as the Glue Pot, in Islington just opposite Sadler's Wells, also showed how a moment of inspiration could focus and galvanise public opinion. In 1888 the Jack the Ripper murders had begun to make Londoners feel particularly unsafe and a general dissatisfaction was being voiced with the lack of progress made by the police in tracing the killer. The press honed in on Sir Charles Warren, the Chief of Police, and on one particular occasion a placard for the Star newspaper asked "Who Killed Cock Warren?" This association of ideas prompted song-writer Geoffrey Thorn to pen a few verses to be sung to the tune of the popular song 'Who Killed Cock Robin?' and Harry Randall included the parody as an encore item in his act the following night. The result was astonishing: after Randall had delivered the first four words of the song the audience were cheering wildly and the theatres that Randall played for the subsequent sixteen weeks were packed with audiences demanding the song. Shortly afterwards Sir Charles Warren resigned!⁸

These are the moments out of which theatre is born. The work of any kind of reformer is helpless in the face of it. Neither Stead, whose National Vigilance Association worked from outside the institution to remove the force of theatre from the lives of the working classes, nor Hollingshead, who attempted to work from within the institution to use the Coffee Music Hall movement to change the priorities and values of the poor, had any appreciable effect. Theatre is an institution that stubbornly resists this kind of hijacking. Sometimes external forces which were put into effect to limit or restrict the institution were indeed catalysts that actually made it the more relevant. There was nothing new about Charles II's desire to see women play women on the stage, it was a common European phenomenon, but what his legislation to this effect did was to symbolise the move away from Puritanism into a new openness about social and sexual mores that was coincidental with women playing a more open part in society. Walpole's desire for censorship was contemporaneous with the nascent party political system and the

hidden jostling for power within Georgian society but it awoke the theatre to a new awareness of the sophistication and subtlety of language to enable theatre to circumvent the cruder aspects of censorship. In the same way, Bulwer-Lytton's 19th century emancipation of the drama to allow the ruling classes to exert a stronger influence over society in fact helped theatre to become a unifying focus for a people facing their own nation, and indeed a Europe, torn by political and social divisions.

The other guiding force in British theatre since the Restoration has been sheer commercialism. In the absence of aristocratic patronage or a stable historical tradition, as the theatre stage moved between booth, public house, tennis court, concert room, ornate stage, public pageant and private house, it was subject to the same fierce entrepreneurism that was to create and fuel Britain's commercial and industrial supremacy. Managerial entrepreneurs were seldom interested in art for art's sake but like Harry Randall they knew how to seize the moment and if they did not they rapidly went out of business, often taking the actors with them. What Colman, in 1761, identified as fashion, but what I consider to be totemism, was really a spontaneous reaction to some dimly perceived truth or irregularity in society. When this spontaneity, which had, or has, to be on the part of both theatre manager and performer, coincided with audience awareness the theatric moment was and is created.

Referring back to another of my concerns expressed in the introduction to this study it is clear that Samuel was wrong in attributing changes in society to theatre. As I have tried to show, theatre is a crucible in which a mirror of the present is forged to enable contemporaries to examine themselves, their situation, their inner lives, their concerns and dissatisfactions, their hopes and fears, and their position within society more clearly. It creates a link between the inner world of personal experience, awareness and uncertainty and the outer world of the community. Theatre does not presage movements in human society; it can, however, give voice to that which has been unspoken and shape to that which is but dimly perceived.

As I have tried to show through this thesis, this sequence of events is difficult to control because those who seek to control it have to react to what is really a series of events that have a financial basis. It is a foundation that was clearly located in an appreciation of Cameron Mackintosh in *The Sunday Times*⁹ which documented the artistic reworking of his ill-fated musical *Martin Guerre*: "a finely tuned

production is a cash machine that can run almost indefinitely”. Mackintosh was to make the same mistake as those whose attempts to restrict theatre have been analysed within these pages.

His original production of *Martin Guerre* was predominantly an exploration of sectarian violence, something that one may have expected modern audiences to relate to. They didn't. He had the librettist rewrite the work to push into higher relief the romantic sub-plot of a pair of lovers caught up in the problems of the times. When this reworking of *Martin Guerre* failed to bring in the audiences he moved it up to the north of England and had it reworked yet again as a social drama. What he seemed not to understand was that it was not the construction of the musical nor its production that was at fault: the issues it explored did not subliminally engage the contemporary audience. I suggest he was also rather facile in his opinion that the “fine tuning” of a show was what ensured its longevity and propensity to make money. A show will run only as long as it strikes an emotional chord of some kind with the public; after that, as Mackintosh realises only too well, only heavy marketing will keep a show afloat. Before the days of the Marketing Manager, a very new phenomenon, the enormously long runs we now see so often in London (which could be classed as ‘conspicuous consumption’ rather than ‘theatre-going’) were virtually unknown.

Theatre is but one of the stages of social life that attempts to create order from the chaos of human experience but the various legislative and religious issues explored in this thesis, and the new ways of bringing things theatric to the public, which are multiplying all the time, have forced it to sub-divide into a multiplicity of forms which have enabled Theatre and Drama to pervade nearly every aspect of social life. Even so, one cannot say it has gone through a process of development. It has reacted to the times and to the people that inhabited the times. In the theatre of a period we see the people of that period and we can examine the issues of the period and the values that held sway during that period. But we cannot totally experience the rapport that was there between the stage and the audience for a people of a different period to that of our own. ‘Who Killed Cock Warren?’ could only truly strike a chord for those living within the shadow of Jack the Ripper; *Oh Calcutta* could only rise above its obscenity into a work of art for those who realised they were living within the permissive age before such a phenomenon was recognised by the establishment; *The London Merchant* could only be truly meaningful for those who lived within the social upheaval created by mercantilism and the fortunes of

the South Sea Company. We can appreciate these works of the theatre but we no more totally empathise with them than we can an Ancient Egyptian religious triad play, at least not in the same way as did the original audiences who were intimately caught up in the life that the theatrical performances mirror. Although one can trace a conscious development in most other arts, theatre is a much more ephemeral phenomenon. Theatre has the capacity to dissolve and reform itself. It has to. It reinvents itself for each age and situation. Whatever censure or obstruction it encounters merely serves to stimulate it to adapt and find a new course. That is why Samuel was disappointed. His appreciation of theatre as a series of moments was absolutely accurate. That is theatre's strength. No cause, person or group can hijack any part of it for long because it is constantly changing. It is a response to, not a creator of the times.

Although often unrecognised, the appeal of theatre is universal. Unlike the theatres of the Law or Religion which are constructed by a society to confine it, Shakespeare's "All the world's a stage" is generally accepted as a truism. Theatre, if only in the acting out of something or someone in general conversation, is recognised by everyone as a means of communication and understanding. Because of this it is often used unwittingly as a powerful term of reference. Out of a series of cartoons in *Punch* charting aspects of the career of Benjamin Disraeli, published between 1845 and 1878, 21% used theatrical metaphor to make their point¹⁰. 150 years later, on Nov. 23, 1996, MP Theresa Gorman, told radio interviewer Steve Wright, "politics is 50% theatre": plus ça change, plus c'est la même chose.

Notes

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- ¹ Johnson S. *The Complete English Poems*. (Ed. J.D. Fleeman 1971, 1974 ed.) Pp.81-82.
² Bristol, Michael D. (1985) p.3.
³ Ibid.
⁴ Harbage, *Shakespeare's Audience* (1941), p.41.
⁵ *Critical Reflections on the old English dramatic Writers addressed to D. Garrick* (1761) p.100.
⁶ See Scott, Harold (1946), p.100.
⁷ Ibid. p.121.
⁸ See *Harry Randall Old Time Comedian*, Pp. 89-90.
⁹ November 10th 1996.
¹⁰ See *Benjamin Disraeli, Earl of Beaconsfield*, published by *Punch* (1878).

APPENDICES**Copies of the principal enactments examined in this study**

Appendix I	Davenant's Patent
Appendix II	Killigrew's Patent
Appendix III	10 Geo II c.xxviii The Licensing Act 1737
Appendix IV	25 Geo II c.xxxvi The Disorderly Houses Act 1751
Appendix V	28 Geo III c.xxx The Theatrical Representations Act 1788
Appendix VI	6 & 7 Vict. c.lxviii The Theatres Act 1843

COPY of DAVENANT'S PATENT.

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., To all to whom these presents shall come, greeting; Whereas Our Royal Father, of glorious memory, by his letters patent, under his Great Seal of England, bearing date at Westminster the 26th day of March, in the 14th year of his reign, Did give and grant unto Sir William Davenant, by the name of William Davenant, gentlemen, his heirs, executors, administrators and assigns, full power, licence and authority, that he, they and every of them, by him and themselves, and by all and every such person and persons as he or they should depute or appoint, and his and their laborers, servants and workmen, should, and might lawfully, quietly and peaceably, frame, erect, new build, and set up upon a parcel of ground lying near unto or behind the Three Kings' Ordinary, in Fleet-street, in the parishes of Saint Dunstan in the West, London, or in Saint Bridges', London, or in either of them, or in any other ground in or about that place, or in the whole street aforesaid, then allotted to him for that use, or in any other that was or then after should be assigned or allotted out to the said Sir William Davenant by Thomas Earl of Arundel and Surrey, then Earl Marshall of England, or any others, Commissioners for building for the time being in that behalf, a theatre or playhouse, with necessary tiring and retiring rooms, and other places convenient, containing in the whole 40 yards square at the most, wherein plays, musical entertainments, scenes, or other the like presentments might be presented: And Our said Royal Father did grant unto the said Sir William Davenant, his heirs, executors, administrators and assigns, that it should and might be lawful to and for him the said Sir William Davenant, his heirs, executors, administrators and assigns, from time to time to gather together, entertain, govern, privilege and und keep such and so many players and persons to exercise actions, musical presentments, scenes, dancings and the like, as he the said Sir William Davenant, his heirs, exōrs, admōrs or assigns, shall think fitting, and from time to time to act plays in such houses so to be by him or them erected, and exercise musick, musical presentments, scenes, dancing or other the like, at the same or others, houses or times, or after plays are ended, peaceably and quietly, without the impeachment or impediment of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same: And that it should and might be lawful to and for the said Sir William Davenant, his heirs, exōrs, admōrs and assigns, to take and receive of such as should resort to see and hear any such plays, scenes and entertainments whatsoever, such sum or sums of money as was or thereafter from time to time should be accustomed to be given or taken in other playhouses and places for the like, plays, scenes, presentments and entertainments, as in and by the said letters patent, relation being thereunto had, more at large may appear: And Whereas We did by Our letters patent, under Our Great Seal of England, bearing date the 16th day of May, in the 13th year of Our reign, exemplify the said letters patent granted by Our Royal Father, as in and by the same, relation being thereunto had, at large may appear: And whereas the said Sir William Davenant hath surrendered Our said letters patent of exemplification, and also the said recited letters patent granted by Our Royal Father into Our Court of Chancery to be cancelled, wch surrender We have accepted, and do accept by these presents; Know ye that We, of Our especial grace, certain knowledge and meer motion, and upon the humble petition of the said Sir William Davenant, and in conſon of the good and faithful service which he the said Sir William Davenant hath done unto us, and doth intend to do for the future, and in consideration of the said surrender, have given and granted, and by these presents for Us, Our heirs and successors, do give and grant unto the said Sir William Davenant, his heirs, exōrs, admōrs and assigns, full power, licence and authority, that he, they and every of them, by him and themselves, and by all and every person and persons as he or they shall depute or appoint, and his and their laborers, servants and workmen, shall and may lawfully, peaceably and quietly frame, erect, new build and set up in any place within Our Cities of London and Westminster, or the suburbs thereof, where he or they shall find best accommodation for that purpose, to be assigned and allotted out by the surveyor of Our works, one theatre or playhouse, with tiring and retiring rooms, and other places convenient, of such extent and dimensions as the said Sir William Davenant, his heirs or assigns, shall think fitting, wherein tragedies, comedies, plays, operas, musick, scenes and all other entertainments of the stage whatso-

Appendix, No. 1.

Davenant's Patent,
1662.

ever, may be shown and presented: And We do hereby for Us, Our heirs and successors, grant unto the said Sir William Davenant, his heirs and assigns, full power, license and authority from time to time to gather together, entertain, govern, privilege and keep such and so many players and persons to exercise and act tragedies, comedies, plays, operas and other performances of the stage, within the house to be built as aforesaid, or within the house in Lincoln's-inn-Fields, wherein the said Sir William Davenant doth now exercise the premises, or within any other house where he or they can best be fitted for that purpose within Our cities of London and Westminster, or the suburbs thereof, which company shall be the servants of Our dearly beloved Brother James, Duke of York, and shall consist of such number as the said Sir William Davenant, his heirs or assigns, shall from time to time think meet; and such persons to permit and continue at and during the pleasure of him the said Sir William Davenant, his heirs or assigns, from time to time to act plays and entertainments of the stage of all sorts, peaceably and quietly, without the impeachment or impediment of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same; and that it shall and may be lawful to and for the said Sir William Davenant, his heirs and assigns, to take and receive of such Our subjects as shall resort to see or hear any such plays, scenes and entertainments whatsoever, such sum or sums of money as either have accustomedly been given and taken in the like kind, or as shall be thought reasonable by him or them, in reward of the great expence of scenes, musick, and such new decorations as have not been formerly used: And further, for Us, Our heirs and successors, We do hereby give and grant to said Sir William Davenant, his heirs and assigns, full power to make such allowances out of that which he shall so receive by the acting of plays and entertainments of the stage as aforesaid, to the actors and other persons employed in acting, representing, or in any quality whatsoever about the said theatre, as he or they shall think fit; and that the said company shall be under the sole government and authority of the said Sir William Davenant, his heirs and assigns; and all scandalous and mutinous persons shall from time to time by him and them be ejected, and disabled from playing in the said theatre: And for that We are informed that divers companies of players have taken upon them to act plays publicly in Our said cities of London and Westminster, or the suburbs thereof, without any authority for that purpose, We do hereby declare Our dislike of the same, and will and grant that only the said company erected and set up, or to be erected and set up, by the said Sir William Davenant, his heirs and assigns, by virtue of these presents, and other company erected and set up, or to be erected and set up, by Thomas Killigrew, esquire, his heirs and assigns, and none other, shall from henceforth act or represent comedies, tragedies, plays or entertainments of the stage within our said cities of London and Westminster, or the suburbs thereof, which said company to be erected by the said Thomas Killigrew, his heirs and assigns, shall be subject to his and their government and authority, and shall be styled the company of Us, and of Our Royal Consort; and the better to preserve amity and correspondence betwixt the said companies, and that the one may not encroach upon the other by any indirect means, We will and ordain that no actor or other person employed about either of the said theatres ejected by the said Sir William Davenant and Thomas Killigrew, or either of them, deserting his company, shall be received by the governor or any of the said other company, or any other person or persons to be employed in acting, or in any matter relating to the stage, without the consent and approbation of the governor of the company whereof the said person so ejected or deserted was a member, signified under his hand and seal. And We do by these presents declare all other company and companies, saving the two companies before mentioned, to be silenced and suppressed: And forasmuch as many plays formerly acted do contain several profane, obscene and scurrilous passages, and the women's parts have been acted by men in the habits of women, at which some have taken offence, for the preventing of these abuses for the future, We do hereby strictly command and enjoin that from henceforth no new play shall be acted by either of the said companies containing any passages offensive to piety and good manners, nor any old or received play containing any such offensive passages as aforesaid, until the same shall be corrected and purged by the said masters or governors of the said respective companies from all such offensive and scandalous passages as aforesaid: And We do likewise permit and give leave that all the women's parts to be acted in either of the said two companies for the time to come may be performed by women, so long as these recreations (which by reason of the abuses aforesaid were scandalous and offensive) may by such reformation be esteemed, not only harmless delight, but useful and instructive representations of human life, to such of Our good subjects as shall resort to the same; and these Our letters patent, or the inrollment thereof, shall be in all things good and effectual in the law, according to the true intent and meaning of the same, any thing in these presents contained, or any law, statute, act, ordinance, proclamation, provision or restriction, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding, although express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by Us or any of Our progenitors or predecessors heretofore made to the said Sir William Davenant in these presents is not made, or any other act, statute, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever to the contrary thereof in anywise notwithstanding. In witness whereof We have caused these Our letters to be made patent. Witness Ourself at Westminster this 15th day of January, in the 14th year of Our reign.

By the King.

Howard.

COPY of KILLIGREW'S PATENT

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom this present shall come, greetings. Knowe yo that Wee of Our especial grace, certain knowledge, and mere motion, and upon the humble petition of Our trustie and welbelov'd Thomas Killigrew, Esquire, one of the groomes of Our bedchamber, have given and granted, and by this present, for Us, Our heires and successors, doe give and grante unto the s^d Thomas Killigrew, his heires and assignes, full power, licence and authoritie, that he, they and every of them, by him and themselves, and by all and every such person and persons (as he or they shall depute or appointe), and his and their labourers, servant and workmen, shall and maie lawfullie, quietly and peaceably frame, erect, new build and sett up in any place within Our cities of London and Westminster, or the suburbs thereof, where he or they shall finde best accomodacion for that purpose, to be assigned and allotted but by the surveyor of our workes, one theatre or playhouse, with necessarie tyreing and retyreing rooms, and other places convenient, of such extent and dimension as the said Thomas Killigrew, his heires or assignes shall think fittinge, wherein tragedies, comedies, plays, operas, musick, scenes, and all other entertainment of the stage whatsoever, may be shewen and presented: And Wee doe hereby for Us, Our heires and successors, graunt unto the said Thomas Killigrew, his heires and assignes, full power, licence, and authoritie, from time to time, to gather together, entertaine, governe, priviledge, and keepe such and soe manie players and persons to exercise and act tragedies, comedies, plays, operas and other perfoemacions of the stage within the house to be built as aforesaid, or within any other house where he or they can be best fitted for that purpose, within Our cities of London and Westminster, or the suburbs thereof, which said company shall be the servant of Us and Our deare Consort, and shall consist of such number as the said Thomas Killigrew, his heires or assignes, shall from time to time thinke meete; and such persons to permitt and continue att and dureigne the pleasure of the said Thomas Killigrew, his heires or assignes, from time to time to act plays and enterテインment of the stage of all sort peaceably and quietly, without the impeachment or impediment of any person or persons whatso^r, for the honest recreacion of such as shall desire to see the same: And that it shall and maie be lawful to and for the said Thomas Killigrew, his heires and assignes, to take and receive of such Our subject as shall resort to see or heare ane such playes, scenes and entertainment whatso^r, such some or some of money as either have accustomed bin given or taken in the like kinde, or as shall be thought reasonable by him or them in regard of the greate expences of scenes, musick and such new decaions as have not been formerly used; and further, for Us, Our heires and successors, Wee do hereby give and grant unto the said Thomas Killigrew, his heires and assignes, full power to make such allowances out of that which he shall soe receive by the acting of playes and entertainment of the stage as usd to the actors and other persons employed in actinge, representinge, or in any qualitie whatso^r about the said theatre, as he or they shall thinke fitt; and that the s^d companie shall be under the sole government and authoritie of the said Thomas Killigrew, his heires and assignes; and all scandalous and mutinous persons from time to time by him and them to be ejected and disabled from playeing in the said theatre: And for that Wee are informed that divers companies of players have taken upon them to act playes publicly in Our said cities of London and Westminster, or the suburbs thereof, without any authoritie for that purpose, Wee doe hereby declare our dislike of the same, and will and graunt that onely the said companie to be erected and sett up by the said Thomas Killigrew, his heires and assignes, by virtue of this present, and one other companie to be erected and sett up by Sir William Davenant, knight, his heires or assignes, and none other, shall from henceforth act or represent comedies, tragedies, plaies or entertainment of the stage within our s^d citties of London and Westminster, and the suburbs thereof, which said companie to be erected by the said Sir William Davenant, his heires or assignes, shall be subject to his or their government and authoritie, and shall be styled the Duke of York's Companie; and the better to preserve amitye and correspondence betwixt the said companies, and that the one maie not encroach upon the other by any indirect meanes, Wee will and ordaine that noe actor or other person employed about either the said theatres existed by the said Thomas Killigrew and Sir William Davenant, or either of them, or deserting his companie, shall be received by the governour of the said other companie to be employed in acting, or in anie matter relatinge to the stage, without the consent and approbation of the governour of the companie whereof the s^d person so ejected or deserting was a member, signified under his hand and seale; and Wee doe by this present declare all other companie and companies before mentioned to be silenced and suppressed: And forasmuch as manie playes formerly acted doe containe severll prophane, obscene and scurrulous passages, and the women's part therein have byn acted by men in the habit of woemen, at which some have taken offence, for the preventing of these abuses for the future, Wee doe hereby strictly comand and enioyne, that from henceforth noe new play shall bee acted by either of the said comp^s conteyninge anie passages offensive to pietie and good manners, nor any old or revived play conteyninge any such offensive passages as aforesaid, until the same

Appendix, No. 2.

Killigrew's Patent,
1662.

Appendix, No. 2.
Killigrew's Patent,
1662.

shall be corrected and purged by the said masters or governours of the said respective companies from all such offensive and scandalous passages as aforesaid; and Wee doe likewise permit and give leave, that all the woemen's part to be acted in either of the said two companies for the time to come may be performed by woemen, soe long as their recreacions, which, by reason of the abuses aforesaid, were scandalous and offensive, may by suche reformation be esteemed, not onely harmless delight, but usefull and instructive representations of humane life, to such of our good subiect as shall resort to the same; and theis our letters patent, or the inrollment thereof, shall be in all things firme, good, effectull in the lawe, according to the true intent and meaning of the same, anything in theis present contained, or any law, statute, act, ordinance, proclamacon, provision, or restriction, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding, although express mencon of the true yearely value or certainty of the premises, or of any of them, or of any other gift or grant by Us or by any of Our progenitors or predecessors heretofore made to the said Thomas Killigrew, and the said Sir William Davenant, in theis present is not made, or any statute, ordinance, provision, proclamacon or restriction heretofore had, made, enacted, ordeyned or provided, or any other matter, cause or thing whatsoever to the contrary thereof, in anywise notwithstanding. In witness whereof, Wee have caused theis Our letters to be made patent. Witness Ourselve at Westminster the 25th day of April, in the 14th yeare of our reigne.

By the King,

(seal) Howard.

The Licensing Act 1737

Anno decimo
Georgii II. Regis.

An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants, into one Act of Parliament*; and for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent, as relates to common Players of Interludes.



Whereas by an Act of Parliament made in the Twelfth Year of the Reign of Her late Majesty Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants, into one Act of Parliament; and for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent, It was enacted, That all Persons pretending themselves to be Patent Gatherers or Collectors for Prisons, Gaols, or Hospitals, and wandering abroad for that Purpose, all Fencers, Bearwards, common Players of Interludes, and other Persons therein named and expressed, shall be deemed Rogues and Vagabonds: And whereas some Doubts have arisen concerning so much of the said Act as relates to common Players of Interludes, Now for explaining and amend-

Preamble re-
citing the Act
12 *Anne*.

Anno Regni decimo Georgii II. Regis.

Persons acting
any Play, &c.
in any Place
where he has
not a Settle-
ment, or with-
out Authority,
&c.

to be deemed
Vagabonds,

and forfeit 5*l.*

No new Plays,
or Additions to
old ones, to be
acted, unless a
Copy thereof
be sent to the
Lord Chamber-
lain, &c.

ing the same, be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, every Person who shall, for Vice, Gain, or Reward, act, represent, or perform, or cause to be acted, represented, or performed, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, in case such Person shall not have any legal Settlement in the Place, where the same shall be acted, represented, or performed, without Authority, by Virtue of Letters Patent from His Majesty, His Heirs, Successors, or Predecessors, or without Licence from the Lord Chamberlain of His Majesty's Household for the time being, shall be deemed to be a Rogue and a Vagabond within the Intent and Meaning of the said recited Act, and shall be liable and subject to all such Penalties and Punishments, and by such Methods of Conviction, as are inflicted on or appointed by the said Act, for the Punishment of Rogues and Vagabonds, who shall be found wandering, begging, and disordering themselves, within the Intent and Meaning of the said recited Act.

And be it further enacted by the Authority aforesaid, That if any Person having, or not having a legal Settlement, as aforesaid, shall, without such Authority, or Licence, as aforesaid, act, represent, or perform, or cause to be acted, represented, or performed, for Vice, Gain, or Reward, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, every such Person shall for every such Offence, forfeit the Sum of Fifty Pounds, and in case the said Sum of Fifty Pounds shall be paid, levied, or recovered, such Offender shall not for the same Offence suffer any of the Pains or Penalties inflicted by the said recited Act.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, no Person shall, for Vice, Gain, or Reward, act, perform, represent, or cause to be acted, performed, or represented, any new Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, or any new Act, Scene, or other Part added to any old Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage,

Anno Regni decimo Georgii II. Regis.

Stage, or any new Prologue or Epilogue, unless a true Copy thereof be sent to the Lord Chamberlain of the King's Household for the time being, Fourteen Days at least before the acting, representing, or performing thereof, together with an Account of the Playhouse, or other Place where the same shall be, and the Time when the same is intended to be first acted, represented, or performed, signed by the Master or Manager, or One of the Masters or Managers of such Playhouse, or Place, or Company of Actors therein.

And be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, it shall and may be lawful to and for the said Lord Chamberlain for the time being, from time to time, and when, and as often as he shall think fit, to prohibit the acting, performing, or representing, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any Prologue or Epilogue; and in case any Person or Persons shall for Hire, Gain, or Reward, act, perform, or represent, or cause to be acted, performed, or represented, any new Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, before a Copy thereof shall be sent, as aforesaid, with such Account as aforesaid, or shall for Hire, Gain, or Reward, act, perform, or represent, or cause to be acted, performed, or represented, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, contrary to such Prohibition, as aforesaid; every Person so offending, shall for every such Offence forfeit the Sum of Fifty Pounds, and every Grant, Licence, and Authority, in case there be any such, by or under which the said Master or Masters, or Manager or Managers set up, formed, or continued such Playhouse, or such Company of Actors shall cease, determine, and become absolutely void to all Intents and Purposes whatsoever.

Provided always, That no Person or Persons shall be authorized by virtue of any Letters Patent from His Majesty, His Heirs, Successors, or Predecessors, or by the Licence of the Lord Chamberlain of His Majesty's Household for the time being, to act, represent, or perform, for Hire, Gain, or Reward, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein,

and Persons acting against his Prohibition, &c. to forfeit 50 l. and their Licence.

No Plays to be acted but in Westminster, or Places of His Majesty's Residence.

Anno Regni decimo Georgii II. Regis.

In any Part of Great Britain, except in the City of Westminster, and within the Liberties thereof, and in such Places where His Majesty, His Heirs, or Successors, shall in their Royal Persons reside, and during such Residence only; any thing in this Act contained to the contrary in any wise notwithstanding.

Penalties how
to be recover-
ed, &c.

And be it further enacted by the Authority aforesaid, That all the pecuniary Penalties inflicted by this Act for Offences committed within that part of Great Britain called England, Wales, and the Town of Berwick upon Tweed, shall be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoign, Protection or Wager of Law shall be allowed; and for Offences committed in that part of Great Britain called Scotland, by Action or Summary Complaint before the Court of Session or Judiciary there; or for Offences committed in any Part of Great Britain, in a summary Way before Two Justices of the Peace for any County, Stewartry, Riding, Division, or Liberty, where any such Offence shall be committed, by the Oath or Oaths of One or more credible Witnesses or Witnessess, or by the Confession of the Offender, the same to be levied by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus to such Offender, if any there be, above the Penalty and Charge of Distress; and for want of sufficient Distress, the Offender shall be committed to any House of Correction, in any such County, Stewartry, Riding, or Liberty, for any Time not exceeding Six Months, there to be kept to hard Labour, or to the Common Gaol of any such County, Stewartry, Riding, or Liberty, for any Time not exceeding Six Months, there to remain without Ball or Mainprize; and if any Person or Persons shall think him, her, or themselves aggrieved, by the Order or Orders of such Justices of the Peace, it shall and may be lawful for such Person or Persons to appeal therefrom, to the next General Quarter Sessions to be held for the said County, Stewartry, Riding, or Liberty, whose Order therein shall be final and conclusive; and the said Penalties for any Offence against this Act, shall belong, one Moiety thereof to the Informer or Person suing or prosecuting for the same, the other Moiety to the Poor of the Parish where such Offence shall be committed.

Persons acting
in Publick
Houses includ-
ed in this Act.

And be it further enacted by the Authority aforesaid, That if any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act,

Anno Regni decimo Georgii II. Regis.

Act, Scene, or Part thereof, shall be acted, represented, or performed in any House or Place where Wine, Ale, Beer, or other Liquors shall be sold or retailed, the same shall be deemed to be acted, represented, and performed for Gain, Hire, and Reward.

And be it further enacted by the Authority aforesaid, That no Person shall be liable to be prosecuted for any Offence against this Act, unless such Prosecution shall be commenced within the Space of Six Calendar Months after the Offence committed; and if any Action or Suit shall be commenced or brought against any Justice of the Peace, or any other Person for doing, or causing to be done any Thing in pursuance of this Act, such Action or Suit shall be commenced within Six Calendar Months next after the Fact done; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give the special Matter in Evidence; and if upon such Action or Suit a Verdict shall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs, or Prosecutor shall become Nonsuit, or shall not prosecute his or their said Action or Suit, then the Defendant or Defendants shall have treble Costs, and shall have the like Remedy for the same, as any Defendant or Defendants have in other Cases by Law.

Limitation of
Actions.

General Issue.

Treble Costs.

The Disorderly Houses Act 1751

Anno vicefimo quinto

Georgii II. Regis.

An Act for the better preventing Thefts and Robberies, and for regulating Places of publick Entertainment, and punishing Persons keeping disorderly Houses.



W H E R E A S the advertising a ^{Preamble.}
 Reward with no Questions asked, for the Return of Things which have been lost or stolen, is one great Cause and Encouragement of Thefts and Robberies; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of June, One thousand seven hundred and fifty

Anno Regni vicefimo quinto Georgii II. Regis.

The Person
advertising a
Reward, for
the Return of
Things stolen
or lost, &c.

and the Printer
of such Adver-
tisement, to
forfeit 50*l*.

Unlicens'd
Places of pub-
lick entertain-
ment deemed
disorderly
Houses.

two, any Person publicly advertising a Reward with no Questions asked, for the Return of Things which have been stolen or lost, or making use of any Words in such publick Advertisement, purporting, that such Reward shall be given or paid, without seizing or making Enquiry after the Person producing such Thing so stolen or lost, or promising or offering, in any such publick Advertisement, to return to any Pawnbroker, or other Person, who may have bought or advanced Money by way of Loan, upon such Thing so stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Thing; and any Person printing or publishing such Advertisement, shall respectively forfeit the Sum of Fifty Pounds for every such Offence, to any Person who will sue for the same.

And whereas the Multitude of Places of Entertainment for the lower Sort of People, is another great Cause of Chefts and Robberies, as they are thereby tempted to spend their small Substance in riotous Pleasures, and in Consequence are put on unlawful Methods of supplying their Wants, and renewing their Pleasures: In order therefore to prevent the said Temptation to Chefts and Robberies, and to correct as far as may be the Habit of Idleness, which is become too general over the whole Kingdom, and is productive of much Mischief and Inconvenience; be it enacted by the Authority aforesaid, That from and after the first Day of December, One thousand seven hundred and fifty two, any House, Room, Garden, or other Place, kept for publick Dancing, Musick, or other publick Entertainment of the like Kind, in the Cities of London and Westminster, or within Twenty Miles thereof, without a Licence had for that Purpose, from the last preceding Michaelmas Quarter Sessions of the Peace, to be holden for the County, City, Riding, Liberty, or Division, in which such House, Room, Garden, or other Place, is situate (who are hereby authorized and impowered to grant such Licences, as they in their Discretion shall think proper) signified under the Hands and Seals of Four or more of the Justices there assembled, shall be deemed a disorderly House or Place: And every such Licence shall be signed and sealed by the said Justices in open Court, and afterwards be publicly read by the Clerk of the Peace, together with the Names of the Justices subscribing the same; and no such Licence shall be granted at any adjourned Sessions; nor shall any Fee or Reward

Anno Regni vicesimo quinto Georgii II. Regis.

Reward be taken for any such Licence: And it shall and may be lawful to and for any Constable, or other Person, being thereunto authorized, by Warrant under the Hand and Seal of One or more of His Majesty's Justices of the Peace of the County, City, Riding, Division, or Liberty, where such House or Place shall be situate, to enter such House or Place, and to seize every Person who shall be found therein, in order that they may be dealt with according to Law: And every Person keeping such House, Room, Garden, or other Place, without such Licence as aforesaid, shall forfeit the Sum of One hundred Pounds to such Person as will sue for the same; and be otherwise punishable as the Law directs in Cases of disorderly Houses.

Constables may enter, and seize all Persons found therein.

Person keeping the same, to forfeit 100*l*.

Provided always, and it is hereby further enacted by the Authority aforesaid, That in order to give publick Notice what Places are licensed pursuant to this Act, there shall be affixed and kept up in some notorious Place over the Door or Entrance of every such House, Room, Garden, or other Place, kept for any of the said Purposes, and so licensed as aforesaid, an Inscription in large Capital Letters, in the Words following; videlicet, LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY FIFTH OF KING GEORGE THE SECOND; and that no such House, Room, Garden, or other Place, kept for any of the said Purposes, although licensed as aforesaid, shall be open for any of the said Purposes, before the Hour of Five in the Afternoon; and that the affixing and keeping up of such Inscription as aforesaid, and the said Limitation or Restriction in point of Time, shall be inserted in, and made Conditions of, every such Licence; and in case of any Breach of either of the said Conditions, such Licence shall be forfeited, and shall be revoked by the Justices of Peace in their next General or Quarter Sessions, and shall not be renewed; nor shall any new Licence be granted to the same Person or Persons, or any other Person on his or their or any of their Behalf, or for their Use or Benefit, directly or indirectly, for keeping any such House, Room, Garden, or other Place, for any of the Purposes aforesaid.

Licensed Places to have an Inscription over them,

and not be opened before 5 in the Evening.

On Breach of either of the said Conditions the Licence to be revoked.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the Theatres Royal in Drury Lane and Covent Garden, or the Theatre commonly called The King's Theatre, in the Hay Market,

The Theatres, and other Places licensed by the Crown, or Lord Chamberlain, excepted out of this Act.

Anno Regni vicesimo quinto Georgii II. Regis.

or any of them; nor to such Performances and publick Entertainments, as are or shall be lawfully exercised and carried on under or by virtue of Letters Patents, or Licence of the Crown, or the Licence of the Lord Chamberlain of His Majesty's Household; any thing herein contained notwithstanding.

Constable's
Duty up-
on Notice
given him of
Persons keep-
ing a Bawdy-
house, Gam-
ing-house, or
other disorder-
ly House, &c.

And in order to encourage Prosecutions against Persons keeping Bawdy-houses, Gaming-houses, or other disorderly Houses, be it enacted by the Authority aforesaid, That if any Two Inhabitants of any Parish or Place, paying Scot, and bearing Lot therein, do give Notice in Writing to any Constable (or other Peace Officer of the like Nature, where there is no Constable) of such Parish or Place, of any Person keeping a Bawdy-house, Gaming-house, or any other disorderly House, in such Parish, or Place, the Constable, or such Officer as aforesaid, so receiving such Notice, shall forthwith go with such Inhabitants to One of His Majesty's Justices of the Peace of the County, City, Riding, Division, or Liberty, in which such Parish or Place does lie; and shall, upon such Inhabitants making Oath before such Justice, that they do believe the Contents of such Notice to be true, and entering into a Recognizance in the penal Sum of Twenty Pounds each, to give or produce material Evidence against such Person for such Offence; enter into a Recognizance in the penal Sum of Thirty Pounds, to prosecute with Effect such Person for such Offence at the next General or Quarter Session of the Peace, or at the next Assizes to be holden for the County in which such Parish or Place does lie, as to the said Justice shall seem meet; and such Constable, or other Officer, shall be allowed all the reasonable Expences of such Prosecution, to be ascertained by any Two Justices of the Peace of the County, City, Riding, Division, or Liberty, where the Offence shall have been committed, and shall be paid the same by the Overseers of the Poor of such Parish or Place; and in case such Person shall be convicted of such Offence, the Overseers of the Poor of such Parish or Place shall forthwith pay the Sum of Ten Pounds to each of such Inhabitants; and in case such Overseers shall neglect or refuse to pay to such Constable, or other Officer, such Expences of the Prosecution as aforesaid, or shall neglect or refuse to pay upon Demand, the said Sums of Ten Pounds and Ten Pounds, such Overseers, and each of them, shall forfeit to the Person intitled to the same, Double the Sum so refused or neglected to be paid.

The Charges
of Prosecution,

and 10/. on
Conviction to
each of the
Two Inhabi-
tants, to be
paid by the
Overseers,

on Penalty of
forfeiting
Double the
Sum.

Provided

Anno Regni vicesimo quinto Georgii II. Regis.

Provided always, and be it enacted by the Authority aforesaid, That upon such Constable, or other Officer, entering into such Recognizance to prosecute as aforesaid, the said Justice of the Peace shall forthwith make out his Warrant to bring the Person so accused of keeping a Bawdy-house, Gaming-house, or other disorderly House, before him, and shall bind him or her over to appear at such General or Quarter Session or Assizes, there to answer to such Bill of Indictment as shall be found against him or her for such Offence; and such Justice shall and may, if in his Discretion he thinks fit, likewise demand and take Security for such Persons good Behaviour in the mean Time, and until such Indictment shall be found, heard, and determined, or be returned by the Grand Jury not to be a true Bill.

Person keeping such Bawdy-house, &c. to be bound over to appear, to answer the Indictment.

Provided also, That in case such Constable shall neglect or refuse, upon such Notice, to go before any Justice of the Peace, or to enter into such Recognizance, or shall be wilfully negligent in carrying on the said Prosecution, he shall for every such Offence forfeit the Sum of Twenty Pounds to each of such Inhabitants so giving Notice as aforesaid.

Constable neglecting his Duty forfeits 20*l*.

And whereas, by reason of the many subtle and crafty Contrivances of Persons keeping Bawdy-houses, Gaming-houses, or other disorderly Houses, it is difficult to prove who is the real Owner or Keeper thereof, by which Means many notorious Offenders have escaped Punishment; be it enacted by the Authority aforesaid, That any Person who shall at any Time hereafter appear, act, or behave him or herself, as Master or Mistress, or as the Person having the Care, Government, or Management of any Bawdy-house, Gaming-house, or other disorderly House, shall be deemed and taken to be the Keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in Fact be the real Owner or Keeper thereof.

Who shall be deemed the Keeper of such Bawdy-house, &c.

Provided nevertheless, That upon any such Prosecution against any Person for keeping a Bawdy-house, Gaming-house, or other disorderly House, any Person may give Evidence against the Defendant, or on Behalf of the Defendant, in such Prosecution, notwithstanding his or her being an Inhabitant or Parishioner of the said Parish or Place, or having entered into such Recognizance as aforesaid.

Evidence may be given for or against the Defendant, by an Inhabitant, &c.

And

Anno Regni vicesimo quinto Georgii II. Regis.

Indictment
not remove-
able by *Certio-
rari* into any
other Court.

And be it further enacted by the Authority aforesaid, That no Indictment which shall at any Time after the said First Day of June, be preferred against any Person for keeping a Bawdy-house, Gaming-house, or other disorderly house, shall be removed by any Writ of Certiorari into any other Court; but such Indictment shall be heard, tried, and finally determined, at the same General or Quarter Session or Assizes, where such Indictment shall have been preferred (unless the Court shall think proper, upon Cause shewn, to adjourn the same) any such Writ or Allowance thereof notwithstanding.

In Prosecu-
tions for
Felony;
Court may
make Orders
for Payment
of the Prosecu-
tor's Expences;

And whereas many Persons are deterred from prosecuting Persons guilty of Felony, upon account of the Expence attending such Prosecutions, which is another great Cause and Encouragement of Cheats and Robberies; in order therefore to encourage the bringing Offenders to Justice, be it enacted by the Authority aforesaid, That it shall and may be in the Power of the Court, before whom any Person has been tried and convicted of any Grand or Petit Larceny, or other Felony, at the Prayer of the Prosecutor, and on Consideration of his Circumstances, to order the Treasurer of the County in which the Offence shall have been committed, to pay unto such Prosecutor such Sum of Money as to the said Court shall seem reasonable, not exceeding the Expences which it shall appear to the Court the Prosecutor was put unto in carrying on such Prosecution, making him a reasonable Allowance for his Time and Trouble therein; which Order the Clerk of Assize, or Clerk of the Peace respectively, is hereby directed and required forthwith to make out and to deliver unto such Prosecutor, upon being paid for the same the Sum of One Shilling, and no more; and the Treasurer of the County is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Prosecutor, or other Person authorized to receive the same, such Sum of Money as aforesaid, and shall be allowed the same in his Accounts.

Clerk's Fee for
such Order.

County Trea-
surer to pay
the Order on
Sight.

Justices may
examine on
Oath Rogues,
Vagabonds,
and other dis-
orderly Persons
brought before
them;

And, for the better discovering and bringing to Justice Thieves, Robbers, and other Persons maintaining themselves by pilfering and defrauding Mankind; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace, in any County, City, or Liberty, in case any Person apprehended, upon any general Writ of Search, or by virtue of any Special Warrant, shall be charged

Anno Rēgni vicesimo quinto Georgii II. Regis.

charged before them with being a Rogue and Vagabond, or an idle and disorderly Person, or with Suspicion of Felony, (although no direct Proof be then made thereof) to examine such Person upon Oath; not only as to the Parish or Place where he was last legally settled, but also as to his Means of Livelihood; the Substance of which Examination shall be put into Writing, and be subscribed or signed by the Person so examined; and the said Justices shall likewise sign the same, and transmit it to the next General or Quarter Sessions of the Peace to be holden for the same County, City, or Liberty, there to be filed, and to be kept on Record: And if such Person shall not make it appear to such Justices, that he has a lawful Way of getting his Livelihood, or shall not procure some responsible House-keeper to appear to his Character, and to give Security for his Appearance before such Justices, at some other Day to be fixed for that Purpose (in case the same shall be required) to commit such Person to some Prison; or House of Correction, for any Time not exceeding Six Days; and in the mean Time to order the Overseers of the Poor, or One of them, of the Parish or Place in which such Person shall be apprehended; to insert an Advertisement in some publick Paper, describing such suspicious Person, and any Thing or Things which shall have been found upon him, or in his Custody, and which he shall be suspected not to have come honestly by, and mentioning the Place to which such Person is committed; and specifying the Time and Place when and where such Person is to be again brought before them to be re-examined; and if no Accusation shall be then laid against him, then such Person shall be discharged, or otherwise dealt with according to Law.

the Examination to be signed, and transmitted to the Quarter Sessions.

Person not giving a satisfactory Account of himself, &c. to be committed,

and an Advertisement to be published, describing his Person, and the Things found on him.

And be it further enacted by the Authority aforesaid, That any Person intitled to any of the Forfeitures by this Act imposed, may sue for the same by Action of Debt, in any of His Majesty's Courts of Record at Westminster, in which it shall be sufficient to declare, That the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act, intituled, An

Recovery of Forfeitures.

Act for the better preventing Thefts and Robberies, and for regulating Places of publick Entertainment, and punishing Persons keeping disorderly Houses; and the Plaintiff, if he recover in any such Action, shall have his Full Costs.

Full Costs.

Provided, That no Action shall be brought by virtue of this Act, unless the same shall be commenced within

Limitation of Actions.

Anno Regni vicefimo quinto Georgii II. Regis.

the Space of Six Calendar Months; after the Offence committed.

Act to be in
Force for
3 Years.

And be it further enacted by the Authority aforesaid, That this Act shall continue in Force until the Expiration of Three Years, to be computed from the first Day of this Session of Parliament; and from thence to the End of the then next Session of Parliament, and no longer.

F I N I S.

The Theatrical Representations Act 1788



ANNO VICESIMO OCTAVO

GEORGI II. REGIS.

C A P. XXX.

An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained.

WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Second, certain Penalties and Punishments were inflicted on every Person who should, for Hire, Gain, or Reward, act, represent, or perform, or cause to be acted, represented, or performed, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, except as in the said Act is excepted: And whereas divers Acts of Parliament have since been solicited and obtained for divers Cities, Towns, and Places, for exempting them respectively from the Provisions of the said Law: And whereas it may be expedient to permit and suffer, in Towns of considerable Resort, Theatrical Representations for a limited Time, and under Regulations; in which nevertheless it would be highly impolitic, inexpedient, and unreasonable to permit the Establishment of a constant and regular Theatre: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Peace of any County, Riding, or Liberty, in General or Quarter Sessions assembled, at their Discretion, to grant a Licence to any Person or Persons, making Application for the same by Petition, for the Perform-

Preamble.
10 G. 2. c. 28.

Justices of the Peace may at the General or Quarter Sessions grant Licences for

28° GEORGII III. Cap. 30.

the Performance of Plays, &c. under the Restrictions herein specified.

Performance of such Tragedies, Comedies, Interludes, Operas, Plays, or Farces, as now are or hereafter shall be acted, performed, or represented at either of the Patent or Licensed Theatres in the City of *Westminster*, or as shall, in the Manner prescribed by Law, have been submitted to the Inspection of the Lord Chamberlain of the King's Household for the Time being, at any Place within their Jurisdictions, or within any City, Town, or Place situate within the Limits of the same, for any Number of Days not exceeding Sixty Days, to commence within the then next Six Months, and to be within the Space of such Four Months as shall be specified in the said Licence, so as there be only One Licence in Use at the same Time within the Jurisdiction so given, and so as such Place be not within Twenty Miles of the Cities of *London*, *Westminster*, or *Edinburgh*, or Eight Miles of any Patent or Licensed Theatre, or Ten Miles of the Residence of His Majesty, His Heirs or Successors, or of any Place within the same Jurisdiction at which, within Six Months preceding, a Licence under this Act shall have been had and exercised, or within Fourteen Miles of either of the Universities of *Oxford* and *Cambridge*, or within Two Miles of the outward Limits of any City, Town, or Place having peculiar Jurisdiction; and so also, as no Licence under this Act shall have been had and exercised at the same Place within Eight Months then next preceding; any Law or Statute for the Punishment of Persons employed in Theatrical Representations to the contrary in anywise notwithstanding.

Licences not to be granted within any Place having peculiar Jurisdiction, without the Consent of the Majority of the Justices acting for such Jurisdiction.

No Licence to be granted unless Three Weeks Notice be given the Mayor, &c. previous to Application for a Licence.

II. Provided always, That no such Licence shall be granted by the Justices as aforesaid, to be exercised within any City, Town, or Place having peculiar Jurisdiction, unless Proof shall be made that the Majority of the Justices acting for such peculiar Jurisdiction have, at a public Meeting, signed their Consent and Approbation to the said Application, or unless an express Condition shall be therein inserted, that the same shall not be valid and effectual until it shall have been approved by the Majority of the Justices of such peculiar Jurisdiction, at a Meeting holden expressly for taking the same into Consideration.

III. Provided also, That no such Licence shall be granted by the Justices as aforesaid within any City, Town, or Place, unless Notice shall have been given by the Person or Persons applying for such Licence, at least Three Weeks before such Application, to the Mayor, Bailiff, or other Chief Civil Officer or Officers of such City, Town, or Place, of his or their intending to make such Application.

The Theatres Act 1843

6 & 7 Vict

Cap. 68

Whereas it is expedient that the Laws now in force for regulating Theatres and Theatrical Performances be repealed, and other Provisions be enacted in their Stead: Be it enacted be the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That an Act passed in the Third Year of the Reign of King *James* the First, intituled *An Act to restrain the Abuses of the Players*; and so much of an Act passed in the Tenth Year of the Reign of King *George* the Second for the more effectual preventing the unlawful playing of Interludes within the Precincts of the Two Universities in that Part of *Great Britain* called *England*, and the places adjacent as is now in force; and another Act passed in the Tenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen Anne, intituled 'An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants into One Act of Parliament, and for the more effectual punishing such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be sent, ' as relates to common Players of Interludes;* and another Act passed in the Twenty-eighth Year of the Reign of King *George* the Third, intituled *An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained,* shall be repealed: Provided always, that any Licence now in force granted by the Lord Chamberlain, or granted by any Justices of the Peace under the Provisions of the last-recited Act, shall continue in force for the times for which the same were severally granted, or until revoked by the Authority by which they were severally granted.

II. And be it enacted, That, except as aforesaid, it shall not be lawful for any Person to have or keep any House or other Place of public Resort in *Great Britain*, for the public Performance of Stage Plays, without Authority by virtue of Letters Patent from Her Majesty, Her Heirs and Successors, or Predecessors, or without Licence from the Lord Chamberlain of Her Majesty's Household for the Time being, or from the Justices of the Peace as herein-after provided; and every Person who shall offend against this Enactment shall be liable to forfeit such Sum as shall be awarded by the Court in which all the Justices by whom he shall be convicted, not exceeding Twenty Pounds for every Day on which such House or Place shall have been so kept open by him for the Purpose aforesaid without legal Authority.

III. And be it enacted, That the Authority of the Lord Chamberlain for granting Licences shall extend to all Theatres (not being Patent Theatres) within the parliamentary Boundaries of the Cities of *London* and *Westminster*, and of the Boroughs of *Finsbury* and *Marylebone*, the *Tower Hamlets*, *Lambeth*, and *Southwark*, and also within those Places where Her Majesty, Her Heirs and Successors, shall, in their Royal Persons, occasionally reside: Provided always that, except within the Cities and Boroughs aforesaid, and the Boroughs of *New Windsor* in the County of *Berks*, and *Brighthelmstone* in the County of *Sussex*, Licenses for Theatres may be granted by the Justices as herein-after provided, in those Places in which Her Majesty, Her Heirs and Successors, shall occasionally reside; but such Licences shall not be in force during the Residence there of Her Majesty, Her Heirs and Successors; and during such Residence it shall not be lawful to open such Theatres as last aforesaid (not being Patent Theatres) without the Licence of the Lord Chamberlain.

IV. And be it enacted, That for every such Licence granted by the Lord Chamberlain a Fee, not exceeding Ten Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain.

V. And be it enacted, That the Justices of the Peace within every County, Riding, Division, Liberty, Cinque Port, City, and Borough in *Great Britain* beyond the Limits of the Authority of the Lord

Chamberlain, in which Application shall have been made to them for any such Licence as is hereinafter mentioned, shall, within Twenty-one Days after such Application shall have been made to them in Writing signed by the Party making the same, and countersigned by at least Two Justices acting in and for the Division within which the Property proposed to be licensed shall be situate, and delivered to the Clerk to the said Justices, hold a Special Session in the Division, District, or Place for which they usually act for granting Licences to Houses for the Performance of Stage Plays, of the holding of which Session Seven Days Notice shall be given by their Clerk to each of the Justices acting within such Division, District, or Place; and every such Licence shall be given under the Hands and Seals of Four or more of the Justices assembled at such Special Session, and shall be signed and sealed in open Court, and afterwards shall be publicly read by the Clerk, with the Names of the Justices subscribing the same.

VI. And be it enacted, That for every such Licence granted by the Justices a Fee, not exceeding Five Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Justices, shall be paid to the Clerk of the said Justices.

VII. And be it enacted, That no such Licence for a Theatre shall be granted by the Lord Chamberlain or Justices to any Person except the actual and responsible Manager for the Time being of the Theatre in respect of which the Licence shall be granted; and the Name and Place of the Abode of such Manager shall be printed on every Play Bill announcing any Representation at such Theatre; and such Manager shall become bound himself in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than Five hundred Pounds and Two sufficient Sureties, to be approved by the said Lord Chamberlain or Justices, each in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than One hundred Pounds for the due Observance of the Rules which shall be in force at any Time during the Currency of the Licence for the Regulation of such Theatre, and for securing Payment of the Penalties which such Manager may be adjudged to pay for Breach of the said Rules, or any of the Provisions of this Act.

VIII. And be it enacted, That in case it shall appear to the Lord Chamberlain that any Riot or Misbehaviour has taken place in any Theatre licensed by him, or in any Patent Theatre, it shall be lawful for him to suspend such Licence or to order such Patent Theatre to be closed for such Time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any Patent Theatre or any Theatre licensed by him shall be closed on such public Occasions as to the Lord Chamberlain shall seem fit; and while any such Licence shall be suspended, or any such Order shall be in force, the Theatre to which the same applies shall not be entitled to the Privilege of any Letters Patent or Licence, but shall be deemed an unlicensed House.

IX. And be it enacted, That the said Justices of the Peace at a Special Licensing Session, or at some Adjournment thereof, shall make suitable Rules for ensuring Order and Decency at the several Theatres licensed by them within their Jurisdiction, and for regulating the Times during which they shall severally be allowed to open, and from Time to Time, at another Special Session, of which Notice shall be given as aforesaid, may rescind or alter such Rules; and it shall be lawful for any One of Her Majesty's Principal Secretaries of State to rescind or alter such Rules, and also to make such other Rules for the like Purpose, as to him shall seem fit; and a Copy of all Rules which shall be in force for the Time being shall be annexed to every Licence; and in case any Riot or Breach of the said Rules in any such Theatre shall be proved on Oath before any Two Justices usually acting in the Jurisdiction where such Theatre is situated, it shall be lawful for them to order that the same be closed for such Time as to the said Justices shall seem fit; and while such Order shall be in force the Theatre so ordered to be closed shall be deemed as an unlicensed House.

X. Provided always, and be it enacted, That no such Licence shall be in force within the Precincts of either of the Universities of Oxford or Cambridge, or within Fourteen Miles of the City of Oxford or Town of Cambridge, without the Consent of the Chancellor or Vice Chancellor of each of the said Universities respectively; and that the Rules for the Management of any Theatre which shall be licensed with such Consent within the Limits aforesaid shall be subject to the Approval of the said Chancellor or Vice Chancellor respectively; and in case of the Breach of any of the said Rules, or of any Condition which the Consent of the Chancellor or Vice Chancellor to grant any such Licence shall have been given, it shall be lawful for such Chancellor or Vice Chancellor respectively to annul the Licence, and thereupon such Licence shall become void.

XI. And be it enacted, That every Person who for Hire shall act or present, or cause, permit, or suffer to be acted or presented, any Part in any Stage Play, in any Place not being a Patent Theatre or duly licensed as a Theatre, shall forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted not exceeding Ten Pounds for every Day on which he shall so offend.

XII. And be it enacted, That One Copy of every new Stage Play, and of every new Act, Scene, or other Part added to any old Stage Play, and of every new Prologue or Epilogue, and of every new Part added to an old Prologue or Epilogue intended to be produced and acted for Hire at any Theatre in *Great Britain*, shall be sent to the Lord Chamberlain of Her Majesty's Household for the Time being, Seven Days at least before the first acting or presenting thereof, with an Account of the Theatre where and the Time when the same is intended to be first acted or presented, signed by the Master or Manager, or One of the Masters or Managers of such Theatre; and during the said Seven Days no Person shall for Hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the Expiration of the said Period of Seven Days shall disallow any Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, it shall not be lawful for any Person to act or present the same, or cause the same to be acted or presented, contrary to such Disallowance.

XIII. And be it enacted, That it shall be lawful for the Lord Chamberlain to such Fees for the Examination of the Plays, Prologues, and Epilogues, or Parts thereof, which shall be sent to him for Examination, as to him from Time to Time shall seem fit, according to a Scale which shall be fixed by him, such Fee not being in any Case more than Two Guineas and such Fees shall be paid at the Time when such Plays, Prologues, and Epilogues, or Parts thereof, shall be sent to the Lord Chamberlain; and the said Period of Seven Days shall not begin to run in any Case until the said Fee shall have been paid the Lord Chamberlain, or to some Officer deputed by him to receive the same.

XIV. And be it enacted, That it shall be lawful for the Lord Chamberlain for the Time being, whenever he shall be of opinion that is fitting for the Preservation of good Manners, Decorum, or of the public Peace so to do, to forbid the acting or presenting any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, anywhere in *Great Britain*, or in such Theatres as he shall specify, and either absolutely or for such Time as he shall think fit.

XV. And be it enacted, That every Person who for Hire shall act or present, or cause to be acted or presented, any new Stage Play, or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, or any Part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every Person who for Hire shall act or present, or cause to be acted or presented, any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, contrary to such Prohibition as aforesaid, shall for every such Offence forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding the Sum of Fifty Pounds; and every Licence (in case there be any such) by or under which the Theatre was opened, in which such Offence shall have been committed, shall become absolutely void.

XVI. And be it enacted, That in every Case in which any Money or any Reward shall be taken or charged, directly or indirectly, or in which the Purchase of any Article is made a Condition for the Admission of any Person into any Theatre to see any Stage Play, and also in every Case in which any Stage Play shall be acted or presented in any House, Room, or Place in which distilled or fermented Exciseable Liquor shall be sold, every Actor therein shall be deemed to be acting for Hire.

XVII. And be it enacted, That in any Proceedings to be instituted against any Person for having or keeping an unlicensed Theatre, or for acting for Hire in an unlicensed Theatre if it shall be proved that such Theatre is used for the public Performance of Stage Plays the Burden of Proof that such Theatre is duly licensed or authorised shall lie on the Party accused, and until the contrary shall be proved such Theatre shall be taken to be unlicensed.

XVIII. And be it enacted, That after the passing of this Act it shall be lawful for any Person against whom any Action or Information shall have been commenced, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act of the Tenth Year of the Reign of King *George* the Second, to apply to the Court in which such Action or Information shall have been commenced, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Action or Information shall be discontinued, upon Payment of

the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action or Information shall be forthwith discontinued.

XIX. And be it enacted, That all the pecuniary Penalties imposed by this Act for Offences committed in *England* may be recovered in any of Her Majesty's Courts of Record at *Westminster*, and for Offences committed in *Scotland* by Action or summary Complaint before the Court of Session or Justiciary there or for Offences committed in any Part of *Great Britain* in a summary Way before Two Justices of the Peace for any County, Riding, Division, Liberty, City, or Borough where any such Offence shall be committed by the Oath or Oaths of One or more Witness or Witnesses or by the Confession of the Offender and in default of Payment of such Penalty together with the Costs, the same may be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to such Offender if any there be above the Penalty Costs and Charge of Distress; and for Want of sufficient Distress the Offender may be imprisoned in the Common Gaol or House of Correction of any such County, Riding, Division, Liberty, City, or Borough for any Time not exceeding Six Calendar Months.

XX. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Order of such Justices of the Peace to appeal therefrom to the next General or Quarter Session of the Peace to be holden for the said County, Riding, Division, Liberty, City or Borough whose Order therein shall be final.

XXI. And be it enacted, That the said Penalties for any Offence against this Act shall be paid and applied in the first instance toward defraying the Expenses incurred by the Prosecutor, and the Residue thereof (if any) shall be paid to the Use of Her Majesty, Her Heirs and Successors.

XXII. Provided always, and be it enacted, That no Person shall be liable to be prosecuted for any Offence against this Act unless such Prosecution shall be commenced within Six Calendar Months after the Offence committed.

XXIII. And be it enacted, That in this Act the Word "Stage Play" shall be taken to include every Tragedy, Comedy, Farce, Opera, Burletta, Interlude, Melodrama, Pantomime, or other Entertainment of the Stage, or any Part thereof: Provided always that nothing herein contained shall be construed to apply to any Theatrical Representation in any Booth or Show which by the Justices of the Peace, or other Persons having Authority in that Behalf, shall be allowed in any lawful Fair, Feast, or customary Meeting of the like Kind.

XXIV. And be it enacted, That this Act shall extend only to *Great Britain*.

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