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THE STAGE LICENSING ACT OF 1737

P. J. CREAN

THAT some reformation in the control of the playhouses was essential the march of events in the early decades of the eighteenth century shows. During this period the absolute but indefinable authority, which the lord chamberlain had traditionally exerted, proved ineffective to deal with the expansion of the theater, while at the same time the mutilated powers of the master of the revels threatened to make of his office a mere anachronistic survival. The confusion in which the whole question of the supervision of the theater was enveloped is shown by the controversy which the opening of a new playhouse by Thomas Odell in Goodman's Fields in 1729 occasioned.

The proximity of the new theater to the city and to the industrial quarter near the Minories, where the woolen and silk trades congregated, made it a place of great resort. This very popularity, however, drew down upon the new venture the severe displeasure of the civic authorities. Not without reason, indeed; for with the success of the new enterprise a marked and undesirable change was to be seen in the environment of Ayliffe Street. A writer in the *Gentleman's magazine*,¹ referring to Odell's house, states that

the street where it is built was formerly inhabited by Silk-Throwsters, Riband-Weavers etc. who employed the Industrious Poor; immediately on setting up the Playhouse the Rents were raised 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 Playhouse.

The lord mayor and court of aldermen of the city of London, on the plea that they were apprehensive of the harmful results bound to follow from the continuance of a theater in Goodman's Fields, "more especially as affecting morals, lessening the industry and losing the time of those persons employed," presented a petition to the king begging the suppression of "an evil of so dangerous a consequence."² Their request met with a favorable reception, as the response from the king

¹ April, 1735, p. 191.

² *Grub Street journal*, May 7, 1730.

shows. "Your Care and Concern," ran the reply, "for the Trade of this City, and the Welfare of your Fellow Citizens, is very much to be commended; and you may depend upon my complying with what you wish with so much Reason and Justice desire of me upon this occasion."³

Odell made immediate appeal to the king, asking permission to continue the representation of plays; but "his Majesty was not willing to grant his Request."⁴ From this it would seem that Odell's theater was doomed; and it actually did close down, even if only for a brief interval. There are no bills from April 28 to May 11, but after this date they are again inserted and appear as regularly as those of the other theaters. The episode is difficult to explain. Odell claimed that he was playing "by Authority," and it is likely that the "Authority" may have been influential enough to induce the king to reconsider his decision. The plain fact, however, emerges that during the controversy no mention is made of the lord chamberlain, of the comptroller, or of the master of the revels; a direct appeal to the king by both sides is reported in the papers as a matter of course.⁵ From Odell's next move it would seem that he believed that his offense was due not to contravening the regulations of a higher authority but to opening a theater too near the center of a group of manufacturing interests; for in the following August the announcement appears that he had taken the "lease for fourteen years of a piece of ground near Tottenham-Court turnpike upon which he has begun to build a theatre seventy feet in length."⁶

The promised theater, however, never appeared; and Odell reopened in Goodman's Fields for the new season 1730-31. During this year he finally lost heart; for to the hostility of the merchant manufacturers—an antagonism which, in its intensity, had never been relaxed—was added the opposition of the church, and in September, 1731, he parted with his playhouse to Henry Giffard, a player in his own company.

³ *British journal*, May 2, 1730; *Grub Street journal*, May 7, 1730.

⁴ *Grub Street journal*, May 7, 1730.

⁵ According to the *Weekly miscellany*, Mar. 8, 1735, Odell played in defiance of the king's orders; it was disputed, in fact, if it was in the power of the royal prerogative to silence a theater.

⁶ *Grub Street journal*, Aug. 6, 1730. During the summer Odell obtained permission to bring a company of comedians to Windsor while the court was in residence (*Universal spectator*, June 27, 1730).

The new manager, an experienced actor and less sensitive to adverse criticism than his predecessor, exerted himself immediately to improve his new acquisition, "beautifying it and making it as commodious as possible."⁷ Within a year he built "an intire, new, beautiful, convenient Theatre, by the same Architect with that of Covent Garden; where Dramatic Pieces were performed with the utmost Elegance and Propriety."⁸ The account of the opening performance provides a description of the principal embellishments of the new building:

On a large Oval over the Pit is represented the Figure of his Majesty, attended by Peace, Liberty and Justice trampling Tyranny and Oppression under his feet. Round it are the Heads of Shakespeare, Dryden, Congreve, and Betterton. On the Coving on the left Hand is painted the Scene of Cato pointing at the dead Body of his Son, Marcius; In the Middle, that of Julius Caesar stabb'd in the Senate-House; and on the Right, that of Marc Anthony and Octavia, where the Children are introduced in *All for Love*: On the Sounding-Board over the Stage is a handsome Piece of Painting of Apollo and the Nine Muses. The Whole is looked upon by most People that have seen it, to be a neat and elegant Piece of Workmanship and Contrivance.⁹

The distrust and suspicion with which the latest development in Goodman's Fields was regarded is revealed by Sir John Hawkins, the well-known magistrate. He writes:

The Merchants of London, then a grave sagacious body of men found that it was a temptation to idleness and pleasure that their clerks could not resist: they regretted to see the corruptions of Covent Garden extended, and the seats of industry hold forth allurements to vice and debauchery. The principal of these was Sir John Barnard, a wise and venerable man and a good citizen: he, as a magistrate, had for some time been watching for such information as would bring the actors of Goodman's Fields Playhouse within reach of the vagrant laws: but none was laid before him that he could, with prudence, act upon.¹⁰

The summer which saw the erection of the playhouse in Goodman's Fields witnessed the construction of yet another theater—the Theatre Royal in Covent Garden, to which John Rich now transferred his company from the playhouse in Lincoln's Inn Fields. It was at first

⁷ *Daily post*, Sept. 9, 1731.

⁸ W. R. Chetwood, *A general history of the stage* (1749), p. 167. So, too, *Daily post*, July 14, 1732.

⁹ *Daily post*, Oct. 4, 1732.

¹⁰ Sir John Hawkins, *Life of Dr. Johnson*, p. 73.

expected that Covent Garden would be ready for the commencement of the season in 1732; but the decorations not being completed in time,¹¹ the new theater did not actually open till December 7. Probably the elaborate paintings of the house in Goodman's Fields had given Rich food for thought, since the season had advanced to September 18 when the announcement appeared that Signior Amiconi, a well-known artist then in fashionable demand, was "to shew his Art in the Ceiling of that Theatre [Covent Garden]: and in order thereto hath prepared a Design in which Apollo is represented in an Assembly of the Muses dignifying Shakespeare with the Lawrel."

The craze for "beautifying" had seized even Drury Lane; but Fleetwood, the manager, was compelled to abandon his efforts hurriedly. The *Daily post* says:

The Scaffolding which was raised on the Stage, at the Theatre Royal in Drury-Lane, for the new Painting the House is taken down, orders being come from Court for the Theatre to open forthwith: and *The Rehearsal* is to be acted there on Friday next, by Her Majesty's Command.¹²

It is noteworthy that Rich, in moving to his new house, made a special announcement, stating explicitly that the company at Covent Garden was performing, as they had done at Lincoln's Inn Fields, under the united patents of Davenant and Killigrew. The inference is obvious that Rich, who was the son of a lawyer, and who evidently saw the trend of feeling in Parliament toward a restriction of the playhouses, wished to place beyond the shadow of a doubt his sovereign and indisputable authority for the performance of plays.

To the watchful eyes of Sir John Barnard and his associates the dramatic activities of London in the early months of the 1732-33 season presented a rare sight. In addition to the theaters at Drury Lane and Lincoln's Inn Fields,¹³ two new playhouses had been erected.

Painting and decoration was in progress on all sides. Even in the Haymarket, the redoubtable Mme Violante, not content with per-

¹¹ *Daily journal*, Sept. 18, 1732. From the *British journal or the Traveller*, 1731, it appears that building-operations were in progress by that date.

¹² Sept. 6, 1732.

¹³ Lincoln's Inn Fields did not fall into disuse; for from after Christmas until the following May occasional performances took place. These were mostly operas under the management of Arne. The *Country journal*, Nov. 4, 1732, announces that Arne had taken the theater in L.I.F. to "represent English Operas after the Italian manner."

forming the gymnastic feats for which she was renowned, entertained the town with *The beggar's opera*, "after the Irish Manner which was performed ninety six times in Dublin with great Applause." Of more than passing interest is the personnel of Madam's little company, for the part of Macheath, on this occasion, was played by "the celebrated Miss Woffington," who also appeared as Mrs. Peachum and Mrs. Diana Trapes.

The climax was reached when the announcement appeared that yet another theater was to be built. "We hear," states the *Daily courrant*,¹⁴ "that a new Play-House will be built by Subscription in St. Martin's Le Grand towards which the Sum of £1500 is already subscribed." Whether the threatened playhouse was really intended or whether the paragraph was a false announcement deliberately inserted to provide an excuse for intervention is not clear.¹⁵ Certain it is, that the prospect of seeing another theater appear and surround itself, to use Sir John Hawkins' picturesque phrase, with "a halo of brothels," proved too much for Sir John Barnard. The unsuccessful attempt to secure the conviction of Harper,¹⁶ a popular member of the Drury Lane company, under the Vagrancy Act of the twelfth year of Queen Anne, followed; and it was now obvious that, to deal effectively with the problem presented by the indiscriminate spread of the theaters, the existing laws required modification. On March 5, 1734-35, leave was given in the House of Commons to bring in a "Bill or Bills for restraining the Number of Houses for playing of Interludes and for the better regulating common Players of Interludes."¹⁷

In support of the bill Sir John Barnard represented the mischief done to the city of London by the playhouses "in corrupting the Youth, encouraging Vice and Debauchery, and being prejudicial to Trade and Industry." How much more would these evils be increased if yet another playhouse were built in the very heart of the city.¹⁸

¹⁴ Jan. 6, 1733.

¹⁵ Theophilus Cibber inclined to the latter view. See his *Epistle to Mr. Garrick*, p. 70.

¹⁶ An important letter against the building of a playhouse in St. Martin le Grand appears in the *Weekly miscellany*, Mar. 8, 1735.

¹⁷ *Journals of the House of Commons*, XXII, 403. The preparation of the bill was intrusted to Sir John Barnard, the master of the rolls, the chancellor of the exchequer, Sir Thomas Sanderson, Mr. Sandys, Mr. Pulteney, Sir Edward Stanley, Mr. Talbot, Mr. Erskine, the attorney general, the solicitor general, and Lord Gage.

¹⁸ *The history and proceedings of the House of Commons* (London: Printed for R. Chandler, 1742, etc.), IX, 93. From an article in the *Grub Street journal*, Dec. 2, 1732, it would

Another member, James Erskine, in urging the claims of the bill, made a patriotic appeal to the House to free the country from the insidious influence of France. A shameful change, he declared, had come over the inclinations of the British people, "who were now so extravagantly addicted to lewd and idle Diversions, that the Number of Play-Houses in London was double to that of Paris." Such ridiculous customs, he added, were as unsuitable to the "Mein and Manners of an Englishman or a Scot, as they were agreeable to the Air and Levity of a Monsieur." Indeed, he concluded, all Europe was astonished "that Italian Eunuchs and Singers should have set Salaries equal to those of the Lords of the Treasury and Judges of England."¹⁹

On April 3 the bill was read a first time and ordered to be brought up for a second reading. Petitions now poured in on the House of Commons. From the justices, deputy-lieutenants, and many of the principal inhabitants of the Tower Division came a petition urging that Goodman's Fields playhouse was "a great Nusance" and begging that the bill might pass since all previous attempts to prevent it had proved ineffectual.²⁰

The subscribers to the playhouse urged, on the other hand, that they had contributed £2,300 in 1731 toward the building of the new theater. To them had been assigned twenty-three shares to secure to each of them the payment of one shilling and six pence per acting night, together with the privilege of free admission to the play. Henry Giffard, too, pleaded consideration for the investments he had made. Further, he declared, he had contracted with Sir William Leman, who by indenture had granted him a piece of ground for the term of sixty-one years at a yearly rent of £45. In addition he had spent several thousand pounds in equipping his house.²¹

In support of Giffard was the petition of "several eminent Mer-

seem that the behavior of the young citizens at Goodman's Fields was harmless enough: "[The Apprentices] who endeavoured to be well dress'd and to resemble the beaux of St. James, (as all fools are fond of imitation), were the most awkward, unlick'd cubs I ever saw. Their habits were indeed expensive, and fashion'd according to Art: but you might still discover the Apprentice, like the ass under the lion's skin, notwithstanding all their endeavours to conceal it: which I can impute to nothing but God's justice upon their arrogance, in attempting to be gentlemen, for which they were never design'd." More serious, however, are the complaints in the *Weekly miscellany*, Dec. 8, 1733, and Mar. 8, 1735.

¹⁹ *The history and proceedings of the House of Commons*, IX, 94.

²⁰ *Journals of the House of Commons*, XXII, 450.

²¹ *Ibid.*, p. 452.

chants, Shopkeepers, Silk-men, Weavers, Packers, Dyers, Factors, and other Tradesmen and Inhabitants of the City of London." They commended the management of the theater in Goodman's Fields and dissented from the view that it interfered with industry, "the Diversions thereof not beginning till the Labour of the Day is done." They prayed that they might not be deprived of a "rational and instructing Entertainment at their end of the Town which hath been regarded as lawful and even laudable at the other." This obvious attempt by Giffard to counter the hostile business interests was summarily rejected.²²

In the petition from the companies at Drury Lane and Covent Garden the appeal is made:

That the Petitioners have been brought up and wholly employed, in the Business of the State, which, they conceive, is a lawful and honest Profession; and that they are by Law, and of natural Right, intitled to the Exercise thereof for the Maintenance of themselves and their Families.²³

From John Potter's petition it appears that in building his theater in the Haymarket, in 1720, he had acquired the lease of the King's Head Inn in St. James's, Haymarket, for sixty-one years at a premium of £200. The building and equipment of the theater, of which he was the sole proprietor, had cost him £1,500.²⁴

Tony Aston, the best-known strolling player of his day, in a characteristic appeal, pleaded that he should be heard personally, "he being poor and having no Money to fee Council."²⁵

²² *Ibid.*, p. 453.

²³ *Ibid.*, p. 456. The plea was also put forward that certain of the Drury Lane players had actually taken a lease of their house at a high rental. "Mr. John Mills, Mr. Theo. Cibber etc. have taken a Lease of Drury-Lane Theatre, for Years, at 920 l. per Ann. beside Taxes, Repairs etc. If this Bill passes, they not being able to perform, but under the Patentees, they may (whenever the Patentees think it proper to desert the said Theatre) have near a Thousand Pounds per Ann. to pay, after the Means of raising it is taken away by Law" (*Theophilus Cibber, to David Garrick, Esq., with dissertations on theatrical subjects* [1759], p. 51). This dire catastrophe never occurred: in all probability Fleetwood relieved them of their agreement.

²⁴ *Journals of the House of Commons*, XXII, 456.

²⁵ *Ibid.*, p. 459. Preserved in Hazlewood's valuable collection of *Dramatic tracts and papers* at the British Museum is *Tony Aston's Petition and Speech (with his Department) before the Honble H—se of C—ns, in behalf of himself and the Actors in Town and Country. To which is Prefix'd, His Visionary Introduction*. A MS note (presumably by Mr. Hazlewood) states that this pamphlet, formerly belonging to Mr. Kemble, is imperfect, but that he considered the fragment too rare not to secure. Tony remarks shrewdly that the bill gives "the Magistrates the Whiphand of us all except the Patentees." For the position of the players he was deeply concerned. "It would be a great Loss," he says, "to the Country Gentry to be depriv'd of seeing Plays elsewhere than at the two Patent Playhouses; their purposely coming to London, would put them to a vast Expence and Inconveniency—

It is strange to find among the petitioners Charles Lee, master, and Lestrange Symes, comptroller, of His Majesty's revels. They proclaimed themselves apprehensive that the bill, if passed into law, would affect their "Right and Interest, they being, by Letters Patent from King Charles the Second, and his present Majesty, respectively, Master and Comptroller of all and singular Drolls, Revels, and Masks, within this Realm; and the Patentees of these Offices having by virtue thereof, always licensed Players of Interludes, Drolls, Country Shews and Entertainments, to the Increase of the publick Revenue, each Licence being subject to a Stamp Duty, by which Licences Players are restrained from everything tending to Profaneness and Obscenity, or anyways offensive to Piety and good Manners; and a great Expence having attended the Petitioners in procuring and passing their respective Patents," they prayed that their interests might be protected by a saving clause.²⁶

A plea on behalf of Sadler's Wells was made by the proprietor, Francis Forcer, who declared:

Sadler's Wells have been for upwards of Forty Years a Place of Reputation, nothing immoral, or indecent, being represented there, the Diversions consisting in Music, Rope Dancing, Ground Dancing, and other Activities of Body, concluding with a short Pantomime Entertainment, all in Dumb Show, which as the Petitioner conceives do not break in upon the proper Business of the Stage, being never opened till about the Middle of March and being continued no longer than till the End of August.

He pleaded for the favorable amendment of the clause which prohibited the sale of wine or liquor at a place where any entertainment was being exhibited. This cry for mercy from Sadler's Wells received scant consideration.²⁷

The justices of Middlesex inveighed in characteristic fashion against the new theaters which had recently been erected "without any legal Authority," and roundly denounced the playhouses as hotbeds of vice and immorality.²⁸ In almost identical terms was the protest from the civic authorities of London.

besides, what an Outcry would there be through all the Counties in *England*, if Sister Abigail, Cousin *John* and Cicely &c. shou'd be hinder'd at Marts, Fairs, Horse Races and Cock Matches, of their usual Dramatic Diversion? The Country 'Squire, and Half-farmer must lose many a Day's Ploughing to put Horses to his Coach to drive to *London*, to see a Play, and then go directly back again.'

²⁶ *Journals of the House of Commons*, XXII, 459.

²⁷ *Ibid.*, p. 466.

²⁸ *Ibid.*, p. 468.

At this stage a division on the further discussion of the bill was taken. The voting was extremely close, for the motion was only carried by ninety-seven votes to eighty-six.²⁹

The stream of petitions had not yet ceased. An appeal was now made by Hannah Lee, on behalf of her interests in Southwark Fair. Every year, she declared, during the time of the Fair, her company had entertained the town with drolls and, in order to carry on these performances, she had erected "at her own Expence, Two Booths, and hath expended, in such Buildings, Cloaths, Scenes, Decorations, and other Necessaries, the sum of £2000 and upwards." She made the proud claim that for the thirty years, during which she and her mother had given performances at Southwark Fair, their companies had been the nurseries of the grandest performers that had ever acted on the English stage.³⁰

Even from Exeter came the complaint that a theater had lately been erected there "in Defiance of the Magistrates and Government of the said City; their Authority, by reason of some Deficiency in the Laws, not being thought sufficient to repress it."³¹ This petition is the last of the interesting entries in the Commons *Journals*.³²

A strange fate now befell the bill which had caused so much excitement. Sir Robert Walpole considered that the moment was favorable to ratify and confirm, if not to extend, the power of the lord chamberlain. Coxe says³³ that it was

insinuated in the House that unless this addition was made the King would not pass it, but Sir John Barnard strongly objected to this clause. He declared that the power of the Lord Chamberlain was already too great, and had often been wantonly exercised, particularly in the prohibition of Polly. He should therefore withdraw this bill, and wait for another opportunity of introducing it, rather than establish by law a power in a single officer as much under the

²⁹ *Ibid.*, p. 470.

³⁰ *Ibid.*, p. 471. She mentioned, in particular, Booth and Powell. Cf. also B. Victor, *The history of the theatres of London and Dublin* (London, 1741), II, 74.

³¹ *Journals of the House of Commons*, XXII, 477.

³² I am unable to trace in the Commons *Journals* or in F. Place's notes in connection with the Licensing Act, Add. MS 27831, petitions from the players in Goodman's Fields. *Dramatic tracts and papers* contains two leaflets dealing with their position. In *The Case of the Comedians etc. belonging to the Theatre in Goodman's Fields, in Relation to a Bill for Restraining the Number of Playhouses*, it is stated that the bill, if passed, would deprive "above 300 Persons of the Common Necessaries of Life, whose sole Dependance is upon the Existence of the said Theatre." In their second *Case*, they applied for the insertion of a clause which would permit them "to Act in some of the several Counties of England."

³³ *Memoirs of the life and administration of Sir Robert Walpole* (1800), II, 435.

direction of the crown, a power which might be exercised in an arbitrary manner, and consequently attended with mischievous effects.³⁴

How serious a rebuff for Walpole was the dropping of the bill, Smollet's observations show.

The errors of his conduct, the mystery of that corruption which he had so successfully reduced to a system, and all the blemishes of this administration had been exposed and ridiculed not only in political periodical writings produced by the most eminent hands, but likewise in a succession of theatrical pieces which met with uncommon success amongst the people.³⁵

Not a man of genius was engaged to write on Walpole's side, and in a combat so unequal he was threatened with becoming despised by the whole nation. Sir John Barnard had been anxious to strike at the theater as a source of immorality; Sir Robert Walpole was concerned to shield his ministry from the contemptuous satire of the dramatist.

At this critical period Henry Fielding embarked on a theatrical enterprise of his own.³⁶ Gathering a company together, he secured the Little Theater in the Haymarket and there produced a series of alle-

³⁴ See also Chandler, *The history and proceedings of the House of Commons* (London, 1742, etc.), IX, 94, where it is stated that the bill was dropped "on Account of a Clause offer'd to be inserted in the said Bill for enlarging the Power of the Lord Chamberlain with regard to the Licensing of Plays." Theophilus Cibber's explanation that Tony Aston's evidence "operating on the risible Muscles of the Gay, and Good-Natured," caused the bill to be laughed out of the House can scarcely be taken in a literal sense (*Theo. Cibber to David Garrick*, p. 44).

³⁵ W. Cobbett, *The parliamentary history of England, from the earliest period to the year 1803*, X (1812), 319.

³⁶ The Haymarket theater at which Fielding opened in March, 1736, had already witnessed during the 1735-36 season the failure of two other enterprises. A company of comedians under the management of Mrs. Charke, Colley Cibber's daughter, who had quarreled with Fleetwood, made a solitary appearance there on September 7, 1735, after which they moved to less ambitious premises in Villiers Street, York Buildings, as her company was "too young a set of people to venture at great expences without first having merited the favour of the Town to support them." On October 5 she published the following unusual advertisement in the *London daily post*: "As old Plays that are performed at the Houses required the merits of the performers there to make them acceptable, we shall continually revive others that our faults may not appear so entirely conspicuous and that the Ladies and Gentlemen who honour us with their Company may be convinced of our industry, which is the only merit we can plead." The promised revivals never came to pass—there were no more performances of this industrious company, for Mrs. Charke was reconciled to Fleetwood for a brief interval and returned to Drury Lane. Another experiment to fail at the Haymarket was that of Odell, who opened on Monday, December 29, with *The Spanish friar* and promised to perform three times a week during the season. On Thursday, January 1, 1735, a revival of *Twelfth night* was promised for the following Thursday, but the advertisement was not repeated, and the experiment was doubtless abandoned. The notice inserted in connection with Odell's special benefit (July 30, 1735) reflects the embarrassing position in which he must have found himself: "Tickets given out for any former day or for any former play at any other Theatre will be most thankfully admitted."

gorical satires on Walpole and his ministry, which caused a profound sensation and which led directly to the Licensing Act of 1737.

With *Pasquin*, a dramatic satire of the times—the most successful of his political farces—Fielding scored a great personal triumph. Despite the disadvantages of a poor theater, with scarcely an actor and at very little expense, he was enabled by “the single Power of Satire, Wit, and Common Sense” to bring out a play whose enthusiastic reception recalls the triumph of *The beggar’s opera*. *Pasquin*, first performed on March 5, 1736, had an unbroken run—without afterpiece and without the assistance of “wonderful Scenery, surprising Transformations, beautiful Landscapes, (or) Dancers”³⁷—until April 20, when it was performed for the thirty-ninth time. On June 17 the sixty-third performance took place, and it was played occasionally after this date during the summer. Never had such a severe blow been struck at the prestige of the two Theatres Royal. “He drew the *Mob* after him from *Grosvenor, Cavendish, Hanover*, and all the other fashionable Squares, as also from *Pall Mall* and the *Inns of Courts*.”³⁸

The success of *Pasquin* was due chiefly to Fielding’s burlesque of contemporary politics. In the first part of the play, which consists of the rehearsal of “A Comedy, call’d The Election,” parliamentary candidates and voters are shown alike to be devoid of political principle. All that matters to anyone is just exactly how much one can gain. “Is there nothing but Bribery in this Play of yours, Mr. Trapwit?” asks Fustian. “Sir,” is the reply, “this Play is the exact Representation of Nature. Patriotic sentiments are mere lip-service.” “If my Country will but let me live by it, that’s all I desire,” says the mayor, protesting his love for his country. Although both parties—government and country—are treated by Fielding as mere collections of place-hunters, Walpole and the ministry naturally receive more prominence. Thus the mayor receives, weekly, six free copies of the *Daily gazetteer*, the government organ. It is pointed out that somebody has to pay for them: Sir Robert Walpole, it is, who makes the taxpayer pay even for the circulation of his party views.

The second part of *Pasquin* is devoted to the rehearsal of a tragedy: “The Life and Death of Common Sense.” Fielding here makes a grave

³⁷ *The prompter*, April 2, 1736.

³⁸ *An apology for the life of Mr. Theo. Cibber, comedian* (1741), p. 113.

attack on the professions of religion, law, and medicine. Firebrand, the priest, Law, and Physick are self-seeking hypocrites who thrive on Ignorance. According to Queen Commonsense:

Religion, Law and Physick, were design'd
By Heaven the greatest Blessings on Mankind;
But Priests, and Lawyers, and Physicians made
These general Goods to each a private Trade;
With each they rob, with each they fill their Purses
And turn our Benefits into our Curses.³⁹

In the final struggle between Ignorance and Commonsense the latter is slain by Firebrand, who arranges to bribe the Coroner to bring in a verdict of self-murder:

Good Ignorance will still believe it all.

If by the first part of his satire Fielding infuriated the corrupt politician, there can be little doubt that his arraignment in the second part made moralists like Sir John Barnard feel uneasy. By thus alienating opinion at a critical juncture and by providing his political enemies with a pretext for attempting to restrain the stage on the grounds of morality, Fielding did the theater a grave disservice, and there is some excuse for Colley Cibber's peevishness when he complains of Fielding's

frank and free Farces that seem'd to knock all distinctions of Mankind on the Head. Religion, Laws, Government, Priests, Judges and Ministers were all laid flat at the Feet of this *Herculean* Satyrist . . . who to make his Poetical Fame immortal, like another Erostratus, set Fire to his Stage by writing up to an Act of Parliament to demolish it.⁴⁰

Encouraged by the reception of *Pasquin*, Fielding returned to the attack in *The historical register*.⁴¹ The opening scene reveals a meeting of the "ablest Heads of the Kingdom," dozing over the affairs of Europe. From their conversation it appears that "nobody knows anything," and animation is only restored when a speaker intervenes with, "Hang foreign Affairs, let us apply ourselves to Money." Apparently the one thing a politician knows anything about is raising money.

³⁹ Act IV, scene 1.

⁴⁰ *An apology for the life of Mr. Colley Cibber*, ed. R. W. Lowe (1889), I, 287. Also, Victor, I, 50.

⁴¹ There seems to be no record of the first performance of this play. The twenty-first performance (the earliest recorded in Add. MS 33251) took place on April 25, at the Haymarket.

Thoroughly awakened now, the meeting decides to levy a tax on ignorance. Thus, repeatedly, Fielding preaches that fraud thrives on ignorance and that enlightenment by education will alone purge the country of gross abuse.

In the Auction scene in Act II the auctioneer is unable to dispose of "a most delicate Piece of Patriotism," nor can he find a purchaser for "a very neat clean Conscience which has been worn by a Judge and a Bishop." When, however, "a very considerable Quantity of Interest at Court" is put up, brisk bidding raises the price from a hundred to a thousand pounds.

The farce closes with a Dance of Patriots, Fielding's most audacious attack on Walpole. Four Patriots, "a set of shabby Fellows," drink toasts of Trade and Prosperity but confess themselves, for all that, a "Set of miserable poor Dogs." At this Quidam, the fiddler, who has been laughing at them from behind the scenes, makes his entry. Laying a purse of gold before them, he causes them to change their opinion. "I own," says one, "I thought we were poor, but, Sir, you have convinced me that we are rich." Quidam now plays his fiddle, and they dance merrily off the stage. Medley, the author of the play, explains the allegory to his friend the critic:

Sir, every one of these Patriots have a Hole in their Pockets, as Mr. Quidam the Fiddler there knows, so that he intends to make them dance till all the Money is fall'n through, which he will pick up again, and so not lose one Half-penny by his Generosity: so far from it, that he will get his Wine for nothing, and the poor People, alas! out of their own Pockets, pay the whole Reckoning.

Quidam is Sir Robert Walpole, who turns the Patriots into ridicule and bribes them out of their honesty. "Who but the Devil," asks Fielding in the dedication of the *Historical register*, "could act such a Part? . . . Indeed it is so plain who is meant by this Quidam that he who maketh any wrong Application thereof might as well mistake the name of Thomas for John or old Nick for old Bob."

Of his future intentions Fielding left no doubt, for he now proposed to raise a sum by subscription for enlarging and decorating his theater. His audiences, he promised, would receive cheaper and better entertainment. "If Nature hath given me any Talents at ridiculing Vice and Imposture, I shall not be indolent," he states, "nor afraid of ex-

erting them, while the Liberty of the Press and Stage subsists." His plans, however, were destined never to be realized; for the episode of *The golden rump* occurred at this juncture, and the licensing act followed immediately.

Under the title of *The vision of the golden rump*, a scurrilous attack on Walpole and his colleagues had been published in *Common sense*.⁴² Worked up into a play, *The vision* was presented to Giffard. The latter, whether his intention was to ask advice or exact money is not clear, brought the piece to Walpole. The profits which might have accrued had it been published were paid to Giffard while the copy of the play was detained by Walpole. In the House of Commons Walpole read extracts from the play, and the feeling was unanimous that some effective check must be exercised over theatrical productions. The name of the author of *The golden rump* has never been discovered; it was never performed and never printed. Only a mere handful ever saw it—never was a dramatic piece shrouded in such mystery.⁴³

Unlike Sir John Barnard's Playhouse Bill, the new measure was designed as an amendment to a vagrancy law passed in the reign of Queen Anne.⁴⁴ On May 20, leave to introduce the bill was given, and on May 24 it was read a first time.⁴⁵ With such dispatch did the bill pass through the Commons that within a week it was ready for the Upper House.⁴⁶ Its passage through the Lords was equally rapid. It was read a first time on June 2,⁴⁷ and on the sixth, having passed all three readings, was returned to the Commons without an amendment.⁴⁸ On June 21 the royal assent was formally given to the bill.⁴⁹

⁴² Mar. 19–26, 1737.

⁴³ Four years afterward—in 1741—the allegation was made that *The golden rump* was written by a hireling of Walpole's: "Suppose, Sir, this same *Golden Rump* Farce was wrote by a certain great Man's own Direction, and as much Scurrility and Treason larded in it as possible.—Suppose *Giffard* had a private Hint how to act in this Affair, and was promised great Things to play a particular Part in this Farce.—Suppose he was promised a *separate Licence*, or an Equivalent:—You may then suppose the M . . . a thorough Politician, who knew how to manage bad Things to the best Advantage" (*An apology for the life of Mr. Theo. Cibber, comedian* [1741], p. 116). An imperfect copy of *The golden rump* was discovered by Horace Walpole among his father's papers after his death (Horace Walpole, *Memoirs of the reign of King George the Second* [2d ed.; 1847], pp. 13–14).

⁴⁴ The introduction of an amendment was good tactics on the part of Sir Robert Walpole. The opposition hailed every new law as an attack on liberty; by amending an old act so as to modernize it, Walpole was thus enabled to obviate much criticism.

⁴⁵ *Journals of the House of Commons*, XXII, 889, 891.

⁴⁶ *Ibid.*, pp. 892, 893.

⁴⁷ *Ibid.*, XXV, 134.

⁴⁸ *Ibid.*, p. 137.

⁴⁹ *Ibid.*, p. 148; XXII, 901. The official title of the bill was as follows: "An Act to explain and amend so much of an Act, made in the Twelfth Year of the Reign of Queen Anne,

Against the new act not a single petition had been presented, nor was there any effective opposition apart from the famous attack delivered by Lord Chesterfield, whose eloquent speech was admired on all sides. He urged that the bill was an oblique attack on the liberty of the press, for a law prohibiting a play to be printed must necessarily follow an enactment which prevented its being performed. The laws then in being, he contended, were sufficient for punishing players who brought a seditious libel on the stage. Referring to Fielding's pieces, he pointed out that they had gone unpunished not for want of the law but for want of prosecution.⁵⁰ Poets and players, he urged, were to be subjected to the arbitrary will of the lord chamberlain. Moreover, the bill was in a way an encroachment on property.

Wit, my L——ds, is a Sort of Property; it is the Property of those that have it, and too often the only Property they have to depend on. It is, indeed, but a precarious Dependance. Thank God! we, my L——ds, have a Dependance of another Kind: we have a much less precarious Support, and therefore cannot feel the Inconveniences of the Bill now before us. . . . But what is still more hard, tho' the poor Author, the Proprietor I should say, cannot perhaps dine till he has found out a Purchaser, yet, before he can propose to see for a Purchaser, he must patiently submit to have his Goods rummaged at this *New Excise Office*, where they may be detained fourteen Days, and even then he may find them returned as prohibited Goods, by which his chief and best Market will be for ever shut against him.

Despite the universal applause with which this speech was received, the bill went through; but Chesterfield's effort made a deep impression and had at least one good result. "It has contributed," says his biographer, "to prevent the abuse that might have been made of it,

intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants into one Act of Parliament; 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" (*London gazette*, June 18–21, 1737).

⁵⁰ The threat of prosecution in recent years had certainly caused plays to be abandoned in the Haymarket theater. The *Daily journal*, July 22, 1731, reports that when a company of comedians on the previous night were about to perform *The fall of Mortimer*, "the High Constable, with several Petty Constables, came with a Warrant from several Justices of the Peace, to seize Mr. Mullet, who play'd the Part of Mortimer, and the rest of the Performers: but they all made their Escapes." Cf. also the *Daily post*, July 22, 1731. An opera, *The restoration of King Charles II or The life and death of Oliver Cromwell* was suppressed at the same theater because "it contain'd some Expressions which several of His Majesty's Justices of the Peace thought too scurrilous to be represented on the Stage, and in order to stifle the Performance of a Thing that carried with it such an evil Tendency they proposed to have issued out Warrants for taking up all the Players, upon which it was laid aside" (*Read's weekly journal*, May 20, 1732).

in restraining the powers of genius, and serving the purposes of ministerial pique or personal dislike."⁵¹

By the new law the king's power was abridged. Before the passing of the act, the king could grant letters patent for the erection of theaters all over the kingdom; he could only do so now in the "City of Westminster and within the liberties thereof, and in such places where His Majesty, His Heirs and Successors shall in their Royal Persons reside, and during such Residence only."⁵²

The three unlicensed theaters were now closed—the Haymarket, Goodman's Fields, and Lincoln's Inn Fields—to the satisfaction of "the sedate, industrious part of the nation." Apart from the Opera House, all that remained were the two patent houses.⁵³

The terms of the act empowered the lord chamberlain to prohibit the presentation of any theatrical performance. New plays, additions to old plays, prologues, and epilogues were to be forwarded for approval fourteen days before they were intended to be acted.⁵⁴ Failure to comply with these regulations involved the penalty of £50 and the suppression of the license of the theater.⁵⁵

The position of the players after the passage of the 1737 act has thus been analyzed by a legal authority:

The Lord Chamberlain's Licence of the Play, coupled with the Player having a legal settlement where he performs, shall save him from the penalties of the Act. . . . [But] *having a settlement* will avail the performers nothing, unless it be coupled with legal authority to act, which the *mere Licencing of*

⁵¹ M. Maty, *Miscellaneous works of the late Philip Dormer Stanhope, Earl of Chesterfield* (1777), I, 83.

⁵² 10 George II, sec. 5.

⁵³ The effects of Goodman's Fields were disposed of by public auction: "To be sold by Auction on Tuesday Aug. 1st and the following Days, at the great house the corner of Carlisle Street, Soho Square, late in possession of the Honourable Lady Newton, deceased. A large Quantity of Theatrical Goods, consisting of Men's and Women's Cloaths of Cloath, Velvet and Silk; embroider'd lac'd and plain, properly adapt'd to all the entertainments of the stage; As also various sets of scenes, with machines and other decorations belonging to several pantomime interludes: large Glass Lustres, Plate, Jewels and Watches, rich Screens and Velvet Chairs in gilt Frames, a large Harpsichord with a quantity of Musick in score, being late the property of Mr. Henry Giffard, Master of the Theatre in Goodman's Fields. By Bernard Warren, Auctioner" (*London daily post*, July 22, 1738).

⁵⁴ The only entertainments, in fact, not submitted were tumbling and fencing, "because no copies of these amusements can be sent to the Lord Chamberlain for his approbation, previous to the Acting" (*Dramatic tracts and papers*).

⁵⁵ Two officials were nominated by the lord chamberlain to assist in the administration of the act. Thomas Odell became inspector of plays at a salary of £200 per annum (*Read's weekly journal*, Feb. 4, 1733); and Chetwynd, a relative of Lord Viscount Chetwynd, was appointed licenser of plays (*Country journal*, Feb. 4, 1738).

the Play by the Lord Chamberlain does not amount to. The house in which the play is performed, must be erected by *Letters Patent, or Licence from the Crown* which is the authority hereby recognised, and without it the performer is subject to the penalties of the act; for by that authority only can money be taken at the doors.⁵⁶

The wording of the act, too, inflicted no small measure of humiliation: it was referred to loosely as the "Vagrant Act"; and before the bill became a law, the players were "perpetually soliciting their Friends for a Clause in their Favour," says the *Daily post*,⁵⁷ "for fear of being deem'd Vagrants." But it was the restriction of their field of employment that caused the deepest consternation. Upon Fleetwood and Rich a monopoly had now been conferred, and henceforth the players were to live in dread of a cartel between the two managers. The time-honored device of discontented comedians in search of redress—the establishment of a rebel company—was now denied to them. Within a few years they were to realize the full significance of their unenviable position when the Drury Lane company, impoverished through the recklessness of Fleetwood, were eventually compelled, by the prospect of sheer starvation, to accept his terms.⁵⁸

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⁵⁶ *Dramatic tracts and papers.*⁵⁷ Mar. 29, 1737.⁵⁸ Although the bill progressed quietly through Parliament, its passage occasioned considerable controversy in the papers. The *Daily gazetteer* sponsored the bill (June 6, 8, 9, 10, 11, 13, 15, 18, 24, 1737). Most outspoken in its opposition was the *Craftsman* (May 28, 1737; June 4, 18, 25, 1737). The criticism of the bill in this paper for July 2 caused the suppression of the *Craftsman* for a week; see the issue of July 30.