burial were denied by the canon law to actors, whose gains, said St Thomas, were acquired *ex turpi causa.1* The same law forbade plays to be acted by the clergy, even under the plea of custom, as in Christmas week, and followed the Code of Justinian in enjoin­ing the clergy not to consort with actors or be present at plays (see the *Decretals* of Gregory, iii. 1, 12, and 15, “De Vita et Honestate Clericorum”). As lately as 1603 canon lxxxviii. of the canons of the Church of England enacted that churchwardens were not to suffer plays in churches, chapels, or churchyards.

The Reformation marks the period of transition from the ecclesi­astical to the non-ecclesiastical authority over the drama. Precau­tions began to be taken by the crown and the legislature against the acting of unauthorized plays, by unauthorized persons, and in unauthorized places, and the acting of plays objectionable to the Government on political or other grounds. The protection of the church being withdrawn, persons not enrolled in a fixed company or in possession of a licence from the crown or justices were liable to severe penalties as vagrants. The history of the legislation on this subject is very curious. An Act of the year 1572 (14 Eliz. c. 5) enacted that “ all fencers, bearwards, common players of inter­ludes, and minstrels (not belonging to any baron of this realm, or to any other honourable person of greater degree),” wandering abroad without the licence of two justices at the least, were subject “ to be grievously whipped and burned through the gristle of the right ear with a hot iron of the compass of an inch about. ” This statute was superseded by 39 Eliz. c. 4, under which the punish­ment of the strolling player is less severe, and there is no mention of justices. The jurisdiction of justices over the theatre disappears from legislation from that time until 1788. In 39 Eliz. c. 4 there is a remarkable exception in favour of persons licensed by Dutton of Dutton in Cheshire, in accordance with his claim to liberty and jurisdiction in Cheshire and Chester, established in favour of his ancestor by proceedings in *quo warranto* in 1499. The stricter wording of this Act as to the licence seems to show that the licence had been abused, perhaps that in some cases privileges had been assumed without authority. In 14 Eliz. c. 5 the privileges of a player attached by service of a noble or licence from justices, in the later Act only by service of a noble, and this was to be attested under his hand and arms. The spirit of the Acts of Elizabeth frequently appears in later legislation, and the unauthorized player was a vagabond as lately as the Vagrant Act of 1744, which was law till 1824. He is not named in the Vagrant Act of 1824. The Theatre Act of 1737 narrowed the definition of a player of interludes, for the purposes of punishment as a vagabond, to mean a person act­ing interludes, &c., in a place where he had no legal settlement.

Before the Restoration there were privileged places as well as privileged persons, *e.g.,* the court, the universities, and the inns of court. With the Restoration privilege became practically con­fined to the theatres in the possession of those companies (or their representatives) established by the letters patent of Charles II. in 1662 (see Drama). In spite of the patents other and unprivileged theatres gradually arose. In 1735 Sir John Barnard introduced a bill “ to restrain the number of playhouses for playing of interludes, and for the better regulation of common players.” On Walpole’s wishing to add a clause giving parliamentary sanction to the juris­diction of the lord chamberlain, the mover withdrew the bill. In 1737 Walpole introduced a bill of his own for the same purpose, there being then six theatres in London. The immediate cause of the bill is said to have been the production of a political extrava­ganza of Fielding’s, *The Golden Rump.* The bill passed, and the Act of 10 Geo. II. c. 28 regulated the theatre for more than a century. Its effect was to make it impossible to establish any theatre except in the city of Westminster, and in places where the king should in person reside, and during such residence only. The Act did not confine the prerogative within the city of Westminster, but as a matter of policy it was not exercised in favour of the non- privileged theatres, except those where the “ legitimate drama ” was not performed. The legitimate drama was thus confined to Covent Garden, Drury Lane, and the Haymarket from 1737 to 1843. In the provinces patent theatres were established at Bath by 8 Geo. III. c. 10, at Liverpool by 11 Geo. III. c. 16, and at Bristol by 18 Geo. III. c. 8, the Act of 1737 being in each case repealed *pro tanto.* The acting of plays at the universities was forbidden by 10 Geo. II. c. 19. It is not a little remarkable that the universities, once possessing unusual dramatic privileges, should not only have lost those privileges, but have in addition become subject to special disabilities. The restrictions upon the drama were found very inconvenient in the large towns, especially in those which did not possess patent theatres. In one direction the difficulty was met by the lord chamberlain granting annual licences for performances of operas, pantomimes, and other spectacles not regarded as legiti­mate drama. In another direction relief was given by the Act of 1788 (28 Geo. III. c. 30), under which licences for occasional per­

formances might be granted in general or quarter sessions for a period of not more than sixty days. The rights of patent theatres were preserved by the prohibition to grant such a licence to any theatre within 8 miles of a patent theatre. During this period (1737-1843) there were several decisions of the courts which con­firmed the operation of the Act of 1737 as creating a monopoly. The exclusive rights of the patent theatres were also recognized in the Music Hall Act of 1752, and in private Acts dealing with Covent Garden and Drury Lane, and regulating the rights of parties, the application of charitable funds, &c. (see 16 Geo. III. cc. 13, 31 ; 50 Geo. III. c. ccxiv; 52 Geo. III. c. xix; 1 Geo. IV. c. lx. ). The results of theatrical monopoly were beneficial neither to the public nor to the monopolists themselves. In 1832 a select committee of the House of Commons recommended the legal recognition of “stage-right” and the abolition of theatrical monopoly. The recommendations of the report as to stage-right were carried out immediately by Bulwer Lytton’s Act, 3 and 4 Will. IV. c. 15 (see Copyright). But it was not till 1843 that the present Theatre Act, 6 and 7 Vict. c. 68, was passed, a previous bill on the same lines having been rejected by the House of Lords. The Act of 1843 inaugurated a more liberal policy, and there is now complete “ free trade ” in theatres, subject to the conditions imposed by the Act. The growth of theatres since that time has been enormous. In 1885 there were forty-six licensed under the Act in London, Liverpool coming next with ten. Nor does the extension seem to have been attended with the social dangers antici­pated by some of the witnesses before the committee of 1832.

The suppression of objectionable plays was the ground of many early statutes and proclamations. While the religious drama was dying out, the theatre was used as a vehicle for enforcing religious and political views not always as orthodox as those of a miracle play. Thus the Act of 34 and 35 Hen. VIII. c. 1 made it criminal to play in an interlude contrary to the orthodox faith declared, or to be declared, by that monarch. Profanity in theatres seems to have been a crying evil of the time. The first business of the Government of Edward VI. was to pass an Act reciting that the most holy and blessed sacrament was named in plays by such vile and unseemly words as Christian ears did abhor to hear rehearsed, and inflicting fine and imprisonment upon any person advisedly contemning, despising, or reviling the said most blessed sacrament (1 Edw. VI. c. 1). A proclamation of the same king in 1549 forbade the acting of interludes in English on account of their dealing with sacred subjects. In 1556 the council called attention to certain lewd persons in the livery of Sir F. Leke representing plays and interludes reflecting upon the queen and her consort and the formalities of the mass. The same queen forbade the recurrence of such a representation as the mask given by Sir Thomas Pope in honour of the princess Elizabeth at Hatfield, for she “misliked these follies. ” By the Act of Uniformity, 1 Eliz. c. 2, it was made an offence punishable by a fine of a hundred marks to speak any­thing in the derogation, depraving, or despising of the Book of Common Prayer in any interludes or plays. In 1605 “An Act to restrain the Abuses of Players ” made it an offence punishable by a fine of £10 to jestingly or profanely speak or use certain sacred names in any stage play, interlude, show, may-game, or pageant (3 Jac. I. c. 21). In consequence of the appearance of players in the characters of the king of Spain and Gondomar, an ordinance of James I. forbade the representation on the stage of any living Christian king. The star chamber in 1614 fined Sir John Yorke for representing a Catholic drama in his house. The first Act of the reign of Charles I. forbade acting on Sunday (see Sunday). Puritan opposition to the theatre culminated in the ordinance of the Long Parliament (see vol. vii. p. 434). After the Restora­tion there are few royal proclamations or ordinances, the necessary jurisdiction being exercised almost entirely by parliament and the lord chamberlain. One of the few post-Restoration royal procla­mations is that of February 25, 1665, restraining any but the com­pany of the Duke of York’s theatre from entering at the attiring house of the theatre.

Preventive censorship of the drama by an officer of state dates from the reign of Elizabeth, and is perhaps the only example of censorship of the press still existing in the United Kingdom (see Press Laws). Such a censorship is not unknown in other countries, and it seems to have existed even in republican Rome, if one may judge from Horace’s line,—

“Quæ neque in æde sonent certantia judice Tarpa."

The master of the revels appears to have been the dramatic censor from 1545 to 1624, when he was superseded by the lord chamber- lain. In some cases the supervision was put into commission. Thus with Tilney, the master of the revels in 1581, were associated by order of the privy council a divine and a statesman. In other cases it was delegated, as to Daniel the poet by warrant in 1603. The proposal to give statutory authority to the jurisdiction of the lord chamberlain led, as has been already stated, to the withdrawal of Sir John Barnard’s bill in 1735, and to considerable debate before the bill of 1737 became law. Lord Chesterfield’s objection to the bill in the House of Lords was not unreasonable. “ If the players,”

@@@1 For this reason it appears to have been the custom in France for actors to be married under the name of musicians. See *Hist. Parlementaire de la Revolu­tion Française,* vol. vi. p. 381. The difficulties attending the funeral of MoliÈre (*q.v*.) are well known.