1624, when he was superseded by his official superior, the lord chamberlain.@@1 In some cases the supervision was put into commission.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,” said he, “ are to be punished, let it be by the laws of their country, and not by the will of an irresponsible despot.” A stage play must now be duly licensed before performance. § 12 of the act of 1843 prescribes that a copy of every new play and of every addition to an old play, and of every new prologue or epilogue or addition thereto (such copy to be signed by the master or manager), shall be sent to the lord chamberlain, and, if the lord chamberlain does not forbid it within seven days, it may be represented. § 13 empowers the lord chamberlain to fix a scale of fees for examination; the fee is now two guineas for a play of three or more acts, one guinea for a play of less than three acts. All plays represented previously to the act are held to be licensed. A play once licensed is licensed once for all unless the licence be revoked under § 14. The examination is the duty of a special officer of the lord chamberlain’s department, the examiner of stage plays. In spite of occasional lapses of judgment, a belief in the wisdom generally shown in the exercise of the censorship has been confirmed by the report of the select committee of the House of Commons in 1866, and also by the report of the joint committee of both Houses in r909. The censorship has been consistently supported in recent years by theatrical managers, but violently opposed by an advanced section of dramatic authors. There have been instances, no doubt, where perhaps both the lord chamberlain and his subordinate officer, the examiner of stage plays, have been somewhat nice in their objections. Thus, during the illness of George III., *King Lear* was inhibited. George Colman, when examiner, showed an extraordinary antipathy to such words as “ heaven ” or “ angel.” The lord chamberlain’s powers are still occasionally exerted against scriptural dramas, less frequently for political reasons. Later instances are Oscar Wilde’s *Salomé* (1892), *Joseph of Canaan* (1896), Maeterlinck’s *Monna Vanna* (1902). Housman’s *Bethlehem* (1902), Gilbert and Sullivan’s *Mikado* (temporarily in 1907), and a play by Laurence Housman dealing with George IV. (1910). Before 1866 the lord chamberlain appears to have taken into considera­tion the wants of the neighbourhood before granting a licence, but since that year such a course has been abandoned. The joint committee in 1909 recommended that it should be optional for an author to submit a play for licence, and legal to perform an unlicensed play whether submitted or not, the risk of police intervention being taken. They also recommended that the reasons for which a licence should be refused should be: in­decency, offensive personalities, the representation in an in­vidious manner of a living person or a person recently dead, violation of the sentiments of religious reverence, the presence of anything likely to conduce to crime or vice, or to cause a breach with a friendly power, or a breach of the peace.

A theatre may be defined with sufficient accuracy for the present purpose as a building in which a stage play is performed for hire. It will be seen from the following sketch of the law that there are a considerable number of different persons, corporate and unincor­porate, with jurisdiction over theatres. A consolidation of the law and the placing of jurisdiction in the hands of a central authority for the United Kingdom would probably be convenient. The committee of 1866 recommended the transfer to the lord chamberlain of the regulation of all places of amusement, and an appeal from him to the home secretary in certain cases, as also the exten­sion of his authority to preventive censorship in all public enter­tainments; but no legislation resulted. The committee of 1909

recommended the abolition of any distinction between theatres and music-halls. Several bills for the amendment of the law have been introduced, but without success in the face of more burning political questions.@@2

*Building.—*A theatre (at any rate to make it such a building as can be licensed) must be a permanent building, not a mere tent or booth, unless when licensed by justices at a lawful fair by § 23 of the act of 1843. It must, if in the metropolis, conform to the regulations as to structure contained in the Metropolis Management Act 1878, and the Local Government Act 1888. These acts make a certificate of structural fitness from the county council necessary as a condition precedent for licence in the case of all theatres of a superficial area of not less than 500 sq. ft. licensed after the passing of the act, give power to the council in certain cases to call upon proprietors of existing theatres to remedy structural defects, and enable it to make regulations for protection from fire. The existing regulations were issued on the 30th of July 1901 and 25th of March 1902. As to theatres in provincial towns, the Towns Improve­ment Act 1847, and the Public Health Act. 1875, confer certain limited powers over the building on municipal corporations and urban sanitary authorities. In many towns, however, the struc­tural qualifications of buildings used as theatres depend upon local acts and the by-laws made under the powers of such acts.

*Performance.—*To constitute a building where a performance­takes place a theatre, the performance must be (*a*) of a stage-play, and (*b*) for hire. (a) By § 23 of the act of 1843 the word "stage­play'' includes tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime or other entertainment of the stage, or any part thereof. The two tests of a stage-play appear to be the excitement of emotion and the representation of action. The question whether a performance is a stage-play or not seems to be one of degree, and one rather of fact than of law. A *ballet d'action* would usually be a stage-play, but it would be otherwise with a *ballet divertissement.* § 14 empowers the lord chamberlain to forbid the acting of any stage-play in Great Britain whenever he may be of opinion that it is fitting for the preservation of good manners, decorum, or the public peace to do so. § 15 imposes a penalty of £50 on any one acting or presenting a play or part of a play after such inhibition, and avoids the licence of the theatre where it appears. Regulations of police respecting the performance are contained in 2 & 3 Vict. c. 47, and in many local acts. A per­formance may also be proceeded against as a nuisance at common law, if, for instance, it be *contra bonos mores or* draw together a great concourse of vehicles, or if so much noise be heard in the neighbourhood as to interfere with the ordinary occupations of life. Very curious instances of proceedings at common law are recorded. In Sir Anthony Ashley’s case (2 Rolle's Rep. 109), 1615, players were indicted for riot and unlawful assembly. In 1700 the grand jury of Middlesex presented the two play-houses and also the bear-garden on Bankside (the “ Paris garden ” of *Henry VIII.* act v. sc. 3) as riotous and disorderly nuisances. Per­formances on Sunday, Good Friday, and Christmas day are illegal. Regulations as to the sale of intoxicating liquors during **the** per­formance are made by the licensing acts and other public general acts, as well as by local acts and rules made by county councils. It is frequently a condition of the licence granted to provincial theatres that no excisable liquors shall be sold or consumed on the premises. The excise duty where such liquors are sold varies according to the annual value of the theatre up to a maximum of £20. The Dangerous Performances Acts, 1879 and 1897, forbid under a penalty of £10 any public exhibition or performance whereby the life or limbs of a child under the age of sixteen if a boy, eighteen if. a girl, shall be endangered. It also makes the employer of any such child indictable for assault where an accident causing actual bodily harm has happened to the child, and enables the court on conviction of the employer to order him to pay the child compensation not exceeding £20. The Prevention of Cruelty to Children Act 1904 forbids a child to appear in any public enter­tainment without a licence from a petty sessional court, *(b)* The performance must be for hire. § 16 of the act of 1843 makes a building one in which acting for hire takes place, not only where money is taken directly or indirectly, but also where the purchase of any article is a condition of admission, and where a play is per­formed in a place in which excisable liquor is sold. In the case of *Shelley* v. *Bethell,* 1883 (Law Reports, 12 Q.B.D. II), it was held that the proprietor of a private theatre was liable to penalties under the act, though he lent the theatre gratuitously, because tickets of admission were sold in aid of a charity.

*Licensing of Building.—*By § 2 of the act of 1843 all theatres (other than patent theatres) must be licensed. By § 7 no licence

@@@l It was probably through his influence that the expletives in Shakespeare were edited. The quarto of 1622 contains more than the folio of 1623.

@@@2 Dryden's words in the “ Essay on Satire " (addressed to the earl of Dorset, lord chamberlain) still describe the duties of the office. “ As lord chamberlain I know you are absolute by your office in all that belongs to the decency and good manners of the stage. You can banish from thence scurrility and profaneness, and restrain the licentious insolence of poets and their actors in all things that shock the public quiet or the reputation of private persons under the notion of humour.”