said he, “ are to be punished, let it be by the laws of their country, and not by the will of an irresponsible despot.” The discretion reposed by the Acts of 1737 and 1843 in the lord chamberlain has been, according to the report of a select committee of the House of Commons in 1866, on the whole wisely exercised. On the other hand, there have been instances where perhaps both he 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 in the interests of public decency, less frequently for political reasons. 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 existing law of theatres is mainly statutory. It will be convenient to treat it as it regards the building, the performance, and the licensing of the building and of the performance. 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 unincor- porate, with jurisdiction over theatres. A consolidation of the aw seems urgently required, and the placing of jurisdiction in the hands of a central authority for the United Kingdom. The committee of 1866 recommended the transfer to the lord chamber- lain 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. Several bills for the amendment of the law have been recently introduced, but hitherto without success in the face of more burning political questions.

*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 Metropolitan Building Acts and the Metropolis Management Acts, especially the Act of 1878 (41 and 42 Vict. c. 32). This Act makes a certificate of structural fitness from the Board of Works necessary as a condition precedent for licence in the case of all theatres of a superficial area of not less than 500 square feet licensed after the passing of the Act, gives power to the board in certain cases to call upon pro­prietors of existing theatres to remedy structural defects, and enables it to make regulations for protection from fire. Such regulations were issued by the board on May 2, 1879. 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 by­laws made under the powers of such Acts. To a more limited extent the rules made by justices may enforce certain structural requirements.

*Performance.—*To constitute a building where a performance takes 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 and 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 1700 the grand jury of Middlesex presented the two playhouses and also the bear-garden on Bankside (the “ Paris garden ” of *Henry VIII.*, act v. sc. 3) as riotous and disorderly nuisances. In 1819 certain players were prosecuted and convicted before the court of great sessions of Wales for acting indecent open-air interludes at Berriew in Montgomeryshire. Performances on Sunday, Good Friday, and Christmas day are illegal (see Sunday). 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 justices. It is frequently a con­

dition of the licence granted to provincial theatres that no excise­able liquors shall be sold or consumed on the premises. The Children’s Dangerous Performances Act, 1879 (42 and 43 Vict. c. 34), forbids under a penalty of £10 any public exhibition or per­formance whereby the life or limbs of a child under the age of fourteen 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. (*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 exciseable liquor is sold. In a recent case of Shelley *v.* Bethell *(Law Reports,* 12 Queen’s Bench Division, 11) 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 is to be granted except to the actual and responsible manager, who is to be bound by himself and two sureties for due observance of rules and for securing payment of any penalties incurred. The metro­politan theatres other than the patent theatres (as far at least as they are included in the boroughs named in the Act of 1843) are liceused by the lord chamberlain. By § 4 his fee on grant of a license is not to exceed 10s. for each month for which the theatre is licensed. The lord chamberlain appears to have no power to make suitable rules for enforcing order and decency. He can, however, by § 8, suspend a licence or close a patent theatre where any riot or misbehaviour has taken place.

Provincial theatres fall under three different licensing authorities. The lord chamberlain licenses theatres in Windsor and Brighton, and theatres situated in the places where the queen occasionally resides, but only during the time of such occasional residence (§ 3). Theatres at Oxford and Cambridge, or within 14 miles thereof, are licensed by the justices having jurisdiction therein, but before any such licence can come into force the consent of the chancellor or vice-chancellor must be given. The rules made by the justices for the management of the theatre are subject to the approval of the chancellor or vice-chancellor, who may also impose such conditions upon the licence as he thinks fit. In case of any breach of the rules or conditions, he may annul the licence (§ 10). All other provincial theatres are licensed by four or more justices at a special session held within twenty-one days after application for a licence shall have been made to them (§ 5). The fee is not to exceed 5s. for each month for which the theatre is licensed (§ 6). The justices, like the lord chamberlain, appear to have no discretion as to grant­ing a licence. Their act is purely ministerial and confined to ascertaining that the applicant is the actual and responsible manager, and that he and his sureties are of sufficient substance to provide the requisite bonds. § 9 gives the justices authority to make at the special session suitable rules for enforcing order and decency at the theatres licensed by them, and of rescinding or altering such rules at a subsequent special session. It also gives a secretary of state power to rescind or alter such rules, and to make other rules. In case of riot or breach of the rules, the justices may order the theatre to be closed, and it thereupon becomes an unlicensed house. Penalties are imposed by the Act for keeping or acting in an unlicensed theatre, and for producing or acting in an unlicensed play.

*Licensing Performance.—*A stage play must 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.

*Music Halls.—*Music was at no time the object of restrictions as severe as those imposed upon the drama. The present Music Hall Act (25 Geo. II. c. 36) was passed in 1752, probably in consequence of the publication in 1750 of Fielding’s *Inquiry into the Causes of the late Increase of Robbers.* It is remarkable that two works of the same writer should from opposite causes have led to both theatre and music hall legislation of lasting importance. The Act was originally passed for a term of three years, but was made perpetual by 28 Geo. II. c. 19. It applies only to music halls within 20 miles of London and Westminster. Every such music hall must be licensed at the Michaelmas quarter sessions, the licence to be signified under the