THE ECONOMICS OF THE BRITISH STAGE
1800–1914

TRACY C. DAVIS

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CHAPTER 1

Monopoly and free trade: fair and unfair competition

> The question for us to ask is – Will a free nation tolerate the enslavement of one of the highest branches of its literature, because one or two persons of imitative genius are the first workmen in this smithery of mental fetters? – Let us be enthusiastic admirers of talent, but more enthusiastic haters of tyranny. (Anon., 1819)[1]

When, in 1792, the exclusive right to produce English drama in London was guaranteed to just two winter theatres, a long-sought but elusive privilege was secured.[2] Drama, as distinct from opera, puppetry, pantomime, melodrama, burletta, and a host of other subordinate 'illegitimate' genres, represented the literary aspirations of the stage, and with it all the repertoire of Shakespeare, Dryden, Vanbrugh, Sheridan and their contemporary writers of tragedy, comedy, and farce. For the next half century, the commerce and politics of the theatre centred on the struggle to wrest this privilege from the patentees of the two Theatres Royal, which operated by authority of king and Parliament. Advocates of the drama's freedom hoped to see a renaissance of the British stage.[3] The minor theatres (limited to illegitimate repertoire and authorized by the Lord Chamberlain in Westminster or by magistrates in the City of London, the suburbs, and provinces), debased by their clientele and repertoire, and the patents, struggling with huge theatres and enormous debt, pandering to low tastes in order to compete with the minors and often adopting their repertoire, did little prior to 1843 to foster a literary, intellectual, or even artistic theatre. Nostalgically and erroneously looking back on the late sixteenth and early seventeenth centuries, advocates of the drama's freedom concluded that an open marketplace led to good acting and powerful writing. 'Let all restrictions be removed', argued the free traders, and whether the drama 'is utterly passed away, or only stunned by the violence used towards her, is yet to be proved. To

recover her there remains but one mode, and that is, to give her permission to exercise her powers unrestrained.'[4]

When, after fifty years of wrangling, the drama was officially unshackled from the Theatre Royal Drury Lane and Theatre Royal Covent Garden by the Theatres Regulation Act of 1843, nothing remarkable appeared to happen. London's theatrical business seemed to carry on very much as before, except that patent houses and minor theatres alike could produce any genre they thought would turn a profit, legally unhindered by anything but market forces, uniformly under the supervision of the Lord Chamberlain.[5] It seems that achieving parliamentary sanction for the 'free trade in spoken drama' resulted neither in a flowering of talent nor a revivified theatre scene.

Nine months into the new regime, James Robinson Planché found an opportunity to satirize the situation in a Haymarket burlesque. In his dystopia, far from seeing a renaissance in new dramatic writing, Sheridan shining at Islington, or Farquhar flustering the pit at Whitechapel, the famous creations of the finest dramatists had left the business entirely: Othello carried a sandwich board, and Macbeth – the proud Highlandman – spent his days stationed outside the door of a cigar shop. Only Punch could thrive, and then only in magazine form.[6] The recession of the mid-1840s might excuse the lack of short-term change, but not the long-term stasis: following the initial flutter of licensing there was some rebuilding of theatres but no investments were made in new theatrical real estate until the mid-1860s, another twenty years.

Theatre historians use 1843 as an ordinal date, especially with reference to censorship, which is apt.[7] But in important respects, 1843 serves more to locate a density of affects than to mark a turn. For the history of the theatrical free trade movement, the debates over monopoly and laissez-faire, the relationship of theatre as a business venture to prevailing ideas about political economy, and the policy decisions made by the Lords Chamberlain in the light of calls for a more freely competitive market, 1843 is merely an official terminal date. Far from drawing a picture of stasis around the 1843 Act, an economically orientated mentalité points to a major challenge of Hanoverian and early Victorian theatre historiography, restoring an ideological frame to the economic decisions that affected every aspect of theatre and drama in the period, and allowing for entertainment's existence as an overt participant in the economic life of the nation. Rather than seeking literary or aesthetic criteria as *prima facie* evidence of change, this analysis hinges on the finite commodity of money, without which there would be no dramatists, no

actors, no payroll, no real estate, nothing, either before or after the 1843 Act. No pay, no play. And more particularly, the analysis depends on the economic principles behind the getting, making, spending, and keeping of money and the theories that justified its constraint then sustained its supposed liberation in a wholly commercial realm. Here, the British theatre parts company with the state supported and state owned theatres of Paris and Madrid.[8] Though state patronage of literature was a burning issue by 1846,[9] the question of the theatre was purely a matter of the British state enabling or hampering – not endowing – the institutions where it was produced. The question was far from resolved by the Theatres Regulation Act of 1843, and both Crown and parliament continued to agonize over their roles in promoting, sustaining, and curtailing the theatrical marketplace for the remainder of Victoria's reign.

Famous as the advocate of free trade among nations, free competition among producers, and free play of market forces, Adam Smith nevertheless maintained in *The Wealth of Nations* (1776) that it was the state's duty to create and sustain certain institutions that would not be kept by individuals because there was no profit in them, and that furthermore by encouraging the theatre, along with study of science and philosophy, 'the state might, without violence, correct whatever was unsocial or disagreeably rigorous in the morals of all the little sects into which the country was divided'.[10] This belief, which the nineteenth century inherited from the eighteenth, is at the core of the question of theatre finance, protection, supervision, and operation to the end of the millennium. Arguments for and against government intervention into theatre hinge on this Smithian recognition of the importance of entertainments in maintaining a placid state and homogeneous populace, and especially the question of whether the state has a valid role in controlling market access.

In 1800, a classic situation of what economists call 'imperfect competition' prevailed in the theatre, whereby a small number of suppliers (three, to be exact: Covent Garden, Drury Lane, and during the summers the Haymarket) legally provisioned London with 'legitimate drama' (i.e. tragedy, comedy, and farce), dividing the market neatly between them according to season and privilege. The entry of newcomers within Westminster and the City of London was strictly controlled by law as well as financial practicality: by this time, for a West End property, investors faced raising £9,000–£100,000 start-up capital, depending on the size and condition of the real estate, and possibly spent

£200,000 by the time a building was equipped.[11] The existing patent theatres authorized by king and Parliament were deeply (hopelessly) in debt, there was no certainty of profit, and for all intents and purposes no price competition.[12]

Contrary to the nomenclature freely thrown about, this imperfect competition was not a monopoly shared by Drury Lane and Covent Garden (the two winter theatres, authorized respectively by a twenty-one-year licence from Parliament and letters patent) which should be obvious, for the two houses were in competition with each other. Monopolists should have no close substitutes for their commodity, and no threat from existing or potential firms; this is theoretically the case but manifestly not the reality after about 1806, for although the patentees' rivals were limited to producing burlesques, burlettas, melodramas, circus, English opera, and so on, ironically the patentees pillaged these genres to survive. As one cynic put it: 'The patentees are not bound to perform [the drama] . . . they can only prevent others from doing so'.[13]

Nor was it a duopoly.[14] Such a situation would have required highly differentiated commodities, which the repertoires do not reveal, as well as negligible impact of one company upon the other – clearly not relevant with the patentees' ferocious rivalry – and the extreme unlikelihood of new entrants to the market ever gaining profits, when in fact suburban theatres like Sadler's Wells did tolerable business.[15] The only points on which Drury Lane and Covent Garden do conform to a duopoly is in their collusive setting of prices, from which deviation could signal reprisal, and their explicit agreement to contain their concerns to their present theatrical properties, to standardize admission policies, and to refuse to engage actors defecting from the other house.[16]

They had a cartel, but certainly not a monopoly.[17] When threatened by the prospect of another West End house for legitimate drama – the spectre of a third winter theatre periodically raised in the 1810s, 1820s, and 1830s – the patentees closed ranks to maintain the part of their prerogative that was exclusive. When, in 1809, Drury Lane was in ashes and Covent Garden the sole purveyor of the drama, an absolute monopoly was only briefly enjoyed. John Philip Kemble's attempt to take advantage of this by raising prices for the first time since 1700 resulted in months of civil unrest – the 'Old Price' or O. P. Riots – and a complete abnegation of his power to control the market. It also coincides with Parliament's sanctioning of a limited liability company to resurrect Drury Lane, in a clear instance of the state displaying its linked commit-

ment to civil control and entertainment in precisely the kind of market intervention Adam Smith thought was justifiable.

Instead of a monopoly, what the London theatre represents is an oligopoly, for the market was supplied by a small number of firms, each possessing a lot of economic influence but not strong enough to disregard the actions of competitors. This type of market tends to shift competition from price to questions of quality, service, or advertising. Thus, price was part of the appeal of the Sans Pareil and other minors that sprung up initially in the decade 1800–1810 on a licensing loophole allowing them to produce non-dramatic genres. Low prices meant wide class accessibility, which ultimately came to a head in the penny wars of the 1840s, but because the patents had a variegated pricing structure it was not the most decisive factor for consumers.[18] The oligopolistic system emphasized a rhetoric of scarcity, with the patentees making claims to the unique status of irreproducible art (especially with regard to performing talent), a tactic taken up by most professional sectors, along the lines Harold Perkin points out in his study of professions:

> When a professional occupation has, by active persuasion of the public and the state, acquired sufficient control of the market in a particular service, it creates an artificial scarcity in the supply which has the effect of yielding a rent, in the strict Ricardian sense of a payment for the use of a scarce resource. Some part of the payment, of course, will always accrue to the immediate work performed, but its value will be enhanced by an amount proportional to the scarcity of the service or skill. A natural or 'accidental' example, the fortuitous result of a unique though professionally trained voice, is that of Placido Domingo, who is paid a very large fee for each performance, most of which is rent for the use of the scarce resource, or a Henry Moore sculpture, which is a lump of stone transformed in value by his signature.[19]

As more and more talent was trained in the provinces and expanding provincial market, the mendacity of even this claim by the patentees to artistic over commercial pre-eminence faded. As one detractor argued, the claim that having two theatres 'would concentrate the talent, reimburse capital, and revive the regular drama' simply has 'their history' as 'the answer to it'. Instead, 'to produce excellence and quality, there must be an extensive field of produce, regulated and stimulated by competition'.[20]

Nevertheless, the persistent impression and assertion that there was a theatre monopoly, deleterious or beneficial, may be significant, and deserves to be explored at some length. The misnomer may be due to the fact that a coherent theory of monopoly was not articulated until

1838, not acknowledged until the 1870s, and not translated into English until 1897.[21] Those interested in maintaining a scarcity of prestigious venues preferred to believe that true artists were rare, and thus by being exceptional they warranted the rights and privileges bestowed by the state. They, like their minor competitors, were commercially motivated, but at least discursively in the interests of the public good while existing entirely through the investments from individuals.

Adam Smith recognized that monopolies might have their use – initially providing security for the risk and investors – but once they had run their course then the nation benefited by switching to open competition. The English East India Company, for example, sanctioned by Parliament as a joint stock venture in 1600, enjoyed a monopoly in two senses: it had the sole right among British merchants and sea-goers to trade with any part of the Middle East, the Asian subcontinent, south-east Asia, the Asian archipelago, and China, and exclusively through the port of London. In the late eighteenth century, this was increasingly resisted by Liverpool and of course Glasgow, in whose university Smith spawned his ideas. The renewed Charter of 1793 allowed 3,000 tons of cargo to go to private traders, though still retaining the monopoly for London and holding the most profitable part of the trade (in Chinese tea) exclusive to the Company. This was broken down still more by the 1813 Charter, and entirely eliminated in 1833.

By that time, 'monopoly' was associated in the public's mind with the Corn Laws, a series of dampers on agricultural importation suspended during the Napoleonic Wars to ensure an adequate food supply but reinstated as tariffs in 1815 to boost British agriculture by penalizing importers. The Corn Laws were retained in peacetime at the expense of cyclically high prices and famine as British bakers and consumers were forced to depend on local harvests. Thus, 'monopoly' was synonymous with 'restricted competition' (something the theatres also experienced); it raised costs and lowered the value of labour. By 1843, anything that restricted the freedom of trade was widely regarded as unjust: trammelling the common good of the people by forcing them to buy at high prices while also transgressing the rights of industry by impeding the traffic of raw materials and finished goods across national borders. This implicates not just the wealth of the nation but also its unity and temper. Political economy (synonymous with capitalism at this time) was tied to the exercise of the political franchise. Chartists, who advocated universal male suffrage, were ideologically if not socially aligned with industrialists and

merchants after the 1832 Reform Act, for they worked together in Parliament as reformers. Chartists' and Whig industrialists' territory coincided, geographically dividing Britain between Scottish and northern free traders and London's merchant protectionists and southern Tories, the landed agricultural elite.

For the theatre's so-called anti-monopolists, free trade was a banner used to rally opposition to the patentees, on the back of wide-scale movements for linked platforms of social and economic reform. Thus, at the time of the first Reform Act, a pamphleteer could link a variety of 'monopolies' to the theatre's 'restricted competition' in order to argue for free trade, intoning hyperbolically on what were well-established links:

> Never was a monopoly upheld in so barefaced a manner [as in the theatre]. In all cases where exclusive privileges have been granted, some appearance of public advantage has been advanced. – We have monopolies of many sorts. – A Corn monopoly; but that, we are told, is beneficial to the agricultural interest. – A Coal monopoly; but that has lately been endeavoured to be ameliorated by the legislature. – A Tea monopoly; but that involves a question of the existence of our most valuable colony: – and of all other monopolies (of which we have quantum suf.), some real advantage or plausible pretense is brought forward in their defence, – but none can be adduced for this one of the Drama. – It stands out in undisguised deformity, a sheer piece of arbitrary and mercenary injustice.[22]

Protectionism of a select type of theatres, significantly those allied with noble patronage in their appellation 'theatre royal' as well as titled patronage in London and the country, mirrors the 1815 Tory solution of the Corn Laws. They protected British agriculture by imposing high tariffs on imported grain, yet meanwhile the bakers purchased domestic grain in a market of swinging prices, with costs peaking seasonally when the poor and working classes could least afford to pay. Consumers suffered along with bakers, as seasonal and longer-term patterns of scarcity and surplus resulting from climate affected prices. Under such circumstances, it is not surprising that neither the bakers nor the minors could be persuaded that protectionism was a boon.[23]

If the constitution was to mean anything, then arguments in favour of more venues for drama – usually heralded as a 'third theatre' rather than a free marketplace – had to be allowed, and state prohibitions on entry to the cartel abolished. In practice, some Lords Chamberlain (who protected the patentees in exchange for censoring their repertoire, and also

from 1806 licensed minors in Westminster) were more committed to the status quo than others: Lord Dartmouth granted the first licences to Astley's circus in 1805, the Sans Pareil and Olympic theatres in 1806, and the Lyceum (for English opera) in 1809, though like the Royalty (1803), Strand (1832) and St James's (1835) they were not authorized to produce legitimate drama in English. But as licensees found to their dismay and peril, the Lords Chamberlain could without explanation restrict their season or even refuse to renew their annual licences, whimsicalities that until 1835 always worked in the patentees' favour.[24]

For example, an annual licence was first granted to the Lyceum (King's Opera House) in 1809 by the Earl of Dartmouth; when in 1815 T. J. Arnold announced that he would build a new theatre in place of the Lyceum, having already raised £70,000, Covent Garden and Drury Lane's proprietors petitioned the Prince Regent, who convinced the Marquis of Hertford (Lord Chamberlain 1812–21) to cancel the licence. In March 1816, having previously approved the building plan, the Lord Chamberlain refused to license the Lyceum while the patent theatres were open, likely succumbing to pressure from the managers of Drury Lane, Covent Garden, and the Haymarket, who pleaded: do not allow 'upon any permanent foundation a Theatre which materially injured their property, and renders those rights (which have been guaranteed to them by the Crown, and sanctioned by parliament) unavailable and nugatory'.[25] Opening for the summer season only, Arnold lost £5,000 the first year. This points up the difference between a licence and a patent, for once the latter was granted it was never altered, limited, or refused renewal. It was the risk Arnold took for operating in Westminster rather than Surrey or for doing opera rather something else under the county magistrates' jurisdiction. Hertford was strongly allied with the Prince Regent; circa 1806, Lady Hertford (Lady Beauchamp) was the Prince's mistress, and the Prince leaned heavily on Hertford as he suffered through the anxieties of waiting for decisions about George III's competence.[26]

This was blatantly in the interest of protecting the investors of Drury Lane, Covent Garden, and the Haymarket; financial criteria prevailed, no matter what might be claimed about the artistic motives. Having been thwarted with English opera, Arnold turned to drama and feigning the status of the 'third theatre' sought the liberation of drama for all. In retrospect, Fanny Kemble complained on behalf of her family's interest in Covent Garden:

Free-trade had hardly uttered a whisper yet upon any subject of national importance when the monopoly of theatrical property was attacked by Mr Arnold, of the English Opera House, who assailed the patents of the two great theatres, Covent Garden and Drury Lane, and demanded that the right to act the legitimate drama (till then their special privilege) should be extended to all British subjects desirous to open play-houses and perform plays. A lawsuit ensued, and the proprietors of the great houses – 'his Majesty's servants', by his Majesty's royal patent since the days of the merry monarch [Charles II] – defended their monopoly to the best of their ability. My father [Charles Kemble], questioned before a committee of the House of Commons upon the subject [in 1832], showed for the evils likely, in his opinion, to result to the dramatic art and the public taste by throwing open to unlimited speculation the right to establish theatres and give theatrical representations. The great companies of good sterling actors would be broken up and dispersed, and there would no longer exist establishments sufficiently important to maintain any large body of them; the best plays would no longer find adequate representatives in any but a few of the principal parts, the characters of theatrical pieces produced would be lowered, the school of fine and careful acting would be lost, no play of Shakespeare's could be decorously put on the stage, and the profession and the public would alike fare the worse for the change. But he was one of the patented proprietors, one of the monopolists, a party most deeply interested in the issue, and therefore, perhaps, an incompetent judge in the matter. The cause went against us, and every item of his prophecy concerning the stage has undoubtedly come to pass.[27]

Kemble's penultimate sentence is bitterly ironic, the last mournful.

Since the same restriction that applied to London and Westminster prevailed in provincial cities with theatres patent, the issue was a national one.[28] John Jackson of Scotland put his defence of patent rights eloquently into terms that any landed aristocrat would understand, and fortunately for Jackson it was landed aristocrats who made the decisions about such things:

A theatre on a short lease is the same as a farm, the possessor will make it yield its utmost, and regards not the condition he leaves it in. Convert the same into a freehold, and the place will receive the produce of successive possessors. The London Theatres in the beginning [of the last century] . . . did not exceed £5,000 Sterling. They arose to £12,000, then to £20,000, and so on, till they have arrived to £70,000 and upwards. Could this have happened on another footing than that of property? Would any person give so much money for brick walls, painted canvas, and old cloathes [*sic*]? Did they not think they were purchasing at the same time, the equitable right of obtaining a continuation of the liberty of using these goods in the only manner that a suitable return could be expected from them? . . . as the property increases, so will the entertainment, for this plain reason, that the interest or stake of the proprietor will be the greater.[29]

But the veracity of this claim, made in 1809 to squelch upstart rivals to the Theatre Royal in Edinburgh, came unstuck during the O. P. Riots in London.

Much of the trouble focused on the foreign artist John Philip Kemble had employed for Covent Garden: the loathed opera singer Madame Angelica Catalani, who, though a superlative singer and actress, could offer nothing to the native drama on the basis of language or genre, for she sang Italian opera and could not even give 'God Save the King' in English.[30] Smugly assured of his market share in a growing city, Kemble erected a gigantic theatre with a whole tier of lucrative private boxes that seemed to realign the theatre's reliance from the artisanal to the nascent middle classes in a formation of pigeon-hole eyries borrowed from Italy.[31] As one of the rioters' supporters put it: 'The increased size of the metropolis requires something of this sort; but the maxim – "*private evil, public good*", is now just reversed, and the maxim of the dramatic monopolizers is – *public evil, private good*'.[32] It was not just that Kemble was using his property to turn a profit, but that he was deviating from ideas about the just application of what was a sort of community property charged with nationalist importance in the Napoleonic Age.

So, for philosophical as well as punitive reasons, a 'third theatre' for drama was mooted to share the oligopoly. The new London Theatre Royal, posited for a location south of Fleet Street, was one of the ventures proposed to rival the hubristic Kemble at Covent Garden and the megalomaniacal Sheridan at Drury Lane. Two additional petitions for letters patent or charters were submitted: one by Drury Lane's actors – significantly undermining their bosses' ability to rally cash for their limited liability reconstruction venture in 1810[33] – and another by a committee headed by the Lord Mayor of London. The first initiative did not get very far, but the last was referred to the Lords of the Privy Council, whose succinct recommendation to the sovereign in 1810 that 'it will not be expedient for Your Majesty to Grant the proposed Charter of Incorporations' put an end to the matter.[34] What is infrequently recalled about this episode is that it occurred during the war with France, when most of the Privy Council's attention was directed to import and export licensing, the quarantining of vessels, the arming of ships, and permission to trade with and disburse goods in the colonies and other lands. In other words, the curt recommendation 'it will not be expedient for Your Majesty to Grant the proposed Charter of Incorporations' has a subtext and context that is international, imperial, monopolist, and thus

thoroughly economic, imposed by a government resisting laissez-faire on many fronts attributed to national security.[35]

In peacetime, it was more feasible to question the proprietary rights granted in perpetuity to the two winter companies, but instead of turning on points of law, this almost always hinged on arguments about the length of time that should be allowed for the proprietors to overcome the debts incurred by the patent companies' repeated under-insured fires and their considerable edifice complex. In 1815, the patentees enlisted the Prince Regent (in debt to Sheridan) to help squelch the Lyceum's impetus in building a new opera house. T. J. Arnold, in turn, pointed out the patentees' disregard for dramatic practicalities in building such large theatres for a growing population, their own fault in under-insuring against fire, and their excessive expenditures of rebuilding. He warns against the consequences of the patentees' argument: 'For, although the proprietors of Covent Garden Theatre may urge in excuse, that they are pleading for the Increase of their own Private Property, the Sub-Committee of the Drury Lane Theatre have not even that weak Apology for their unjust Attack on Mr Arnold's Property' because Drury Lane was a public company (of private investors, on the same basis as the great chartered monopolies).[36] As Arnold explained in 1816 while trying to obtain a more secure licence for the Lyceum: 'Both the Patent houses form a claim upon the large sums laid out in constructing them, but have they not already had a considerable time allowed for repayment had their speculation been a just one?'[37] The Lord Chamberlain still would not license the Lyceum while the other theatres were open, again probably succumbing to pressure from the Prince Regent, for in addition to drama the patent houses benefited considerably by attracting wealthy audiences to operatic seasons.

Under similar circumstances, in 1813 Henry Greville sought to secure his investment of £10,000 in the Pantheon, and found himself arguing with the new Lord Chamberlain (the Marquis of Hertford) that it was unfair that he should now be restricted to producing plays with children and dances by subscription, wanting instead to revert to what Lord Dartmouth originally stipulated: the much more lucrative ballets and burlettas. He argued that this was not a particular grace or favour bestowed on him, for 'would [it] be considered any mark of Grace & favour if after a man had obtained a Grant from the Crown of some waste Lands & after he had at a vast expence fenced, manured & tilled this barren waste he had received a peremptory prohibition against

putting in the earth anything but tares or against his disposing even of these in the public market?'[38] But in this instance, the agricultural metaphor failed to persuade, perhaps because it asked a lord to imagine himself in the place of the tenant rather than the deeded party. It was part of an exercise to ensure that no entrepreneur mistook a licence for part of the real estate.[39] As Lord Chamberlain, the Marquis of Hertford drew a thick line between what was regarded as a favour, such as the granting of a licence, and a responsibility of the Crown, such as the renewal of a patent. This was how he justified his opinion that the 'privileges of the persons in whom the Patents of Killigrew and Davenant' had befallen was 'not as sanctioning a monopoly in those Proprietors [but] against any others whom the Crown might think fit to authorize to establish Theatres'.[40] Meanwhile, for everyone else, the Crown's protection of patentees amounted to the same thing as the persecution of licensees through perpetuation of their insecurity.

Despite the protectionism, by 1818 the patent theatres keenly felt the competition of the licensees, and to some extent also the magistrate-sanctioned theatres of Lambeth, Whitechapel, and Marylebone ringing their territory, though they sparked fewer complaints. Drury Lane's Committee of Proprietors petitioned that 'the two Patent Theatres are deprived of the CHANCE OF PROFIT; and the MEANS OF SUPPORTING THE DIGNITY OF THE NATIONAL DRAMA' when forced to compete with the neighbouring Olympic and Sans Pareil, which reputedly transgressed the genre limitations of their licences.[41] Adam Smith's disciple, David Ricardo, having given up stockbroking and been catapulted to fame the year before for publishing *On The Principles of Political Economy* (1817), was a prominent signatory to this 1818 petition. While it is not surprising that Drury Lane's stockholders voted Ricardo on to the Committee of Proprietors in 1818, the real mystery is why Ricardo, usually unerring in his speculations, put his own money into this stock.[42] He is famous for arguing that capital should be invested at the place of highest return, skimming off surplus until, by the law of diminishing returns, profits there align with everywhere else and a new investment is sought. But Ricardo's duplicity in publicly advocating free trade and the end of the Corn Laws while hunkering down in a protected though not lucrative investment at Drury Lane is in no way unusual.[43] Robert Elliston showed the same duplicity a few years later after he switched from managing the minor Olympic Theatre (1813–19) to become Drury Lane's patentee (1819–26). As a patentee, he complained that lengthened

licences for the Argyll Rooms and Lyceum threatened the 'National Drama to extremes which without some powerful aid must shortly terminate their existence', while as a licensee Elliston had argued that 'the small dealer, my lord, is as well entitled to assistance and favour, as the wholesale speculator'.[44] It is hard to see the latter remark as anything but a pointed reference to Ricardo, who in 1815 negotiated the Waterloo Loan, securing a fortune for himself and Britain. The patentees persisted with the argument in 1818 that they, 'on the sacred faith of their patent rights, have expended a larger sum than ever was before embarked by individuals in this or any other country, in THE SUPPORT OF THE NATIONAL DRAMA' and that thus they deserved perpetual protection.[45]

Opposition to the Royalty Theatre in 1803 follows predictable arguments that the exhibitions were debauching and linked to prostitution and criminal behaviour in the neighbourhood.[46] By 1808, arguments turned on economic terms from which they never again wholly diverged.[47] 'These Minor Theatres detract from the receipts of the 2 Theatres Royal' and so the patentees deemed it their duty to question the Lord Chamberlain's 'right of granting such license & the extent to which the license goes'.[48] Ten years later, the patentees' Memorial to the Lord Chamberlain complained of the losses incurred by the minors' encroachment on protected repertoire: 'a sum upon the average amounting to £150 is nightly taken at their Doors, the whole or the greatest of which is taken from the Doors of the two Patent Theatres'.[49] John Scott, proprietor of the Sans Pareil, countered that his nightly receipts averaged £46, on an investment of almost £30,000, secured he believed by his friendship with Lord Dartmouth. Together with the Olympic, also built for £30,000, the nightly takings could not have exceeded £75. An entertainment zone was emergent, but did proximity reinforce consumer behaviour or deflect custom from one kind of provisioner? The handbill advertising the Olympic's auction in 1820 boasts that proximity to the patent theatres increased its revenue.[50] Receipts from the Haymarket, submitted by Colman to substantiate his claims about the pernicious minors, show markedly higher figures than Scott cites, but even more importantly register the effects of competition (see Fig. 1.1).[51]

The long-term picture is acceptable only because of extended seasons in 1811 and 1812. Colman demonstrated a devastating correlation between the Lyceum's opening and the Haymarket's receipts at what

Figure 1.1 *Haymarket receipts 1806–1812*

Year	No. of performances	Receipts	Ave. receipts per night	Comments
1806	85	£10,852	£127	Sans Pareil & Olympic opened
1807	80	£10,858	£135	
1808	80	£10,798	£134	Covent Garden burned; company moved to Haymarket
1809	89	£12,358	£138	Drury Lane burned; Lyceum opened for English opera but hosts Drury Lane company; new Covent Garden opened
1810	84	£9,891	£117	
1811	133	£9,990	£75	
1812	126	£11,464	£91	[new Drury Lane opened]
Average	96	£10,887	£116	

was supposed to be the height of the summer season for one week in July 1811 (see Fig. 1.2).

But receipts, by strict laissez-faire principles, were immaterial to the case.[52] The recent rebuilding of both patent theatres was done in full knowledge of the minors' competition, so charges and counter-charges regarding improvements, especially expansions, and financial viability were trenchant. Elliston, while still at the Olympic Theatre, sought the moral high ground by charging the patentees with price inflation: 'would such a state of things My Lord justify the Managers of those Companies in emposing [*sic*] on their Customers a price which should indemnify them against the mischievous effects of their past errors or misfortunes and which price should be nearly fifty per cent beyond the real value of the Commodity in which they were continuing to deal?'[53] And would the government, he asked, allow the Corporation of the Royal Exchange and London Assurance to be similarly operated by parties known to be mismanaging, and then allow the costs of this to be borne by the consumer? With the addition of debt under Harris's management, this contention was more than apt.

The Home Office was advised in 1818 that though the playing of legitimate drama by the minors did not violate the licences, at the same time the patents might be encroached; this did not give grounds to withdraw the licences, but the patentees could go ahead and prosecute to find out whether or not the licences offered binding protection.[54] Unlike Paris,

Figure 1.2 *Haymarket receipts 18–23 July 1811*

Date	Receipts	Expenses	
18 July	£32.10.0	£105	
19 July	£38.1.0	£105	
20 July	£41.5.0	£105	
21 July	£31.5.0	£105	
22 July	£19.6.0	£105	
23 July	£21.3.0	£105	
Total	£183.9.0	£630	
Loss			£446.11.0

where four minors were recently suppressed when it was found they were injurious to the subsidized theatres, in Britain the onus for action and expenses of prosecution were put entirely upon the private sector.[55] (Of course, the minors' managers could have justifiably complained of the patentees' encroachment on their repertoire, but this was not prosecutable.)

Glossop was taken to court for doing *Richard III* at the Coburg in 1820; he lost at law but secured public favour by arguing that in producing Shakespeare he was an 'essential bulwark to the State' in the encouragement of appropriate 'loyalty, order and morality'.[56] By 1824, Covent Garden's proprietors were so wearied of initiating prosecutions that they requested that their solicitor desist from further actions.[57] Elliston, when at Drury Lane, resorted to appealing to the Lord Chamberlain for action against the production of French plays by the minors, a desperate measure, for plays in foreign languages were regularly licensed for special performances along with experimental philosophy, living pictures, recitations, equestrianism, and rope dancing at venues like Willis's Rooms, Hanover Square Rooms, the Egyptian Hall, Richmond Theatre, the Harmonic Institution, and minor theatres.[58] This makes rather a hash of the patentees' concern for the 'national drama', but immutably links the arguments against competition to basic appeals for exclusive privilege versus fair trade. This, the proprietors argued, is 'now driving the National Theatres to extremes which without some powerful aid must shortly terminate their existence'.[59] William Hawes had been authorized by the Lords of the Treasury to hold 'Concerts, Assemblies, Masquerades and French plays' at the Argyll Rooms, and the Lord Chamberlain was loath to interfere.[60] Comparable struggles

occurred in Edinburgh. Harriet Siddons, lessee of the Theatre Royal, regularly took action from 1825 through to 1830 against the Caledonian Theatre, a circus performing equestrianism as well as melodrama, burletta, spectacle, pantomime, and French and Italian pieces.[61]

The issue was economic undercutting, and even with reductions in staff the London patentees simply could not profit.[62] In 1828, George Bolwell Davidge was convicted for presenting *Richard III* and *Douglas* at the Coburg and fined £100; Elliston, at the Surrey following his bankruptcy at Drury Lane, was subsequently threatened with prosecution for doing Shakespeare, but since the penalties did not usually cover the plaintiff's legal costs the incentives to prosecute were pale. In effect, such prosecutions probably rallied popular support for the minors and hurt the patentees' pocketbooks even more at the box office. In the East End, Edward Lloyd took up the cause in publications like *Lloyd's Penny Sunday Times and People's Police Gazette*, fanning the flames of incidents like the following, a raid on a Shoreditch penny gaff in the 1830s, the lowliest of all venues, described by John Hollingshead:

> The 'gaff' was committing the awful crime of performing Shakespeare [*Othello*] without a licence. Dog-fights, rat-fights, badger-drawing, skittle-sharping, even 'shove-halfpenny' . . . were more or less winked at; but Shakespeare – Shakespeare without a licence – Shakespeare in defiance of the patent houses, Drury Lane and Covent Garden – horrible! degrading! Everybody was very properly taken into custody. The actors in their paint, the fiddlers with their instruments of torture, the audience in their rags, the servants, the proprietor – some eighty people in all – were marched off to Worship Street – all except one [Hollingshead] . . . They were kept up, sitting on benches, all night, as the cells were not large enough to contain them, and were let off with a small fine and a severe warning in the morning.[63]

By 1830, the performance of legitimate repertoire at minor houses was routine and no matter how often they were raided and fined they were winning the battle for repertoire and a market share.[64]

The principled stand was taken in 1830 by Charles Kemble on behalf of Covent Garden against J. K. Chapman and T. Melrose of the City Theatre (Tottenham Street).[65] Lampooning Kemble's fanaticism in sending two 'spies' to their '*gigantic rival Theatre*', in the East End Chapman and Melrose launched a popular campaign in the print media that capitalized on the paranoia of Kemble, characterizing his actions in apocalyptic terms, calling him 'this great *Gog*' who appropriates the minors' melodramas while sending a claque to disturb Vestris's house (the Olympic) which served unequivocal minor repertoire (see Appendix).[66] The interchangeability of repertoire, by this time, was as

unremarkable as the movement of performers between houses, a practice formerly unknown: thus, Chapman and Melrose held the trump card, for Kemble, on the verge of insolvency, might at any point be evicted from Covent Garden and come begging for a job from his former competitors. The Court of King's Bench overruled the magistrates' decision and fined the City Theatre proprietors £350. Chapman became a bankrupt, so never paid. Henceforth, the minors sought reform through parliamentary means, holding numerous benefits for this purpose in the run-up to the 1832 Select Committee, and tapping into popular unrest.[67]

The nomenclature of the 'national drama' had by this time modulated to the patentees' self-appointed role as guardians of 'national theatres', transmuting 'national' from the literary ambitions of drama to the institutional sense of a specific site.[68] This complete usurpation of private prerogative masquerading as the public interest riled many, and pamphleteers labelled it tyranny arising from sycophancy: 'One hundred and seventy years are enough, for the sold licence of a debauched King [Charles II] to a pimping groom of the bedchambers, to clog and harrass [*sic*] the wishes and wants of a cultivated and progressing nation'.[69] By 1833, when Alfred Bunn held the leases of both Covent Garden and Drury Lane, he enjoyed an absolute monopoly of sorts, though he found much to complain of in the (by then) nineteen theatres operating simultaneously, few if any of them profitably.[70] Bunn's actors rebelled, and from their summer home of the Olympic petitioned the King for permission to create the so-called third theatre – unencumbered by old debt – as the only means to protect legitimate drama.[71] Somewhat surprisingly, the recommendations of the 1832 Select Committee were ignored in all except copyright issues, and so this petition was unsuccessful.

In 1835, a Bill was finally brought before Parliament to reform licensing procedures in the metropolis.[72] The patentees panicked, and drawing on one of the key points in Ricardo's *Principles*, claimed that in open competition profits would decrease while the demand for labour would increase faster than its competent supply, forcing wages up when managers were least able to pay them. 'Choice performers could not be sent out for to a house of call [labour mart] like mechanics, and to obtain and retain a good Theatrical Company, with all the appurtenances of a Metropolitan Theatre, could only be effected by considerable cost, infinite pains, and sound judgment'.[73] In Ricardo's universe, profits and wages are inversely related; under free trade, the patentees could not imagine achieving the thing that would stabilize the effect they desired,

which was uniform profits.[74] The Bill failed, lacking support except amongst Radicals.

In practice, the 'privileges' of the patentees became moot. When Frederick Yates and Daniel Terry bought the Adelphi in 1825 for £30,000 it was only worth £12,000, but they judged the '*protection & security*' of the Lord Chamberlain's licence worth the additional £18,000. From Yates and Terry's perspective, the Strand and St James's – created later – came by their licences 'gratuitous'.[75] And yet John Braham of the St James's claimed in 1837 that 'the legitimate drama is acted with impunity' in so many places authorized by the magistrates that those with a Lord Chamberlain's licence were positively disadvantaged for they experienced closer scrutiny, being in Westminster.[76] The Lord Chamberlain's system of staggered licences that had been intended to equalize competition throughout the theatrical year was undermined by establishments like the Queen's Bazaar (on the north side of Oxford Street) which was licensed year-round by the magistrates, across the street from the Lord Chamberlain's territory. The system of imperfect competition which had prevailed in 1800 had completely broken down: theatres could no longer differentiate their products, entry was for all intents and purposes unrestricted by cost or law, and it was very clear that no one was flourishing. In 1840, an unprecedented number of leading actors had decamped to America.[77] Even if managers could send out for them to a house of call like mechanics, they would have to shout very loudly indeed. Nevertheless, the patentees still habitually claimed their traditional prerogative. In November 1840, Drury Lane and Covent Garden both objected to Thomas Arnold's petition to be allowed to do straight drama at the Lyceum. The patentees argued that because the St James's, Olympic, and Strand were all closed, it proved there was no public demand for more drama. Covent Garden managed to keep 650 in employ but Drury Lane was on its knees. All the dramatic market seemed to be able to manage was to keep Covent Garden full and the Haymarket half-full. The Lord Chamberlain ruled that things would have to be a lot more serious, and permanently so, at Drury Lane to justify the Lyceum's application. With only one theatre surviving by an official repertoire of drama, why authorize the elusive third theatre? Why indeed, for dozens operated largely in other genres despite the restricted marketplace.

As a later Examiner of Plays admitted, the effect of the 1843 Theatres Regulation Act was simply that 'what the "minors" had for years been

doing against the Statute [of 1737 and 1788], by connivance or surreptitiously, was . . . rendered lawful for them to do thenceforward'.[78] Does this mean the 1843 Theatres Regulation Act came in with a whisper?

Social historians have explored the circumstances leading to the Theatres Regulation Act's passage in the light of political struggles absorbing Londoners in the 1830s. In separate articles, Clive Barker and J. S. Bratton recognize the importance class politics, especially Chartism, organized following the 1832 Reform Act, played in setting apart the newly enfranchised middle class from the working classes, exacerbating views of the patent theatres' despotic allegiance with the aristocracy at the expense of the people's perceived customary rights.[79] While there is validity is describing some of the agitation for a free market in spoken drama in the 1830s in terms of assertions of workers' class identity,[80] an alternative interpretation gives us a new perspective on the Theatres Regulation Act that eventually resulted in 1843. This reorientates the historiography of theatre from questions of literary prerogative or genre allocation, with allies among the Chartists, and sets it in the context of the next biggest political question of the early decades of the century: free trade and the Corn Laws crisis. Robert Peel's administration (1841–6) is the crucial window.

During the Hanoverian period, political party membership mattered little in parliamentary divisions, but in the 1830s the party whips became meaningful and voting behaviour took decisively bipartisan tones: a by-product of the Reform debates of the early 1830s. At the time, Tories were the traditionalists representing the interests of the landed gentry. They were great agricultural landholders who benefited by the Corn Laws' imposition of huge tariffs on imported foreign grain. Tories were self-interested in keeping the United Kingdom self-sufficient in food production, but denied that they were unsuccessful.[81] Whigs, in contrast, dominant in town and city politics, represented the interests of manufacturers, financiers, traders, merchants and, through their association with Liberals and Radicals, labour. Whigs were devoted to free competition and increasing Britain's access to foreign markets. In other words, what are now called *c*onservatives were not yet *C*onservatives. In 1841, after a long period of exile from power, the Tories took 55 per cent of the seats in the House of Commons, forming a safe majority government. Robert Peel, the new Prime Minister, was the son of a cotton manufacturer yet a loyal Anglican and constitutionalist, suggesting something of a paradox between Whig and Tory. His actions on behalf of free trade highlight the paradox. The new Tory government inherited a huge

Whig debt which it addressed in the 1842 budget by imposing the first peacetime income tax in British history.[82] This immediately created a revenue surplus, which Peel used to eliminate the duties on a vast range of imported goods, while also reducing corn duties by 40 per cent. By 1843, Peel's administration had repealed or largely reduced tariffs on over 750 articles pertaining to virtually every aspect of the economy.[83] This made him a very odd Tory indeed, but 1842 had been one of the worst years of the century, with high unemployment, rising costs for food, falling wages, and poor markets for manufactured goods in Britain and abroad.[84] As yet the issue was more of an economic principle than a social crisis, though it was acknowledged that the poorer classes' call for food could too easily turn from a problem of emigration to major civil disturbance and possibly revolution, which kept the Corn Laws at the forefront of public attention. The link between civil unrest and cheaper bread (represented by the Anti-Corn Law advocates) is crucial.[85]

While the Tories were committed to maintaining the privileges of the theatrical patentees as symbolic of Crown rights, the infringements of the minor theatres paled to inconsequentiality when compared with the prospect of treason and mass revolt, if famine became a reality. The conditions of the 1843 Act so closely follow the recommendations of the 1832 Select Committee on Dramatic Literature that it is difficult to see why extension of the Lord Chamberlain's powers was resisted by the Whigs for a decade and yet supported by both parties in 1843,[86] unless the legislation is linked to wider agendas concerned with quelling the revolt simmering as a result of the Anti-Corn Law League's 1842 campaign of industrial disturbance and its extraordinarily successful 40s. freehold voter registration campaign in the first half of 1843.[87] Peel and his loyal Home Secretary (Sir James Graham), overseer of the Lord Chamberlain's office, both saw the principal role of government as defender of social order.[88]

Within this context, there are several ways to interpret Tories' support of the Theatres Regulation Act as an extension of their traditional ideology rather than a contradiction of it, and consistent with their linked agendas of social control and economic reform.

1. Peel was moving towards open trade internationally; in the same way that agricultural protections were looking more and more anomalous vis-à-vis other imported goods, protections of the theatre's market were anomalous domestically.
2. Peel addressed the deficit by imposing an income tax in lieu of tariffs. The theatre brought in no tariff revenue, but potentially generated