



Quiet theatres, the rise of celebrity and the case [of] *Mr. Macklin, Late of Covent-Garden Theatre (1775)*

David WORRALL
Nottingham Trent University

Quarrels and conflict are endemic to theatre. In London, with Covent Garden and Drury Lane theatres each holding about 3000 people (depending on the state of their refurbishment or rebuilding), audiences were, in any event, squeezed together uncomfortably when houses were full, when hats obscuring the stage were knocked off, and elbows were poked. At an institutional level as well, volatility and rivalry were almost guaranteed by the two theatres' closely guarding their royal patents allowing them their duopoly of being the only London playhouses where the spoken word could be performed. The playhouses quarrelled with each other, spoiled each others' programmes with rival shows and foisted restrictive contracts on their performers, preventing them from moving between theatres, even when they were closed for the summer. However, it was the actors and actresses who had the most to lose if this climate of disorder got even further out of hand.

This essay will argue that unruly Georgian London audiences and noisy auditoriums created a structural problem delaying the rise of celebrity performers in roles requiring close and continuous listener attention to the spoken word and, more generally, impacting on the rising respectability of the acting profession. It would not be until Judge William Murray, First Earl of Mansfield's ruling in 1775 in favour of the actor, Charles Macklin, that English common law could be specifically used to protect the livelihoods of performers forced to abandon their profession through recurrent auditorium disruptions. In other words, as well as generally contributing to the rise of celebrity performers who relied upon the audible spoken word, the Mansfield judgement protected performers by defining that disruptive audience cabals could be deemed riotous conspiracies and that actors and actresses could be awarded full costs and damages for financial losses. Anyone convicted of such offences stood the risk of financial ruin and jail sentences. Whether such disturbances were concerted through pre-determined plans or simply caused by a few individuals revisiting theatres to disrupt specific performers, Mansfield's ruling fundamentally rebalanced the rights of actors and actresses to earn their living in their profession without hindrance.

British Georgian theatres held many potential dangers for their clientele. The Folger Shakespeare Library's set of diaries kept by the Drury Lane prompters, Richard Cross and William Hopkins, provide a rich source of evidence for contemporary conditions. Prompters' roles were akin to those of modern stage managers, making notes on new performers or plays, keeping preliminary records of box office takings as well as commenting on anything unusual. Their notes appear to have been entered up after each night's performance. Almost casually, Cross recorded on 26 December 1757 that when Drury Lane performed *The Tempest* and *Harlequin Ranger*, in "the Crowd upon the upper Gallery Stairs two Women & a Man were kill'd", or "crush'd to death" as a newspaper more bluntly reported it.¹ However, there were also deliberate disturbances caused by the audiences themselves.

The phenomenon of British Georgian theatre auditoriums disrupted by rioting is explicable within what the modern social historian, Charles Tilly, as a "repertoires of contention" model of social action.² Such occasions of protest as part of a moral economy were irregularly recurrent features of the cultural and political scene. The best known sequence of riots, happening over several weeks, are the Covent Garden "O.P." or "Old Price" riots of 1809. However, these disturbances were specifically directed against the theatre management who had not only raised prices after an extensive refurbishment but also created secluded ante-rooms behind the boxes where, it was thought, immorality by the rich was going on out of sight. The creation of noise, together with the official understanding of its intentions, were recorded very precisely in the legal indictments against the rioters: "to wit for the space of four hours [...] blowing Horns and whistles springing rattles and Ringing Bells [...] to force and compel [...] the proprietors of the Theatre to reduce the prices of admission".³

Of course, spontaneous theatre riots continued to occur after 1775 because Mansfield's ruling did not interfere with the natural rights of audiences to show spontaneous disapprobation through booing or hissing. Theatres in English provincial towns with local garrisons often reflected tensions between their military and civilian populations. Visiting his local playhouse at Chichester, Sussex, in January 1777 the diarist John Marsh discovered that "When [...] I got to the Theatre I found it much crowded, wth Officers etc on y^e Stage, w^{ch} [so] disconcerted the people in the Gallery, that they began hissing & pelting the Officers, who were so little dispos'd to put up with it, that they came still more forward w^{ch} occasion'd such a Hubbub".⁴ It will be argued here that although the Macklin case, as Marsh's night out shows, did not impede the appropriation of theatre auditoriums as components of the range of repertoires of site for social declarations by diverse population groups, its eventual impact on the conduct of professional acting was profound.

Before Macklin's case, despite the rising celebrity of its manager and principal actor, David Garrick, Drury Lane had been dogged with problems of auditorium disturbances. Heather McPherson's important essay on the London theatre riots of 1755, 1763 and 1809

¹ 26 December 1757, Folger W.b. 104 (3), Folger Shakespeare Library, Washington D.C.; 31 December 1757, *Read's Weekly Journal Or British Gazetteer*.

² Charles Tilly, *Popular Contention in Great Britain 1758-1834*, Cambridge, MA., Harvard University Press, 1995, p. 41-62.

³ King's Bench 10/56/20, William Dwyer, William Hillhouse, Isaac Eyres *et al.*, National Archives, Kew; *The Covent Garden Journal*, 1810; Marc Baer, *Theatre and Disorder in Late Georgian London*, Oxford, Clarendon Press, 1992.

⁴ Diary of John Marsh, [31] January 1777, HM 54457, Huntington Library, San Marino, California.

emphasises the centrality of playhouses as sites of factional political manoeuvre but these particular disturbances arose from issues related to decisions made by their managements.⁵ Drury Lane figures prominently in these incidents perhaps because (or in spite of) its being arguably the more successful of the two London royal patent theatres. The 1755 riots (xenophobic protests about a Chinese style dance performed by French actors) were exclusively directed at Drury Lane but those of 1763 (about disallowing "Half Price" tickets after the mainpiece) involved Drury Lane and Covent Garden almost equally. The 1809 Covent Garden riots skew perspectives on these disturbances because the post conflagration Drury Lane was closed for the 1809-10 season preventing rioting spreading from one patent house to the other. However, common to all of these riots is that the disturbances were reactions to management policies: in 1755 about programme choices and in 1763 and 1809 about admission prices.

It is the anonymous female author of *Theatrical Disquisitions; or A Review of the late Riot at Drury Lane Theatre* (1763), identified only as "A Lady" but someone who appears to have been an eye-witness, who captures most fully the legal and public order implications of these disturbances with particular reference to the consequences for actors. Her comments are worth quoting at length:

Whence comes it then (it may be asked) that in *England* such outrages dare to be committed? – From this only source, the despicable *cowardice* of these pests of society; not one of them would dare (cheap as they ignorantly hold the profession) to attack an actor, *out* of the walls of a playhouse, in any manner that might *offend* the *laws*; but when *within*, they venture to be safely valiant, knowing how impossible it is, among such numbers, so closely situated, to tell which is the arm that throws the apple, orange, sconce,⁶ or stick; which may deprive the unhappy object of their villainy, of sight or limbs, and consequential bread.⁷

In other words, although other pamphlets such as the compilation of handbills and newspaper reports collected in *An Historical and Succinct Account of the Late Riots at the Theatres of Drury-Lane and Covent-Garden* (1763), provide a chronicle of the events, "A Lady" draws attention not only to how such riots breached principles of national civility and encouraged conspiracy, she also identifies their potential for criminal assault and felony. Her comments appear so prescient that, even if he was not aware of *Theatrical Disquisitions*, it seems certain Mansfield would fully have understood the force of the arguments made in it.

Disturbances in theatre auditoriums were persistent problems at the time of Mansfield's judgement. The increasing celebrity brought to Drury Lane by Garrick brought no reduction in problems with rowdy audiences. On 22 February 1748, on the second night of Edward Moore's new comedy, *The Foundling*, the Drury Lane prompter, Richard Cross, clearly understood there to be an organized conspiracy to interrupt its playing. On that night Cross recorded:

There was a report, that my Lord Hubbard had made a party this night to hiss the Foundling off the Stage, that ye Reason was it ran too long, & they wanted variety of Entertainments. Mr Garrick was sent for, he met 'em & so far prevail'd that they promis'd peace 'till after the 9th night. however [sic] there was an attempt made by one cat call, & an apple Thrown at

⁵ Heather McPherson, "Theatrical Riots and Cultural Politics in Eighteenth-Century London", *Eighteenth Century: Theory and Interpretation*, 43, 2002, p. 236-252.

⁶ A lantern or candlestick with a handle and a screen to protect it from the wind.

⁷ A Lady, *Theatrical Disquisitions; or A Review of the late Riot at Drury Lane Theatre, On the 25th and 26th of January [...] and, at Covent-Garden Theatre, on Thursday the 24th February*, 1763, p. 3.

Macklin & some other other [sic] Efforts made by a few but without effect – Greatly hiss'd w[he]n give out [sic] I believe the main cause of this anger, in spite of their Excuses, was their being refus'd admittance behind the scenes.⁸

Many of the events recorded for this, *The Foundling's* second night, are symptomatic of Drury Lane's problems and this is not the only time when the name of the culprit was known. Although the prompter clearly knew who he was anyway, the "Lord Hubbard" referred to here is quite possibly the seventeen year old George Hobart (1731-1804), later third Earl of Buckinghamshire, a politician and subsequently the owner and manager of the King's Theatre opera house, Haymarket. If this identification is correct, he would just have left Westminster School. His motives may have been little more than wishing to access the actresses "behind the scenes". Whatever his true historic identity, it is clear Richard Cross felt he had made a positive identification of the person who "made a party to hiss the Foundling off the Stage". For Moore as author, the significance of the ninth night was that this performance would have been designated as his benefit. Any disruption or prevention of a ninth night would have impacted severely on his earnings from the play.

The incident tells us much about the complexity of power relationships in the theatre. Garrick's being "sent for" to attend a meeting ("he met 'em") and negotiate with the rioters, insofar as they could be "so far prevail'd" upon, is as much an indicator of the weakness of Garrick's position as of his resolve. Quite crucially in view of what was to happen later, calm was not restored. The "apple Thrown at Macklin", together with the "cat call", no doubt formed part of a series of events eventually leading Macklin to seek legal redress not simply on account of his own situation as a professional actor but also to safeguard the livelihoods of others.

Even in the last six months of Garrick's acting career, when one would have thought that his celebrity status would have resulted in deference, Garrick was forced to play a very uncomfortable role pacifying a riotous audience on the fourth night of Henry Bate's, *The Blackamoor Wash'd White* in February 1776.⁹ On *The Blackamoor's* third night, sections of the audience, led by a certain Captain Roper, threatened to riot:

the Gentleman that came with Capt. Roper Jumped out of the Stage Box upon the Stage immediately Several out of the Pit & Boxes follow'd & some blows ensued & I thought they would have pulled the House down this lasted about half an hour.¹⁰

While this particular Captain Roper is quite possibly the later Major or Colonel Roper killed in 1788 in a duel at Chatham by his court-martialled ensign, Thomas Purefoy, the key issue here is that, as with "Lord Hubard", the prompter clearly reckoned he knew his identity.¹¹

On the fourth night of *The Blackamoor* there was another disturbance and Garrick – who was to give his retirement final performance that June – was again called upon to go on stage and face an angry audience. As before, the proximity between stage and

⁸ Folger W.a. 104 (1), Folger Shakespeare Library, Washington D.C.

⁹ For an entirely different interpretation of Garrick's celebrity, see Cheryl Wanko, *Roles of Authority: Thespian Biography and Celebrity in Eighteenth-Century Britain*, Lubbock, Texas Tech University Press, 2003, chapter 8,

"The Authority of the Celebrity: David Garrick", p. 187-213.

¹⁰ William Hopkins's diary, 3rd February 1776, Folger W.a. 104 (13), Folger Shakespeare Library, Washington D.C.

¹¹ 20 December 1788, *Whitehall Evening Post*. The trial for Roper's "wilful murder" at Maidstone did not take place until August 1794, John Gideon Millingen, *The History of Duelling*, London, 1841, p. 146-147.

audience is very marked, showing how little had changed by the mid 1770s. It is worth following the movement of this disturbance in full, as recorded by the prompter:

They Call'd for Mr. Garrick he attended – but they would not hear him for a long time tho' [he] Attempted Several times to speak—at last some body said hear him! Hear him – Mr. G. told them that he would wait their [sic] all Night with pleasure if they requir'd it – hear him! again was bellow'd out – he told them he waited to know their pleasure – whether they would have the Blackamoor go on or if they would have any other Farce then a great Noise ensued; as soon as they were quiet Mr. G told them that his Theatrical Life would be very Short & he sho^{ld} be glad to end it in peace – A man in the Pit said [if] you have a mind to die in Peace don't let this Farce be play'd again Mr. Garrick was on & off the Stage several times nothing would content them – at Length Mr. King told them that the Author had taken the Copy from the Prompter & was gone away with it – soon after this they withdrew so Ended this troublesome Affair.¹²

Ultimately, Garrick was unable to prevail and the performance was abandoned.¹³ What is noticeable is not only that “[he] Attempted Several times to speak” but that Garrick makes an implicit appeal to the audience’s recognition of him as a celebrated figure, reminding them that “his Theatrical Life would be very Short & he sho^{ld} be glad to end it in peace”, and conjuring up an awareness of his well publicized wish to retire. Even his self-deprecating desire to “end it in peace” was greeted from the pit by what may be interpreted as a veiled physical threat (“[if] you have a mind to die in Peace don't let this Farce be play'd again”).

The conditions described here, stretching over twenty-five years, are of recurrent incidents of disturbances, at least some of which brought the night’s acting to a complete halt. Respect for gender differences was ignored. The apple that hit Macklin in 1748 was mirrored in 1751 by one thrown at the celebrity actress Hannah Pritchard (1711-1768), again at Drury Lane. Coincidentally, this was also during a performance of another new play by Edward Moore (after de Santillane), *Gil Blas, A Comedy, In Five Acts* (1751): “A great deal of Hissing by some Gentlemen in the Pit – at ye beginning of the 4th Act an apple thrown at Mrs. Pritchard, Mr. Garrick call'd for by ye pit”.¹⁴ Pritchard’s suffering this kind of treatment is hugely at variance with the seated, dignified, image of her presented in Francis Hayman’s portrait in oils of the previous year (Garrick Club, London). In other words, the “apple, orange, sconce, or stick” listed by the female author of *Theatrical Disquisitions* are entirely plausible comments on conditions.

What is particularly noticeable is that despite increasing notions of public celebrity for performers, key figures such as Garrick –who both owned Drury Lane and performed in it – were unable or unwilling to stop such disruptions. The visual record of paintings, taken on its own, is particularly misleading as to the presence of these kinds of disturbance in the professional lives of performers. A year after the apple hit Hannah Pritchard, Francis Hayman painted her with Garrick in a scene from Benjamin Hoadley’s comedy, *The Suspicious Husband* (1747) (1752, oil on canvas, Museum of London). While the existence of of the two Hayman paintings is testimony to rising public interest and respect for performers, from the vantage point of the twenty-first century they obviously remain dumb witnesses to the goings-on inside the very theatre where Garrick and Pritchard were continuing to consolidate their reputations. Indeed, it is difficult to escape the conclusion that paintings, both of performers in role and as portraits, were particularly selected to

¹² William Hopkins’s diary, 5 February 1776, Folger W.a. 104 (13), Folger Shakespeare Library, Washington D.C.

¹³ 5 February 1776, Folger W.a. 39, Folger Shakespeare Library, Washington D.C.

¹⁴ 9 February 1751, Folger W.a. 104 (2), Folger Shakespeare Library, Washington D.C.

obscure the realities of working conditions in Georgian theatres. By freezing the moment, particularly by exhibiting fictionality in performance pieces, paintings do much to dissociate actors from their immediate material contexts. Similarly occluded were examples of programmed self-censorship. In 1757, apparently with reference to a revival of Edward Rooker's pantomime, *Harlequin Ranger*, "a Disturbance was design'd by the Officers occasion'd by a new Scene [...] about a Captain being in Leading strings, but we left it out & all was Quiet".¹⁵ Of course, because the scenes were retracted, nothing can be said about this scene except that, presumably, it intended to show army or navy officers wearing "leading strings", the textile straps attached to the shoulders or dress of toddlers to teach them to walk. At the beginning of the Seven Years' War, no doubt this sort of stage action would, indeed, have provoked and angered military personnel in the audience.

These disturbances, among which the standoff between Garrick and *The Blackamoor's* fourth night audience in February 1776 is the most significant, all testify to poor working conditions for performers. The circumstances outlined over a decade earlier in *Theatrical Disquisitions* (1763) were still relevant:

If an actor offends, his name, his person, is known, and he stands within the level of the law; while his unworthy oppressors sculk[sic] in a croud[sic], and commit violences, unnamed, unknown, as securely as we are told in foreign countries, hired assassins stab in the dark; for it is to be observed, the *leaders* of these riots seldom do more than inflame the rest; conscious that they themselves might be known, and compelled to make amends (if any amends can be made for such injuries) or abide the consequences. (p. 3-4)

This was exactly the situation Charles Macklin found himself in while acting Shylock at Covent Garden in November 1774.

There are three principal printed accounts of Macklin's case which exist alongside some fragmentary manuscript notes made in his commonplace book, some of which were later published under the heading of "Macklinana" in several issues of the periodical, *The Monthly Mirror* (1798). The first set of hearings, held on 11 June 1774 and presided over by Lord Mansfield, was to decide whether there was a case to be answered by the inditees. The subsequent jury trial was held on 24 February 1775 under Sir Richard Aston (1717-1778). A further hearing, presided over once again by Mansfield, was held on 11 May 1775 to decide costs and damages. The main contemporary accounts – with the first handily providing the names of those indicted – is *The Genuine Arguments of the Council, with the opinion of the Court of King's Bench, on cause shewn, why an information should not be exhibited against John Stephen James, Joseph Clarke, Esqrs. Ralph Aldus [...] William Augustus Miles, James Sparks, and Thomas Leigh; for a riotous conspiracy, [...] to deprive Charles Macklin, [...] of his livelihood; [...] By a citizen of the world* (1774). Although lightly anonymized by two Prefaces addressed to different sections of the public, *The Genuine Arguments* is very likely to have been produced directly by Macklin. A year later, there appeared an Edinburgh-published précis account of the trial, *Case, Mr. Macklin late of Covent-Garden Theatre, against Mess. Clarke, Aldys, Lee, James, and Miles* (Edinburgh, 1775). Finally, James Thomas Kirkman's posthumous biography, *Memoirs of the life of Charles Macklin, Esq. principally compiled from his own papers and memorandums* (1799), included transcripts of the two later hearings, apparently with Macklin's emphases. There seems to have been no official verbatim transcript of the court proceedings. For the

¹⁵ 31 October 1757, Folger W.b. 104 (3), Folger Shakespeare Library, Washington D.C.

ordinary reader, the Edinburgh publication is probably the most straightforward introduction to the major details of the case. It is quite conceivable the Edinburgh publication was an attempt by Macklin to signal the pertinence of his case under the different contexts and protocols of Scottish law.

The principal legal precedents that Lord Mansfield's ruling established, as *Case, Mr. Macklin* succinctly puts it, was that an "action at Common Law" might be brought against anyone involved in "a riotous conspiracy to deprive Mr. Macklin of his livelihood" by causing him to be discharged from employment by the theatre owners, thereby resulting in "the loss of his bread" (p. 6-7). Proving of criminal conspiracy enabled the next step, claiming financial recompense. Before examining Macklin's case more closely, it is important to realize it had several wide-ranging implications. First of all, that this was an "action at Common Law", a circumstance which effectively made, if proven, the crime against Macklin equivalent to a felony, as in the criminal seizure of goods or land.¹⁶ Crucially, Macklin chose not to pursue George Colman the Elder, then manager of Covent Garden, for breach of contract in having fired him but chose instead to bring named members of the theatre audience to trial as conspirators (to bring them within "the Rule", in the legal terminology of the transcripts, that is, to show that they had a case to answer in court). Secondly, because Mansfield's judgement found in favour of Macklin, the precedent was set for all other actors and actresses – assuming they could prove they were similarly victims of conspiracies – to plead their financial losses similarly amounted to felonies.

The circumstances of the crime were that, as described in *Case, Mr. Macklin*, the actor had played Macbeth at Covent Garden on 18 November 1773 but

was discharged from that theatre, by order of a numerous Audience, assembled, as it should seem, for that purpose. On the curtain being drawn up, the cry was, *No Macklin!* and it increased so much, that, to prevent the house from being pulled to pieces, the Managers complied with their desires, and publicly discharged him. (p. 5-6)

While this was the event which triggered his dismissal, Macklin had clearly been subjected to a series of intimidations starting as early as 6 November, again when Macklin played Macbeth. When brought to trial, *Lloyd's Evening Post* thought "The evidence was extremely tedious and diffusive [sic]".¹⁷ Nevertheless, the legal manoeuvrings which occupy much of the first half of the trial elucidated not only the unsoundness of the testimonies of the defendants (despite one of them, Ralph Aldus – or Aldys – being himself an attorney) but that the defendants were connected to one another. Although all six defendants claimed they had attended Covent Garden independently and, therefore, could not have been part of any conspiracy, some of the accused decided, through their attorneys, to share their legal councils. The deadpan delivery of John Dunning, later first Baron Ashburton (1731-83), the council for the prosecution, as he remorselessly drove the defence lawyers to clarify the status of this situation, is worth following:

The corrected Case then is this; three Attorneys employ one Council, upon the Behalf of the three Parties, who choose to be understood, as Parties entirely unconnected with each other; another Attorney employs three distinct Council, representing three Parties, because they chuse to shew those three Parties totally unconnected with each other.¹⁸

¹⁶ "Felony", 4. b. Quote 1769, *OED*.

¹⁷ 24 February 1775, *Lloyd's Evening Post*.

¹⁸ Charles Macklin, *The Genuine Arguments of the Council, with the opinion of the Court of King's Bench*, 1774, p. 37-38.

The illogicality of the position of defendants sharing the same council yet seeking to demonstrate they acted independently was brought to a devastating conclusion by Mansfield in his summary of the case made by the defendant, John Stephen James.

James's sworn affidavit, read out in court, detailing his part in the disruptions on 13 November, again at a time when Macklin was playing Macbeth, described that in a fracas in the two shilling gallery, he was "knocked down between two Benches, and some Person or Persons stamped on Deponent's Breast, and other Parts of his Body; and [he] saith, if his Friends who went with him, and some other Gentlemen, had not interposed [...] the Consequences would have proved very dangerous to [the] Deponent".¹⁹ Mansfield did nothing to interrupt or interrogate this testimony. There were no courtroom theatricals. Instead, during his summary, he simply noted that James

has made a Slip in one Thing, which I am sure he was not aware of – It is insisted, there was no Conspiracy – To be sure no Conspiracy – The other Persons joined in the Rule [that is, the others indicted], have no Acquaintance with him – But when he comes to give an Account, he say, if his *Friends* that went with him had not done so and so, they should not have been able to have got the better; therefore it appears he went with a Body of his Friends, to demand Proofs and Concessions, by Vociferations and Noise in the House.²⁰

In other words, condemned out of his own mouth, James had testified in his affidavit that he was accompanied by "Friends who went with him". Mansfield slightly amplifies this to suggest "he went with a Body of his Friends", three of whom were sharing a single defence council. At this point, although the testimonies of the other defendants continued to be delivered, each separately summarized by Mansfield, the defence case effectively collapsed.

During the course of the first hearing, the one which secured the grounds that the defendants had a case to answer, Mansfield carefully differentiated between the public's right to show "Disapprobation or Approbation of acting upon a public Theatre", that is, to display approval or disapproval by spontaneous booing, hissing or applause, while ruling that such a right did not include making return visits to the theatre and conspiring to have performers dismissed from employment. Mansfield made two statements about such situations:

to be sure, this Court would not encourage Complaints of the Disapprobation or Approbation of acting upon a public Theatre; being shewn in a manner in which every Part of the Auditory has a Right to shew it – But if from Malice, Ill-will, or Resentment, a Number of People are ungenerous enough to take Advantage of the Situation a poor Actor is in, being at their Mercy upon the Stage, to deprive him of his Bread, and insult him, not upon any Offence arising out of the Play, but from Malice and Conspiracy against the Person who is the Actor, to strip him of the Means of Living, that is a strong Ground of Action.²¹

This emphasis on the loss of Macklin's "Means of Living" is a notable feature of his judgement: "If they had only whipt him a little, and mortified him, it would not have been much; but when it is carried so far, as to advise the Managers to discharge him, and take his Bread from him, it is then carried too far".²² On these grounds of consequential damages resulting from loss of livelihood, Mansfield was probably also following wider

¹⁹ Charles Macklin, *The Genuine Arguments of the Council*, p. 20.

²⁰ Charles Macklin, *The Genuine Arguments of the Council*, p. 46. Italics in original.

²¹ Charles Macklin, *The Genuine Arguments of the Council*, p. 42.

²² Charles Macklin *The Genuine Arguments of the Council*, p. 68.

contemporary received opinion, including that of the anonymous author of *Theatrical Disquisitions* who had argued that “the arm that throws the apple, orange, scone, or stick [...] may deprive the unhappy object of their villainy, of sight or limbs, and consequential bread”.

As far as the long-term impact of the Macklin case is concerned, there are three features which stand out. At the final hearing, the victorious Macklin showed an extraordinary degree of restraint when deciding what damages to take. As Robert O’Shaughnessy’s *ODNB* entry aptly puts it,

Instead of insisting upon full settlement of damages (to which he was entitled) he exercised leniency, urging that the guilty men should do no more than meet his legal costs and pay £300 towards his own and [his daughter] Maria Macklin’s benefit. Praising Macklin for this display of magnanimity, the presiding judge, Lord Mansfield, said “You have met with great applause today. You never acted better”.²³

In other words, Mansfield himself, perhaps surprisingly, clearly felt inclined to join in with a theatrical trope in this – still official – commentary about the trial. One would not want to make too much of it given the gravity of the legal processes at work but, quite obviously, Mansfield was not above enjoying the pleasure of this moment of meta-theatricality. However, no theatregoer would have been left in any doubt that, with a new legal precedent established, future rioters in theatres placed themselves at considerable risk if convicted. As far as Macklin’s loss of earnings were concerned, Mansfield took evidence from Covent Garden’s accountant which ascertained that his salary was set at 400 pounds per year together with one benefit night per season, worth a further 230 pounds per year.²⁴ Crucially, Mansfield accepted the validity of Macklin’s projected loss of earnings: “he has been driven off the Stage two years; there is 1260[£] besides implied damages”.²⁵ This was at a time when an artisan family might expect to live fairly comfortably on forty pounds per year.

When one of the defendants, Thomas Leigh, said they were unable to pay and would prefer jail instead (“I am afraid, my Lord, that none of us are able to pay an heavy fine; we would rather be committed than ruin ourselves”), Mansfield’s reply was uncompromising: “But you will do both – you may depend upon it, that is always a favour to the Defendant to let it go before the Master; for the Court often refuse to let it go before the Master”. In other words, they might be fined *and* go to jail with any appeal to the Master of the Rolls (Sir Thomas Sewell, c. 1710-1784), the supreme arbiter of the laws, being dependent on Mansfield’s discretion. With Mansfield making these remarks in May 1775, fully eighteen months after the disturbances and with ample time to consider the evidence and direct the jury towards their verdict, it is striking how seriously he took the case:

What a terrible condition is an Actor upon the Stage in with an Enemy, who makes part of the Audience! It is ungenerous to take the advantage; and what makes the black part of the case is

²³ Robert Shaughnessy, “Macklin, Charles (1699?-1797)”, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2014, <http://www.oxforddnb.com/view/article/17622> [accessed 18 August 2014]; quoting James Thomas Kirkman, *Memoirs of the life of Charles Macklin, Esq. principally compiled from his own papers and memorandums*, 1799, 2 vols, vol. 2, p. 256.

²⁴ Benefit nights were complex financial undertakings. Usually, the theatre made a playhouse hire charge (say, 100 pounds) and the actor kept the night’s box office takings. These included not only the general admission income but also special “Tickets” issued by the performer with no fixed face value but which purchasers could use to gift money above the usual admission prices. See my *Celebrity, Performance, Reception: British Georgian Theatre as Social Assemblage*, Cambridge, Cambridge University Press, 2013, *passim*.

²⁵ Thomas Kirkman, *Memoirs of the life of Charles Macklin, Esq. principally compiled from his own papers and memorandums*, 1799, 2 vols, vol. 2, p. 228.

– *it is all done with a conspiracy to ruin him: and if the Court were to imprison and fine every one of them, Mr. Macklin may bring his action against them, and I am satisfied there is no Jury that would not give considerable damages*" (italics in original).²⁶

With the verdict reached, there was what one might describe as a behavioural delay until the theatre-going public realized the implications of what might happen if they were convicted of repeatedly returning to theatres to cause disruption resulting in loss of earnings. Ten months after Mansfield's verdict, Drury Lane's prompter had clearly identified the "Captain Roper" who disturbed the third night of Bate's *Blackamoor Wash'd White*, but Roper doesn't seem to have returned the next night, the performance when Garrick was brought onto the stage. It may well be that, post-Macklin, he had thought more carefully about the risks he ran. Changes were, no doubt, slow but the "apple thrown at Mrs. Pritchard" in 1751 was not repeated. It is difficult to prove a negative (that is, the absence of something) but the routine disruptions of Garrick's Drury Lane gradually stopped.

In the longer term, the real beneficiaries of Macklin's case were female actors and playwrights. It is beyond the scope of this essay to demonstrate it, but the auditoriums gradually quietened or, at least, no one dared target individual performers. By the mid-1780s, Covent Garden and Drury Lane had a new target to quarrel with: the upstart Royalty Theatre, hard by the Tower of London and the Thameside docks with its supply of sailors on shore leave with money to spend, threatened to draw East End crowds away from the West End. The rival managers still continued to quarrel and score points over each other but something had clearly changed. One reason may have been the American War of Independence (1776-82), which probably swept away many of the young men likely to be disruptive. John Marsh's wartime experience of disruptive soldiers at Chichester theatre in 1777 is a revealing indicator of a military presence in the local community but, posted on the American station, in freezing north eastern winters when warfare came to a halt, military amateur theatricals sometimes absorbed the remaining energies of British soldiers and sailors.²⁷ For Sarah Siddons, not only the outstanding celebrity performer of the post-Garrick era but also its greatest tragic actress, the newly quieter Drury Lane allowed her to develop her speaking roles, now audible and uninterrupted. For the new wave of female playwrights, developing ensemble acting for comedies of manners structured around groups of variously dysfunctional Whiggish families, as in Elizabeth Inchbald's Covent Garden five act hit, *Every One has his Fault* (1793), experimentation with conversational dialogue shorn of gimmickry ran forward by leaps and bounds. They may have forgotten it, but their success had Macklin to thank.

BIBLIOGRAPHY

Manuscripts

Folger W.a. 39; W.a. 104 (2), W.b. 104 (3), W.b. 104 (1), W.b. 104 (3); W.b. 104 (13) Folger Shakespeare Library, Washington D.C.

²⁶ Thomas Kirkman, *Memoirs of the life of Charles Macklin, Esq. principally compiled from his own papers and memorandums*, 1799, 2 vols, vol. 2, p. 241-242.

²⁷ David Worrall, "Theatre In the Combat Zone: British Military Theatricals at Philadelphia, 1778", *Urban Identity and the Atlantic World*, ed. Elizabeth Fay and Leonard von Morz, London, Palgrave Macmillan, 2013, p. 219-236.

Diary of John Marsh, HM54457, Huntington Library, San Marino, California.
King's Bench 10/56/20, National Archives, Kew.

Printed Sources

- BAER, Marc, *Theatre and Disorder in Late Georgian London*, Oxford, Clarendon Press, 1992.
Covent Garden Journal, London, 1810.
- BATE, Henry, "Airs, ballads, &c." in *The blackamoor wash'd white. A new comic opera. As it will be performed this evening at the Theatre-Royal, Drury-Lane*, London, 1776.
- Case Mr. Macklin late of Covent-Garden Theatre*, against Mess. Clarke, Aldys, Lee, James, and Miles, Edinburgh, 1775.
- HOADLEY, Benjamin, *The Suspicious Husband*, London, 1747.
- KIRKMAN, James Thomas, *Memoirs of the life of Charles Macklin*, Esq. principally compiled from his own papers and memorandums, London, 1799, 2 vols.
Lloyd's Evening Post, London.
- MACCLIN, Charles, *The Genuine Arguments of the Council, with the opinion of the Court of King's Bench*, London, 1774.
- MCPHERSON, Heather, "Theatrical Riots and Cultural Politics in Eighteenth-Century London", *Eighteenth Century: Theory and Interpretation*, 43 (2002), p. 236-252.
- MILLINGEN, John Gideon, *The History of Duelling*, London, 1841.
Monthly Mirror, London.
- MOORE, Edward, *The Foundling*, 1748.
— (after de Santillane), *Gil Blas, A Comedy, In Five Acts*, London, 1751.
Reads Weekly Journal or British Gazetteer, London.
- Theatrical Disquisitions; or A Review of the late Riot at Drury Lane Theatre, On the 25th and 26th of January [...] and, at Covent-Garden Theatre, on Thursday the 24th February*, London, 1763.
- TILLY, Charles, *Popular Contention in Great Britain 1758-1834*, Cambridge, MA., Harvard University Press, 1995.
- WANKO, Cheryl, *Roles of Authority: Thespian Biography and Celebrity in Eighteenth-Century Britain*, Lubbock, Texas Tech University Press, 2003.
Whitehall Evening Post, London.
- WORRALL, David, *Celebrity, Performance, Reception: British Georgian Theatre as Social Assemblage*, Cambridge, Cambridge University Press, 2013.
—, "Theatre In the Combat Zone: British Military Theatricals at Philadelphia, 1778", *Urban Identity and the Atlantic World*, ed. Elizabeth Fay and Leonard von Morz, Houndmills, Palgrave Macmillan, 2013, p. 219-236.