THE CAMBRIDGE CIRCUS.

Proprietor and Performers Summoned.

"ROBINSON CRUSOE" IN COURT.

Considerable interest was evinced in a series of cases arising out of the performance of "Robinson Crusoe" at the Circus, Auckland-road, which were heard at the Cambridge Borough Police Court this morning, before Dr. Cooper (in the chair) and Mr J. Burford.

Thomas Askham, Newmarket-road, was summoned for on February 27th unlawfully permitting to be played and presented a certain stage play, "Robinson Crusoe," at the Circus, Auckland-road, the building not being duly licensed as a theatre.

The Town Clerk (Mr J. E. L. Whitehead) appeared for the prosecution.

Mr W. H. Armstrong, solicitor, of London, appeared for the defendant, and pleaded not guilty. There were several other summonses arising out of the same circumstances. He appeared for all the defendants, and suggested that all the cases be taken together.

Mr Whitehead said he was prepared to agree on the condition that he might call one of the defendants as a witness.

Dr. Cooper asked if it would not be better to try the case against Askham first. Would Mr. Armstrong consent to the others being decided by that of Askham.

Mr. Armstrong replied that he most assuredly would not. He suggested taking all the cases together, so as to save time. He had not brought his nightcap, that was all. (Laughter.)

It was decided to take the case against Mr. Askham first.

Mr. Whitehead, in opening, said on Friday, February 27th, Inspector Baker and P.C. Coe went to what was known as the Grand Circus and Hippodrome, Auckland-road, Newmarket-road, which belonged to the defendant. They arrived about five minutes to eight, and found people paying to go in. The eleventh item on the programme was called the "Grand Pantomime Sketch, 'Robinson Crusoe,'" consisting of eleven performers, among whom were "Robinson Crusoe" and "Friday." The sketch lasted for some time. There was pantomime action and considerable dialogue—he believed in verse. The witness could not quite understand it, but he believed it to be in verse. As far as he could see from the depositions and the cases which had been decided, he had no doubt the "sketch" came within the category of a stage play. Mr. Wright, Assistant Clerk to the County Council, would tell the Bench that

APPLICATION FOR A LICENCE

was made in May last, and refused.

Mr. Armstrong said he would admit that the place was not licensed for the performance of stage plays.

Mr. A. Wright, Assistant Clerk to the Cambs. County Council, stated that the defendant in March last made an application for a licence. The application was heard in May, and refused.

Mr. Armstrong: Dr. Cooper, whom I have not the felicity of knowing, appeared in support of the application, and Mr. Raikes opposed?

Mr. Wright: Yes.

Mr. Whitehead (motioning to Dr. Cooper on the bench): Perhaps I had better introduce you to Dr. Cooper—now you have the felicity.

Mr. Armstrong: Greatly honoured. (To Mr. Wright): The learned Council told Mr. Askham that he could have a sketch lasting forty minutes?

Mr. Wright: Yes.

Mr. Armstrong: And Mr. Askham said, "I have only the desire to do what is straightforward." That is what he desires to say through me to-day.

Mr. Whitehead called Inspector Baker, who stated that, in company with P.C. Coe, he visited the Circus on Friday evening, February 27th. They got there before eight o'clock, went inside the building, and stayed there until the finish of the performance. They went to the back part of the gallery, so as to be right opposite the stage.

Mr. Whitehead: When you entered the building, what kind of stage did you find there?

Witness: A small stage: I should say about 20 feet high, and of about the same width.

You mean 20 feet from the boards to the flies?—Yes, sir. The stage floor was, I think, about three or four feet from the ground, and the stage would be from 12 to 15 feet from front to back.

Any curtains or scenery? Yes, there was scenery at the back, and also at the sides—side-wings.

Any footlights?—Yes.

THE FOOTLIGHTS

were on a level with the stage floor.

Mr. Armstrong (sarcastically): They usually are, you know.

Mr. Whitehead: On going into the Circus you purchased this programme?

Witness: I believe that is the one.

I think there were ten pieces?—Yes, there were, of a variety nature.

And finally there came this sketch, "Robinson Crusoe"?—Yes.

What time did it come on?—About five minutes to ten.

Witness, proceeding, said there were nine artistes on the stage at the most. Just at the fall of the curtain he believed there were ten. The performance of "Robinson Crusoe" commenced with four male artistes and two female artistes coming on the stage. The two female artistes opened with a step dance, after which the male artistes carried on a dialogue.

The Chairman: Could you hear what the dialogue was about?

Witness: Well, I could catch a word here and there, and it seemed to pertain to "Robinson Crusoe" and his island. The conversation was so indistinct, you could not possibly catch the words from where I was sitting.

Was there, or was there not, a general dialogue running throughout the piece? There was, with various members of the company.

The dialogue, the witness added, was interspersed with songs and dances.

Mr. Whitehead: Was the dialogue, so far as you could tell, in verse, or was some of it in prose?

Mr. Armstrong: He said it was

SO INDISTINCT

that he absolutely could not catch the words. It is an absolutely leading question.

Mr. Whitehead: Is it? (To witness): When did the performance finish?

Witness: About 10.35.

Cross-examined by Mr. Armstrong: He did not pay to go in.

Mr. Armstrong: Is your experience of stage plays very extensive?

Witness: No, sir, only general.

You know nothing about stage plays?—Only in a general way.

You were "gone" on the dancing and the singing? No, sir, on the dialogue.

You did not hear any on that night.—Yes, I did, but I did not hear the words distinctly. I knew there was dialogue.

You told my learned friend the conversation was so indistinct that you could not catch the words.—Not so as to be able to repeat them.

And you did not know from Adam what they were saying?—Oh, no, I could not repeat what I heard.

You found the place was well conducted?—I should say fairly well. It might be better; it might be quieter. There is too much noise in the gallery.

Oh, you say you object to the people expressing their opinion?—There is too much talking going on, so that it is not possible for anyone in the back gallery to hear.

Were you in the back gallery?—I was.

Therefore you could not hear? I could hear some part of it.

Observe, you have just said so. Did you express yourself as being very

PLEASED WITH THE SHOW?

I said there was nothing to find fault in it.

Did you express yourself pleased with the show? —I said it was fairly—I did not say I was pleased with it.

Did you like the ladies' dancing and the singing? I did not object to it.

You were sent there for a purpose?—I was sent to witness the performance and report on it.

And, not having heard any words, you made a report?—I made a report, sir.

Has Mr. Redfern, of the Theatre Royal, anything to do with this prosecution?—Not that I am aware of.

The business has been pretty good at the Circus? —I don't think it has been over grand.

It has been very bad at the Theatre, has it not? Mr. Whitehead: I am glad to hear these questions.

Mr. Armstrong: Of course, sometimes a prosecution smells of persecution.

P.C. Coe gave corroborative evidence. Witness said that so far as he knew, the persons representing the characters spoke in English. There was a representative of "Robinson Crusoe."

Mr. Armstrong: That was a lady?

Witness: She was dressed in lady's costume.

The Chairman: What did Robinson Crusoe say?

Witness: She said, "This is Thursday; to-morrow will be Friday. That is your name." (Laughter.)

Mr. Armstrong: Do you venture to pledge your oath that you heard Friday speak a word at all?

Witness: Yes.

Will you venture to pledge your oath that the character of Friday spoke one single word?—Yes.

What did you hear him speak?—I could not follow it.

You could not hear with any satisfaction?—This is what the Inspector says: "I could catch, here and there, a word. There was such a noise I could not catch all the words."—You could not. This was your

FIRST APPEARANCE

at such a place? Well, I can't say that, sir.

I mean going in search of evidence in this sort of case—it is the first case you have ever had, is that so?—Yes.

The place was well conducted?—Yes, I can't complain of that.

I was going to ask you whether you had value for your money, but you did not pay.—I paid for the programme.

George Egerton Burnett, of London, called by Mr. Whitehead, said the Circus performance was under his direction. He hired the Circus from Mr. Askham. It was part of his duty to hire the artists to perform. They were hired for variety turns.

Mr. Armstrong submitted there was no case, for Mr. Askham let the circus or music-hall to Mr. Burnett. It must be shown that Mr. Askham permitted the play, and upon that point there was no evidence whatever. The police had given their evidence most fairly, but had proved nothing. There was no evidence showing that Mr. Askham permitted the play. He was not bound to go there every night.

Mr. Whitehead pointed out that it was down in the evidence that Inspector Baker spoke to Mr. Askham in the Circus.

Inspector Baker, recalled, stated that he spoke to Mr. Askham on the evening of the 27th. He informed him that he thought it was a stage play. The defendant replied, "Oh, nothing of the sort. I am entirely responsible for it. I had my instructions from Mr. Raikes."

Mr. Armstrong, continuing his address, said that evidence did not make Mr. Askham liable. There was no manuscript for the sketch; it was simply impromptu. The artists said what they liked to one another.

Dr. Cooper said there was very strong evidence that Mr. Askham permitted what took place. What he thought Mr. Armstrong ought to deal with was whether "Robinson Crusoe" was in fact a stage play.

Mr. Armstrong said he did not think there was any jury in the world who would convict the defendant upon the evidence of the two officers. The Inspector said the conversation was so indistinct that he could not say what were the words.

Mr. Whitehead mentioned that the word pantomime was distinctly mentioned in the bill.

Mr. Armstrong complained that the interruption was most unfair and most unbusinesslike. He quoted the case of a performance at the Canterbury Theatre in 1884, in which the Lambeth magistrate refused to convict. It was no part of Askham's business to go to the Circus to see what was performed there. It was Burnett's responsibility.

Dr. Cooper did not concur. It was clear now that Mr. Askham said what was done was done with his approval, and that it was done upon the advice of Mr. Raikes.

Mr. Armstrong argued that the sketch could not be called a stage play. There was only a temporary stage, which could be put up, taken down, and cleared away in half an hour. There was no manuscript, and no prompter. This was only an entertainment for the week. It was healthy recreation for people who preferred this sort of thing to the theatre. The theatre, he understood, catered for the Varsity and the better classes, and the more humble people went to this music-hall and circus. He was thinking of asking their Worships to reconsider their decision as to granting the licence.

Dr. Cooper: We have nothing to do with it. It is the County Council.

Mr. Armstrong: Well, they do all sorts of

INDIGUITOUS THINGS

on County Council.

Annie Watson, who played "Robinson Crusoe," said she was engaged by Mr. Burnett as a music-hall artist. She had been on the stage about eleven years, and had played in pantomimes and other plays. She had no written part in this "Robinson Crusoe."

Mr. Armstrong: No pretence or suggestion of a manuscript or prompter?

Witness: I never saw any.

Was there any dialogue—any regular dialogue? —No regular dialogue.

Was it a sort of arrangement between yourselves?—We had a certain amount of patter to introduce the songs.

Dr. Cooper: Can your give us a specimen?

Mr. Whitehead: Or a breakdown on the Court table.

Dr. Cooper: I hope you won't. (Laughter.)

Miss Watson: No, I am afraid the Court table would not bear me. (Renewed laughter.)

Dr. Cooper (to witness): Give us a sample.

Witness: I can scarcely tell you the exact words.

Who did you speak to?—I was to knock the heavy man down and rescue Polly

Mr. Armstrong: But there was no regular dialogue?

Witness: No.

Did you alter it every night?—We put in our own words to introduce our own songs.

Dr. Cooper: You had to say something to introduce a song?

Witness: I had to knock down the heavy man, and then introduce a song. (Laughter.) I sang "Some day," and I had to introduce my own words—anything.

Have you ever acted in a stage play?—Oh, yes.

What was the difference?—A very great difference. I have played in pantomime, but it was so different. I really could not tell you what it was.

Mr. Armstrong: It was a sort of enchanted hash.

Cross-examined: The sketch was played for the first time on the Saturday night. There was no rehearsal. It was a pantomimic sketch. It was mostly done by the action. There was no dialogue between herself and "Friday." She had not read the book of "Robinson Crusoe."

Mr. Whitehead: You know there was a Robinson Crusoe and a man Friday.

Mr. Armstrong: It is alleged there was. It has not been proved.

Thomas Askham, the defendant, said he was owner of the Circus. He let the place to Mr. Burnett from the 21st February. With the exception of going in and out of the place to see that it

WAS PROPERLY CONDUCTED,

he took no interest in what was being played.

Mr Armstrong: Have you any more to say in the performance of Robinson Crusoe of this pantomime sketch.

Witness: Not through. I went in now and then to see that good order was kept.

Is there any pretence for saying it is a play?—Not the slightest. I have no licence, and that is what I applied for.

Were you aware that any standing play was being played in this building?—Certainly not.

And you have been very careful to take care that no entertainment in the shape of dramatic pieces shall be played there?—I have.

Dr Cooper: What did you say to the Inspector?

Witness: He asked me who was responsible for the licence. I said I was.

He said you mentioned Mr Raikes?—Well, I certainly did say that Mr Raikes said I could have a 40 minutes' sketch if I required it.

Mr Armstrong: If you have erred at all you erred in ignorance?

Witness: So far as that goes I don't think I have done anything at all.

Mr Whitehead: I understand you were going upon the advice you had from Mr Raikes?

Witness: Yes.

I suppose you thought if you kept the performance within 40 minutes you were all right?—Yes.

And if you went beyond the 40 minutes you were all wrong?—Yes

Dr Cooper: You should never take advice from an enemy. He was your enemy that morning you know.

Witness: Excuse me, and you were my friend then, and I hope you will be a friend to day. (Laughter.)

After a brief consultation, Dr Cooper said the magistrates were of opinion that the Town Clerk had not made out a case. A dialogue, to his mind, must be a conversation which must be learned up between two or more persons. It was a question of fact and not a question of law. They were of opinion that this was not a stage play, and the summons must be dismissed.

The summonses against Mr Burnett and the performers were withdrawn.

Mr Armstrong applied for costs, which were refused.