

# THEATRE LICENSING

Sir Henry Herbert (1595–1673), Master of the Revels (1641–1673) and M.P. for Bewdley (1660–1673)

to Richard Bills, Mayor of Maidstone (1659–1660)

Office of the Revels, 9 October 1660

Yours of the 8<sup>th</sup> comes to my hand the 9<sup>th</sup> of this month and makes out an acknowledgment and submission to His Majesty's grant, as Master of His Majesty's Revels, and to the powers of licensing the persons in question, and to their exercise of the said powers, so far as they shall use the same according unto law. But you restrain the exercise thereof to the verge of His Majesty's court, and then restrain the Master of the Revels to the said limits as to his jurisdiction, which is, in some sort, a contradiction and such an interpretation as was never given before by any learned gentlemen.

The license is granted upon the conditions of good behaviour to the laws and ordinances of superiors. But you are not taken to be in a capacity, by virtue of your charter, to suppress them, they bearing themselves as they ought to do. And there is *non obstante* in the concession which provides against the penal laws, which being under the Great Seal of England and corroborated by a constant practice whereof the memory of man is not to the contrary, I conceive you will not be the sole infringer of His Majesty's grant and the constant practice thereof in all His Majesty's dominions and liberties in England.

And you may be assured by me that you are the first mayor or other officer that ever did dispute the authority, or the extent of it, for to confine it to the verge of the Court is such a sense as was never imposed upon it before, and contrary to the constant practice, for several grants have been made by me since the happy restoration of our gracious sovereign to persons in the like quality; and seriously, therefore, admitted into all the counties and liberties of England without any dispute or molestation.

You are, therefore, desired to give them leave to exercise their qualities according to the conditions of their license, the rather that they have suffered much in lying still and are in their way to the seaside for transportation. And I have given them order to stay no longer than they have raised their necessary charges.

But in case you do delight in opposition and obstinacy to lawful authority and yet would be obeyed in yours without dispute, then you may take this from me, that I shall forthwith send a message from His Majesty's chamber to fetch you and Mr. Recorder Godfrey hither to answer your disobedience to His Majesty's authority derived unto me under the Great Seal of England, and in exercise of the said powers by me for almost forty years, with exception only to the late times.<sup>1</sup> And if you have endangered your charter by this refractoriness, and do put charges and displeasures on your corporation and persons, you will remember that you were fairly invited to the contrary and admonished thereof by your very affectionate friend.

Respects to Mr. Recorder Godfrey, of whom I have heard well by my cousin Lambert and for whom I have a particular kindness.

Rebecca Warner, ed. *Epistolary Curiosities, Series the First. Consisting of Unpublished Letters of the Seventeenth Century Illustrative of the Herbert Family* (Bath: Cruttwell, 1818):61–63.

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<sup>1</sup> Though his official appointment dated from 1641, Herbert exercised the duties of Master of the Revels from 1623.