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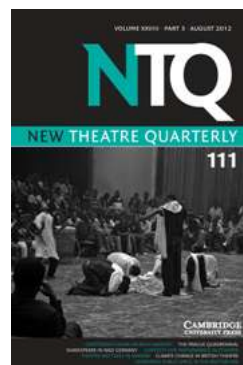
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Entertaining Children: an Exploration of the Business and Politics of Childhood

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Entertaining Children: an Exploration of the Business and Politics of Childhood

This article explores the conflict between the constructions of childhood and their political/legal implications in the context of the entertainment business, as related to the demands imposed upon children by parents and theatre managers in the late nineteenth and early twentieth centuries. Once children could move freely both within and between countries, these conflicts and concerns assumed a global dimension. Through a number of case studies, the authors offer some fresh observations about how legal and social imperatives affected the transmission of values about children employed as entertainers between Britain and Australasia during the period from 1870 to the start of the First World War – from the Education Acts of the 1870s to the legislation of 1910–1913 restricting the export of child entertainers. Gillian Arrighi is a Lecturer in Drama at the University of Newcastle, Australia. She has recently published articles in *Theatre Journal* (Dec 2008), *Australasian Drama Studies* (April 2009 and Oct 2010), and in *Impact of the Modern: Vernacular Modernities in Australia 1870s–1960s* (Sydney, 2008). She is associate editor of the e-journal *Popular Entertainment Studies*. Victor Emeljanow is Emeritus Professor of Drama at the University of Newcastle, Australia, and General Editor of the e-journal *Popular Entertainment Studies*. He has published widely on subjects ranging from the reception of Chekhov in Britain and the career of Theodore Kommissarjevsky, to Victorian popular dramatists. He co-wrote with Jim Davis the award-winning *Reflecting the Audience: London Theatregoing 1840–1880* in 2001, and his chapter on staging the pirate in the nineteenth century was included in *Swashbucklers and Swindlers: Pirates and Mutineers in Nineteenth-Century Literature and Culture*, edited by Grace Moore (2011).

Key words: child entertainers, child legislation, theatre in Australasia, politics of childhood.

THOUGH children in the workplace formed the subjects of legal intervention and social scrutiny throughout the nineteenth century, those who laboured in the entertainment business remained invisible until the second half of the century. Their visibility coincided with increasingly determined efforts to legalize the importance of a universal education, to place the vagaries of entertainment within an ordered structure of legal precedent, and to accommodate the economic significance of children as providers and consumers within the highly developed middle-class constructions of childhood. The tensions generated by often conflicting perspectives created confusion and insecurity for legislators, social commentators, and not least for theatre managers and the parents of the children employed as performers.

Indisputably, children meant big business in the entertainment industry of the nine-

teenth and early twentieth centuries. At the same time, they were caught up in a debate that engaged many adults in the period: that of reconciling the notion of entertainment with industry – of play with pay.

That children needed to play was universally recognized as an inalienable aspect of childhood and it was difficult to imagine the institutionalization of play that would require legislative intervention. Yet the state did intervene and children increasingly became pawns in a battle between those who saw them as special victims of social deprivation and those who saw them as a valuable commodity or as consumers in a burgeoning new market. Moreover, traditions of youth were themselves being 'redrawn along class lines during the course of the nineteenth century, which involved adapting their characteristics to meet the new conditions of an urban-industrial and modern society'.¹ In

other words, the ways in which definitions of 'youth' were affected by economic and social status often created shifting boundaries making legislation about children and young people either overly generalized or too prescriptive and often ineffective.

As Anne Varty comments: 'Commercial interests about the value of child actors as a resource and commodity clashed with ideological constructions about the significance of childhood as campaigners sought to bring ethics into a public domain . . . dominated by commercial aesthetics.'²

Constructions of Childhood: Legal and Political Implications

The conditions of childhood form an overarching preoccupation of Victorian and Edwardian culture, especially in terms of their preservation and their exploitation.³ Much has been written about the Victorian construction and romantic image of childhood and about the growing concerns with child welfare from the 1860s.⁴ However, as social commentators of the era observed, for many children in Britain and her Australasian colonies, childhood was an unattainable luxury. The children of a middle-class élite may have enjoyed a prolonged childhood that extended from the cradle to adolescence, lived within the sanctity of the parental home and insulated from the exigencies of the street and workplace; but many children never knew this way of life. English visitors to Australia in the nineteenth century recorded the absence of 'childhood' from many children's lives: 'Their spring, like that of the climate here, is an almost indefinable streak between winter and summer,' wrote William Howitt in 1855.⁵

For theatre managers in England and the Australasian colonies, the understanding of childhood was inflected by their appreciation of the widespread popularity of child performers with adult and youthful consumers.⁶ The spectacle of innocence and vulnerability juxtaposed on stage or in the circus ring by a display of formidable skills as acrobats, dancers, or singers was a strand that consistently appealed to audiences and

managers. Another was, of course, the capacity of children to imitate adults, a source of amazement especially for those adults who had the opportunity to measure and compare both versions.⁷

The careers of child performers such as Master Betty in 1805, of Clara Fisher in 1817, or of Ellen Terry and Marie Wilton from the 1840s and 1850s onwards, document the enduring fascination for spectators in witnessing the transformation of a child into an adult. To be sure there were some who took issue with this transformation and saw it as a humiliating infantilizing of the actor's craft. Nevertheless it was not merely a passing fad, or an 'infant frenzy', in the words of Allardyce Nicoll. In many ways the capacity for transformation was built on a romanticized image of the child, wherein both child and adult consciousness co-existed.

Peter Coveney comments that the nineteenth-century cult of the child did not serve 'to integrate childhood and adult experience but to create a barrier of nostalgia and regret between childhood and the potential responses of adult life. The child indeed becomes a means of escape from the pressures of adult adjustment.'⁸ These conclusions, however, were based on literary and aesthetic constructs and did not reflect any true integration of co-existent aspects. These child-adult characters could never be simply representative of the realities or vicissitudes of daily life.

For social commentators, the need to define and preserve childhood led inevitably to legal as well as political implications. The battle in the public arena was fought out in terms of the education and employment of children. In 1875-76, a New South Wales Legislative Assembly Select Committee on the employment of children found that children as young as six were taken from the infants' class in the Sydney suburb of St Peters to work as 'puggers' at the local brick-yards. Employed on 'the ten-hours principle', the children worked from 6 a.m. to 6 p.m. (with two breaks throughout the day for breakfast and dinner), carrying clay up from the pits. For these children, too tired after a day's work to attend evening school, illiter-

acy was the norm. Giving evidence to the committee, a brickmaker noted that the only recreation he saw the children take was a game of cricket or 'pitch and toss' on a Sunday afternoon.⁹

During the Select Committee's investigations, similar evidence emerged about young people under fourteen years of age working in overcrowded and poorly ventilated conditions in tobacco factories, in the leather and textiles industries, as piece-workers in the suburbs, and in the many collieries in the greater Newcastle region north of Sydney.¹⁰

In Australia the metaphorical 'youth' of the settler colonies was mirrored by the age of their European populations. By 1871 children aged fourteen and under constituted 42 per cent of Australia's white population, a statistic that matched the concurrent ratio of children within Britain.¹¹ In a rapidly expanding settler society where consumables had to be produced and services rendered, the fact that 'the young' constituted such a sizeable proportion of the population meant that this age group naturally made up a considerable portion of the lower-waged workforce.

Legislating for Education in Childhood

The debate on the parameters of childhood, framed in terms of educational imperatives, received its first major impetus in Britain with the passing of the Elementary Education Act in 1870. To be sure, earlier Factory Acts had forbidden the employment of children under ten in mines and textile factories, but the 1870 Act's recognition that every child was entitled to elementary education was ground-breaking.¹² Together with the 1876 Elementary Education Act it required that attendance at school should be obligatory for children aged between five and thirteen years of age.

Yet the wording of the Act made such a provision problematic, particularly when an obligation impinged upon employment:

It shall be the duty of the parent of every child to cause such child to receive efficient elementary education in reading, writing, and arithmetic. . . . A person . . . shall not take into his employment any child who is under the age of ten years.

Nevertheless it offered some critical exemptions. Employers were no longer liable if it could be proved that:

such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner . . .¹³

This exemption clause allowed employers and parents to argue the case that 'efficient' arrangements had been made to educate children and thereby keep within the terms of the Act. Moreover, the legislation allowed other loopholes: for instance, a local magistrate might grant a special licence if a child's income could be proved to assist materially in providing for its family. Such ambiguities would dog British legislators until well into the twentieth century.

In 1889, the first British Act to be passed in connection with children taking part in public entertainments – the Prevention of Cruelty to and Protection of Children Act – was passed. It was the result of an effort to address the problems of a particular group of children working in places of entertainment – a group which illustrated the efficacy or not of the Elementary Education Act. The investigation called upon arguments about child protection that were presented to the Royal Commission. The Act of 1889 provided:

That any person who caused any child under the age of ten years to be in any premises licensed for sale of any intoxicating liquor, or in any premises licensed according to law for public entertainments, or in any circus or other place of entertainment to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, was liable to a fine not exceeding £25 or three months' hard labour or both.¹⁴

Despite this, licences to perform might still be granted by local petty session courts if they could be assured that a child's health and 'kind treatment' were guaranteed, and provided that the children were over seven years of age. However, the decision to categorize children in terms of their age brought

together legislators concerned with child protection and educationalists concerned with the educational rights of children. The regulations they introduced somewhat arbitrarily determined how children should be protected and at what age.

Colonial Education Reform

Just two years after the sweeping British education reforms of 1870, the Australian colony of Victoria legislated for public education to be free, compulsory, and secular, with requirements for children between the ages of six and fifteen to attend school on half of the 120 days that school was open during each half-year. Overall, however, education reform across Australia's six self-governing colonies was erratic and, for the most part, lacked significant weight until immediately following federation in 1901.

What we can extrapolate from the numerous colonial education reform acts passed between 1872 and 1880 is a *general* sense of when the law regarded 'childhood' as ending. If we take all of the colonial education reforms into account, social reformers were marking the end of childhood at the age of fourteen. This *notional* marker of childhood's end is backed up by the Factories Act of 1896 which determined that no person under fourteen could be employed in a factory or a shop, by Victoria's Infant Life Protection Act of 1890, and the Infant Life Protection Act of 1892 in New South Wales, both of which deemed that an adult's responsible care for a boy ended at fourteen and for a girl at sixteen. Nevertheless, any discussion that attempts to define late nineteenth-century attitudes to childhood's end in Australia is fraught with contradictions engendered by the law and its enforcement (or lack thereof), and by differing class perceptions and needs.

The South Australian Protection of Children Act of 1899 defined children as 'a boy or girl under the age, or apparent age, of sixteen years'. The NSW Child Protection Act of 1892 omitted to define a child; Queensland's Child Protection Act of 1896 defined a child as 'being a boy under the age of fourteen years, or being a girl under the age of sixteen years',

while the prosecutor in a legal test case of child entertainers in 1890 explained to the bench of Melbourne magistrates that 'the legal definition of a child was a person under twenty-one years of age'.¹⁵

Yet for the working classes and a large proportion of the lower middle classes in Australia learning was less important than earning. Debate in the Victorian Parliament in 1889 reveals that magistrates refused to enforce the compulsory education law, either 'because they dislike it, or because they sympathize with the parents who neglect to send their children to school'.¹⁶ Parents brought before the bench for neglecting to send their children to school were frequently dismissed with a nominal fine of as little as 6d.¹⁷

Touring theatrical, variety, and circus families may have conveniently fallen through the cracks of the various Public Instruction Acts. Parents of children working in the theatre could exempt their children from compulsory schooling if they could prove that their children had attained the requisite standard of education. Some children would have found it possible to attend school for the requisite number of days per half-year and still appear on the stage, particularly if they were not engaged all the time. Children employed by touring juvenile companies were educated by teachers who travelled with the companies, while parents who were themselves employed in the theatrical professions could educate their children 'at home' and therefore claim exemption from compulsory school attendance laws.

Nevertheless, theatre managers in Britain and Australasia found themselves having to accommodate a plethora of new regulations embedded in the laws after 1870. As we shall see, many undertook a policy of calculated transgression that used the ambiguities in the implementation of those regulations for their own ends. They weren't of course always successful.

In the Australian colony of Victoria, a Neglected Children's Act was introduced in 1889, the same year as the British Prevention of Cruelty to and Protection of Children Act. The Victorian legislation similarly used the age of ten years as a marker, ruling that no

child under ten could be engaged in any casual occupation without first obtaining the necessary state school certificate. Under clause two of the Act, the term 'casual employment' meant children under ten could not be employed on a casual basis after 7 p.m. during the winter months and after 9 p.m. during the summer.

The Case of 'Baby' Nicholls

In October 1889, Melbourne's newspapers noted that instances of employment of children were 'common of late' and signalled an impending prosecution over employment of 'the child wonder', 'Baby' Nicholls.¹⁸ Melbourne's police issued notices to theatre managements. Presumably the early warning strategy would prevent managers pleading ignorance of the law when prosecutions ensued while allowing theatre managers time to dismiss children who did not comply with the requirements of the new law. At Melbourne's Theatre Royal, 71 children were employed, only one of whom was under ten years of age – and that was 'Baby' Nicholls.¹⁹



Managers frequently engaged with the political debates concerning the employment of children by arguing that imaginative stimulation was itself educational. They used this to some effect when asserting that the developmental training offered by involvement in plays or circus performances aided the process of maturation for a child, and that this process was as significant as the acquisition of a proficiency in the three Rs.

Of course, this line of argument demonstrated a combination of opportunism and justification of embedded practices. The manager at Melbourne's Theatre Royal praised 'Baby' Nicholls's 'extraordinary intelligence', emphasized by her aptitude for learning parts and her natural quickness and brightness. He posited that while she had not obtained the necessary state school certificate, he had no doubt that she could do so very easily. In an interview with Melbourne's *Argus* newspaper he argued, essentially, that the challenges of the theatre were a whole lot more stimulating for her young mind than the drudgery of the education system.²⁰

'Baby' Nicholls completed her role in the visiting Janet Achurch production of *A Doll's House* and then appeared at St George's Hall, Melbourne's home of minstrelsy and variety, with the Coghill Brothers' minstrel company.²¹ Clearly her parents were not deterred by the new law. Her father came forward, explaining through Melbourne's press outlets that he had no need to make money out of his daughter's ability. He was a tailor and dyer who owned two businesses that employed five people.²² He added: 'It is surely no crime to foster her talent.'²³

'Baby' Nicholls was engaged again at the Theatre Royal a few months later, this time in *A Man's Shadow*, Robert Buchanan's adaptation of a French drama by Jules Mary and Georges Grisier. Now, however, the little girl was working under the name of Violet Ashton, a subterfuge perhaps intended to divert the attention of the constabulary and the Education and Board of Health authori-

Little Baby Watson: 'a little bit of blarney' (c. 1907). Postcard by Harding and Billings, courtesy of the National Library of Australia (<http://nla.gov.au/nla.pic-an22985702>).

ties. It was a strategy that certainly did not fool Melbourne's entertainment reviewers.²⁴

At the end of April 1890, Messrs William-son, Garner and Musgrove, the licensees of Melbourne's Theatre Royal, were summonsed under Section 79 of Victoria's Neglected Children's Act for casually employing a child, 'Baby' Nicholls. From the outset, it was clear that this was a showcase event. The prosecutor explained that this case, and one to be heard the next day against another prominent theatre manager, Alfred Dampier, had been brought before the court to obtain an interpretation of Section 79 of the recently passed Neglected Children's Act.²⁵

When the father of 'Baby' Nicholls made his deposition, it became clear that the child's parents and the management of the Theatre Royal had conspired to avoid prosecution under the new law. Quite apart from changing the girl's performance name to Violet Ashton, the very terms of her activity at the theatre had shifted from employment with pecuniary remuneration to voluntary activity. James Nicholls deposed that his eight-year-old daughter was not paid and undertook her theatrical activities 'in return for the dramatic instruction which she received'. Moreover, 'she was under no obligation to appear, and there was an understudy ready to take her part every night'. He informed the magistrates that:

She performed on an average about three months out of the twelve [newspaper reports from the preceding year indicate the child performed much more than this]. . . . She attended a private school. . . . When she went to the theatre she was always accompanied by himself or his wife. . . . She enjoyed acting, and it did not harm her either mentally or physically. He did not want to make money out of her talents, but he believed she had great histrionic ability, and he was anxious to foster it while she was young.

The girl's time commitment was one hour a day for rehearsals, and she was on the stage for only fifteen minutes at night, although she was required at the theatre 'for about two hours each night'. The treasurer of the Theatre Royal 'produced the salary list, which showed that no money had been paid to [the girl]'; the managers advised they 'had

taken legal advice on the matter and were informed that they were acting within the law'; and the defence argued the act had 'been framed to deal with neglected children, and no one could say that ["Baby" Nicholls] came under such a category'. The bench of magistrates, however, decided the case had been proved, imposed a fine of twenty shillings on the firm of Williamson, Garner, and Musgrove, and required them to pay five guineas costs.²⁶

Despite arguments from Australian parents and theatre managers about the inappropriate application of the Neglected Children's Act to children on the stage, the Victorian judiciary had signalled their intention to use the law against high-profile managers and performers. James Nicholls complained that he was 'debarred from utilizing the great talent of his daughter, because she is popular, while any number of other children can appear every night and no notice is taken'.²⁷

Although the fines and costs brought against leading theatre managers were nominal, the time taken out of busy production schedules to deal with police visits and summonses was, as Mr Vincent, the business manager of the Theatre Royal described it, 'highly irritating'.²⁸ Within a few months, theatrical managers and parents of performing children in Melbourne proved they could wriggle around the law by employing two children to share roles, one to appear before 9 p.m. and the second, presumably an older child, to appear after 9 p.m. As the *Melbourne Punch* observed in its entertainment pages: 'The idea . . . is a good one, for it would never do to have the police walk up on the stage.'²⁹

The 'Look' of 'Extraordinary Intelligence'

In terms of what a child is supposed to look like we can point to such examples as Thomas Faed's *The Orphans* (1854),³⁰ *Poor Dolly*, from the *Australasian Sketcher*, 1888 (see opposite), or, famously, Millais's *A Child's World* (better known as *Bubbles*, 1886).³¹

The *Era* in its advertisements for 'Wanted artistes' constantly saw appeals for child



Left: *Poor Dolly*, a middle-class image of Australian childhood. Lithograph published in the *Australasian Sketcher* (Supplement). 1887, by Charles Troedel and Co: National Library of Australia nla.pic-an8489630.

Above: *The Orphans* (1854), by Thomas Faed (1826–1900). A reassuring depiction of deprivation. Courtesy of Leicester Arts and Museums Service.

actors of eleven years of age 'but who must look younger. Send details of height.' Thus managers sought to avoid legal constraints while at the same time implying the importance of what a child should look like. Perhaps what a child should look like might be determined by height. Advance advertising for the first children's company in England to utilize the minstrel show format, the Piccaninny Minstrels who were performing in 1867, omitted to specify the ages of its company, but instead described its performers as between thirty and fifty inches in height.

Louie Freeear, who performed in a later children's minstrel company, Roby's Midget Minstrels, from 1887 to 1898, was a tiny person and even when she joined Roby's company in 1887 was already sixteen but looked twelve.³² It was a quality that stood her in good stead. She would continue to be employed by Roby even after she had made

her name in George Dance's *Gay Parisienne* in 1896. What a child should look like, however, confused even Lewis Carroll. When he saw the 1896 production of Sims's *The Two Little Vagabonds*, he was so moved by the performances of Kate Tyndall and Sydney Fairbrother as the two young boys that he sent them both copies of a children's book in the firm belief that they were aged sixteen and twelve respectively.

He appears to have been quite unaware of the fact that Kate Tyndall was the wife of the Princess's Theatre manager Albert Gilmer and that Sydney Fairbrother was 23 at the time and had become a widow during the play's rehearsal.³³ Perhaps what he wanted to see and the values he wanted to have affirmed were more important than what he actually saw.

Managers were acutely aware of their audience's fascination with children demonstrating a capacity to act as adults with



Kate Tyndall and Sydney Fairbrother in *The Two Little Vagabonds* (1896). Postcard in the author's collection.

'extraordinary intelligence'. This idea can in some way explain the huge popularity of children's versions of Gilbert and Sullivan from 1879 onwards, as well as of similar musical comedies such as Lecocq's *La Fille de Madame Angot* or Planquette's *Les Cloches de Corneville*.

Juvenile Opera-Bouffe Companies

Richard D'Oyly Carte's experiment with child performers during the London Christmas holiday season of 1879–80 with a production of *H.M.S. Pinafore* – by children, for children – produced wide-ranging consequences in Australia and New Zealand. Within five months two separate juvenile *Pinafore* troupes had appeared, one at Melbourne's Bijou Theatre produced by the well-known actress and manager Mrs Lewis, and another by a Tasmanian family-based troupe working under the name of Pollard's Liliputian [*sic*] Combination.³⁴ By 1883 at least three more juvenile opera-bouffe

troupes had been created by seasoned Australasian managers and were touring New Zealand and the Australian colonies.³⁵

These were not the earliest instances of touring juvenile companies in Australasia. Variety and comic burlesque troupes constituted primarily (but not entirely) of child performers were also a feature of Australasia's touring routes from 1880.³⁶ Significantly, the smaller variety troupes attracted none of the moral outrage and censure against children on the stage that emerged with the advent of the juvenile light opera companies.

In May 1881, impassioned arguments against children on the stage appeared in the newspapers of Wellington, New Zealand. The cause was the arrival of Pollard's Liliputian Combination, with a repertoire of *H.M.S. Pinafore* and Planquette's *Les Cloches de Corneville*. During the same month representatives of Melbourne's educational Boards of Advice lobbied the Chief Secretary of the colony of Victoria, a Mr Berry, to take action against the employment of children in theatres and places of amusement. Their principal complaint was 'that children had been taken from school to play in [Mrs Lewis's production of] *H.M.S. Pinafore*'.³⁷

Defensive responses from the parents suggest they speculatively regarded their children's theatrical activity as training for a future career in the theatre. At the very least, it was a social activity that enriched their children's broad education and well-being.³⁸ Testimonies by parents were diametrically opposed to the censure of citizens and journalists who expressed concerns about the health of the child performers: the hours were too long, the nights too late, the lights too garish, while the fetid air of theatres was obviously detrimental to the health and could lead to the untimely death of some 'poor mite'. The theatre was presented as a site of unbridled immorality and therefore an unsuitable location for children. And it was not only the theatre managers who were censured for dragging the 'poor babes' before the footlights; audiences were also reprimanded for their 'morbid' taste in wishing to witness such 'pitiable exhibitions'.³⁹



R. W. Cary's Juvenile Opera Company (1881): <http://crash.iuhg.co.nz/century2.htm>.

Walter Reynolds, manager for the Pollards in 1881, answered the troupe's critics by explaining that he had to employ a man 'whose sole duty every night was to prevent children of all ages coming on the stage, so keen was the little ones' desire to be allowed to join in the fun'.⁴⁰ On another occasion, Reynolds responded to criticism of theatrical apprenticeships by invoking the daily hardships posed by other trade apprenticeships such as that of a compositor, which he described as 'far more dangerous to the health of a boy than the worst possible form of dramatic exhibition'.⁴¹ Throughout the latter two decades of the nineteenth century criticism levelled at theatrical employers of children was answered from within the entertainment industry along the lines of Reynolds's response of 1881.

Touring juvenile troupes were quick to develop public relations strategies to counter

the criticism levelled at them. Here one instance will serve, since it exemplifies the approach taken by many. The forty-strong Stanley and Darbyshire's Juvenile Opera-Bouffe company toured New Zealand for twelve months from November 1882 with a repertoire of *H.M.S. Pinafore*, the pantomime *Harlequin Jack the Giant Killer*, Offenbach's *Grand Duchess*, *Les Cloches de Corneville*, and *The Pirates of Penzance* (two years before D'Oyly Carte produced it with a children's cast). Aware of the condemnation and censure they might arouse, they let it be known that the child performers received moral and religious instruction within a social group that approximated a middle-class family.

Mrs Stanley, a violinist in the orchestra, looked after the girls of the troupe and all the children received school lessons between 2 and 4 p.m. every day (except Saturday)

from the two schoolteachers who travelled with the company, Mr James and Miss Caroline Stanley. An open invitation was issued to any member of the Education Board or any member of the clergy who might be disposed to check on the daily routines of the troupe.⁴²

Within a week of the invitation, an Inspector of Schools put his opinion of the troupe on the public record with a letter to the editor of the local newspaper. Having witnessed their performances on two occasions, attended the troupe's school, and having paid close attention to their 'by-play' and their behaviour to one another in the periods between performing, training, and schooling, W. M. Crompton, Inspector of Schools in the New Plymouth District of New Zealand, found 'such perfectly good conduct among the young people in public and in private a tone of gentlemanly feeling and courteous manners' that he felt this proved 'that such a troupe of juvenile performers may be gathered together without danger to manners and morals'.⁴³

If this were not quite enough, the troupe also won an endorsement from a Melbourne music teacher named Signor Rosconi: 'I found my young lady and gentlemen pupils got along twice as well with their music after taking them to see your magnificent performance of *H.M.S. Pinafore*.'⁴⁴

Touring formed an essential part of the children's entertainment business in England and the Australasian colonies throughout the period of our study. The difficulties and contingencies of touring did, however, expose some of the weaknesses of legal implementation and the discomforts felt by those charged with it. The conditions of touring meant that serving legal writs was well-nigh impossible, as companies moved quickly from town to town. In England, writs for breaches of contract – usually non-performance by the companies – took a year to process.

Factory inspectors assigned to implement the 1889 legal regulations and inform local magistrates of legal breaches, found the situation virtually impossible to monitor adequately. The querulous comments of a factory inspector in 1901 are representative:

In one occasion I was three parts of a day in search of a child at a cost of 17s. . . . A child member of a theatrical company starts, we will say, from London. She performs for a week in Bedford, then in Nottingham, Sheffield, Manchester, Liverpool, Bristol, Plymouth, and so on. At each place the licence is taken out, and at each place she has to be visited by the local Inspector of Factories. In many instances, she may perform at places removed from [the] centre, and it becomes necessary to travel many miles . . . and to incur heavy expense. . . . In some cases, absolutely no conditions are imposed; in which case an Inspector has by law no legal duty to perform, and it is quite open to doubt whether . . . he has any legal right whatsoever of entry into the theatre. In other cases the only condition imposed is that the child shall leave the theatre, say, at 11 o'clock – the time for closing. It is not unusual to find an Inspector called upon to travel to three or four towns, in three or four consecutive weeks, to follow the same child to different towns in his district. The expense incurred in looking after any particular child playing in any given play during the year, would, if calculated, be found to be considerable. All this for the benefit of one favoured child . . . whilst outside the theatre are found hungry, starving, ill-clad children, in the streets in all weathers till late hours at night under the pretence of selling papers or matches.⁴⁵

Another difficulty that faced inspectors was to determine the exact ages of individual children in large groups. Their number often meant that officials had neither the time nor inclination to ascertain precise ages unless managers themselves were scrupulous.

Pamela Horn quotes the instance of a complaint in 1890 by a Birmingham inspector. Local magistrates had issued licences to Joseph and Violet Shaw to perform at the Queen's Theatre despite the fact that they were six and three years old respectively. The Clerk for the Justices had explained that licences had been issued to a batch of children and that the licence forms had in fact been filled in by a clerk who had not seen the children themselves but had understood that they were all over seven.⁴⁶

The Montagu Roby Midget Minstrels

Indeterminate ages meant that some companies could tour with relative impunity. Take the case of the Montagu Roby Midget Minstrels, to which we have referred. By July

1887 the troupe was touring throughout Britain, playing all the principal cities. It was made up of thirty performers, described as aged between eight and fourteen, with the girls in blue, pink, and white print dresses and the boys in Christy minstrel blackface. Reviewers were particularly impressed by their spontaneity and the fact that they displayed 'genuine talent and do not appear mere parrot-taught automata'.⁴⁷

The *Daily News*, reporting on a performance by the troupe at Terry's Theatre in London, emphasized that none of the performers was under twelve and that the principals ranged in age up to fifteen and sixteen.⁴⁸ It is possible that these details were an attempt to placate the School Board authorities in the wake of recent legislation rather than being an accurate account of the company's make-up. Nellie Merton, for example, one of the company's principals, was eight in 1889, so would have been under ten during this performance.⁴⁹

An interview with Roby in 1891 offers an interesting account of the company on tour. It comprised thirty-five children and fifteen adults who included a drill instructor (Sgt Donoghue, formerly of the 8th Hussars), a master carpenter and two assistants, a gas engineer, an acting manager, an assistant manager, Roby's wife, his brother Soane, and himself. Among the children, principals such as Nellie Merton received £5 per week (sent to her mother), and on top of this she was paid full board and lodging; others earned between £3 and £4 per week. While on tour, boys were organized into a football club that played local teams wherever they performed and which re-formed as a cricket team in summer. The girls were taught lawn tennis.

Roby also highlights the way the company contributed to charity occasions and gave sacred concerts. Performers such as Mabel Allen who had grown too old for the company were introduced to agents and had been successful in securing engagements with adult companies.

By September 1895, Soane Roby, who had acted as the company's treasurer for some years, took over its management when his brother became ill.⁵⁰ By 1898, after some

twelve years of continuous operation, Soane Roby sold the company as a going concern to become Louie Freear's business manager. He estimated that the Midget Minstrels had returned a profit of £2,000 annually over their twelve-year period, despite heavy touring expenses.⁵¹

This was, in fact, the longest surviving children's minstrel company in Britain, a longevity that can be attributed to its financial security (no complaints by parents about failure to pay wages) and its policy of engaging with the local communities through sport and charity events. Like so many of the juvenile troupes that toured Australia and New Zealand during the latter decades of the nineteenth century, Roby's company took every opportunity to demonstrate its respectable credentials.

Eight Lancashire Lads

Some companies did not aspire so highly. John Willie Jackson was a white-lead worker and paper stainer who taught clog dancing to children in his village of Golbourne near Manchester. A widower with four children, Jackson had remarried and had another son. In 1896 the family went to Blackpool where they won a clog-dancing contest at the Central Pier. The pier's manager, Robert Bickerstaffe, offered the group a twelve-week contract which persuaded the family to relocate to Blackpool and to increase their number to eight, with the inclusion of three more children, the sons of Bill Cawley, a family friend from Golbourne.

The troupe had a series of successful engagements and were noted by the *Era* at Rochdale. By April 1897 they were appearing at Gatti's music hall on the Westminster Bridge Road in London:

Eight Lancashire Lads, an octet of youngsters from Liverpool [*sic*] whose clog dancing comes as something of a revelation. We so seldom get dancing in the wooden show nowadays that the doings of these boys has a touch of novelty that should aid them considerably in their wanderings. They dance together, then singly and anon in couples; but the tap of the clog never ceases, for ere one finishes another joins in on the last few

steps. Their time is perfect, and, considering how young some of the troupe are, their work is really wonderful.⁵²

The troupe had already appeared in Leeds, and while at the Canterbury Music Hall, London, in late 1896, one of the Cawley boys became ill, thus requiring a replacement. His replacement was the eight-year-old Charlie Chaplin, who began working with the group in March 1897.⁵³ For this, he and the other members of the group were paid £1 per week as well as their food and lodging.

However, in May 1897 the troupe were faced with a problem. They had fulfilled engagements at various provincial centres but by 17 May needed a new licence to perform in Newport. For this they appeared before a bench of local magistrates which included the Mayor. The application was refused. The case was reported in the Cardiff *Western Mail* on 18 May and extensively in the *Era* on 22 May.

Mrs Jackson had appeared at the Newport Borough Police Court accompanied by three bright, healthy-looking children, her step-daughter Rosie (whose hair was cut short to resemble a boy), and two of Bill Cawley's sons – children, she stated, who came from a family of thirteen. Licences had already been granted to appear in Southwark and Cardiff. In reply to the Bench's inquiry about whether the children went to school, she replied that they were attending the local Catholic school and that the children attended school in the various towns where they were appearing.

She described the children's performances as twice-nightly with durations of nine and a half minutes. The magistrates could exercise discretionary powers in granting a licence if they were assured that the children were adequately supervised. The Bench, however, determined that the children were too young and the application was refused. Mrs Jackson protested: 'I hope you will not say that. It will mean a great deal of difficulty. We cannot keep the children, and they will have to go home again.'⁵⁴

The *Western Mail* reported the case the following day, but pointed out the incon-

sistency of a licence having been granted for their performance in Cardiff the previous week: 'At Cardiff, yes! But at Newport, no!' proclaimed the headline.⁵⁵ Their editorial went even further. After describing the children as 'bright, intelligent, and captivating little fellows' (despite the fact that one of them was a girl), it asked:

Is it desirable that the youngsters who have been trained in the art of public entertaining, should be forced to give up their work to become street vagrants, or that a couple of bright, healthy, well-nourished, and educated boys, who are now able to provide their own maintenance, are necessarily to be sent again upon the back of a parent who has thirteen of them to keep upon a collier's wages? The choice is all in favour of the stage.⁵⁶

On Wednesday 19 May, the Bench's decision was reversed and a licence granted to perform at Newport's Empire Music Hall.

'Contamination' of Music-Hall Performance

The current terms of the Prevention of Cruelty to Children Act allowed children between seven and eleven to perform if a licence was obtained by application to petty session courts. It transpired that Mrs Jackson was not transgressing the law: all her children were over seven and under eleven years of age. She could also have argued that as a parent and an employer she was providing 'efficient' arrangements for the children's education which were specified under the 1876 Act, that children should be educated at a 'certified efficient school or in some other equally efficient manner'.⁵⁷

It was by applying for a licence to perform that Mrs Jackson ran into a number of embedded prejudices. The editor of the *Western Mail*, for example, had identified 'the contaminating influence of the music-hall' as the source of the Newport magistrates' 'exercise of strained discretion'. While the idea of children in music halls transgressed some received notions of childhood, such a prejudice ignored the significance of grass-roots economics to which both Mrs Jackson and the *Mail's* editor referred.

The descriptions of the children as healthy and intelligent both in the *Western Mail* and

in the *Era* were loaded. Certainly the *Western Mail*'s editorial would have influenced the Bench at Newport. Moreover, it was difficult to characterize Mrs Jackson as a ruthless and predatory manager, particularly as she had become the surrogate mother of all of them. The children were also members of two closely connected families, although the recent addition of the eight-year-old Charlie Chaplin was glossed over. The question of economic hardship was, however, a pertinent one if the licence were to be refused. Even if three of the children were now taken out of Bill Cawley's direct care, as a collier he earned between 21s and 23s per week to support the remaining ten. If the £1 per week were to be remitted to him, his disposable income would have quadrupled.

Chaplin's home background was impoverished, as his alcoholic father only contributed irregularly up to 10s a week. His mother, herself an unsuccessful performer, earned money through needlework. Chaplin recalled the terms of his contract with the Jacksons whereby he received board and lodging and while on tour his mother received 2s 6d per week.⁵⁸ This suggests that the costs of board and lodging were in fact taken out of the £1 per week and throws a somewhat different light upon what Bill Cawley might actually have received. Nevertheless, the figure is somewhat more than the 15s a week that D'Oyly Carte paid his children's companies on tour with *Pirates of Penzance* in the 1880s and is equivalent to the 10s to 20s a week paid to child pantomime performers with acting roles at minor theatres in Britain.⁵⁹

Afterword

The presence of children, their sheer numbers, and their mobility (particularly working-class children) continued to exercise legislators well into the Edwardian period. Equally frustrating was the ongoing debate about definitions. While in Britain the Employment of Children Act (1903) might determine that the licensing of children to perform should be raised from seven to ten, local magistrates continued to exercise discretionary powers and grant exemptions.

Similarly, when the 1904 Prevention of Cruelty to Children Act removed the scrutiny of employment conditions from factory inspectors to local educational authorities, they too were allowed such powers. We have seen that the mobility of children's companies made legal enforcement especially difficult. Not only did such companies move frequently between provincial centres and towns, they also moved between countries. The Eight Lancashire Lads, for example, performed at the Folies Bergère in 1908 and were reputedly booked for tours in Scandinavia, Germany and Russia.

In Australia, the 1905 Victoria state Education Act stipulated compulsory attendance for children aged six to fourteen years on eight of the ten half-days per week, or significant legal action would be brought against parents who did not comply. A 1910 revision of the act enforced compulsory attendance on every day of the week.⁶⁰

Laws with similar weight were enacted in New South Wales, where the Public Instruction (Amendment) Act of 1916 finally made it a law for children to attend school on every half-day that the school was open.⁶¹ Nevertheless, theatrical managers found ways to work outside the firmer education laws. By the early years of the twentieth century, the firm of J. C. Williamson had established a significant space for the long-term employment of children in the company's elaborate pantomime schedule that programmed ten months touring throughout Australia and New Zealand for every annual pantomime production.

Contracts in the J. C. Williamson archives indicate that although Australia's education laws were demanding compulsory school attendance for children fourteen years and under, an alternate system of child employment existed outside the rule of Australia's education reforms.⁶²

To many, the removal of children from legal control and parental care brought a potential threat to their moral stability through exposure to foreign conditions, and this needed regulation. In Britain, the last Act in our period to address aspects of employment, as distinct from educational

implications was the Children (Employment Abroad) Bill, which was introduced in 1912 and became law in 1913. It imposed the requirement of a licence before a child could be taken out of the United Kingdom for the purpose of singing, playing, performing, or being exhibited for profit. It stated that no 'child' (under fourteen) should be sent abroad for entertainment purposes and that no 'young person' (between fourteen and sixteen) could be sent without a specified licence.⁶³

The Australian federal parliament had passed a similar act in 1910, swiftly followed by New South Wales imposing state legislation restricting the employment of children of fourteen years and under in theatrical and allied performances.⁶⁴ No new developments other than the consolidation of previous acts took place within this period. Further developments such as the British 'Employment of Children in Entertainments Rules' and new Education Acts would take place after the end of the First World War.

Notes and References

1. John Springhall, *The Coming of Age: Adolescence in Britain 1860–1960* (Dublin: Gill and Macmillan, 1986), p. 24, citing John Gillis, *Youth and History: Tradition and Change in European Age Relations* (New York: Academic Press, 1974).
2. Anne Varty, *Children and Theatre in Victorian Britain* (Basingstoke: Palgrave Macmillan, 2008), p. 20.
3. In Britain the welfare of children had been recognized as a concern as early as 1819, when legislation prevented the employment of children under nine in cotton mills. By 1833 the hours of workers under eighteen in the textile industries was limited and the 1842 Mines Act forbade the employment of children under ten below ground.
4. From literary, educational, and labour perspectives: David Grylls, *Guardians and Angels: Parents and Children in Nineteenth-Century Literature* (London: Faber and Faber, 1978); Peter Coveney, *The Image of Childhood: the Individual and Society* (Harmondsworth: Penguin, 1967); Ivy Pinchbeck and Margaret Hewitt, *Children in English Society from the Eighteenth Century to the Children's Act 1948* (London: Routledge, 1973); its representations in painting: Erika Langmuir, *Imagining Childhood* (New Haven: Yale University Press, 2006); and more recently the specific investigations of the employment of children in the entertainment industry: Tracy C. Davis, 'The Employment of Children in the Victorian Theatre', *New Theatre Quarterly*, XI, No. 6 (1986), p. 116–35; Brenda Assael, *The Circus in Victorian Society* (Charlottesville: VA: University of Virginia Press, 2005); Anne Varty, op. cit.
5. William Howitt, *Land, Labour, and Gold, or Two Years in Victoria* [1855] in Gwyn Dow and June Factor,

ed., *Australian Childhood: an Anthology* (Melbourne: McPhee Gribble, 1991), p. 49.

6. That children had the potential to be identified as a new market had been recognised early in the nineteenth century. Indeed, Dennis Denisoff asserts that 'during the nineteenth century, consumer culture . . . was characterized and sustained by youth': see Dennis Denisoff, ed., 'Introduction', *The Nineteenth-Century Child and Consumer Culture* (Aldershot: Ashgate, 2008), p. 21. One can point to the popularity of the juvenile drama, the cutouts of scenes and characters from popular plays intended for colouring and assembly at home as early as 1811, as well as the huge industry involved in juvenile fiction from the 1860s. See J. S. Bratton, 'Of England, Home, and Duty: the Image of England in Victorian and Edwardian Juvenile Fiction', in John M. Mackenzie, ed., *Imperialism and Popular Culture* (Manchester: Manchester University Press, 1986), p. 73–93, and John Springhall, "'Disseminating Impure Literature": the "Penny Dreadful" Publishing Business since 1860', *Economic History Review*, n.s., XLVII, No. 3 (August 1994), p. 567–84.

7. For more reflections on the precocity of children see Marah Gubar, 'The Drama of Precocity: Child Performers on the Victorian Stage', in Dennis Denisoff, ed., op.cit. p. 63–78.

8. Coveney, p. 240. The cult of the child itself can be seen in the large number of plays that were performed with starring children's roles in the period after 1891. Many of these were inspired by the success of *Little Lord Fauntleroy* in 1888, which established a particular stereotype: the picturesqueness of children as participants in adult life. See Anne Varty, *passim*, and Brian Crozier, *Notions of Childhood in London Theatre, 1880–1905* (PhD thesis, University of Cambridge, 1981).

9. 'Minutes of Evidence taken before the Select Committee on the Employment of Children 1875–6', in NSW Legislative Assembly Votes and Proceedings 1875/76, Vol. 6, p. 881–4. Evidence given on 20 January, 1876 by Mr J. Clark, brickmaker.

10. Ibid, p. 896, 909.

11. Jan Kociumbas, *Australian Childhood: a History* (Sydney: Allen and Unwin, 1997), p. 72, 91.

12. See Nigel Middleton, 'The Education Act of 1870 as the Start of the Modern Concept of the Child', *British Journal of Educational Studies*, XVIII, No. 2 (June 1970), p. 166).

13. 39 and 40, Vict. Ch. 29, sect. 1: 9.2.

14. Edward Ivamy, 'Theatrical Children and the Law', *The Solicitor*, XVII (November–December 1950), p. 247.

15. *The Argus* (Melbourne), 1 May, 1890, p. 11.

16. *Victorian Parliamentary Debates* 1889, Vol. XL, p. 276.

17. Maree Murray, 'Working Children: a Social History of Children's Work in New South Wales, 1860–1916' (PhD diss., Macquarie University, 1995), p. 209–10. Fines for inadequate school attendance could only be applied once every six months. Many families may have chosen this option.

18. *The Advertiser* (Adelaide), 7 October, 1889, p. 5.

19. *The Argus*, 8 October, 1889, p. 6. 'Baby' performers proliferated in Australasian drama and variety stages during the 1890s and early years of the twentieth century. While no photos of 'Baby' Nicholls have survived, the postcard of another Australian 'baby' star, Baby Watson, captures the look of precocious childhood.

20. Ibid.

21. *The Argus*, 21 December 1889, p. 8–9.
22. *Ibid.*, 9 October, 1889, p. 8.
23. *Ibid.*
24. *Ibid.*, 24 March 1890, p. 9.
25. *Ibid.*, 1 May 1890, p. 11.
26. *Ibid.*
27. *Otago Witness* (Dunedin), 10 July 1890, p. 32.
28. *The Argus*, 8 October, 1889, p. 6.
29. *Melbourne Punch*, 2 October 1890, p. 218. (The Messrs MacMahon production of *Uncle Tom's Cabin* at Melbourne's Opera House.)
30. Brian Crozier and Felicity Ruff have extensively described the incidence of children's crucial roles in the drama of the nineteenth century. Dramas centred on orphans abound, from *The Orphan Boy* (1825) to *The Two Orphans* (1874), *Saved from the Streets* (1886), and *The Two Little Vagabonds* (1896). What the plays reveal is a close connection between journalism and the theatre, one that can be seen in particular in the work of G. R. Sims, which directly reflects the social concerns of the 1880s.
31. Painted the same year that *Alice in Wonderland* was first performed.
32. See death notice, *The Times*, 25 March 1939, p. 10.
33. W. Macqueen-Pope, *Ghosts and Greasepaint* (London: Robert Hale, 1951), p. 61. The play was an adaptation by G. R. Sims and Arthur Shirley of the French play *Les Deux Gosses* by Pierre Decourcelle (Princess's Theatre, September 1896).
34. Mrs Lewis's production ran from 24 April to 3 July 1880; Pollard's opened at the Launceston Mechanics Institute Hall, 17 May 1880. The Pollard name became synonymous with juvenile light opera troupes during the next three decades in Australia, New Zealand, and the East. See Peter Downes, *The Pollards* (Wellington: Steele Roberts, 2002).
35. Productions organized by R. W. Carey (1880), Harry Lyons (1881–83), and Stanley and Darbyshire (1883).
36. For example, McLean's Juvenile Troubadours 1880–81, then taken over by Harry Lyons.
37. *The Argus*, 16 May 1880, p. 7.
38. *Ibid.*, 18 May 1881, p. 7; 19 May 1881, p. 10.
39. *Evening Post* (Wellington), 9 May 1881, p. 2. For similar complaints, see also *Argus*, 16 May 1881, p. 7.
40. *Ibid.*, 12 May 1881, p. 3.
41. *Ibid.*
42. *Taranaki Herald* (New Zealand), 16 November 1883, p. 2.
43. *Ibid.*, 22 November 1883, p. 2.
44. *Observer* (Auckland), 2 December 1882, p. 189.
45. Annual Report of the Chief Inspector of Factories for 1900–1901, quoted in Pamela Horn, 'English Theatre Children, 1880–1914: a Study in Ambivalence', *History of Education*, XXV, No. 1 (1996), p. 49.
46. Correspondence between Alexander Redgrave, Chief Inspector of Factories, and the Clerk of City Justices (February 1890), quoted in *ibid.*, p. 48.
47. *Era*, 20 January 1891.
48. *Daily News*, 20 January 1891.
49. She would stay with the company for the next six years (*Era*, 21 May 1898).
50. In fact, Montagu Roby had given up the reins in May 1895 on the grounds of ill health.
51. *Era*, 30 September 1899.
52. *Ibid.*, 10 April 1897.
53. G. J. Mellor, *The Northern Music Hall* (Newcastle-upon-Tyne: Frank Graham, 1970), and 'The Making of Charlie Chaplin', *Cinema Studies*, II, No. 2 (June 1966), p. 19–25.
54. *Era*, 22 May.
55. *Western Mail*, 18 May.
56. Editorial, *Western Mail*, 18 May.
57. 39 and 40 Vict. Ch. 29, part 1, sect. 9.2
58. Chaplin, *My Autobiography* (London: Bodley Head, 1964), p. 38.
59. C. H. d'E. Leppington, 'The Gibeonites of the Stage', *National Review*, XVII (1891), p. 261.
60. Barcan, p. 206.
61. *Ibid.*, p. 210–11.
62. See for example the contract/s for Gertrude (Gertie) Cremer in the J. C. Williamson holdings at the Victorian Performing Arts Museum. 'Baby' Gertie Cremer was ten years old when cast in the lead role of Tyltyl in *The Blue Bird* in 1912 and contracted for seasons in Sydney, Melbourne, and the subsequent tour of New Zealand. In late 1913, months after *The Blue Bird* had finished its Australasian tour, Gertie Cremer was re-contracted by Williamson for 26 weeks for 'roles unspecified' with the option to extend a further 26 weeks 'on same terms'.
63. Extensively reported in the *Era*, 19 April 1913.
64. *Sydney Morning Herald*, 27 January 1911.