
The Cinematograph Act of 1909: An introduction to the impetus behind the legislation and some early effects

David R. Williams

It is a widely held assumption that the *Cinematograph Act of 1909*, in the United Kingdom, was the watershed between the 'penny gaff' and the established cinema, between the showman and the manager. It is the purpose of this brief article to demonstrate that, while the intention of the Act could be seen as a national tidying up of existing professional practices, local by-laws and local regulations for the safety of the public, its unintentional result was the controlling powers it gave to local authorities to determine programming as well. The Act itself enabled the Secretary of State for Home Affairs to make regulations concerning the safety of buildings, projection room enclosures and the operational processes when cinematograph performances using inflammable film were taking place. Each building or structure would need to have a certificate of compliance which could be submitted to a local controlling body delegated to issue Cinematograph Licences.

Cinematograph performances had a perceived history of being potentially dangerous. International reporting of the Charity Bazaar Fire in Paris on 4 May 1897 had alerted the public to this danger. Graphic artists' impressions of the conflagration that killed perhaps 140 people (not only in the cinematograph booth but in adjacent stalls, too) became almost symbolic icons of the hazards of cinematograph performances.

Cinematograph film was highly inflammable when exposed to heat. George Henderson, a turn of the century cinematograph showman in Stockton-on-Tees, County Durham, used to astound his audiences by spectacularly putting a match to a strip of film which he held in his gloved hand. If cinematograph film jammed in the projection gate and was not swiftly released, combustion from the heat of the lantern house could take place within four or five seconds. The normally employed limelight illuminants were unpredictable in confined spaces. A

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Fig. 1. The burning of the Theatre Royal, Exeter, September 1887. From *The Illustrated London News*, 10 September 1887.

lighted gas jet projected onto a lump of lime held in a clamp produced an intense white light. Though the commonest illuminants were controlled mixtures of acetylene and oxygen, or oxygen and hydrogen, other more volatile gases such as ether could be employed. Theatrical fires often caused by exploding limelight fixtures were commonly reported long before the invention of the cinematograph. The destruction of the Theatre Royal, Exeter was sufficiently alarming to be featured in *The Illustrated London News* of 10 September 1887.

The Newmarket Town Hall cinematograph fire in September 1907 was widely reported across the whole of Britain and was sufficient to revive press and public fears about the safety of film shows. Hannah Starling was the only fatality, but alarmist newspaper reports gave the numbers of injured as greater than that of the actual audience. *The Kinematograph and Lantern Weekly* provided the industry's view, that the accident was not truly attributable to the cinematograph itself.² At the interval, the audience began to move towards the single exit behind the projector before the house lights had been fully raised. Someone pushed against the cinematograph, and the rubber tube connecting the hydrogen gas cylinder to the lamp house jet was

pulled off. The gas ignited and set fire to the film. The sudden flame panicked the audience, and though the film was quickly extinguished several people were burned, and others injured in the rush to escape. The showman, Mr Court, had, in fact, got a portable operator's box but the size of the hall, he had said, made its use impossible. Evidence at the inquest confirmed that it was the call of 'Fire' and the resulting panic that precipitated the tragedy, though the technical evidence pointed more to a piece of white-hot lime falling from the lantern.

Further comment in *The Kinematograph Weekly* of 19 September 1907 did not belittle the fire risk and suggested that the invention of non-inflammable film would do away with the hazard. In the same issue, the editor commented that the London County Council (LCC) regulations for public safety on licensed premises had proved effectual. Had these been in force at Newmarket, the accident could not have happened. However, he warned against the enforcement of regulations that would 'hamper the profession'.

The LCC regulations dated from December 1898, October 1900 and January 1906. No cinematograph performances could take place 'involving the use of a lengthy combustible film' on

premises licensed by the Council unless 'all reasonable precautions had been taken against accident and danger to the public'. Notice of at least three days was to be given to the Clerk of the Council before an exhibition was to take place, and the Council's inspector had to be afforded access to inspect the apparatus. The apparatus had to stand in a suitable fireproof room or inside an operator's box which had sufficient room for him to operate freely. The box had to be fireproofed and the self-closing doors had to open outwards. Three windows were required at the front of the box not more than eight inches square, (205 mm) and windows at each side were not to be more than six inches square (150 mm). They needed to have safety flaps that were closeable from the inside and from the outside. Other parts of the regulations referred to safety apparatus on the projector and the use of take-up spools; the storage and rewinding of spools in a place separate from the box, the employment of a minimum of two operators and the enforcement of a no-smoking rule inside the box. The regulations recommended the use of electric arc lights for the illumination of the lantern. Ether or inflammable liquids were prohibited as lighting sources. As an alternative light source, British Oxygen were selling a gas jet that they claimed could produce from 1800 to 2000 candle power using town gas and an oxygen cylinder. Arc lamps using direct current electricity from on-site generators or direct from the mains were also in use.³

In an article by a barrister in *The Kinematograph and Lantern Weekly* in November 1908, the extent of the licensing regulations was summarised.⁴ The LCC regulations could be enforced under the *Disorderly Houses Act* of George II or by a number of public health Acts. The entertainment essentially must contain 'dancing, singing, music or other entertainment of a like kind'. The problem was that there was not sufficient case law to decide whether a piano accompanying a film was an essential part of the entertainment or a subsidiary to the performance. The law did not apply where the use of the room was merely occasional or temporary. There was no firm opinion as to whether once a week or once a month could be considered habitual.

The introduction of non-flammable film and a new device for the 'automatic extinguishing of fires

in cinematographs' appeared to offer salvation. The device was demonstrated in December 1908 at the Hippodrome, London. It appears to have produced more dissension than enlightenment, since, according to the *Kinematograph Weekly* report,⁵ there were so many experts there that they soon split into little disputing groups. The device itself was a receptacle filled with water and suspended above the cinematograph much like a flushing cistern. Beneath it was a sprinkler that was activated by a cotton cord. When flames burned through it, the sprinkler valve opened and drenched the apparatus, thus putting out the fire. Many of its critics declared that there were other ways of putting out the flames than drenching a valuable piece of equipment in water and destroying perhaps £50-worth of film. A comparative demonstration of other devices was promised for a meeting in the next week.

As a result of the demonstration, Mr Walter Reynolds, the LCC expert on these matters, added three new regulations to those already existing:

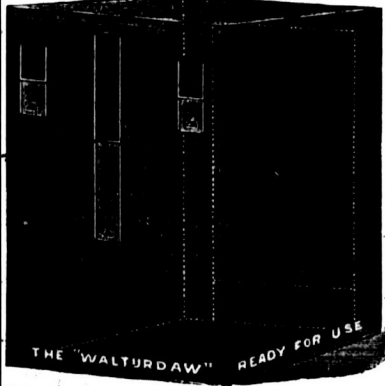
1. All machines must be fitted with two metal film boxes with narrow film slots and closing doors to prevent fire passing into the boxes.
2. All films not on the machine must be stored in metal boxes.
3. The film gate shall be sufficiently narrow to prevent flames travelling upward or downward.⁶

In an interview given to the 21 January issue of *The Bioscope*, Walter Reynolds, sometimes referred to as the Father of the *1909 Cinematograph Act*, outlined his case for legislation. He observed that there were hundreds of unlicensed premises in London showing films without adequate protection for the public. It was ridiculous that the only licensing Act on which councils could take action was the *Disorderly Houses Act* of 1751. Twentieth-century amusements needed twentieth-century regulations. Even then the regulations were outdated. If a pianist was employed, a licence would be needed, but not if a mechanical piano was providing the music. In some areas, simply putting up a notice which said, 'No Dancing Allowed', deregulated the hall. Walter Reynolds urged exhibitors to give support to a campaign which would rid the industry of the undesirable operators who brought it into disrepute.

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Fig. 2. Advertisement for the Walturdaw Fireproof Operating Box. From *The Bioscope*, 18 September 1908.

Some had argued that regulation would incur more expenses. Reynolds considered that this was a plus-point, since it was the last thing 'rapacious penny gaff owners', would want to happen, and they would be put out of business.

From time to time, both *The Bioscope* and *The Kinematograph and Lantern Weekly* reported on the extent to which councils other than London had imposed regulations. The results, as would be expected, were patchy. For example, in October 1907, Middlesbrough Watch Committee empowered the Chief Constable to inspect licensed premises and ordered that exhibitors should give

entertainment at which a majority of the persons attending were children, and where the child audience exceeded 100, to employ sufficient staff to control the movement of the children, before, during, and after the performance. Informants could earn £10 for passing the information of wrongdoing to the proper authority and acting as prosecution witnesses. Prosecutions under the Act were widely reported in both *The Bioscope* and *The Kinematograph and Lantern Weekly*. One such prosecution in Middlesbrough at the end of September 1909 seems to have been a fairly blatant case of profiteering. Despite the fact that the hall was full,

seven days' notice.⁷ The Worcester Watch Committee in December 1907 deferred judgement on making regulations because it would put the theatre authorities to considerable expense.⁸

The Barnsley Cinematograph accident in January 1908 forced many councils to look to their regulations for performances where children were present. The proprietors at this seasonal show were distributing sweets and gifts to children as they filed onto the stage. Youngsters in the gallery obviously fearing that they might miss out on this distribution rushed down the stairs. Some fell and others piled on top of them. Sixteen children were crushed to death in an accident that had nothing to do with the cinematograph but much to do with poor supervision.⁹ As a reaction to this tragedy, the *Children's Act* of 1908 was rapidly placed on the Statute Book. It was the first Parliamentary Act aimed at cinematograph regulation. It required places of enter-

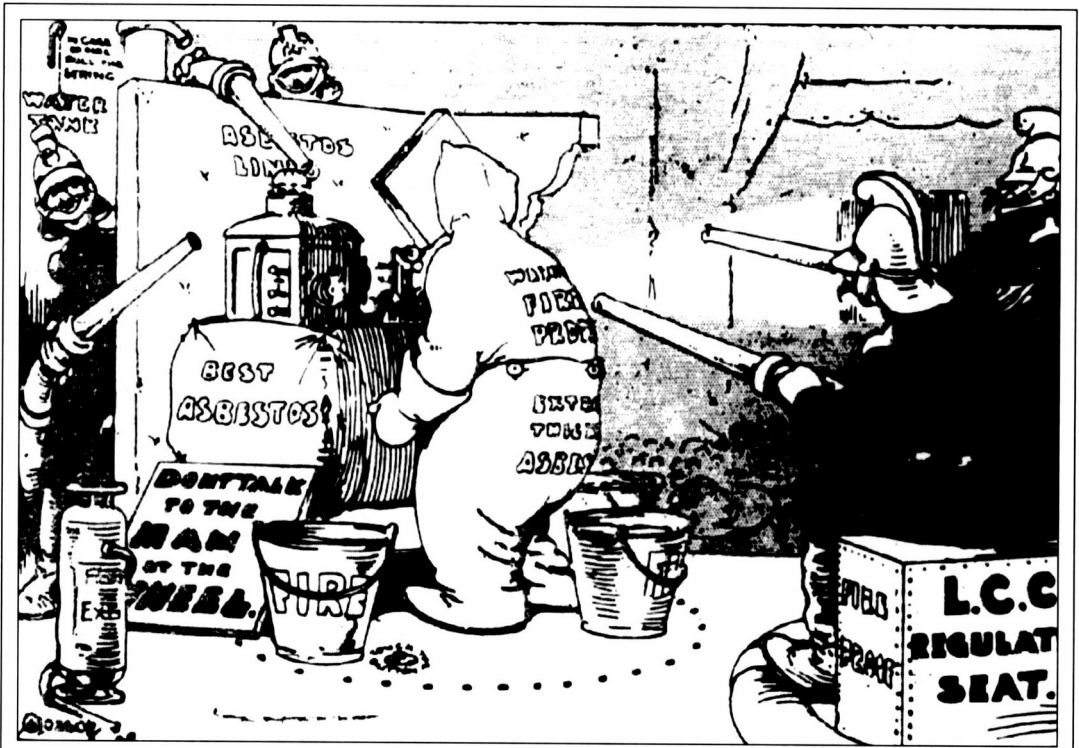


Fig. 3. 'The Safety of the Operator. Our idea of what will happen when the New Regulations come into force on 1 August.' From *The Bioscope*, 6 May 1909.

the son of the licensee continued to issue tickets and by the time the performance started all the gangways were partially or wholly blocked by children sitting on the floor. Moreover, there were insufficient adults to control movement. The Magistrates were lenient for this first offence, only fining Thomas Thompson £25 rather than the maximum £100.

The Home Secretary, Mr Gladstone, in March 1908 had demonstrated his intention to introduce a Bill regulating cinematograph performances but little progress seems to have been made on it during the year.¹¹ At the same time, The Royal Insurance Company issued a well-designed showcase for display in cinematograph halls. Its displayed clauses were almost a word-for-word repetition of the LCC regulations.

A number of projector fires occurred both in London and the provinces during the year, although none were reported to have got out of control. By January 1909, pressure on Mr Gladstone to introduce some form of legislation had increased. Mr Walter Reynolds of the LCC was now using the

phrase 'dangerous bioscope entertainments' to amplify his concern.¹² Faversham Council echoed the phrase when they looked at the extent of their regulations.¹³ More and more councils considered their own local controls, and their deliberations were reported over the next few months in the cinema trade papers. Bath, Bradford, Dover, Sheffield, Wolverhampton and Wandsworth and most other London boroughs accepted the LCC regulations with little alteration. Aberdeen, Belfast, Birmingham, Bolton, Dublin, Glasgow, Hull, Leicester and Worcester indicated that they had no special regulations, except those applying to the inspection of all public buildings. Burton-on-Trent and Newcastle-upon-Tyne authorised the approved siting of projectors and lamphouses. Bristol, Burnley, Liverpool, Northampton, Nottingham, Paisley, Preston, Southport and Walsall required projectors to be placed in fireproof booths.

In February 1909, a brief press announcement indicated that a short Bill would be introduced to Parliament in the current session.¹⁴ The occasion

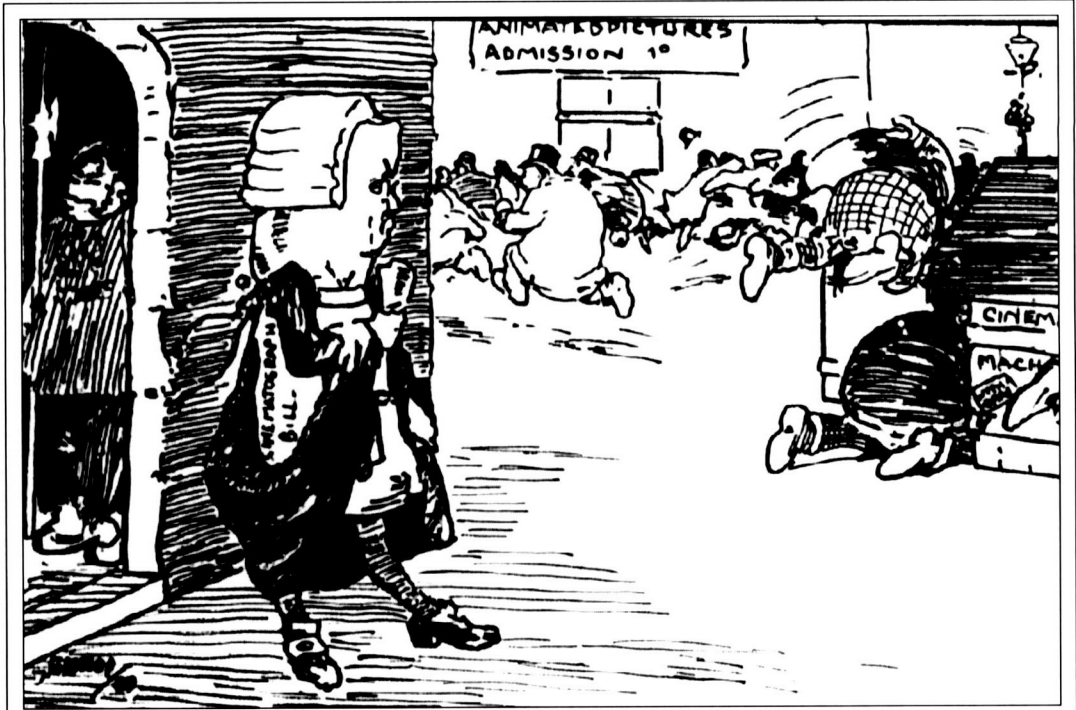


Fig. 4. 'Arrival of the Cinematograph Bill. Consternation amongst Penny Showmen.' From *The Bioscope*, 13 May 1909.

again prompted the *Kinematograph Weekly* to interview Walter Reynolds on the possible scope of the regulations. He stated that it was not the desire of the London County Council to harm the legitimate business of the 'living picture man', but it was their desire to protect the public from danger. Since the first LCC regulation had been brought in there had only been twelve accidents in premises licensed by them. None of these incidents could be called serious.

One extra note, which was to have repercussions later, was presented by Mr Reynolds when he answered a question put to him by *The Kinematograph Weekly* interviewer about the control of the nature of the entertainments to be given. 'It is the duty of the police to stop any entertainment of doubtful character', he said, 'but certainly the Council would have the power, when licences came up for renewal, to refuse them to places that had presented undesirable shows'.¹⁵

First news of the contents of the Cinematograph Bill were published in the 1 April edition of *The*

Kinematograph and Lantern Weekly. Its full title was 'A Bill to make better provision for securing safety at cinematograph and other entertainments'. The first clause regulated the exhibition of inflammable film to places complying with the regulations contained in the Bill. Licences for premises would be granted and renewed annually by the authority of county councils. Fines up to £20 could be given and an additional £5 for each day that premises continued to be used in contravention of the Act. Constables or appointed officers would have the right of entry. The Act did not apply to exhibitions in private dwelling houses. For occasional use in public premises, a licence would not be needed if seven days notice had been given to the authorities. It was envisaged that the *Cinematograph Act 1909* would come into operation on 1 August 1909. It seemed that this would give it ample time to receive its various readings and debates within the House of Commons and the House of Lords and to be examined and honed in its Committee stages. It was not



Fig. 5. 'Most of the showmen in this country are so busy turning the handle, counting the money – and sleeping – that the Cinematograph Bill is passing through unnoticed'. From *The Bioscope* 2 September 1909.

a contentious Bill and it was certain to receive cross-party support.

The complete Bill when published in the next editions of both *The Bioscope* and *The Kine Weekly* seemed to provide no major shocks for the trade. 'Only the "mere dabbler" or "the casual speculator" would be affected, and the trade had no need for them', stated *The Bioscope*.¹⁶ Notwithstanding the publication of the Bill, which in almost all respects reflected its own views on safety, the LCC in the same week unilaterally drew up a new set of regulations for its own theatres. They were more specific than those in the Bill especially in defining such items as the thickness of the protecting metal plates in the projection booths.¹⁷

Press reports, as selected by *The Bioscope*, welcomed the timely intervention of Parliament into the safe presentation of this new, popular and inexpensive entertainment, especially since it was a form of entertainment that attracted large audiences of children.¹⁸ The trade press picked up the point

that non-inflammable film shows did not require a licence. As to the question of censorship, a Bioscope barrister in discussing all the clauses of the Cinematograph Bill declared that this factor was covered by the Parliamentary Act 2 and 3 Victoria clause 47 section 54, sub-section 12 which stated that:

It is an offence to exhibit any profane, indecent or obscene representation or to sing any profane indecent or obscene song or ballad to the annoyance of inhabitants or passengers.¹⁹

Travelling showmen felt particularly threatened by the Bill, and the Showmen's Guild met at the end of April to discuss the implications. Their main concern hinged on the use of the word 'premises'. Did this apply to portable structures such as tents? The Guild decided to seek clarification from the Home Secretary, since they felt that the regulations for permanent structures were unreasonable for portable ones. Eventually in September 1909, the Home Secretary agreed to some amend-

ments to the application of the Bill to fairground travelling shows. It was conceded that the showman should be licensed by the authority in which he had a permanent address or residence. It was also agreed that travelling showmen in this circumstance should only need to give two days, notice instead of fourteen for setting up a cinematograph booth. They also had managed to insert a sub-section in the clause relating to the licensing of buildings for occasional use. This could now be extended from two days to six days per annum provided notice had been given to both the county council and the police.²⁰ In 1910, after the Act had come into force, a number of travelling showmen, either in ignorance or in confusion, failed to comply with the provisions of these amendments and are reported as being successfully prosecuted.

A small number of letters in the trade press warned against complacency in allowing the Bill to become law without a proper study of its implications. One letter, for example, read: 'No united action has been taken on these matters. When it is too late we shall all awake to the fact that legislation referring to any trade means less freedom of action and many tribulations, especially to smaller men.'²¹

The Bill's passage through Parliament was certainly much slower than anticipated and it was not put before the House of Lords for a first reading until September 1909, even though it had been largely unaltered since its first reading in the Commons.²² During its passage through the Commons, an attempt had been made to bring non-inflammable films under its jurisdiction, but the amendment was, with agreement, withdrawn.²³

While the Bill was with the Lords, the trade were alarmed by the activities of common informers causing prosecutions to be brought against cinematograph halls not possessing a music licence. They were rewarded with an informants fee of £10. The dilemma was that if they applied for a licence, their apparatus and projection room would need to conform to the regulations for theatres. With the passage of the *Cinematograph Act*, this contradiction would be removed, and although the Act made no mention of music, it was clearly in the best interest of the proprietors that they should apply for music licences along with their cinematograph licence.²⁴

A worrying sign that the placing of enforcement of the *Cinematograph Act* regulations in the

hands of local licensing authorities would lead to excessive harassment of exhibitors appeared in the actions of Sheffield Council. They produced local regulations that required the attendance of a trained fireman at all performances at a cost of 30 shillings per week, and the establishment of a direct telephone line between the operator's box and the local firestation. F.S. Mottershaw of The Sheffield Photo Company protested his safe use of a portable fire-proof box in vain.²⁵

The first of January 1910 was the operational date for the Act. *The Bioscope* was mostly satisfied with its clauses and its mode of application. Like it or not, the film industry now had to face the fact that its exhibition side was to undergo statutory regulation for the first time. It was also clear that this regulation might constitute a control of the content of the films being exhibited and, by reverse extrapolation, control of the content of films that were being made for exhibition. Moreover, the cinematograph licence itself could define the opening and closing hours of each venue, and, by extension, indicate the operational days of the week. Sunday opening was only one area of contention. Good Friday and Christmas day were also seen to be traditional days of rest from work and 'entertainment'.

A wide variety of different committees were proposed as the licensing authorities, but there seemed to be little to choose between them in their function. *The Bioscope* during January and February 1910 reported the diversity. For example, Kent and Suffolk were regulated directly by the county council. Surrey delegated its powers to the Music and Dance Committee. The City of Bristol and the County of Wiltshire gave their powers to the Sanitary Committee. Burton-on-Trent employed their General Purposes Committee. Barrow, Colchester, Derby, Durham The Isle of White, Rutland and Somerset and the majority of other Councils extended the powers of the existing magistrate and police courts which annually renewed the licences of public houses, theatres, roller-skating rinks and dance halls. Blackpool, Exeter, Kendal, Leicester, Reading and Wigan along with numerous others entrusted the task to their existing Watch Committees.

In London, the first prosecution under the Act was not long in appearing. The G.L. Syndicate, who

were occupiers of The Royal Cambridge Music Hall in Commercial Street, Spitalfields, were summoned for allowing the premises to be used on four different days in January without obtaining a licence. The proprietors had been given notice that they would be in contravention of the Act if they did not make their equipment comply with regulations. They were using electric current at 480 volts instead of the 110 volts required by the Act. In their defence the proprietors said that they were using 480 volts because that was the voltage supplied by the electricity station owned by the borough council. Although a new transformer had been installed by the time the case came to court, the magistrates found the company guilty of deliberately breaking the law, and fined them £20 for the first day and £4 for each of the other three days. The total fine including costs amounted to £33 and 1 shilling (£33.5p).²⁶

Not all contraventions resulted in court appearances and fines. A film show for the Richmond Branch of the National Anti-Vivisection Association was merely halted by the police because insufficient notice had been given of the performance.²⁷

On 6 January, at a meeting in Holborn of cinematograph proprietors and traders, it was decided to form a Defence League to protect themselves from over-zealous councils in the implementation of the Act. Among other things, they took exception to the fact that the *Cinematograph Act* was being used as a Sunday Closing Act. *The Bioscope* saw this as discrimination against the poor. The rich in their clubs could find amusement on a Sunday night. The toiling masses and the poor could not.²⁸

Some minor sections of the Act such as the regulation size of take-up spools, demonstrated a certain lack of knowledge of the actual technology of film projection by some parliamentary advisers. It was stipulated that the bottom spool should be 12 inches (334 mm) in diameter or 14 inches (358 mm) when only one film was being projected. The trade was quick to point out that this implied that a 100-foot film had to be taken up on a 14-inch spool, whereas a 1000-foot top spool containing several films had to be squeezed onto a 12-inch take-up spool.²⁹

The exact status of the *Cinematograph Act* was demonstrated in February when the London County Council issued its own regulations under the delegation permitted by the Act. The most important

change was, as forecast, the enforcement of a Sunday closing regulation. This was open to appeal if the show was being given in aid of charity.³⁰ It was also restated that cinemas would need a music licence if they used accompanying music.

The Defence League, however, did have some success with the Home Secretary, and on 18 February, the spool size and the incoming voltage regulations were sufficiently altered, along with some other clauses, to be more in keeping with common practice. Mr Gladstone made it clear that the original spool regulation was intended to prevent the films from 'projecting beyond the edges of the flanges of the spool'.³¹

During 1910, there were many more instances of buildings being reported as unsuitable for cinematograph projection, but whether this was because of the existence of the *Cinematograph Act* or because it was now more newsworthy for *The Bioscope* and *The Kinematograph Weekly* to report them, is not clear. A news item in *The Bioscope* of 17 November 1910 claimed that 20 per cent of applications for cinematograph licences to the LCC failed to comply with the regulations of the Act or their own.

Travelling showmen had managed to persuade the Home Secretary to amend the regulations in March 1910, so that the word 'booth' was included as well as 'building' when applied to the rules about the operational venue,³² but they were still the most vulnerable group of the Act's victims. Typical of the cases brought before the magistrates' courts is that of showman Edward A. Francis. He was charged at Gilling East in Yorkshire with giving a cinematograph performance without having notified the chief constable of the North Riding. He said that he did not think that he needed one because he had got one from the chief constable of Durham when he had given a show at Trimdon Grange in that county. The magistrates informed him that he needed a licence for every village to which he went, but as they thought the defendant might genuinely have been misled by the regulations, they would treat him leniently and only fine him £1 including court costs.³³

By the end of 1910, though, it was the opinion of *The Bioscope* that the regulations and the resulting trade activity had consolidated the industry and given it an increased standing in its own eyes and

in the eyes of the public.³⁴ The initial impetus for nationally applied regulations had been for the physical safety of patrons of moving picture shows. The film trade, for the most part, had been self-regulating in this respect for some years, and co-operation with local regulatory bodies was almost universal. In many quarters it was felt that well-thought-through national regulations would both assist this partnership and protect showmen from local authorities or pressure groups perceived to be over-zealous and antagonistic.

In the event, The Royal Assent to the 1909 *Cinematograph Act* and its 1 January application in 1910 hardly rated a mention in most newspapers. Where mention was made, there was unanimous approval of the safety aspects. The 1909 *Cinematograph Act* remained in force until it was replaced by the 1952 *Cinematograph Act*. By this time, the use of inflammable cinematograph film had been almost completely discontinued, and the title was amended to 'An Act to make better provision for the *regulating* of Cinematograph and other exhibitions' (my italics). The net result of the original *Cinematograph Act*, then, was the opportunity it afforded local authorities to strengthen their regulation of the content of programmes, a factor not originally intended by the legislation, but which in later years became its *raison d'être*.^o

Notes.

1. Supplement to *The Bioscope* (23 December 1909).
2. *Kinematograph and Lantern Weekly*, (K.W.) (12 September 1907).
3. Before the establishment of the National Grid in Great Britain in 1926, the supply of electricity was chaotic. In London alone, there were 50 different systems with 20 different voltages and 10 different frequencies.
4. K.W. (12 November 1908).
5. K.W. (4 December 1908).
6. K.W. (17 December 1908).
7. K.W. (17 October 1907).
8. K.W. (26 December 1907).
9. K.W. (16 January 1908).
10. *The Bioscope* (23 September 1909).
11. K.W. (5 March 1908).
12. *The Bioscope* (28 January 1909).
13. K.W. (18 March 1909).
14. K.W. (11 February 1909).
15. *Ibid.*
16. *The Bioscope* (1 April 1909).
17. *The Bioscope* (8 April 1909).
18. *Ibid.*
19. *The Bioscope* (29 April 1909).
20. *The Bioscope* (29 April 1909, 30 September 1909, 21 October 1909).
21. *The Bioscope* (24 June 1909). Part of a letter from Stebbings and Edwards of London.
22. *The Bioscope* (23 September 1909).
23. *The Bioscope* (16 September 1909).
24. *The Bioscope* (2 December 1909).
25. *The Bioscope* (14 October 1909).
26. *The Bioscope* (27 January 1910).
27. *The Bioscope* (17 February 1910).
28. *The Bioscope* (6 January 1910).
29. *Ibid.*
30. *The Bioscope* (3 February 1910). The question of Sunday opening dogged the industry for another 50 years. The arguments, defining by-laws and regulations, are the subject of a separate study by myself as they relate to my current researches into 'The Cinema in a Cathedral City'.
31. *The Bioscope* (3 March 1910).
32. *The Music Hall and Theatre Review* (19 March 1910).
33. *The Bioscope* (14 July 1910).
34. *The Bioscope* (29 December 1910).