

# COMEDIANS IN COURT

J. W. GOODWIN writes of four days when it was hard to keep Order and Silence in a London Chancery Court

**A**N English Chancery Court judge has just spent nearly a week presiding over an all-star cast and listening to an unscripted discussion between learned counsel and not-so-learned witnesses on such questions as: Are Arthur Askey's jokes educational? Is Richard Murdoch funny? Is Kenneth Horne a comedian? Are Gigli's songs humorous?

If you think these matters are too trifling to warrant the attention of one of Her Majesty's judges, consider the following exchanges:

The Solicitor-General, Sir Reginald Manningham-Buller, to Kenneth Horne: Would it be wrong to describe you as a comedian?—I am afraid so.

You endeavour to make people laugh?—Wholeheartedly, yes.

Just like a comedian does?—Yes, I hope so.

Later Mr. Horne gave evidence that he was a company director, a job which occupied most of his time from 9.0 a.m. to 5.30 p.m.; he had time for stage shows on Sundays, he added.

Another witness, an entertainments manager, agreed that Arthur Askey was a comedian, but could not be persuaded to call Kenneth Horne one. Richard Murdoch he described as "an entertainer, not necessarily a comedian." Murdoch, when asked, said he was an actor.

See how difficult it is—except for the Commissioners of Customs and Excise,

who admitted no possible probable shadow of doubt throughout a Gilbertian situation in which one of their counsel—a member of the House of Lords—repeated music hall jokes which the originator said he did not recognise as his own. It is no doubt possible to be so single-minded when thousands of pounds are at stake.

All this, and more, was the result of what was called a perfectly friendly action between the taxation officials and the Eastbourne Corporation who contended that five concerts were partly educational and therefore exempt from taxation.

## What is a Recitation?

For the corporation, Mr. Millward Tucker, Q.C., was giving a favourable definition of a "recitation," when Mr. Justice Dankwerts inquired: "Does that include Archie Andrews?"



Lord Hailsham

"Archie Andrews, I understand, is not a person at all, although he was once assessed for income tax," replied counsel. "He is a piece of wood or material."

Richard Murdoch had more to say about this later when he explained that very little of his patter in an act burlesquing the Inkspots was impromptu.

"We have to be original on the wireless, but it's very risky to be impromptu on the BBC." He insisted that his act was largely a recitation.

At this the Solicitor-General commented: "We would be shaken if it was said that our speeches were recitations and not speeches."

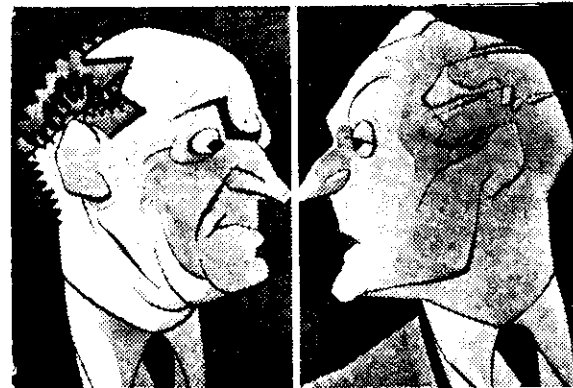
According to the evidence, these municipal concerts must have been remarkable. The borough's entertainment manager declared that the accordionists played in a "quite definitely serious manner," and that the baritone sang "quite seriously." Even Horne, asked if he and Murdoch had played a saxophone and piccolo duet, replied: "We like to think so."

Of course, the entertainments manager forgot those jokes of Arthur Askey. The taxation counsel suggested that one was about a seaside landlady and another about his combinations.

## "My Missus Says . . ."

It seems that there was quite a lot of humour at the concerts—and in court the laughter often rolled down from the public gallery, while the lawyers laughed, and the judge permitted himself a smile.

Lord Hailsham, for the Commissioners, reminded one of the stars, who is



BBC photograph

HORNE

MURDOCH

"It's very risky to be impromptu on the BBC"

better known to the public in the character of "Mr. Muddlecombe, J.P.," that "on the stage you told a story about your missus being morbid. . . It does not refer to your real wife. We are all good friends about this cross-examination."

"She's not in court, anyway," replied the comedian. Then he described how the words were used: "My missus says all the pubs should be closed, but she gets so morbid."

Lord Hailsham repeated one of the jokes about the difference between a male and a female hippopotamus—it doesn't matter except to a hippopotamus. There was not a single laugh.

"I didn't recognise it as you told it," remarked Robb Wilton, the variety artist.

The peer, brilliant in the Commons as Mr. Quintin Hogg, then tried the story of the Yorkshireman who was disgusted at drinkers ordering cherries in cocktails and demanded an onion in his beer.

"You've done that one in, too," said the comedian ruefully. After he gave the authorised version, Lord Hailsham had to admit: "You tell it with such artistry, Mr. Wilton—but it is roughly the same story."

## "Much-Binding"

After this lighter interlude in a light programme, it was almost a surprise that Murdoch and Horne did not go into the witness-box together. Asked by the Solicitor-General, Horne said that *Much-Binding-in-the-Marsh* now had 750 verses and was still going well with four more every week. (The new series is set in a weekly newspaper office which is just experimenting the daring innovation of printing news.)

The impresario, Harold Fielding, was asked: "Would you call the late Mr. Harry Tate a comedian?" He had to admit that he had never seen Harry Tate, but among top variety artists today he listed Vic Oliver, Ted Ray, and Elsie and Doris Waters.

To constitute a music-hall entertainment, the programme had to include tumblers, contortionists, trapeze artists, or performing animals, he said.

Asked if some of the songs at the concerts had been humorous, he replied: "What about Gigli? Some of his songs are extremely humorous."

There were no boos from the gallery and no bouquets for the not-so-friendly Commissioners of Customs and Excise when the judge decided that four of the concerts were not even partly educational and that only one of them could claim tax exemption.

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me as wise as his novels, and at this point particularly I noted that he could forgive the prejudice but not the dogma. Is there any more difference between dogma and prejudice than between publicly and privately held beliefs? Both may be wrong, but providing our charity is equal to the passion of our beliefs, why should those held by a number of people be worse than the individual convictions?

## Jamaican Songs

**DURING** last year I had occasion to praise Cy Grant's singing of the Calypsos which, like most folk music, made a direct appeal to me. Since then the BBC has followed up this line with a programme of Jamaican songs by Louise Bennett faultlessly accompanied by Cy Grant. Miss Bennett, a woman of great vitality, obviously close in spirit to the people whose work she sung, ushered in each song at the same break-neck speed with which a woman tells her neighbour of something exciting just down the road. Her pronunciation tended to flatten "I've" into "Ah've," and her singing voice was more notable for the accuracy with which she kept to the rhythm of a harsh melodic line than for fine tone or range. To my mind this was exactly suited to the nature of the material she was handling. Miss Bennett closed her recital effectively by giving an impression of the music of a strange heretical Christian sect, as with drum and voice they might be heard advancing down the street past the door of your house and on into the distance.

—Westcliff

## Lodge Listens . . .



"—apologise to listeners—for the spasmodic—nature of this—commentary—"