

MUCH ADO ABOUT JOHN BROUGHAM AND JIM FISK

DAVID S. HAWES

The opening of Brougham's Theatre in New York City on January 25. 1869, "was in all respects brilliant,"<sup>1</sup> said the Tim<u>es</u>. This "new home of mirth," later described as "one of the prettiest theatres, small, but bright and brilliant, that New York had ever seen"<sup>2</sup> was "filled in every part," and the mirror-lined theatre held nine hundred "comfortably," one thousand with some crowding. After the first piece on the bill, Better Late Than Never, an original two-act farce written especially for the opening by John Brougham (playwright) in which John Brougham (actor) adroitly portraved the comic Irish character, Major Fergus O'Shaughnessy, the same John Brougham (this time as lessee and theatre manager) appeared before the curtain. as he had advertised he would, to address the audience which "embraced noted politicians, judges, members of the press, and a large gathering of the theatrical profession, including many feminine faces wellknown to the amusement-loving public." Brougham confided that he had intended "to have something elaborate in the way of a speech." But his consuming responsibilities had forced him "to rely on the spontaneity of the moment." Of course, as an old stager Brougham actually relished impromptu speaking and improvised acting.

Brougham's prime point was directed at a radiant spectator, James Fisk, Jr., Proprietor. Brougham said: "I desire to acknowledge my deep indebtedness to the gentleman who has made this beautiful place. About eight months ago he said to me: 'If you would like to manage a theatre, John Brougham, I will put you up in the handsomest one in New York,' and I think you will say he has kept his word."<sup>3</sup>

Anyone fully aware of the startling contrasts in the characters and careers of the two men involved in this moment of theatrical history must have thought the partnership bizarre and destined for disaster. John Brougham (1810–1880) belonged to a prominent, once-wealthy family of Ireland. A graduate of Trinity College, Dublin, he had been for almost forty years a remarkably diligent and dexterous man of the theatre in both England and America. When he met Fisk he had achieved distinction as an actor, and had written over one hundred dramatic pieces, many of them popular throughout America. Down the years he had been recognized as a "tower of strength" in the leading theatre companies of England and America. As a person, Brougham was handsome, genial, generous, possessing a "rare personal magnetism." He was loved and respected as a gifted "sensitive, sympathetic soul."<sup>4</sup> In short, by 1869, Brougham had become "personally, and in his profession, undoubtedly the most popular man on the American stage."<sup>5</sup>

Brougham's partner, Jim Fisk, Jr. (1834-1872), stood in utmost contrast. Fisk was born in Brattleboro, Vermont, the son of an indigent hotelkeeper and notion-salesman who died insane, and in his bustling time played many shady parts. He was an early truant from school; for awhile a roustabout for Van Amberg's circus; later as a youth a flamboyant salesman of notions who hired his own father as cheap help; a shameless but highly successful cotton-runner during the Civil War. Because of his bold (albeit base) activities as a salesman, he was even hoisted into partnership with Jordan, Marsh and Company of Boston -- who soon bought him out by paying an exhorbitant price. Thereafter, he successfully recovered a lost fortune by the slick sale of Stonington steamboats to a Boston group as an agent for the pious scoundrel, Uncle Daniel Drew. Finally, in 1866, at the ripe age of thirty-two, he finished his precocious scramble for wealth by founding the brokerage house of Fisk and Belden in New York City. After that, his rise to fraudulent fortune and political power was rapid.

When Fisk talked with Brougham in the spring of 1868, he was soon to collaborate with Jay Gould and Drew in a secret series of audacious stockmarket swindles made possible by the loot they had acquired in the Erie Railway war. In that sordid financial brawl, it will be recalled that the intrepid triumvirate of Daniel Drew, Jay Gould and Jim Fisk had fiercely fought and defeated another formidable robber baron, Cornelius Vanderbilt. By this time Fisk was fat, merry, vigorous, smart, boastfully unscrupulous, crude, flamboyantly elegant in dress, a bold and ruthless prowler of Wall Street. In 1869, Jim Fisk surely was one of the most <u>un</u>popular men in America, widely feared and hated -- although some people saw virtue in his "smartness."

How did such alien spirits become partners? Fisk first approached Brougham. Buoyant and rich from his forays on the Stock Exchange, Fisk apparently desired to plunge "head-first into the theatrical business with a naive belief that it had bogged down under old fogey leadership and needed only a clever young man with ideas -- and circus experience -- to breathe life into it."<sup>6</sup> Getting Brougham to manage a theatre for him was the first in "a series of moves calculated to show the big city what an up-and-coming country boy could do."<sup>7</sup> In other moves he leased the Academy of Music, maintaining Max Maretzek as manager, and on January 9, 1869, he bought Pike's Opera House -- soon changed to Grand Opera House -- securing C. W. Tayleure as manager. Then Fisk and Gould moved the offices of the Erie Railway to the elegant Opera House where one could reach the officers



ABOVE LEFT: John Brougham (1810-1880), American playwright, actor, theatre manager. (From Life, Stories and Poems of John Brougham, William Winter (ed.), Boston, 1881). ABOVE RIGHT: Jim Fisk (1834-1872), American robber baron, swindler, would-be theatrical entrepreneur. (From <u>Harper's Weekly</u>, XVI, January 20, 1872, 49.) This photograph by Brady was used for the obituary account of the life and career of "the late James Fisk, Jun."

by ascending the grand staircase to the second floor -- and by persuading the burly guards to open a massive iron grille. The officers' suite, "decorated in Oriental splendor of silken hangings, mirrors, rich rugs, marble statuary and carved oaken furniture, " suggested a popular epithet for Fisk: "Prince of Erie." He played the role exuberantly, swaggering among the patrons of the opera, "dressed in a scarlet-lined cape, a frilled shirt over his expansive bosom, in the center of which sat the immense flashing diamond sparkler of wide fame."<sup>8</sup> Thus within a few months, Fisk's "dollars had made him the biggest theatre magnate in New York, owner or lessee of the three finest entertainment places in the city."<sup>9</sup> Perhaps it is true that "he sincerely felt himself the savior of show business and worked at it with dedication, "<sup>10</sup> but he also regarded himself as positive "boss of three producers [Maretzek, Tayleure and Brougham] of acknowledged prestige."<sup>11</sup> The Times quickly scoffed, saying that there certainly was "a prejudice in the public mind . . . in favor of a great patron and minister of Art being able to write grammatically and to express himself, as well as to deport himself generally, like a gentleman rather than a boor." $^{12}$ 

Brougham seemingly should have loathed any alliance with Fisk. Furthermore, to accept the partnership, he interrupted a series of very lucrative starring engagements throughout the country in a repertoire of his own plays, for after Brougham's return from England following the Civil War, his long absence "had increased the desire to see his genial, rollicking art."<sup>13</sup> Brougham probably interrupted his triumphal tours chiefly because he desperately wanted to prove himself a successful theatre manager in order to redeem his prior dismal failures as manager of Brougham's Lyceum in 1850-52 and Brougham's Bowery in 1856-57. Riding on a high crest of popularity, he believed he could count on continued public support. Just as certainly he expected to control fully the conduct of his new theatrical enterprise, as in past experiences. Unfortunately, he did not properly anticipate a cantankerous "boss."

The Brougham-Fisk partnership soon broke up as many people doubtless had predicted it would. On Saturday, April 3, 1869, ten weeks after Brougham's cordial opening-night salute to the Proprietor, in a cryptic closing-night speech he implied that he had been unexpectedly and inexplicably forced to give up his theatre. Brougham's farewell speech, said the dramatic critic, William Winter, "was no less touching than witty, and, considering the injustice with which he had been treated by the owner of the theatre, temperate and reticent."<sup>14</sup> Possible reasons for the abrupt final break have been described by various people: the terms of the original contract, severely biased for Fisk;<sup>15</sup> Brougham's artistic and business deficiencies, and the depletion of his creative vitality because of his triple function as actor-playwright-manager; Fisk's nagging, unwarranted attempts to control entertainment policies. All such factors are pertinent. But probably the most important cause for the rupture of the partnership was the presentation of Brougham's "brilliant burlesque," Much Ado about a Merchant of Venice.<sup>16</sup> This piece represented the kind of dramatic entertainment Brougham intended to offer at the theatre and "signalized his brief season of ten weeks"<sup>17</sup> -- was, indeed, probably the chief cause for its being so "brief." Before the burlesque was ready for performance, however, Brougham worked busily for weeks trying in various ways to implement his over-all plans for amusing expectant customers.

Brougham's entertainment policy, as he said on opening night, would be to present "a series of light and amusing performances." This meant he would primarily produce farces, burlesques, reviews and dramatic novelties, as he had initially at Brougham's Lyceum in 1850-52. His company of players he described that night as "one of the best that could be collected of indigenous and exotic talent."<sup>18</sup> Many in the company certainly were competent and experienced performers. But among the twenty-five or so men and women there was no outstanding, versatile comedian except Brougham.

In spite of a weak company for what he planned to do, and a shyster's contract that required Brougham to pay a large rent as well as all of the heavy expenses of management and production before receiving a modest salary from net profits for his own titanic labors, Brougham exuberantly plunged pell-mell into production. In his first bill, along with <u>Better Late</u> <u>Than Never</u>, he presented another original piece, <u>The Dramatic Review of</u> <u>1868</u>, a series of dramatic sketches which surveyed with good-humored criticism some current hits of the New York stage.

During the second week, on February 4, came the first hint that Brougham was preparing another original production: "In particularly active preparation, a Grand Shakespearian Revival."<sup>19</sup> Then on February 8, Brougham dropped Better Late Than Never and replaced it with "a new effervescence," his original farce, Irish Stew; or, The Mysterious Widow of Long Branch, in which he appeared as Brian Magilder. Two weeks later he withdrew both The Dramatic Review of 1868 and Irish Stew. In their place he presented revivals of A Gentleman from Ireland, in which he portrayed Gerald Fitzmaurice, and his extravaganza, Po-Ca-Hon-Tas: or, The Gentle Savage, with Brougham playing, as usual, H. J. Pow-Ha-Tan I --King of the Tuscaroras. Po-Ca-Hon-Tas, first produced in 1855, Joseph Ireland called "the most successful extravaganza ever produced in America,"<sup>20</sup> but the years of constant use had corroded much of its scintillation. Less than two weeks later, on March 1, Brougham eliminated A Gentleman from Ireland and with Po-Ca-Hon-Tas presented Jenny Lind, in which, a reviewer said, "much new music takes the place of mirth,"<sup>21</sup> The rapidly changing playbill and the poor quality of Jenny Lind seemed to indicate that "Brougham soon and unfortunately had reached the end of his resources."<sup>22</sup>

Sometime while <u>Po-Ca-Hon-Tas</u> was still playing, Fisk publicly roiled his relationship with Brougham when he angrily strode backstage, waving a black bamboo cane, and shouted at Brougham: "You have been chipping away at my money long enough." Costumed as Pow-Ha-Tan I, Brougham was carrying a tomahawk "which he later admitted he was tempted to put to practical use."<sup>23</sup> Perhaps Fisk was vexed chiefly because Brougham's management was not profitable. But it is also likely that after attending rehearsals of <u>Much Ado about a Merchant of Venice</u>, in which Brougham had said he would have an "irreverant shy at Shylock, for the first time," Fisk would like to have prevented the burlesque from opening. He probably hoped his heckling would make Brougham quit. The reason for Fisk's attitude and action is clearly disclosed in a newspaper article in the <u>Times</u> on Sunday, March 7, the day before Brougham opened in <u>Much Ado</u>. The reporter for the <u>Times</u> was certain that "about the middle of April, Mr. Fisk, like the Indian giver, takes back his theatre." Then he dropped a lethal hint:

> Mr. Brougham's first shy at <u>Shylock</u> may be his best hit yet. There is a deep satire and perhaps personal justification lurking in some portions of the bill of the new play, or particularly in the descriptive matter of his own part: <u>Shylock</u>, a shamefully ill-used and persecuted old Hebrew gentleman, in fact, an Israelite of other days, whose character was darkened by his Christian contemporaries sim

ply to conceal their own nefarious transactions; <u>victim-</u> <u>ized as he was by sundry unjustifiable confidence</u> opera-<u>tions...</u> Mr. Brougham.<sup>24</sup>

The clear suggestion that Fisk was somehow to be lampooned through the character of Shylock, as portrayed by Brougham, must have made capital advertising.

But as soon as Fisk read the article, or perhaps after he heard the laughter of opening night confirm his own prior misgivings, he must have had a racking meeting with Brougham, because two days after the opening the <u>Times</u> printed a curious "card" written by Brougham:

I take the earliest opportunity of endeavoring to remove an erroneous impression, which I fear might be formed from the article in your Sunday issue, wherein it is suggested that a portion of the description contained in the bill of 'Much Ado about a Merchant of Venice,' had an individual significance. I beg most distinctly to state that I had no such intention.<sup>25</sup>

These words doubtless stopped some harrassment of Brougham and they were easy for him to write now that the show was on, business was good and audiences were <u>laughing</u>. If Fisk now closed the show himself the action might precipitate a haunting torrent of laughter. What had Brougham wrought that so irked Fisk and his cronies and made <u>Much Ado about a</u> Merchant of Venice eligible for the talk of the town?

As Brougham wrote his burlesque, he chose episodes, characters, ideas and spectacle from Shakespeare's <u>The Merchant of Venice</u> which best suited his two-fold satiric purpose: to burlesque the original play; and to satirize many political and social elements of contemporary society in New York City, especially judicial mockery in the courts, speculation on the Stock Exchange, Tammany politics -- although much else was also ridiculed. Thus Brougham, in his burlesque of Shakespeare's play, attempted once again, as he had on prior occasions, to satisfy the relish of nineteenth-century American audiences for such comic fare.

In this case, Brougham ludicrously altered Shakespeare's play in certain particulars to make it serve his central intention of presenting contemporary social satire. The Rialto of Venice becomes Wall Street. Shylock and Antonio are capitalist-speculators. And Antonio borrows money from Shylock not for Bassanio but to recoup his own speculative losses on the Stock Exchange. The Duke of Venice becomes the "Chief Justice of the high old Court of Venice" flanked by "Associated Judges of mixed nationality." For his plot, Brougham focused primarily upon the "pound of flesh" complication involving Shylock, Antonio and Portia; used sparingly the Narissa-Lorenzo and the Portia-Bassanio entanglements.

<u>Much</u> <u>Ado</u> technically resembled Brougham's other extravaganzas or burlesques. The dialogue for the most part was constructed in jigging cou-



ABOVE: "Our Modern Falstaff Reviewing His Army," a Thomas Nast cartoon, shows Boss Tweed as the "Modern Falstaff," Governor John T. Hoffman as his sword bearer. At Tweed's right is his Tammany "sidekick," Peter B. Sweeny. The jester is Mayor A. Oakey Hall. Fisk, far right, is depicted by Nast as elected colonel (and "angel") of the Ninth Regiment of the New York State National Guard and as a would-be enterprising theatrical entrepreneur. (An enlarged version of the caricature of Fisk in this cartoon is found on page 73.) Jay Gould, the shy robber baron, lurks behind Fisk. The army represents the backbone of Tammany politics: paid multiple voters. (From <u>Harper's Weekly</u>, XIV, November 5, 1870, 713.)

plets, with many metric variations and comic semantic surprises, especially puns. The brisk meter helped provide a swift pace for the burlesque. For the various songs, with Brougham's original lyrics, he used, as stated in the playbill: "Music by the most celebrated composers, unblushingly appropriated, disconnected and placed in unaccustomed places." The singing, arranged for various combinations of voices or sometimes for recitative, and frequently accompanied by dance, was almost as prominent an element as the spoken dialogue. In Act I, for example, which ran about thirty minutes, there were nine songs. The most striking song William Winter thought was in Act II:

> I do not think a more sparkling effect of comic humor can have been produced upon the stage than that which ensued upon his [Brougham's] tempestuous entrance as <u>Shylock</u>, when, wildly rushing toward his brother Hebrew, he broke into song, with --

'O Tubal dear, did you not hear The news that's going round?
My Jessicay has cut away And nowhere can be found. . . .
I told my case to Kennedy, Likewise to Mayor Hall:
But the comfort that they gave me Was miserably small.
They said I acted stupidly, Within my safe to leave
Such valuable property, Temptation was to thieve. . . .'

The air of "Wearin' o' the Green" had been made widely popular through the medium of Boucicault's "Arrah-na-Pogue," and the use of it, in this situation, was inexpressively droll.<sup>26</sup>

Brougham thus used a great variety of comic devices in his burlesque, but he most effectively aroused laughter by his satiric comments on current social and political conditions.

The opening of Much Ado about a Merchant of Venice: From the Original Text - a Long Way received "mixed notices" from various drama critics of the time. The reviewer for the Times was not altogether enthusiastic. On the other hand, William Winter said: "There is uncommon intellectual force in this burlesque, combined with a delicate, silvery wit, and deep feeling. Brougham acted Shylock in the highest spirit of burlesque, -- that is to say, in dead earnest, -- revealing keen sympathy with the magnificent Hebrew nature; and over this solemnity . . . glanced the nimble lightning of his humor."<sup>27</sup> Winter's "uncommon intellectual force" perhaps can be equated with the other reviewer's "happy hits in the dialogue."<sup>28</sup> Shylock, the part Brougham wrote for himself, was the butt of many "jokes." And the identification of Fisk with Shylock, as slyly suggested before the show opened, was confirmed by many particulars of the script and endorsed by hearty audience laughter, regardless of Brougham's public demur. In fashioning his satire, Brougham demonstrated that he possessed copious knowledge and firm convictions about Fisk and his collaborators in Tammany, on Wall Street and in certain courts of New York City. He could count on many similarly informed and aroused spectators. But he could not have had foreknowledge that soon after the play opened, his satire would be further envenomed and audience responses nourished by a series of scorching newspaper stories and editorials. For Fisk and his friends, the mounting public concern and anger, accompanied by gusts of bitter laughter night after night in Fisk's own theatre, must have made Brougham's taunts increasingly galling. To make it worse for those lampooned, it was a time when newspapers across the country were denouncing "the unutterable and



ABOVE: "On to Washington!" is another critical Nast cartoon, this one concerning Boss Tweed and other prominent "workers" of the Tammany Ring promoting "Tammany" Governor Hoffman for president. Fisk is the lead Indian in Nast's adaptation of the "Trojan horse" episode. Note Fisk's modest headpiece which shows him to be a "colonel" and his generous "Erie" wampum belt. An enlarged version of this portrait of Fisk is found on page 87. (From Harper's Weekly, XV, June 17, 1871, 552.)

bottomless villainy of New York City."<sup>29</sup> Therefore, just a snippet of dialogue or song, a brief hint or allusion, might generate full derisive and thoughtful response in local citizens; might release a freshet of thoughts and emotions associated with a satiric comment. A few examples of Brougham's inventiveness will serve to reveal the full satiric texture of the burlesque.

About three minutes after the opening, Lorenzo, to abet his elopement with Jessica, speaks of bribing Launcelot, Shylock's scrawny servant. But Bassanio cautions him:

LORENZO:	(Taking out purse.) For his assistance
	greenbacks will I pay.
BASSANIO:	You're green, my youthful friend; that's not
	the way.
	To tender open bribery's all stuff;
	To tender consciences it's rather rough.
	Like an old lobby agent use your pile,
	And pass your bills in legislative style.
	(my italics)

This brief sharp comment would vividly revive for many spectators the wary trip to Albany of Jay Gould, President of Erie Railway, in the spring of 1868. There he devotedly gave himself to the devious "task of cultivating a thorough understanding between himself and the members of the legislature, "<sup>30</sup> in spite of dangling processes for contempt of court, and though encumbered by a whining sheriff's deputy. Aided considerably by a big bundle of Erie money, Gould succeeded in getting a bill passed by the legislature and signed by the Governor which "practically legalized" the controversial recent issues of convertible bonds by the Erie Railway. It was justly observed that passage of the bill was tantamount "to legalizing counterfeit money."<sup>31</sup> But control of the Erie Railway was thus consolidated in the ready hands of Fisk and Gould. The sordid essence of the episode was revivified four days after Brougham's play opened by an editorial in the Times:

In other columns we give place this morning to Senator Hale's report on the alleged corruptions at Albany in connection with the railroad legislation of last Winter. Our readers will observe that while the report brings to light the startling fact that the sum of \$500,000 was surrepticiously withdrawn from the Treasurer of the Erie Railroad and expended, in sums varying from \$2,000 to \$100,000, further for the purpose of influencing legislation, none of this money could be traced to the pockets of any member of either house. It would be pleasant, could we infer from this amiable report the stern incorruptibility of our Albany legislators; but the uncharitable public will be likely to take a different view of the matter. 32

Audiences must have responded with bitterness to remembrance of the deeds, but doubtless enjoyed Brougham's jab at the miscreants involved.

In another satiric poke at political malfeasance, Brougham wrote this passage:

PORTIA:	There's another law, I know,
	Which says the man that carries such a knife,
	Is subject to imprisonment for life!
SHYLOCK:	For life; Oh! Oh! I'll ne'r escape from thence,
	In politics I have no influence.
	I'm sick, I'm sick; I pray you, sirs, be silent.
	Take all I have; I'll go to Blackwell's Island.
CROWD:	(Noisily.) Away with him! Turn him out!
SHYLOCK:	<u>I've no influence</u> ! (my italics)
lionan on Tunsday, March 22, identified Fish as Shylock and h	

If the audience on Tuesday, March 23, identified Fisk as Shylock and had read a certain editorial in the New York <u>Times</u> that day, "In politics I have no influence," became a stern mock, for the <u>Times</u> said:

The vast power and patronage of Tammany is known. . . . When the present managers of the Erie Company decided to usurp supreme power in the Corporation, they did so in concert with the Tammany ring. They resolved to invoke politics for the protection of usurpation and plunder. It was the most stupendous, the most corrupt, and the most dangerous combination of financial means and <u>political</u> influence ever made in this State or on this Continent.<sup>33</sup>

Such political satire explodes throughout the burlesque. But Brougham's gibing at corruption on the Stock Exchange also erupts frequently. Especially ironic are certain Shylock [Fisk?] speeches:

SHYLOCK: Many's the time, sir, when we've chanced to meet

He's treated me most shameful on the street. Told me that stocks were up when they were down;

Made me the laughing stock of all the town; Gave me nice points on which to try my luck, And laughed like Lucifer when I was stuck. . . .

And in another instance:

SHYLOCK: The earnings of a life; I little dreamed That all those pledges lost or unredeemed; The profits and the plunderings of years, That cost their owners cataracts of tears, And consequently full of joy to me, Should be expended on a jew desprit.

The response to such cynicism must be contemplated in terms of the actual experience of many people in Brougham's audience. From the Stock Exchange brokers had "poured into the streets shouting and gesticulating like madmen"<sup>34</sup> and thousands of citizens had been grievously hurt as a consequence of Fisk's "deviltry" in the stock market. The Times had vivified public opinion when it angrily stated that "a few daring, desperate, unprincipled speculators, without name or place in affairs of dignity and honor in New York . . . by craft and fraud . . . convert . . . printing presses into machines for manufacturing fraudulent stock, through which to cheat the public out of millions of money, to be used only in gigantic stockjobbing operations."<sup>35</sup> And Fisk, in particular, was sharply denounced: "The managers, or some of them, acquired sudden wealth, securing controlling influence in other corporations, purchased theatres and opera houses and palatial residences on Fifth Avenue, while, for the first time, dividends were not made on their preferred stock, and the floating debt of the company increased."<sup>36</sup> Audiences might relish and laugh at Shylock's ironic distress, but how would Fisk respond?



ABOVE: Thomas Nast depicts the violent protests when Boss Tweed brazenly espoused Governor Hoffman as a prospect for the presidency in this cartoon, "Baptism of Fire." Peter B. Sweeny, Tweed's Tammany "colleague," takes cover between Tweed's legs. Fat Jim Fisk, again attired as a colonel, hits the ground hard at lower right. (From <u>Harper's Weekly</u>, XV, April 22, 1871, 368.)

The corrupt Stock Exchange and Tammany politics were no better objects for satire than the baleful avarice of the Tammany-controlled judiciary of New York City. In the robes of the "Chief Justice" of Brougham's burlesque many people doubtless saw "the highly obliging Judge George C. Barnard of the New York State Supreme Court (and of the Tweed ring)."<sup>37</sup> Although Judge Barnard gyrated in his allegiance, strangely attracted by the fattest bribe, he certainly was frequently on Fisk's payroll. Later he was impeached, "stripped of his judicial robes and forever disqualified from holding office in the state."<sup>38</sup> Perhaps Brougham's ridicule deserves some credit in stimulating the eventual act of justice.

At the beginning of the trial scene this speech occurs:

CHIEF JUSTICE: Shut up, you Jurymen, while I enlarge

Upon your duties, which my lucid charge Will teach you to discharge. In the first place,

You needn't pay attention to the case,

The Court will take that trouble off your hands. . . .

And secondly, although the City's name,

Is somewhat tainted with a kind of shame --

Corruption reigns enough to make a man sick

In all pursuits, except forensic. . . .

The Court will do the summing up, you know;

The road she points, you'll have to go

And give your verdict, as she gives the cue. A little later this exchange takes place:

CHIEF JUSTICE: What mercy do you hope for showing none? SHYLOCK: Well, that's my business; I won't bait a jot! <u>Can I buy justice in this Court, or not</u>? (my italics)

Again, the pique of Fisk, his Tammany cronies, and, in particular, Judge Barnard, was doubtless intensified by such direct ridicule. And certainly the satiric significance of such passages was reinforced for audiences through ample discussion of the subject in the newspapers. Under the heading of "The Erie Infamy," an editorial in the <u>Times</u> which featured the names of Fisk and Judge Barnard, had this comment:

It is not for us to say how judges shall decide nor what are the merits of questions before them, but we have a right to call on them to make it appear that judicial decisions are not bought and sold among us like cattle and sheep in the drove yards -- that audacious delinquents can not with impunity commit frauds month after month within the very shades of our halls of justice, that outrage every sense of honor and decency throughout the civilized world. <sup>39</sup>

As a reply, Judge Barnard in his charge to the Grand Jury asserted that "if a man or a newspaper editor will sit down deliberately and make a charge without any proof, let us see whether the rigor and the terror of the law will not stop this thing in future." He enjoined the Grand Jury to investigate and "say whether a combination of thieves, scoundrels and rascals, who have infested Wall-Street and Broad-Street for years, and now quarreling among themselves, shall be permitted to turn around and endeavor to hide their own tracks by abuse and villification of the Judge."<sup>43</sup> The <u>Times</u> dutifully printed Judge Barnard's diatribe, then editorially urged the Grand Jury to take "precisely such action as the Judge deems necessary to repair his damaged usefulness and infuse a saluatory terror into the newspaper Press." The writer could not resist adding: "Whether Judge Barnard will insist upon having the case tried before himself alone, we do not know; but we venture to hope, but with many misgivings, that he will not issue an injunction forbidding any other Capitol judge to have anything to do with it."<sup>41</sup>

Thus the various streams of satire that gush through the antic action of Brougham's burlesque were fed by the pulsing emotions and attitudes and events of the moment. In a parody of Portia's "mercy" speech in Act III, the streams merged:

PORTIA:

The quality of mercy is so strained In this, our day, and all our prisons drained By legislative pardons, that our city Will need, I fear, a Vigilance Committee To stem the current of outrageous crime That leaves blood marks upon the banks of time.

Guilt, from immunity, more daring grows, And the red hand still undetected goes. Rumor is rife that men in high position Are not like Caesar's wife -- above suspicion. Justice withdraws the bandage from her eyes And sees upon which side the balance lies. While this is thus no eloquence can reach her.

The severity of the trial episode is unrelieved by song or dance. Thus the burlesque loses some of its early gaiety, ends solemn and bitter, in spite of Brougham's attempt to finish on a conciliatory note by having Shylock say in the final couplet:

But though my tribulations are not small,

Pardon my faults and I'll forget them all.

In retrospect, Brougham's burlesque throughout is seen to be heavily freighted with fresh criticism of many contemporary conditions, for he once said: "It is the province of the dramatist to show society its errors, regardless of private prejudice or public animadversion." $^{42}$  It is true that he conjoined the castigation of wrong with antic songs, with jokes and pantomimic foolery. Yet, in his own way, Brougham was as courageous as the newspapers were in their open and righteous abuse of the creeping evils of The scope and the sting of social criticism in Brougham's burthe time. lesque perhaps even warrants calling it a drama of social protest."<sup>43</sup> And Brougham willingly paid the price for including Fisk in his mockery. In a "tyrannical and brutal manner," Fisk took back his theatre. Fisk thought he could thus stop the hateful laughter. As for Brougham, he said that he "wished the principal good night, and went away, sustaining a loss of upwards of twenty thousand dollars."<sup>44</sup> But the laughter didn't stop -- for long.

## Much Ado about John Brougham and Jim Fisk

On the Sunday after the closing, a great congregation of Brougham's friends gave him a complimentary dinner at the Astor House where they planned a "superb" benefit performance for Brougham which later, in May, helped recoup his losses. And two days before that benefit, Brougham began romping again as Shylock in a starring engagement at Mrs. Conway's Park Theatre in Brooklyn. There Fisk could have heard audiences laugh at He might have heard laughter, indeed, all the way across the him again. country on Brougham's starring tour to San Francisco and back again; even intermittently back in the East through 1871. But 1872 had scarcely begun when Jim Fisk was dead -- shot down on January 6, by his ex-friend, "exquisite" Ned Stokes, fancy man of Fisk's rapacious ex-mistress, Josie Thomas Nast's cartoon, an acrid comment on the Tammany Mansfield. Ring's reaction to Fisk's demise, showed Boss Tweed, Jay Gould and David Dudley Field (Tammany lawyer) mourning smugly over Fisk's grave. The caption: "Dead Men Tell No Tales."<sup>45</sup> But we still have Brougham's fable.

-- Indiana University



Footnotes:

- <sup>1</sup> New York <u>Times</u>, January 26, 1869, 5.
- <sup>2</sup> Laurence Hutton, <u>Plays and Players</u> (New York, 1875), 78.
- <sup>3</sup> New York Times, January 26, 1869, 5.

<sup>4</sup> Brander Matthews and Laurence Hutton, <u>Kean and Booth and Their</u> <u>Contemporaries</u>, Volume IV in <u>Actors and Actresses of Great Britain and</u> <u>the United States</u> (New York, 1896), 283.

<sup>5</sup> Hutton, 50.

<sup>6</sup> W. A. Swanberg, Jim Fisk: The Career of an Improbable Rascal (New York, 1959), 179.

<sup>7</sup> <u>Ibid</u>., 4-5.

<sup>8</sup> Matthew Josephson, <u>The Robber Barons</u> (New York, 1934), 134-135.

<sup>9</sup> Swanberg, 4-5.

<sup>10</sup> <u>Ibid</u>., 179.

<sup>11</sup> <u>Ibid.</u>, 4-5.

12 New York Times, December 30, 1868, 4.

<sup>13</sup> George C. D. Odell, <u>Annals of the New York Stage</u> (New York, 1927-1949), VIII, 23.

<sup>14</sup> William Winter, "Recollections and Relics," <u>Life</u>, <u>Stories</u> and <u>Poems of John Brougham</u> (Boston, 1881), 121-122.

<sup>15</sup> Odell, 428. Odell possessed a copy of the original contract.

<sup>16</sup> John Brougham, <u>Much Ado about a Merchant of Venice</u>: <u>From the</u> <u>Original Text - a Long Way</u> (New York, c. 1869). In <u>French's Minor Drama</u>, No. 308. All excerpts quoted are from this edition of the play.

<sup>17</sup> Winter, 121.

18 New York Times, January 26, 1869, 5.

<sup>19</sup> New York Times, February 4, 1869, 7.

<sup>20</sup> Joseph Ireland, <u>Records of the New York Stage</u>: <u>From 1750 to 1860</u> (New York, 1866-67), II, 646.

<sup>21</sup> New York <u>Times</u>, March 2, 1869, 7.

22 Odell, VIII, 430.

23 Swanberg, 179-180.

<sup>24</sup> New York Times, March 7, 1869, 5.

<sup>25</sup> New York Times, March 10 (Wednesday), 1869, 5.

26 Winter, 121.

<sup>27</sup> Ibid.

<sup>28</sup> New York Times, March 9, 1869, 4.

29 New York Times, December 3, 1868, 4.

<sup>30</sup> Charles F. Adams, Jr., and Henry Adams, <u>Chapters of Erie</u>, and <u>Other Essays</u> (Boston, 1871), 51.

31 Ibid., 54.

 $\frac{32}{\text{New}}$  York Times, March 12 (Friday), 1869, 4.

<sup>33</sup> New York Times, March 23, 1869, 4. Italics are mine.

<sup>34</sup> Josephson, 126.

<sup>35</sup> New York Times, November 23, 1868, 4.

<sup>36</sup> New York <u>Times</u>, March 23, 1869, 4.

<sup>37</sup> Josephson, 125.

<sup>38</sup> Swanberg, 293.

<sup>39</sup> New York <u>Times</u>, November 23, 1868, 4.

40 New York Times, November 24, 1868, 8.

41 Ibid., 4.

42 John Brougham, "The Argument," <u>The Great Revival</u> (New York, c. 1858).

43 This is a pilot investigation. Social criticism is prominent in a number of Brougham's most popular and widely-presented burlesques and extravaganzas. Therefore, a future study has been planned which will present additional evidence that there was a drama of social criticism on the American stage long before the 1930's.

44 John Brougham, "A Talk about the Past," <u>Life</u>, <u>Stories</u> and <u>Poems</u> of John Brougham, 77.

45 Josephson, 157. See Nast's cartoon in <u>Harper's Weekly</u>, XIII, October 16, 1869, 669. (See also cover.)

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