

PROCESSIONS IN THE STREETS.

ther, and assumes that he could not be lawfully taken under shelter against his will, still less prevented from leaving his house. We do not think that this is so clear as the judges appear to consider it. No doubt English law has the highest respect for private judgment and individual rights, and generally forbids no act which is not unlawful in itself. But there are some cases in which the principle has been made subservient to the rights of the public. For instance, it is in itself a lawful act for a shopkeeper to make his shop window as attractive as he can, and yet a shopkeeper who attracts a crowd outside his window can be convicted of causing an obstruction (*Rex v. Carlile*, 6 C. & P. 637). In these cases the intention is immaterial, as decided in *Hall's case* (1 Ventris, 169), in which the exhibition of acrobats, apparently in private ground at Charing Cross, was pronounced illegal, as it drew a disorderly crowd. Some forty years ago, a confectioner in Regent Street had a pretty daughter, and crowds collected outside the shop to see her, creating so great an obstruction that the girl's father was obliged to take her out of the shop. It would seem strange to indict a man for having a pretty daughter; but if the effect of putting her in a shop in public view is to cause a block in the street, it is quite in accordance with sound principles of public duty to make those who place her there amenable to the law. Before Northumberland House gave place to the present Avenue, two men, by way of bringing a bet to the test, stood gazing at the lion, which used to stand over the front of the house. The consequence was that an immense crowd collected in Trafalgar Square, and, in all possibility, an indictable offence was committed. In deference to the same principle the figures of Gog and Magog, which use to appear and strike the hours in front of a clockmaker's shop in Cheapside, have been silenced.

The class of cases, of which these are instances, are tolerably familiar. Whether or not the principle of them applies to processions in the street likely to arouse opposition, requires, we think, at least grave consideration. If an act, innocent in itself, becomes illegal because its natural consequence is to obstruct the public street, is it legal to do an act having a riot as its natural consequence? If the freedom from obstruction of the streets is an object which may be attained at the expense of forbidding an innocent act, is not the maintenance of the public peace, a *for-*

tiori, such an object? It may be answered that the law never has been applied in this way; but the question remains whether the principles of the law does not necessarily include this application. There is a further question whether processions are in themselves a lawful use of the streets. If they are not, those who take part in them may lawfully be prevented from so doing. It is clear that the object of the defendant in *Beatty v. Gillbanks* was purely and simply to take part in a demonstration. It was not even a procession from one place to another. The "Army" with band of music, flags, and banners, started from their hall and returned again to the hall. The object was to beat up recruits. Whether this is a lawful use of the streets deserves discussion. It is true that the Army did not stand still in the street. If it had done so, doubtless an unlawful act would have been committed. If it walked in procession from one place of meeting to another, probably the streets would be lawfully used notwithstanding the flags and the band of music. But is it a lawful use of the streets to march through the principle thoroughfares of a town, and march back again to the same place? Do the objects with which the streets are dedicated to the public include this use? These are questions, amongst others, which appear involved in the present discussion; but which have hardly as yet received adequate treatment in the Courts. The decision, it is true, is in the healthy direction of individual liberty; but traditional principles of English law are apt sometimes to be pedantically applied, and to place the general rights of the public out of their true perspective.—*Law Journal*.