

The Legal News.

VOL. IX. FEBRUARY 27, 1886. No. 9.

In *De Freece v. Rosa*, Judge Collier, in the Liverpool County Court, has held that the proprietor of a theatre may exclude any one he pleases, without being obliged to give any reason. The plaintiff paid a shilling for admission to the pit of the Royal Court Theatre, Liverpool, but on presenting his ticket at the inner door, he was refused admission. He brought an action claiming the shilling, and also two guineas damages. (It may be remarked parenthetically that ideas as to damages in England appear to be extremely modest. Had Mr. de Freece been subjected to such an indignity in Montreal his lawyer would have claimed on his behalf at least two thousand guineas.) The defendant tendered the shilling which had been paid, with another shilling as damages. The facts elicited at the trial were that Mr. de Freece, who is a "dramatic agent," had formerly been on the "free list" of the theatre, but having made himself obnoxious by talking too loudly in the passage at the back of the dress circle, the privilege was withdrawn, and he was informed that the check-takers had been instructed to refuse him admission. It was after this that he purchased the ticket and was not permitted to enter, as above stated. The judge gave judgment for the defendant, with costs, remarking that it was for the public interest that the proprietors of theatres should be able to exclude any one without giving any reason.

In Mr. Justice Stephen's observations on the prisoner's right to make a statement (*ante*, p. 62) his lordship referred to the case of John Frost, as a case of treason in which the prisoner had been invited to speak. What took place on that occasion appears in Townsend's *State Trials*, vol. 1, p. 71. After

the conclusion of the speech for the defence of Mr. Kelly (who followed Sir F. Pollock), Lord Chief Justice Tindal said:—"John Frost, now is the proper time for you to be heard if you wish to address anything to the gentlemen of the jury beyond what your learned counsel have said. You will not be allowed to be heard after the Solicitor-General has closed the case on the part of the prosecution." John Frost: "My lord, I am so well satisfied with what my counsel have said that I decline saying anything upon this occasion." Thereupon the Solicitor-General replied on behalf of the Crown.

The esteemed correspondent referred to on p. 49 has returned to the charge, and says that the publication of holdings in advance of the regular reports is useless. That may be true; yet to show how great minds differ upon apparently simple matters we may refer to the course pursued by the Law Society of Ontario, the proprietors of the Ontario reports. Although every lawyer there is compelled to take the regular reports, even where five or six or more are associated in one firm, yet the Law Society has been paying a considerable subsidy to the *Law Journal* for thirty years past, for the publication of the head notes in advance, and if we are not very greatly mistaken, it is now subsidizing both the *Law Journal* and the *Law Times* for the publication of the head notes to the same cases in each journal. This shows at least that there is room for difference of opinion upon the point. We do not propose to discuss it further. What we venture to urge strongly upon our country readers is that they should do something to rescue the valuable decisions of the rural districts from the oblivion which has fallen upon them in the past. No one can gainsay that since the country judges have commenced to lend their aid to the overworked judges of the city, they have acquitted themselves well. Their decisions in their own districts are often equally worthy of preservation, and if each of our readers in the country would, in the course of a year, contribute a note of at least one case in which he has been specially interested, it would work very much to the advantage of all.