THE LAW

OF

PUBLIC ENTERTAINMENTS

THEATRES, MUSIC AND DANCING, STAGE PLAYS, CINEMATOGRAPHS, COPYRIGHT, SUNDAY PERFORMANCES, CHILDREN, THEATRICAL CASES AND SPECIMEN CONTRACTS

BY

ALFRED TOWERS SETTLE

Of the Middle Temple and the Northern Circuit, Barrister-at-Law
Joint Author of "Theatres," in "Laws of England,"

AND

FRANK H. BABER

Of the Inner Temple and the Oxford Circuit, Barrister-at-Law

PALE LAW LIBRARY

LONDON:

SWEET & MAXWELL, LTD.

3 CHANCERY LANE, W.C.

TORONTO:

THE CARSWELL CO., LTD.

19 DUNCAN STREET

SYDNEY, N.S.W.:

LAW BOOK CO. OF AUSTRALASIA, LTD.

80 ELIZABETH STREET

1915

Sc 783
1915

THE EASTERN PRESS, LIMITED, LONDON AND READING.

Lucas on Maxwell
7e. 6d. + post.

CONTENTS.

	PAGE
THEATRES ACT, 1843	1
DISORDERLY HOUSES ACT, 1751	16
MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894 . .	27
METROPOLIS MANAGEMENT AND BUILDING ACT AMENDMENT ACT, 1878	31
PUBLIC HEALTH ACTS AMENDMENT ACT, 1890	39
PUBLIC HEALTH ACTS AMENDMENT ACT, 1907	45
BATHS AND WASHHOUSES ACT, 1899	46
THEATRE LICENCES FOR MUSIC HALLS	47
SUNDAY OBSERVANCE ACT, 1781	48
SUNDAY OBSERVANCE PROSECUTION ACT, 1871	53
REMISSION OF PENALTIES ACT, 1875	55
COPYRIGHT IN DRAMATIC AND MUSICAL WORKS	55
COPYRIGHT ACT, 1911	57
CINEMATOGRAPH ACT, 1909	89
CHILDREN'S DANGEROUS PERFORMANCES ACT, 1879 . . .	97
DANGEROUS PERFORMANCES ACT, 1897	99
PREVENTION OF CRUELTY TO CHILDREN ACT, 1904 . . .	100
CHILDREN ACT, 1908	111
CASES ON THEATRICAL CONTRACT, &c.:	
CUSTOMS AND USAGES	113
ILLEGALITY; UNLICENSED THEATRE	114
CONTRACTS OF PERSONAL SERVICE; DEATH OF ONE PARTY .	115
DEATH OF MEMBER OF A TROUPE	115
RISK TO LIFE	116
ASSIGNMENT	116
ENGAGEMENT; OPENING THE PART	116
INADEQUACY OF ACTOR	116
ILLNESS	117
MEANING OF "ACTOR"	117
UNDERSTUDY	117
EXCLUSIVE ENGAGEMENT	118
INJUNCTIONS	119
COLOURABLE IMITATION	119
CONDITION PRECEDENT	119
BILL-MATTER	120
REHEARSALS	120

CASES ON THEATRICAL CONTRACT, &c. (*continued*)— PAGE

SALARY 120
PERIOD OF ENGAGEMENT; TOUR 121
RULES AND REGULATIONS 122
DESTRUCTION OR CLOSING OF THEATRE. IMPOSSIBILITY . 122
AGENTS' COMMISSION; FUTURE ENGAGEMENTS . . . 123
LIQUIDATED DAMAGES 123
FINES 123
LIABILITY OF THIRD PARTIES 124
CONTRACTS WITH INFANTS 124
RIGHTS OF THE PUBLIC. APPLAUSE; HISSES 125
PURCHASE OF A TICKET 125
SAFETY OF AUDIENCE 125
A QUEUE 126
RIGHT TO ADMISSION; LEASE 126

APPENDIX.

SPECIMEN CONTRACT 128
MUSIC HALLS AWARD, 1913 130
METROPOLITAN POLICE ACT, 1839 139
PUBLIC ENTERTAINMENTS ACT, 1875 140
REMISSION OF PENALTIES ACT, 1859 141
REFRESHMENT HOUSES ACT, 1860 142
METROPOLITAN BOARD OF WORKS (VARIOUS POWERS) ACT, 1882 . 142
LOCAL GOVERNMENT ACT, 1888 145
ARMY (ANNUAL) ACT, 1889 148
UNIFORMS ACT, 1894 149
SHOPS ACT, 1911 149
REGULATIONS OF LORD CHAMBERLAIN AS TO THEATRES . . . 149
FORM OF MANAGER'S BOND AND LORD CHAMBERLAIN'S LICENCE . 152
LORD CHAMBERLAIN'S REGULATIONS UNDER CINEMATOGRAPH ACT, 1909 154
L.C.C. REGULATIONS FOR MUSIC, DANCING, AND STAGE PLAY LICENCES 159
L.C.C. RULES FOR LICENSED PREMISES 164
L.C.C. REGULATIONS FOR PROTECTION OF THEATRES &C. FROM FIRE 169
L.C.C. REGULATIONS UNDER METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT ACT, 1878 181
L.C.C. REGULATIONS RESPECTING USE OF LIMELIGHT . . . 192

TABLE OF CASES.

A.

	PAGE
Airey *v.* Smith, (1907) 2 K.B. 273; 76 L. J. K.B. 766; 96 L. T. 691; 71 J. P. 285; 5 L. G. R. 713; 23 T. L. R. 447	93
Allman *v.* Hardcastle, (1903) 89 L. T. 553; 67 J. P. 440; 2 L. G. R. 13; 20 Cox C.C. 567	21, 92
Apothecaries Co. *v.* Jones, (1893) 1 Q.B. 89; 5 R. 101; 67 L. T. 667; 41 W. R. 267; 17 Cox C.C. 588; 57 J. P. 56	26
Appleby *v.* Myers, (1867) L. R. 2 C.P. 651; 36 L. J. C.P. 331; 16 L. T. 669	122
Archer *v.* Willingrice, (1802) 4 Esp. 185; 6 R. R. 851	18
Arnold v. Stratton, (1898) 14 T. L. R. 537	121
Astley *v.* Weldon, (1806) 2 B. & P. 346; 5 R. R. 618	123
Attorney-General *v.* Shoreditch Corporation, (1915) W. N. 184	47
——— *v.* W. H. Smith & Son, Lim., (1910) 103 L. T. 96; 74 J. P. 313; 8 L. G. R. 679; 26 T. L. R. 482	126
——— *v.* Vitagraph Co., Lim., (1915) 1 Ch. 206; 84 L. J. Ch. 142; 13 L. G. R. 148; 31 T. L. R. 70; 59 S. J. 160	89
——— *v.* Walthamstow U.D.C., (1910) 1 Ch. 347; 79 L. J. Ch. 267; 102 L. T. 64; 74 J. P. 147; 54 S. J. 306; 26 T. L. R. 261	47
Auckland and Bonnetti *v.* Collins, (1898) 14 T. L. R. 348	123, 126
Avery *v.* Wood, (1891) 3 Ch. 115	26

B.

Barber *v.* Penley, (1893) 2 Ch. 477; 62 L. J. Ch. 623; 68 L. T. 662	126
Barrasford *v.* MacNaghten, (1910) *Times*, July 15, 16, 30; Dec. 17	121, 124
Barrett *v.* Johnson, (1836) 2 J. Ex. Ir. 197	50
Bartlett *v.* Vinor, (1720) Carth. 252	114
Baxter *v.* Langley, (1868) L. R. 4 C.P. 21; 38 L. J. M.C. 1; 19 L. T. 321; 17 W. R. 254	50
Bellis *v.* Beale, (1797) 2 Esp. 592	17, 19
——— *v.* Burghall, (1798) 2 Esp. 722	18
Bettini *v.* Gye, (1876) 1 Q.B. D. 183; 45 L. J. Q.B. 209; 34 L. T. 246; 24 W. R. 551	117, 120
Blow *v.* Lewis, (1902) 19 T. L. R. 127	122
Boast *v.* Firth, (1868) L. R. 4 C.P. 1; 38 L. J. C.P. 1; 19 L. T. 264; 17 W. R. 29	117
Bohn *v.* Bryne, (1846) 10 Jur. 420	61
Bonell *v.* Twickenham L.B., (1887) 20 Q.B. D. 63; 57 L. J. M.C. 1; 58 L. T. 299; 36 W. R. 50; 52 J. P. 356	34
Branwell *v.* Halcomb, (1836) 3 My. & Cro. 738	58, 59
Brearley *v.* Morley, (1899) 2 Q.B. 121; 68 L. J. Q.B. 722; 63 J. P. 582; 47 W. R. 574; 80 L. T. 801; 15 T. L. R. 292	19

PAGE

Broemel v. Myer, (1913) 29 T. L. R. 148; 57 S. J. 145 . . . 58
Brown v. Nugent, (1871) L. R. 6 Q.B. 693; affirmed (1872) L. R. 7 Q.B. 566; 41 L. J. M.C. 166; 26 L. T. 880; 20 W. R. 989 . 20
Bruce v. McManus, (1915) W. N. 170 92

C.

Caird v. Syme, (1887) 12 App. Cas. 326; 57 L. J. P.C. 2; 57 L. T. 634; 36 W. R. 199 61
Calcroft v. West, (1845) 2 Jo. & Lat. 123; 8 Ir. Eq. R. 74 . . 4
Chandler v. Webster, (1904) 1 K.B. 493; 73 L. J. K.B. 401; 52 W. R. 290; 90 L. T. 217; 20 T. L. R. 222 122
Chappel & Co. v. Columbia Gramophone Co., (1914) 2 Ch. 245 . 61
——— v. Harrison, (1910) 103 L. T. 594; 75 J. P. 20; 27 T. L. R. 85 114
Charnock v. Merchant, (1900) 1 Q.B. 474 105
Chatterton v. Cave, (1878) 3 App. Cas. 483; 47 L. J. C.P. 545; 38 L. T. 397; 26 W. R. 498 . . . . . 58, 61
Chepstow Electric Light Co., Lim. v. Chepstow Gas &c. Co., Lim., (1905) 1 K.B. 198 93
Clarke v. Searle, (1792) 1 Esp. 25 19
——— v. Rice, (1818) 1 B. & Ald. 694; 19 R. R. 422 . . 23, 118
Clements v. L. & N. W. Rly. Co., (1894) 2 Q.B. 482; 9 R. 223; 42 W. R. 338; 58 J. P. 816 124
Clifford v. Brandon, (1810) 2 Camp. 358; 11 R. R. 731 . . . 125
Cole v. Coulton, (1860) 2 E. & E. 695; 29 L. J. M.C. 125; 6 Jur. N.S. 698; 2 L. T. 216; 8 W. R. 412 3
Coleman v. Foster, (1856) 1 H. & N. 37; 4 W. R. 489 . . . 126
Corelli v. Gray, (1913) 30 T. L. R. 116 61
Corn v. Matthews, (1893) 1 Q.B. D. 310; 62 L. J. M.C. 61; 4 R. 240; 68 L. T. 480; 41 W. R. 261; 57 J. P. 407 . . 124
Cotton v. Sounes, (1902) 18 T. L. R. 456 113
Cowan v. Milburn, (1867) L. R. 2 Ex. 230; 36 L. J. Ex. 124; 16 L. T. 290; 15 W. R. 750 114
Cox v. Coulson, (1915) *Times*, April 17 125
Croft v. Lumley, (1858) 6 H.L. Cas. 672; 27 L. J. Q.B. 321; 4 Jur. N.S. 903; 6 W. R. 523 126
Cuckson v. Stones, (1858) 28 L. J. Q.B. 25; 1 E. & E. 248; 5 Jur. N.S. 337; 7 W. R. 134 117
Cutter v. Powell, (1794) 6 T. R. 320 121

D.

D'Almaine v. Boosey, (1835) Y. & C. Ex. 288 58
Dauney v. Chatterton, (1875) 45 L. J. C.P. 293; 33 L. T. 628 125, 126
Davenport v. Farraday, (1912) *Times*, Nov. 15; (1913) *Times*, April 25 121
Davis v. Forman, (1894) 3 Ch. 654; 64 L. J. Ch. 187; 8 R. 725; 43 W. R. 168 118
Davys v. Douglas, (1859) 4 H. & N. 180; 28 L. J. M.C. 193; 7 W. R. 327 . . . . . 8, 11, 14
Day v. Simpson, (1865) 18 C.B. (N.S.) 680; 34 L. J. M.C. 149; 11 Jur. N.S. 487; 12 L. T. 386; 13 W. R. 748 . . 16, 20
De Begnis v. Armistead, (1833) 10 Bing. 107; 3 M. & Scott 511; 2 L. J. C.P. 214 114

PAGE

De Francesco *v.* Barnum, (1890) 45 Ch. D. 430; 60 L. J. Ch. 63; 63 L. T. 438; 39 W. R. 5 124
Dodd *v.* Pearson, (1911) 2 K.B. 383; 80 L. J. K.B. 927; 105 L. T. 108; 75 J. P. 343; 27 T. L. R. 376; 22 Cox C.C. 528; 9 L. G. R. 646 92
Duck *v.* Bates, (1884) 13 Q.E. D. 487; 53 L. J. Q.B. 338; 50 L. T. 778; 32 W. R. 813; 48 J. P. 501 61
Duncan *v.* Dowding, (1897) 1 Q.B. 575; 66 L. J. Q.B. 362; 76 L. T. 294; 45 W. R. 383; 18 Cox C.C. 527; 61 J. P. 280 . 93
——— *v.* Toms, (1887) 56 L. J. M.C. 81; 56 L. T. 719; 35 W. R. 667; 16 Cox C.C. 267; 51 J. P. 631 92

E.

Edwardes *v.* Haines (De Sousa), (1912) *Times*, April 27 . . 119
Elen *v.* London Music Hall, Lim., (1906) *Times*, June 1 . . 120
Ellis *v.* North Metropolitan Theatres, (1915) 2 K.B. 61; 31 T. L. R. 201 91
Erskine, *In re*, (1893) 10 T. L. R. 32; 38 S. J. 144 . . . 95
Ewing *v.* Osbaldistone, (1837) 3 My. & Cro. 53; 6 L. J. Ch. 161; 1 Jur. 50 114

F.

Fay *v.* Bignell, (1883) 1 Cab. & El. 112 19
Farndale *v.* Bainbridge, (1898) 42 Sol. J. 192 44
Fechter *v.* Montgomery, (1863) 33 Beav. 22 . . . . 116, 118
Fenning Film Service, Lim. *v.* Wolverhampton, Walsall & District Cinemas, Lim., (1914) 3 K.B. 1171; 83 L. J. K.B. . . . 59
Flight *v.* Glossop, (1835) 2 Bing. N.S. 125 126
Frailing *v.* Messenger, (1867) 31 J. P. 423; 16 L. T. 494 . 18, 19
Fredericks *v.* Howie, (1862) 1 H. & C. 381; 31 L. J. M.C. 249; 8 Jur. N.S. 750; 6 L. T. 544; 10 W. R. 796 3, 17
——— *v.* Payne, (1862) 32 L. J. M.C. 14; 1 H. & C. 584; 8 Jur. N.S. 1109; 7 L. T. 329; 11 W. R. 36 . . . 3, 10, 13

G.

Gadd *v.* Thompson, (1911) 1 K.B. 304; 80 L. J. K.B. 272; 103 L. T. 836; 27 T. L. R. 113; 55 S. J. 156 124
Gaiety Theatre Co. *v.* Loftus, (1893) *Times*, Aug. 11 . . . 119
Gallini *v.* Labone, (1793) 5 Term R. 242 . . . . 17, 22, 114
Gambart *v.* Ball, (1863) 14 C. B. (N.S.) 306; 32 L. J. C.P. 166; 9 Jur. N.S. 1059; 8 L. T. 426; 11 W. R. 699 . . . 15
Garland *v.* Ahrbeck, (1888) 5 T. L. R. 91 23
Garrett *v.* Messenger, (1867) L. R. 2 C.P. 583; 36 L. J. C.P. 337; 16 L. T. 414; 15 W. R. 164; 10 Cox C.C. 498 . . 18, 26
Giebler *v.* Manning, (1906) 1 K.B. 709; 75 L. J. K.B. 463; 70 J. P. 181; 54 W. R. 527; 94 L. T. 580; 22 T. L. R. 416; 4 L. G. R. 561; 21 Cox C.C. 160 92
Gilbert *v.* Workman, (1910) *Times*, Jan. 19 59
Girdlestone *v.* Brighton Aquarium Co., (1879) 4 Ex. D. 107; 48 L. J. Ex. 373; 40 L. T. 473; 27 W. R. 523 . . . 50

PAGE
Glinsinetti *v.* Rickards, (1907) *Times*, Jan. 26 115
Golders Green Amusement &c. Lim. *v.* Ralph, (1915) 31 T. L. R. 343 123
Graddon *v*, Price, (1827) 2 C.P. 610; 31 R. R. 704 . . 114, 122
Grant *v.* Maddox, (1846) 15 M. & W. 737; 16 L. J. Ex. 227 113, 121
Graves *v.* Legg, (1854) 9 Ex. 709; 2 C. L. R. 1266; 23 L. J. Ex. 228 120
Gray *v.* Oxford, Lim., (1905) 21 T. L. R. 664; (1906) 22 T. L. R. 684 115
Green *v.* Botheroyd, (1828) 3 C. & P. 471) 17, 18, 20
——— *v.* Thompson, (1899) 2 Q.B. 1; 68 L. J. Q.B. 719; 63 J. P. 486; 48 W. R. 31; 80 L. T. 691 124
Gregory *v.* Brunswick (Duke of), (1843) 1 C. & K. 24; 6 Maw. & G. 205; 2 H.L. Cas. 415 125
——— *v.* Travenor, (1833) 6 C. & P. 280 18
——— *v.* Tuffs, (1833) 6 C. & P. 271; 1 M. & Rob. 313 . 17, 22
Griffith *v.* Tower Publishing Co., (1897) 1 Ch. 21; 75 L. T. 330; 45 W. R. 73 116
Grimston *v.* Cunningham, (1893) 1 Q.B. 125 . . . . 116, 118

H.

Haines *v.* Busk, (1814) 5 Taunt. 521; 1 Marsh 191 . . . 115
Hall *v.* Green, (1854) 9 Ex. 247; 2 C. L. R. 427; 23 L. J. M.C. 15 19
Hall *v.* Smallpiece, (1890) 59 L. J. M.C. 97; 54 J. P. 710 . . 95
Hall *v.* Wright, (1859) 29 L. J. Q.B. 43; E. B. & E. 746 . . 116
Hardie *v.* Balmain, (1902) 18 T. L. R. 539 123
Harley *v.* Henderson, (1884) *Times*, Feb. 19. 117
Harmer *v.* Cornelius, (1858) 5 C.B. (N.S.) 236; 28 L. J. C.P. 85; 4 Jur. N.S. 1110; 6 W. R. 749 117
Harrington, *Ex parte*, (1888) 4 T. L. R. 435 5
Harrison's Case, (1777) 1 Leach, 180 21
Harvey *v.* Tivoli (Manchester), Lim., (1907) 23 T. L. R. 592 . . 115
Haufstaengl *v.* Empire Palace Co., (1895) A.C. 20 . . . 59
Helling *v.* Lumley, (1858) 3 De G. & J. 493; 28 L. J. Ch. 249; 5 Jur. N.S. 301; 7 W. R. 152 . . . . . 115, 126
Hoffman *v.* Bond, (1875) 40 J. P. 5; 32 L. T. 775 45
Hole *v.* Bradbury, (1879) 12 Ch. D. 886; 48 L. J. Ch. 673; 41 L. T. 153, 250; 28 W. R. 39 116
Hornsey Local Board *v.* Davis, (1893) 1 Q.B. 756 34
Hospital for Paralysed and Epileptic, *In re*, (1913) *Times*, Oct. 11 93, 95
Howell *v.* Coupland, (1876) 1 Q.B. D. 258; 46 L. J. Q.B. 147; 33 L. T. 832; 24 W. R. 470 122
Howes *v.* Inland Revenue Commissioners, (1877) 1 Ex. D 385; 46 L. J. M.C. 15; 35 L. T. 584; 24 W. R. 897; 41 J. P. 423 142
Huish *v.* Liverpool Justice, (1914) 1 K.B. 109; 83 L. J. K.B. 133; 110 L. T. 38; 78 J. P. 45; 30 T. L. R. 25; 58 S. J. 83; 12 L. G. R. 15 94
Hurst *v.* Picture Palaces, Lim., (1915) 1 K.B. 1; 83 L. J. K.B. 1837; 30 T. L. R. 642; 58 S. J. 739; 111 L. T. 972 . 125, 126

I.

Irvine *v.* Reddish, (1882) 5 B. & A. 796 26

J.

	PAGE
Jaeger's Sanitary Woollen Co. *v.* Walker, (1897) 77 L. T. 180 .	116
James *v.* Newington Justices, (1900) 64 J. P. 489 . . .	90
Jamieson *v.* Trevelyan, (1855) 10 Ex. 748	26
Jay *v.* New Bedford Palace, Lim., (1910) *Times*, June 30 . .	125

K.

Karno *v.* Pathé Frères, Lim., (1908) 100 L. T. 260; 58 S. J. 228; 25 T. L. R. 242, C.A.	58
Kellaway *v.* Macdougall, (1881) 45 J. P. 207	142
Kelly *v.* London Pavilion, Lim., (1897) 77 L. T. 215 . .	118, 119
——— *v.* New Tivoli, Lim., (1897) 77 L. T. 215 . . .	118, 119
——— *v.* Oxford, Lim., (1897) 77 L. T. 215	118, 119
Kemble *v.* Keen, (1826) 6 Sim. 333	118
——— *v.* Farren, (1829) 6 Bing. 141; 3 M. & P. 425; 7 L. J. (o.s.) C.P. 258	123
Kimberley *v.* Jennings, (1836) 6 Sim. 340; 5 L. J. Ch. 115 . .	118
Kirschner *v.* Gruban, (1909) 1 Ch. 413; 78 L. J. Ch. 117; 99 L. T. 932	118
Kitson *v.* Ashe, (1899) 1 Q.B. 425; 68 L. J. Q.B. 286; 63 J. P. 325; 80 L. T. 323; 15 T. L. R. 172; 19 Cox C.C. 257 . . .	3
Kruse *v.* Johnson, (1898) 2 Q.B. 91	92

L.

Lacy *v.* Osbaldiston, (1837) 8 Car. & P. 80	114
Langton *v.* Hughes, (1813) 1 M. & S. 593	114
Leader *v.* Moody, (1875) L. R. 20 Eq. 145; 32 L. T. 422 .	115, 126
Leary *v.* Patrick, (1850) 15 Q.B. 266; 19 L. J. M.C. 211; 14 Jur. 932	4, 14
Leeson *v.* General Council Medical Education, (1890) 43 Ch. D. 379; 59 L. J. Ch. 233; 61 L. T. 849	6
Lennox *v.* Curzon, (1906) 22 T. L. R. 532	123
Leicester (Corporation of) *v.* Brown, (1892) 62 L. J. M.C. 22; 67 L. T. 686; 57 J. P. 70	95
Levy *v.* Yates, (1838) 8 N. & P. Q.B. 249; 8 A. & E. 129; 7 L. J. Q.B. 188	5
Lewis *v.* Arnold, (1830) 4 C. & P. 354; L. J. M.C. 68; L. R. 10 Q.B. 245; 32 L. T. 553	125
Loftus *v.* Roberts, (1902) 18 T. L. R. 532	120
L.C.C. *v.* Bermondsey Bioscope Co., (1911) 1 K.B. 449; 80 L. J. K.B. 141; 103 L. T. 760; 75 J. P. 53 . . .	89, 91
——— *v.* Humphreys, Lim., (1894) 2 Q.B. 755; 71 L. T. 201; 58 J. P. 734	95
London Music Hall *v.* Austin, (1908) *Times*, Dec. 16 . . .	122
London Theatre of Varieties *v.* Evans, (1914) 80 T. L. R. 258; 31 T. L. R. 75	61, 116, 119
Lumley *v.* Gye, (1853) E. & B. 216; 22 L. J. Q.B. 463; 17 Jur. 827	124
——— *v.* Wagner, (1852) 1 De G. M. & G. 604; 21 L. J. Ch. 898; 16 Jur. 871	118
Lyons, Son & Co. *v.* Gulliver, (1913) 83 L. J. Ch. 281; 1 Ch. 631; 110 L. T. 284; 29 T. L. R. 428; 78 J. P. 98	126

M.

PAGE

Malone *v.* Harris, (1859) 11 Ir. Ch. R. 33 126
——— *v.* Lingard, (1898) 42 S. J. 193 . . . . 4, 19, 126
Manchester Palace of Varieties *v.* Manchester Corpn., (1898) 62 J. P. 425 . . . . . 9, 20
Maplesou *v.* Bentham, (1871) 20 W. R. 177 121
——— *v.* Sears, Moss Empire Garnishees, (1911) 105 L. T. 639; 56 S. J. 54; 28 T. L. R. 30 121
Marks *v.* Benjamin, (1839) 2 M. & Rob. 225 18
McVittie *v.* Oldham (Chief Constable of), (1914) J. P. N. 582 . 93
Metropolitan Board of Works *v.* Anthony & Co., (1885) 54 L. J. M.C. 39; 33 W. R. 166; 49 J. P. 229 93
Mitchell *v.* Cockburne, (1792) H. Bk. 379 114
Montague *v.* Flocton, (1873) L. R. 16 Eq. 189; 42 L. J. Ch. 677; 28 L. T. 580; 21 W. R. 668 . . . . . 118, 121
Monro [professionally Hale] *v.* Hicks, (1909) *Times*, June 9, 10; (1909) *Times*, Nov. 27 . . . . . 119, 121
Morris *v.* Colman, (1812) 18 Ves. 437; 11 R. R. 230 . . 118, 119
Muir *v.* Keay, (1876) 40 J. P. 694; L. R. 10 Q.B. 594; 44 L. J. M.C. 143; 23 W. R. 700 142

N.

Newman *v.* Gatti, (1907) 24 T. L. R. 18 117
Nicholl & Knight *v.* Ashton, Eldridge & Co., (1901) 2 K.B. 126; 70 L. J. K.B. 600; 49 W. R. 513; 84 L. T. 804; 17 T. L. R. 467; 6 Com. Cas. 151 123
Nordenfelt *v.* Maxim Nordenfelt Co., (1894) A.C. 535; 63 L. J. Ch. 908; 11 R. 1; 71 L. T. 489 118

O.

O'Reilly, *Ex parte*, (1790) 1 Ves. 112 4

P.

Palace Theatre Co. *v.* Clensy and Hackney &c. Palaces, Lim., (1909) 26 T. L. R. 28 119
Parsons *v.* Chapman, (1831) 5 C. & P. 33; 7 T. R. 659 . . 10
Patrick *v.* Wood, (1905) 8 F. (S. C.) 4; 4 Adam, 648 . . . 44
Peddell *v.* Kiddle, (1798) 7 T. R. 659 26
Phillips *v.* Alhambra Palace Co., (1911) 1 K.B. 59 . . . 115
Potter *v.* Watt, (1914) 84 L. J. K.B. 398; 31 T. L. R. 84 . . 92
Poussard *v.* Spiers & Pond, (1876) 1 Q.B. D. 410; 45 L. J. Q.B. 621; 34 L. T. 572; 24 W. R. 819 . . . . . 117, 120

Q.

Quaglieni *v.* Matthews, (1865) 6 B. & S. 474 19
Quinn *v.* Leatham, (1901) A.C. 495; 70 L. J. P.C. 76; 65 J. P. 708; 50 W. R. 139; 85 L. T. 289; 17 T. L. R. 749 . . 124, 125

R.

	PAGE
Rees *v.* Melville, (1914) *Times*, Sept. 25	61
Reichardt *v.* Sapte, (1893) 2 Q.B. 308	58
Reid *v.* Wilson, (1895) 1 Q.B. 315; 64 L. J. M.C. 60; 71 L. T. 739; 59 J. P. 516	50
Renard *v.* Carl Rosa Opera Co., (1906) *Times*, Feb. 15	120
Reynolds *v.* Bridge, (1857) 6 E. & B. 540; 26 L. J. Q.B. 12; 4 W. R. 640	123
Rex *v.* Adamson, (1876) 1 Q.B. D. 201	6
—— *v.* Barrett, (1862) L. & C. 263	18
—— *v.* Camden Theatre, (1908) 72 J. P. 318	5, 20
—— *v.* Dharma, (1905) 2 K.B. 335; 74 L. J. K.B. 450; 92 L. T. 700; 69 J. P. 198; 21 T. L. R. 353	110
—— *v.* Dobbins, (1884) 48 J. P. 182	93
—— *v.* Halkett, (1910) 1 K.B. 50	54
—— *v.* Hallinan, (1909) 73 J. P. N. 458	19
—— *v.* Handy, (1795) 6 Term Rep. 286	15
—— *v.* Hannay, (1891) 2 Q.B. 709	36
—— *v.* Higginson, (1762) 2 Burr. 1232	26
—— *v.* Inland Revenue Commissioners, (1888) 21 Q.B. D. 569	21
—— *v.* L.C.C., *Ex parte* Akkersdyk, (1892) 1 Q.B. 190	6
—— *v.* —— Edwards, (1895) 71 L. T. 638	6
—— *v.* ——; *In re* Empire, Lim., (1894) 71 L. T. 638	6
—— *v.* —— Fermenia, (1892) 1 Q.B. 190	6
—— *v.* —— London & Provincial Electric Theatres, Lim., (1915) 31 T. L. R. 249; affirmed on appeal, 31 T. L. R. 329	92
—— *v.* Morrish, (1863) 32 L. J. M.C. 245	126
—— *v.* Neville, (1830) 1 B. & Ad. 489	20
—— *v.* Oldham Licensing Justices; *Ex parte* Mellor, (1909) 73 J. P. 390	44
—— *v.* Rand, (1866) L. R. 1 Q.B. 230	6
—— *v.* Rosenthal, (1865) L. R. 1 Q.B. 93; 30 J. P. 101	3, 8
—— *v.* St. Martin's-in-the-Fields (Inhabitants), 1842) 3 Q.B. 204	127
—— *v.* Sheerness U.D.C., (1898) 62 J. P. 563; 14 T. L. R. 533	9
—— *v.* Slade; *Ex parte* Saunders, (1895) 2 Q.B. 247	93
—— *v.* Stannard, (1863) 33 L. J. M.C. 61	18
—— *v.* Strugnell, (1865) L. R. 1 Q.B. 93; 30 J. P. 101	3
—— *v.* Sylvester, (1862) 26 J. P. 151	9
—— *v.* Tucker, (1877) 2 Q.B. D. 417; 46 L. J. M.C. 197; 36 L. T. 478; 25 W. R. 697; 13 Cox C.C. 600	19
—— *v.* Viasani, (1866) 30 J. P. 758	107
—— *v.* Wallace, (1797) 1 East P.C. 186	54
—— *v.* Wisbeach Justices, (1890) 54 J. P. 743	105
—— *v.* Wolfe, (1849) 13 J. P. 428	20
—— *v.* Yorkshire (W.R.) C.C., (1896) 2 Q.B. 386	9, 20, 92
Richards, *Ex parte*, (1904) 68 J. P. 536	9
Roberts *v.* Gray, (1912) 57 S. J. 143	124
Robey *v.* Arnold, (1898) 14 T. L. R. 220, 537	121
Robinson *v.* Davison, (1871) L. R. 6 Eq. 269; 24 L. T. 755; 19 W. R. 1036	116, 117
Robson *v.* Drummond, (1831) 2 B. & Ad. 303; 9 L. J. (o.s.) K.B. 187	115
Rodwell *v.* Ridge, (1824) 1 C. & P. 220	114
Royal Albert Hall *v.* L.C.C., (1911) 27 T. L. R. 362	4
Royal Aquarium &c. *v.* Parkinson, (1892) 1 Q.B. 431; (1892) 1 Q.B. 431; 61 L. J. Q.B. 409; 66 L. T. 513; 56 J. P. 404	6
Russell *v.* Notcutt, (1896) 12 T. L. R. 195	120

S.

PAGE

St. James' Hall Co. *v.* L.C.C., (1901) 2 K.B. 251; 70 L. J. K.B. 610; 84 L. T. 568 34
St. Leonard's (Shoreditch), Guardians of, *v.* Franklin, (1878) 3 C.P. D. 377 21
Sales *v.* Crispi, (1913) 29 T. L. R. 491 . . . . . .
Scott *v.* Howard, (1881) 6 App. Cas. 285 126
—— *v.* Lennox, (1906) 22 T. L. R. 611 123
—— *v.* MacNaughton, (1908) Times, Nov. 25 115
Sharpe *v.* Wakefield, (1891) A.C. 173; 60 L. J. M.C. 73; 64 L. T. 180; 55 J. P. 197 20
Shears *v.* Mendeloff, (1914) 30 T. L. R. 342 124
Shelley *v.* Bethell, (1883) 12 Q.B. D. 11; 53 L. J. M.C. 16; 49 L. T. 779; 48 J. P. 244 8
Shutt *v.* Lewis, (1804) 5 Esp. 128; 8 R. R. 140 18
South Wales Miners' Federation *v.* Glamorgan Coal Co., (1905) A.C. 239; 74 L. J. K.B. 525; 53 W. R. 593; 92 L. T. 710; 21 T. L. R. 441 124
Spiers *v.* Brown, (1858) 6 W. R. 352 58
Stevens *v.* Benning, (1855) 6 De G. M. & G. 223; 3 Eq. Rep. 457; 24 L. J. Ch. 153; 1 Jur. N.S. 74 116
Sutton Cinema Theatres, Lim., *In re*, (1911) 75 J. P. N. 245 . 90
Syers *v.* Conquest, (1873) 37 J. P. 342; 28 L. T. 442; 21 W. R. 524 18

T.

Tarling *v.* Fredericks, (1873) 28 L. T. 814; 21 W. R. 785 . . 10
Tasker *v.* Shephard, (1861) 6 H. & N. 575; 30 L. J. Ex. 207; 4 L. T. 19; 9 W. R. 476 115
Taylor *v.* Caldwell, (1863) 3 B. & S. 826; 32 L. J. Q.B. 164; 8 L. T. 356 . . . . . 117, 122
—— *v.* Oram, (1863) 27 J. P. 8; H. & C. 370; 31 L. J. M.C. 252; 7 L. T. 68; 10 W. R. 800 142
—— *v.* Waters, (1816) 2 Marsh, 551; 5 M. & S. 103 . . . 126
Terry *v.* Brighton Aquarium Co., (1875) 10 Q.B. 306; 44 L. J. M.C. 173; 32 L. T. 458 50
—— [professionally Vesta Victoria] *v.* Moss's Empire, (1914) *Times*, Dec. 10 114
Theatre de Luxe (Halifax) *v.* Gledhill, (1915) 2 K.B. 49 . . . 91
Thomas *v.* Gatti, Lim., and Frohman, (1906) *Times*, Feb. 2 . . 117
Thorne *v.* Colson, (1861) 25 J. P. 101 16
—— *v.* St. Clair, (1861) 25 J. P. 101 16
Thorpe *v.* Priestnall, (1897) 1 Q.B. 159 54
Tivoli (Manchester), Lim. *v.* Colley and others, (1904) 52 W. R. 632; 20 T. L. R. 437 118
Tuck *v.* Priester, (1887) 19 Q.B. D. 629; 56 L. J. Q.B. 553; 36 W. R. 93; 52 J. P. 213 58

V.

Victoria Pier (Folkestone) Synd., Lim. *v.* Reeve, (1912) 28 T. L. R. 443; 76 J. P. 374 89

W.

	PAGE
Wade *v.* Robert Arthur Theatre Co., (1907) 24 T. L. R. 77	121
——— *v.* Waldron, (1909) S. C. 571	120
Wallis *v.* Smith, (1882) 21 Ch. D. 243; 47 L. T. 389	123
Warner *v.* Brighton Aquarium Co., (1874) 10 Ex. 291; 44 L. J. M.C. 175, n.	50
Waugh *v.* Morris, (1873) L. R. 8 Q.B. 202; 42 L. J. Q.B. 57; 28 L. T. 265; 21 W. R. 438	115
Weavers Co. *v.* Forrest, (1746) 2 Str. 1240	21
Webster *v.* Dillon, (1857) 3 Jur. N.S. 432; 5 W. R. 867	118
Welsh and wife *v.* Canterbury and Paragon, Lim., (1894) 10 T. L. R. 478	126
White *v.* Henderson, (1885) 2 T. L. R. 119	116
Whitwood Chemical Co. *v.* Hardman, (1891) 2 Ch. 416; 60 L. J. Ch. 428; 64 L. T. 716; 39 W. R. 433	118, 121
Wigan *v.* Strange, (1865) L. R. 1 C.P. 175; 35 L. J. M.C. 31; 12 Jur. N.S. 9; 13 L. T. 371; 14 W. R. 103	15
Wigglesworth *v.* Dallinson, (1779) 1 S. L. C., 11th ed., 545; 1 Dougl. 207	113
Wilkins *v.* Aikin, (1810) 17 Ves. 422; 11 R. R. 118	58
Williams *v.* Wright, (1897) 13 T. L. R. 551	50
Willson *v.* Love, (1896) 1 Q.B. 626; 65 L. J. Q.B. 474; 74 L. T. 580; 44 W. R. 450	123
Winter German Opera, Lim., *In re*, (1908) 23 T. L. R. 662	117
Wood *v.* Leadbitter, (1845) 13 M. & W. 838; 14 L. J. Ex. 161; 9 Jur. 187	125, 127
Worthington *v.* Kyne, (1905) 3 L. G. R. 1098; 93 L. T. 546; 69 J. P. 390; 54 W. R. 185	92
Wyatt *v.* Phipps, (1896) 40 Sol. J. 781	121

Z.

Zamco *v.* Hammerstein, (1913) 29 T. L. R. 217	116

PREFATORY NOTE.

I.

From Plantagenet times players have been regarded as persons of doubtful moral character and influence. From the fourteenth to the eighteenth century they were generally branded as rogues and vagabonds in legislative enactments, and frequently exercised their arts at the risk of severe punishment, even mutilation. Common players acting without the licence of two Justices at least were liable to brutal and degrading punishment. James the First granted a licence under the Privy Seal to certain dramatists which graciously conferred a recognition of comparative respectability upon them. It suggests that a Royal licence was required to make them respectable, although the King and Queen frequently performed in masques at Court. The licence directed Justices and Mayors within and without all boroughs and cities to suffer and permit them to play "for the recreation of our loving subjects." "Know ye that we have licensed and authorised these our servants, Lawrence Fletcher, William Shakespeare, Richard Burbage and the rest of their associates freely to use and exercise the art and faculty of playing comedies, tragedies, histories, interludes, morals, pastorals, stage plays and such like. . . ."

With the Puritan period came the almost total suppression of all plays and the destruction of playhouses. The punishment meted out to players was savage, and even the audience incurred penalties.

When theatrical entertainments were revived after the Restoration the irregularities of the stage became so grave and, notwithstanding the efforts of the Lord Chamberlain, became

so uncontrollable that it was at length thought expedient to include all common players of interludes in THE VAGRANT ACT (12 Anne, st. 2, c. 25). The evil, however, still prevailed. The increased number of theatres in which the players acted without legal authority, and the loose and scandalous nature of the plays, compelled legislation to control places of entertainment. In 1737 the Act 10 Geo. 2. c. 28, to explain and amend 12 Anne, st. 2, c. 23, was passed, imposing penalties for acting without patent from the King or licence from the Lord Chamberlain, requiring all plays to be submitted to the Lord Chamberlain, and empowering him to forbid the performance of any dramatic entertainment.

The preamble to THE DISORDERLY HOUSES ACT, 1751—"An Act for the better preventing Thefts and Robberies and for regulating Places of Public Entertainment and punishing Persons keeping Disorderly Houses,"—continues: "And whereas the Multitude of Places of Entertainment . . . as they are thereby tempted to Spend their small substance in Rioutous pleasure . . . and to Correct as far as may be the habit of Idleness which is become too general over the whole Kingdom . . ." indicates the way in which places of entertainment were regarded by the Legislature.

Although players no longer require an individual licence, the licence has been transferred from the player to the place of entertainment and the play. All places where public performances are given have to be licensed under either the Acts relating to Theatres, Music, and Dancing, or Cinematographs. The individual player is not now regarded as being necessarily vicious, nor the performance of a play as being inherently dangerous to public morals—*pace* the censorship of the Lord Chamberlain—and partaking of evil influences akin to heresy and sedition.

Under the statutes dealt with in this book all plays, players, places of public entertainment, and the public frequenting them are regulated, and substantial penalties imposed for failure to comply with either the terms of the statutes or the regulations made by the Lord Chamberlain and the licensing authorities. Practically all the law relating

to public entertainments is referred to herein. The latest decisions under THE CINEMATOGRAPH ACT—some of which are very far-reaching in respect to licensing—have been collected for the first time, and will, it is hoped, be found useful to the large number of people interested in the law relating to licences under that Act.

II.

The difficulty of understanding the law governing places of public entertainment is gravely increased by the bad drafting of the statutes. For instance, THE THEATRES ACT contains no definition of a theatre, nor is there any definition of a cinematograph in THE CINEMATOGRAPH ACT.

During the last few years THE CINEMATOGRAPH ACT has been responsible for more legal decisions than any of the Acts dealt with in this book. The course of those decisions is very interesting. In the early cases it was seriously argued that the power of the licensing authority to impose conditions was confined to conditions relating to the safety of the audience. Gradually the Courts have broken down the barriers until to-day it is *intra vires* and reasonable for a licensing authority to enquire into the political allegiance of members of the limited company seeking a licence.

The Courts have felt the necessity for giving licensing authorities dealing with cinematograph theatres power to protect public morals and public comfort at least as strong as exists in the case of music halls.

Can it be that the Legislature gave this power from the commencement, and that the Courts failed to grasp it?

THE CINEMATOGRAPH ACT was passed in the year 1909. Before that date the majority, if not all, cinematograph entertainments were given in music halls, which required a music and dancing licence. That being so, there was no additional danger other than a danger from fire as far as the *place* was concerned.

The danger from fire was a new and additional danger, and was provided against by this Act.

The preamble speaks of the Act as being to make *better* provision for securing safety at cinematograph and other exhibitions.

The use of the word "better" seems to indicate pre-existing provisions, most of which are to be found in Acts dealing with the grant of music licences.

The use of the phrase "provision for securing safety" seems to indicate that the Legislature considered the provisions which existed were sufficient for the preservation of public order and decency, but that the introduction of inflammable films required further and better powers for securing safety.

Unless the Legislature meant THE CINEMATOGRAPH ACT to confer additional powers on licensing authorities the word "better" is meaningless.

It is generally conceded that a cinematograph licence is not needed where non-flammable films are used. This means that if a cinematograph theatre only requires a cinematograph licence, and only requires that when using inflammable films, the danger to public morals that may arise from entertainments controlled by alien enemy shareholders becomes either non-existent or unprovided against in the event of the alien enemy using non-flammable films.

If the Legislature intended to allow places of public entertainment using non-flammable films to be conducted without any licence or any supervision from licensing authorities, it was a complete diversion from all recent tendencies and a reversion to pre-Elizabethan practice.

By its preamble THE DISORDERLY HOUSES ACT, 1751, says that it is directed towards suppressing and regulating "the multitude of places of entertainment for the lower sort of people," because they induce riotous spending, thefts, idleness, mischief, and inconvenience.

A cinematograph theatre, although it uses non-flammable films, may be a place of entertainment, and is as likely to produce mischief and inconvenience as a concert room.

The place requiring a licence under THE DISORDERLY HOUSES ACT (and other similar Acts) is any "house room or other place kept for public dancing music or other entertainment of the like kind." Perhaps the crux is whether the phrase "of the

like kind" refers to dancing and music or to a "house kept for public dancing or other entertainment."

In this context it is instructive to note that under *all* the Acts granting music licences the earliest hour for opening is indicated, and an inscription must be put up outside the licensed building. THE CINEMATOGRAPH ACT does not contain any such provision. This would seem to be an extraordinary relaxation if it is the only licence required, but easily understandable if it is not.

Temple: May, 1915.

THE LAW

OF

PUBLIC ENTERTAINMENTS.

THEATRES ACT, 1843.

(6 & 7 Vict. c. 68.) (*a*)

An Act for Regulating Theatres.

WHEREAS it is expedient that the Laws now in force for regulating Theatres and Theatrical Performances be repealed, and other Provisions be enacted in their Stead: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Third Year of the Reign of King *James* the First, intituled *An Act to restrain the Abuses of Players*; and so much of an Act passed in the Tenth Year of the Reign of King *George* the Second for the more effectual preventing the unlawful playing of Interludes within the Precincts of the Two Universities in that Part of *Great Britain* called *England*, and the Places adjacent, as is now in force; and another Act passed in the Tenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen* Anne, *intituled 'An Act for reducing the Laws 'relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants 'into One Act of Parliament, and for the more effectual*

'*punishing such Rogues, Vagabonds, Sturdy Beggars, and* '*Vagrants, and sending them whither they ought to be sent,*' *as relates to common Players of Interludes*; and another Act passed in the twenty-eighth year of King *George* the Third, entitled *An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained*, shall be repealed: Provided always, that any Licence now in force granted by the Lord Chamberlain, or granted by any Justices of the Peace under the Provisions of the last recited Act, shall continue in force for the Times for which the same were severally granted, or until revoked by the Authority for which they were severally granted.

(*a*) See also DISORDERLY HOUSES ACT (25 Geo. 2. c. 36), s. 4, *post*, p. 22.

A theatre is either (1) authorised by letters patent; (2) any house or other place of public resort within section 2, *post*; or (3) fair franchise, &c.

For theatres within fourteen miles of Oxford or Cambridge, see section 10, *post*, p. 10.

For sale of intoxicating liquors in theatres under Inland Revenue licence, see 5 & 6 Will. 4. c. 39 and LICENSING (CONSOLIDATION) ACT, 1910 (10 Edw. 7. & 1 Geo. 5. c. 24).

2. *All Theatres for the Performance of Plays must be Licensed.*]—And be it enacted, That it shall not be lawful for any Person (*b*) to have or keep (*c*) any House or other Place (*d*) of public Resort (*e*) in *Great Britain*, for the public Performance (*f*) of Stage Plays (*g*) without Authority by virtue of Letters Patent (*h*) from Her Majesty, Her Heirs and Successors, or predecessors, or without Licence from the Lord Chamberlain (*i*) of Her Majesty's Household for the Time being, or from the Justices of the Peace [now County Council or delegated authority] (*j*) as herein-after provided; and every Person who shall offend against this Enactment shall be liable to forfeit such Sum (*k*) as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Twenty Pounds for every Day on which such House or Place shall have been so kept open by him for the Purpose aforesaid, without legal Authority (*l*).

(*b*) "*Person.*"—See COPYRIGHT ACT, 1911, s. 2, note (*j*), *post*.

(*c*) "*have or keep.*"—Where an unlicensed public room is hired for six nights and public performances of stage plays held, though

money is taken at the door, the hirer cannot be convicted of "having or keeping" within section 2, but a conviction might be obtained under section 11, *post*, p. 10. *R.* v. *Rosenthal* and *R.* v. *Strugnell* (1865) L. R. 1 Q.B. 93—see section 7, note (*v*), *post*, p. 8.

Where for the benefit of a charity the owner or occupier of a building gratuitously allowed it to be used on three days for the performance of stage plays, to which the public was admitted on payment, he was rightly convicted of "having or keeping." *Shelley* v. *Bethell* (1883) 12 Q.B. D. 11, *per* Lord Coleridge, C.J.: "The point on which *R.* v. *Strugnell* (*supra*) turned was that the appellants were not the persons in permanent control of the room. Here the appellant is admitted not to have parted with possession of the buildings. The words are 'have or keep.' . . . One day only of such performances as are mentioned in the section entail the penalty thereby imposed." *Shelley* v. *Bethell* (*supra*).

For decisions on meaning of word "keep," see DISORDERLY HOUSES ACT, 1751, s. 2, note (*c*), p. 17.

(*d*) "*House or other Place.*"—No public performance of any stage play may be given in any "house or other place" unless licensed as a theatre. House includes private house—see *Shelley* v. *Bethell* (1883) 12 Q.B. D. 11 (*supra*). For penalties in respect of any performance in other than licensed places, see section 11, *post*, p. 10.

Section 2 deals with places; section 11 deals with persons; "section 11 is the necessary complement of section 2," *per* Bramwell, B., *Fredericks* v. *Payne* (1862) 32 L. J. M.C. 14. A booth-theatre which is taken to pieces and moved from place to place for theatrical performances is not a "house or other place" within section 2—*Davys* v. *Douglas*, 28 L. J. M.C. 193; 4 H. & N. 180; nor is it a "house room or other tenement" within the METROPOLITAN POLICE ACT (2 & 3 Vict. c. 47), s. 46, which see *post*, p. 139, *Fredericks* v. *Howie* (1862) 31 L. J. M.C. 249. See also DISORDERLY HOUSES ACT, 1751, s. 2, note (*b*), p. 17, and PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51 (1), note (*e*), p. 44.

For *fire regulations*, structural and other requirements in the Metropolis, see *post*, p. 168. In the provinces, see *post*.

For naval and military recreation rooms, see ARMY (ANNUAL) ACT, 1889, s. 7, *post*, p. 147.

(*e*) "*of public Resort.*"—Under a municipal by-law for the prevention of betting the test is whether or not the public does in fact resort thereto, *per* Lawrence, J., "The public do in fact go there, though, if the owner pleased, they could be turned off. . . . It does not matter who the owner is, or what his rights are, so long as the place is in fact resorted to by the public," *per* Channell, J., "As the owner of this piece of land does let the public go on to it and the public do go there, I think it comes within the words." *Kitson* v. *Ashe* (1899) 1 Q.B. 425. See also *Cole* v. *Coulton* (1860) 29 L. J. M.C. 125. See also DISORDERLY HOUSES ACT, 1751, s. 2, note (*d*), *post*, p. 19.

For places coming within the definition of "places of public resort" see PUBLIC HEALTH AMENDMENT ACT, 1890 (53 & 54 Vict. c. 59), ss. 36, 37, *post*, p. 40.

For the sale in a theatre of programmes, catalogues, and the like, see *post*, p. 148.

(*f*) "*public Performance.*"—Whether the performance is a public performance or not is a question of fact in each particular case. Whether a dinner or ball is public or private under the REVENUE ACT, 1863 (26 & 27 Vict. c. 33), s. 20, which deals with the grant of an occasional licence is a question of fact—*Maloney* v. *Lingard* (1898) 42 S. J. 193. See also DISORDERLY HOUSES ACT, 1751, s. 2, note (*d*), p. 19.

(*g*) "*Stage Plays.*"—See section 23, *post*, p. 15.

(*h*) "*Letters Patent.*"—Theatres authorised by letters patent from the Crown.

The grant of a charter from the Crown to a place of public entertainment does not necessarily authorise the production of stage plays —*Royal Albert Hall* v. *L.C.C.* (1911) 27 T. L. R. 362.

"Persons applying for a patent must make out a proper case for it; and I must know what the purpose of the patent is. I would not sign a patent which did not put the parties under some control, even though there should be no caveat against it. The accommodation of the public is the principal thing to be considered. . . . Even if the patents were in fee they would not stand if abused," *per* Lord Thurlow, L.C.—*Ex parte O'Reilly* (1790) 1 Ves. 112. See also *Calecroft* v. *West* (1845) 2 Jo. & Lat. 123.

(*i*) "*from the Lord Chamberlain.*"—See section 3, *infra*.

(*j*) "*Justices of the Peace* [*now County Council or delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 7, *post*, p. 145.

(*k*) "*such Sum.*"—For remission of penalties by Crown, see REMISSION OF PENALTIES ACT, *post*, p. 55.

(*l*) "*legal Authority.*"

For case of illegal detention see *Leary* v. *Patrick* (1850) 15 Q.B. 266.

3. *What Licences shall be Granted by the Lord Chamberlain.*]—And be it enacted, That the authority of the Lord Chamberlain for granting Licences (*m*) shall extend to all Theatres (not being Patent Theatres) within the Parliamentary Boundaries of the Cities of *London* and *Westminster*, and of the Boroughs of *Finsbury* and *Marylebone*, the *Tower Hamlets*, *Lambeth*, and *Southwark*, and also within those Places where Her Majesty, Her Heirs and Successors, shall, in their Royal Persons, occasionally reside: Provided always, that, except within the Cities and Boroughs aforesaid, and the Boroughs of *New Windsor* in the County of *Berks*, and *Brighthelmstone* (*n*) in the County of *Sussex*, Licences (*m*) for Theatres may (*o*) be granted by the Justices [now County Council or delegated authority] (*p*) as herein-after provided in those Places in which Her Majesty, Her Heirs and Successors, shall occasionally reside; but such Licences shall not be in force

during the Residence there of Her Majesty, Her Heirs and Successors; and during such Residence it shall not be lawful to open such Theatres as last aforesaid (not being Patent Theatres) (*q*) without the Licence of the Lord Chamberlain.

(*m*) "*Licences.*"—A licence under this Act is not a licence to keep a place for music and dancing or other entertainment of the like kind—*R.* v. *Camden Theatre* (1908) 72 J. P. 318.

A music and dancing licence is not sufficient for the production of stage plays—*Levy* v. *Yates* (1838) 3 Nev. & P. (Q.B.) 249; *Day* v. *Simpson* (1865) 18 C. B. (N.S.) 680.

For licences now granted by the Lord Chamberlain for stage plays in music halls, see p. 47.

(*n*) "*Brighthelmstone.*"—*i.e.* Brighton.

(*o*) "*may.*"—The Justices have a discretion in granting or refusing a licence, *per* Fry, L.J., *Ex parte Harrington* (1888) 4 T. L. R. 435—see section 5, *post*; see also DISORDERLY HOUSES ACT, 1751, s. 2, note (*i*), *post*, p. 20, and CINEMATOGRAPH ACT, 1909, s. 2, note, *post*, p. 91. "There is no legal duty on the magistrates to embody their reasons for refusing the license in a considered judgment. They are no more bound to give their reasons in such a case than a jury is bound to give their reasons for their verdict," *per* Stephen, J. —*Ex parte Harrington* (*supra*).

(*p*) "*Justices* [*now County Council or delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 7, *post*, p. 145.

(*q*) "*Patent Theatres.*"—See section 2, note (*h*), *ante*.

4. *Fee for Lord Chamberlain's Licence.*]—And be it enacted, That for every such Licence granted by the Lord Chamberlain a Fee, not exceeding Ten Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain.

5. *Licences may be granted by Justices.*]—And be it enacted, That the Justices of the Peace [now County Council or delegated authority] (*r*) within every County, Riding, Division, Liberty, Cinque Port, City, and Borough in *Great Britain* beyond the Limits of the Authority of the Lord Chamberlain, in which application shall have been made to them for any such licence as is herein-after mentioned, shall, within twenty-one Days next after such Application shall have been made to them in Writing signed by the Party making the same, and countersigned by at least Two Justices acting in and for the

Division within which the Property proposed to be licensed shall be situate, and delivered to the Clerk to the said Justices, hold a Special Session in the Division, District, or Place for which they usually act, for granting Licences to Houses for the Performance of Stage Plays, of the holding of which Session Seven Days Notice shall be given by their Clerk to each of the Justices acting within such Division, District, or Place; and every such Licence shall be given under the Hands and Seals of Four or more of the Justices assembled at such Special Session, and shall be signed and sealed in open Court, and afterwards shall be publicly read by the Clerk, with the Names of the Justices subscribing the same.

(r) "*Delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 7, *post*, p. 145. "There can be no doubt that the County Council in hearing an application for a licence were discharging a judicial duty. . . . What then is the bias which disqualifies?" It is explained in the judgment of Blackburn, J., in the case of *R.* v. *Rand* (1866) L. R. 1 Q.B. 230, that it must be a real bias. He said, "Wherever there is a real likelihood that the Judge would, from kindred or other cause, have a bias in favour of one of the parties it would be very wrong of him to act"; but "The mere possibility of a bias will not disqualify," *per* Charles, J., *R.* v. *London County Council; Ex parte Edwards* (1895) 71 L. T. 638—see also *R.* v. *Adamson* (1876) 1 Q.B. D. 201.

But *quære* whether rules *re* interest are identical for *primarily* administrative as for judicial bodies, *per* Wright, J., *R.* v. *L.C.C.; Ex parte Edwards* (*supra*).

Members of a county council must not appear by counsel to oppose applications and in the same matter sit as Judges—*R.* v. *London County Council; Ex parte Akkersdyk* (1892) 1 Q.B. 190; *R.* v. *L.C.C.; Ex parte Edwards* (*supra*); *Royal Aquarium and Summer &c. Garden Society* v. *Parkinson* (1892) 1 Q.B. 431.

"One of the principles which must guide a person in a judicial position is that he must not be both accuser and judge. The mere presence of a person who is an accuser and judge vitiates the decision of the tribunal," *per* Charles, J., *R.* v. *L.C.C.; Ex parte Edwards* (*supra*)—see also *Leeson* v. *General Council of Medical Education* (1890) 43 Ch. D. 379.

A meeting of a county council for the grant of licences is not a Court within the meaning of the rule giving absolute privilege to defamatory statements made in the course of proceedings before a Court—*Royal Aquarium and Summer and Winter Garden Society, Lim.* v. *Parkinson* (1892) 1 Q.B. 431.

A county council in deciding applications for licences is acting judicially, and is bound by the same principles as those which bind Justices when determining similar questions—*R.* v. *L.C.C.; Ex parte Akkersdyk* (*supra*); *Re Empire, Lim.*; *R.* v. *L.C.C.* (1894) 71 L. T. 638.

6. *Fee for Justices' Licence.*]—And be it enacted, That for every such Licence granted by the Justices [now County Council or delegated authority] (*s*) a Fee, not exceeding Five Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Justices [now County Council or delegated authority] (*s*) shall be paid to the Clerk of the said Justices [now County Council or delegated authority] (*s*).

(*s*) "*Delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888, s. 7, *post*, p. 145.

7. *To whom Licences shall be granted.*]—And be it enacted, That no such Licence for a Theatre shall be granted (*t*) by the Lord Chamberlain or Justices [now County Council or delegated authority] (*u*) to any Person except the actual and responsible Manager (*v*) for the Time being of the Theatre in respect of which the Licence shall be granted; and the Name and Place of Abode of such Manager shall be printed on every Play Bill announcing any Representation at such Theatre; and such Manager shall become bound (*w*) himself in such penal Sum as the Lord Chamberlain or Justices [now County Council or delegated authority] (*u*) shall require, being in no Case more than Five hundred Pounds, and Two sufficient Sureties, to be approved by the said Lord Chamberlain or Justices [now County Council or delegated authority] (*u*), each in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than One hundred Pounds, for the due Observance of the Rules (*x*) which shall be in force at any Time during the Currency of the Licence for the Regulation of such Theatre, and for securing Payment of the Penalties (*y*) which such Manager may be adjudged to pay for Breach of the said Rules, or any of the Provisions of this Act.

(*t*) "*Licence . . . granted.*"—The "licence for a theatre" is granted in respect of a "house or other place" (see section 2, *ante*), and is granted only to the actual and responsible manager. It cannot be granted either to a company of players or to a committee of shareholders.

For suspension of licence, see sections 8 and 9, *post*.

(*u*) "*Delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888, s. 7, *post*, p. 145.

(*v*) "*Manager.*"—Who is the actual and responsible manager is a question of fact for the licensing authority. "When the responsible manager has got a licence, he may employ any person to perform therein during the time the licence is to apply. It is a licence to the house, not to the individuals. It cannot be contended that a person who has no interest in it beyond the night's entertainment is a person in any sense within the description of a man who is to take out a licence for what shall be done in the house," *per* Lush, J.—*R.* v. *Rosenthal* (1865) L. R. 1 Q.B. 93.

(*w*) "*shall become bound.*"—For form of bond, see Appendix, *post*, p. 152.

(*x*) "*Rules.*"—See sections 8 and 9, *infra*.

(*y*) "*Penalties.*"—See sections 15, 19, 21, and 22, *post*.

8. *Rules for the Theatres under the Control of the Lord Chamberlain.*]—And be it enacted, That in case it shall appear to the Lord Chamberlain that any Riot (*z*) or Misbehaviour has taken place in any Theatre licensed by him, or in any Patent Theatre, it shall be lawful for him to suspend such Licence or to order such Patent Theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any Patent Theatre or any Theatre licensed by him shall be closed on such public Occasions as to the Lord Chamberlain shall seem fit; and while any such Licence shall be suspended, or any such Order shall be in force, the Theatre to which the same applies shall not be entitled to the Privilege of any Letters Patent or Licence, but shall be deemed an unlicensed House (*a*).

(*z*) "*Riot.*"—See "the Public," *post*, p. 125.

(*a*) "*unlicensed House.*"—Penalties for keeping open, see section 2, *ante*, p. 2; penalties for performing therein, see section 11, *post*, p. 10.

For proof of licence, see DISORDERLY HOUSES ACT, 1751, s. 2, note (*h*), p. 20.

9. *Rules for enforcing Order in the Theatres licensed by the Justices.*]—And be it enacted, That the said Justices of the Peace [now County Council or delegated authority] (*b*) at a Special Licensing Session or at some adjournment thereof, shall make suitable Rules (*c*) for ensuring Order and Decency at the several Theatres licensed by them within their Jurisdiction, and for regulating the Times during which they shall severally be allowed to be open, and from Time to Time, at another Special Session, of which Notice (*d*) shall be given as

aforesaid, may rescind or alter such Rules; and it shall be lawful for any One of Her Majesty's Principal Secretaries of State to rescind or alter any such Rules, and also to make such other Rules for the like Purpose, as to him shall seem fit; and a Copy of all Rules which shall be in force for the Time being shall be annexed to every such Licence; and in case any Riot (*e*) or Breach of the said Rules in any such Theatre shall be proved on Oath before any Two Justices usually acting in the Jurisdiction where such Theatre is situated, it shall be lawful for them to order that the same be closed for such Time as to the said Justices shall seem fit; and while such Order shall be in force the Theatre so ordered to be closed shall be deemed an unlicensed House.

(*b*) "*Delegated authority*]."—See LOCAL GOVERNMENT ACT, 1888, s. 7, *post*, p. 145.

(*c*) "*Rules.*"—For discretion of local authorities, see *post*, p. 91. A rule made under this section, that "no spirituous liquors wines ale porter cider perry or tobacco shall be sold or disposed of in the building," is not *ultra vires* as depriving the Excise authority of their discretion to grant a licence under the EXCISE ACT, 1835 (5 & 6 Will. 4. c. 39), s. 7; nor does it prevent the licensing authority from determining on the merits an application for a licence under the THEATRES ACT, 1843, s. 2, free of all restrictions, *per* Smith, L.J. "The case of *R.* v. *Sylvester*, 26 J. P. 151, has no application to this case, as there the Justices refused to hear any application unless the rules had been complied with"—*R.* v. *Sheerness Urban District Council* (1898) 62 J. P. 563—see *R.* v. *Sylvester* (1862) 26 J. P. 151.

A county council—see LOCAL GOVERNMENT ACT, 1888, ss. 7 and 28, *post*, p. 145—acting as the licensing authority for the performance of stage plays, may, in its discretion, attach to the grant of a licence for such performances a condition that the licensee shall not apply for a licence to sell beer, spirits, or wine on the premises of the theatre—*Manchester Palace of Varieties* v. *Manchester Corporation* (1898) 62 J. P. 425, which followed *R.* v. *Yorkshire, West Riding, C.C.* (1896) 2 Q.B. 386.

Under the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51, *post*, p. 42, Licensing Justices may attach to a music licence for a hall attached to a public house a condition that a charge shall be made for admission and that no portion of such charge shall be returned in the form of refreshment—*Ex parte Richards* (1904) 68 J. P. 536.

(*d*) "*Notice . . . aforesaid.*"—See section 5, *ante*, p. 5.

(*e*) "*Riot.*"—See "the Public," *post*, p. 125. Compare powers of Justices under Licensing (Consolidation) Act, 1910 (10 Edw. 7. and 1 Geo. 5. c. 24), s. 63.

10. ***Proviso for the Universities of Oxford and Cambridge.***] —Provided always, and be it enacted, That no such Licence shall be in force within the Precincts of either of the Universities of *Oxford* or *Cambridge*, or within Fourteen Miles of the City of *Oxford* or Town of *Cambridge*, without the Consent of the Chancellor or Vice Chancellor of each of the said Universities respectively; and that the Rules for the Management of any Theatre which shall be licensed with such Consent within the Limits aforesaid shall be subject to the Approval of the said Chancellor or Vice Chancellor respectively; and in case of the Breach of any of the said Rules, or of any Condition on which the Consent of the Chancellor or Vice Chancellor to grant any such Licence shall have been given, it shall be lawful for such Chancellor or Vice Chancellor respectively to annul the Licence, and thereupon such Licence shall become void.

11. ***Penalty on Persons performing in unlicensed Places.***]— And be it enacted, That every Person who for Hire (*f*) shall act or present, or cause (*g*), permit, or suffer to be acted or presented, any Part in any Stage Play (*h*), in any Place (*i*), not being a Patent Theatre or duly licensed as a Theatre, shall forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Ten Pounds for every Day on which he shall so offend.

(*f*) "*for Hire.*"—See section 16, note (*z*), *post*, p. 13.

(*g*) "*cause.*"—Where by a statute (repealed) a penalty was inflicted on persons performing or causing to be performed plays, proof that a person was the acting manager and that he paid the salary and dismissed one of the performers in a theatre, is sufficient proof that he "caused" the performances. If he caused the performances it is not material whether he did so as agent or otherwise—*Parsons* v. *Chapman* (1831) 5 C. & P. 33.

(*h*) "*Stage Play.*"—*i.e.* whether licensed or not. Acting stage plays before they are licensed or after licence has been disallowed, see section 15, *post*, p. 12.

For what is included in phrase "stage play," see section 23 and notes thereto, *post*, p. 15.

(*i*) "*Place.*"—The word "place" in this section does not mean "place requiring a licence," *per* Bramwell, B.—*Fredericks* v. *Payne* (1862) 32 L. J. M.C. 14.

"I take it that if a person acts for hire in a field, he would come within section 11," *per* Blackburn, J.—*Tarling* v. *Fredericks* (1873) 28 L. J. 814.

A booth used as a temporary and portable theatre is a "place" within this section though erected for the purpose of holding a

pleasure fair—*Fredericks* v. *Payne* (*supra*); *Tarling* v. *Fredericks* (*supra*).

Although to "have or keep" such a booth without a licence is not necessarily an offence under section 2, *ante*, p. 2—*Davys* v. *Douglas* (1859) 28 L. J. M.C. 193. See, however, proviso to section 23, *post*, p. 15.

12. *No new Plays or Additions to old ones to be acted until submitted to the Lord Chamberlain.*]—And be it enacted, That One Copy of every new Stage Play (*j*), and of every new Act, Scene, or other Part added to any old Stage Play, and of every new Prologue or Epilogue, and of every new Part added to an old Prologue or Epilogue intended to be produced and acted for Hire (*k*) at any Theatre (*l*) in *Great Britain*, shall be sent to the Lord Chamberlain of Her Majesty's Household for the Time being, Seven Days at least before the first acting or presenting thereof, with an account of the Theatre where and the Time when the same is intended to be first acted or presented, signed by the Master or Manager (*m*), or one of the Masters or Managers of such Theatre; and during the said Seven Days no person shall for hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain either before or after the expiration of the said period of Seven Days, shall disallow any Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, it shall not be lawful (*n*) for any Person to act or present the same, or cause the same to be acted or presented, contrary to such disallowance.

(*j*) "*Stage play.*"—For what is included in phrase "stage play" see section 23 and notes thereto, *post*.

For acting "stage plays" before they are licensed or after licence has been disallowed, see section 15, *post*.

(*k*) "*for Hire.*"—For definition, see section 16, *post*.

(*l*) "*Theatre.*"—For Lord Chamberlain's licence for plays in music halls, see *post*, p. 47.

(*m*) "*manager.*"—See section 7, *ante*.

(*n*) "*lawful.*"—For penalties, see section 15, *post*.

18. *Fees to be paid for Examination of Plays*, &c.]—And be it enacted, That it shall be lawful for the Lord Chamberlain to charge such Fees for the Examination of the Plays (*o*), Prologues and Epilogues, or Parts thereof, which shall be sent to him for Examination, as to him from Time to Time

shall seem fit, according to a Scale (*p*) which shall be fixed by him, such Fee not being in any Case more than Two Guineas, and such Fees shall be paid at the Time when such Plays, Prologues, and Epilogues, or Parts thereof, shall be sent to the Lord Chamberlain; and the said Period (*q*) of Seven Days shall not begin to run in any Case until the said Fee shall have been paid to the Lord Chamberlain, or to some Officer deputed by him to receive the same.

(*o*) "*Plays.*"—For what is included, see section 23, *post.*

(*p*) "*Scale.*"—At present the fee charged is one guinea for every play not exceeding two acts, and two guineas for every other play.

(*q*) "*said Period.*"—See section 12, *ante.*

14. *The Lord Chamberlain may forbid any Play.*]—And be it enacted, That it shall be lawful for the Lord Chamberlain for the Time being, whenever he shall be of opinion that it is fitting for the Preservation of Good Manners, Decorum, or of the public Peace so to do, to forbid (*r*) the acting or presenting any Stage Play (*s*), or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, anywhere in *Great Britain*, or in such Theatres as he shall specify, and either absolutely or for such Time as he shall think fit.

(*r*) "*forbid.*"—This section refers to stage plays. For authority over theatres under certain circumstances by Lord Chamberlain, see section 8, *ante*; by Justices, see section 9, *ante.*

(*s*) "*Stage Play.*"—For what is included in phrase "stage play," see section 23 and notes thereto, *post.*

15. *Penalty for acting Plays before they are allowed or after they have been disallowed.*]—And be it enacted, That every Person who for Hire (*t*) shall act or present, or cause to be acted or presented, any new Stage Play (*u*), or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, or any Part thereof, until the same shall have been allowed (*v*) by the Lord Chamberlain, or which shall have been disallowed by him, and also every Person who for hire shall act or present, or cause to be acted or presented (*w*), any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, contrary to such Prohibition (*v*) as aforesaid, shall for every such Offence forfeit such Sum as shall be awarded by

the Court in which or the Justices by whom he shall be convicted, not exceeding the Sum of Fifty Pounds; and every Licence (*x*) (in case there be any such) by or under which the Theatre was opened, in which such Offence shall have been committed, shall become absolutely void.

(*t*) "*for Hire.*"—See section 16, *post.*

(*u*) "*Stage Play.*"—For what is included in phrase "stage play," see section 23 and notes thereto, *post.*

(*v*) "*allowed,*" "*Prohibition.*"—See section 12, *ante.*

(*w*) "*present, or cause to be presented.*"—See section 11, *ante.*

(*x*) "*Licence.*"—See sections 2, 3, 5, and 7.

16. *What shall be Evidence of acting for Hire.*]—And be it enacted, That in every Case in which any Money or other Reward shall be taken or charged, directly or indirectly, or in which the Purchase of any Article is made a Condition for the Admission of any Person into any Theatre to see any Stage Play, and also in every Case in which any Stage Play shall be acted or presented in any House, Room, or Place in which distilled or fermented Exciseable Liquor shall be sold, every Actor (*y*) therein shall be deemed to be acting for Hire (*z*).

(*y*) "*Actor.*"—By this section every actor in the circumstances defined by section 16 "shall be deemed to be acting for hire" who acts in any theatre, licensed or unlicensed, in any stage play whether licensed or not. No offence is committed by an actor merely because he acts in a licensed stage play in a licensed theatre, even though that theatre is on premises where excisable liquor may be sold. Where the actor for hire, as defined by section 16, acts in an unlicensed stage play in a theatre whether licensed or not, the offence is committed under section 15, *ante.*

Where the actor for hire, as defined by section 16, acts in a licensed stage play in an unlicensed theatre, the offence is committed under section 11, *ante.*

(*z*) "*for Hire.*"—"The acting is for hire whether payment is made at the door or any other place," *per* Bramwell, B.—*Fredericks* v. *Payne* (1862) 32 L. J. M.C. 14.

17. *Proof of Licence in certain Cases to lie on the Party accused.*]—And be it enacted, That in any Proceedings to be instituted against any Person for having or keeping (*a*) an unlicensed Theatre (*b*), or for acting for Hire in an unlicensed Theatre, if it shall be proved that such Theatre is used for the public Performance of Stage Plays, the Burden of Proof (*c*)

that such Theatre is duly licensed or authorized shall lie on the Party accused, and until the contrary shall be proved such Theatre shall be taken to be unlicensed.

(*a*) "*having or keeping.*"—See section 2, *ante.*
(*b*) "*unlicensed Theatre.*"—See sections 2 and 11, *ante.*
(*c*) "*Burden of Proof.*"—For form of action, see section 19, *post.* See also DISORDERLY HOUSES ACT, 1751, s. 2, note (*h*), p. 20.

18. [Repealed by STATUTE LAW REVISION (No. 2) ACT, 1874.]

19. *Penalties how to be recoverable.*]—And be it enacted, That all the pecuniary Penalties imposed by this Act for Offences committed in *England* may be recovered in any of Her Majesty's Courts of Record at *Westminster*, and for Offences committed in *Scotland* by Action or summary Complaint before the Court of Session or Justiciary there, or for Offences committed in any Part of *Great Britain* in a summary Way before Two Justices of the Peace for any County, Riding, Division, Liberty, City, or Borough where any such Offence shall be committed (*d*).

(*d*) "*committed.*"—The remainder of this section was repealed by the SUMMARY JURISDICTION ACT, 1843 (47 & 48 Vict. c. 43), Sched.
For case of illegal detention of a person convicted under this Act, see *Leary* v. *Patrick* (1850) 15 Q.B. 266.

20. *Appeal.*]—And be it enacted, That it shall be lawful for any person who shall think himself aggrieved by any Order (*e*) of such justices of the peace to appeal therefrom to the next General or Quarter Session of the peace to be holden for the said County, Riding, Division, Liberty, City, or Borough, whose Order therein shall be final.

(*e*) "*any Order.*"—An appeal lies under the SUMMARY JURISDICTION ACT, 1857 (20 & 21 Vict. c. 43), where the Justices have dismissed the information or complaint—*Davys* v. *Douglas* (1859) 4 H. & N. 160.

21. *Appropriation of Penalties.*]—And be it enacted, That the said Penalties for any Offence against this Act shall be paid and applied in the first instance toward defraying the expenses

incurred by the Prosecutor, and the residue thereof (if any) shall be paid to the use of Her Majesty, Her Heirs and Successors.

22. *Limitation of Actions.*]—Provided always, That no Person shall be liable to be prosecuted for any Offence against this Act unless such prosecution shall be commenced within Six calendar Months after the Offence committed.

23. *Interpretation of Act.*]—That in this Act the word "Stage play" (*f*) shall be taken to include every Tragedy, Comedy, Farce, Opera, Burletta, Interlude, Melodrama, Pantomime, or other Entertainment of the Stage (*g*), or any Part thereof; Provided always that nothing herein contained shall be construed to apply to any Theatrical Representation in any Booth or Show which by the Justices of the Peace or other Persons having authority in that behalf, shall be allowed in any lawful Fair, Feast, or customary Meeting of the like kind.

(*f*) "*Stage play.*"—Whether a performance is a stage play or not "is entirely a question of degree and reduces itself to a question of fact," *per* Keating, J.—*Wigan* v. *Strange* (1865) L. R. 1 C.P. 175.

That a particular type of entertainment was unknown at the time of the passing of this Act does not affect the question whether the entertainment is a stage play or not—*Gambert* v. *Bull* (1863) 14 C. B. (N.S.) 306.

(*g*) "*or other Entertainment of the Stage.*"—The entertainment is one "of the stage" not "on" the stage. The phrase denotes the nature of the performance, not the place at which it is performed—*R.* v. *Handy* (1795) 6 Term Rep. 286; *Wigan* v. *Strange* (1865) L. R. 1 C.P. 175.

"These words—*i.e.* 'or other entertainment of the stage'—must be construed to mean entertainments of the stage such as those before expressed—*viz.* tragedy, comedy, farce, &c.—which are all of a dramatic character," *per* Willes, J.—*Wigan* v. *Strange* (1865) L. R. 1 C.P. 175.

Therefore "tumbling" was not an entertainment of the stage within the repealed statute 10 Geo. 2. c. 28—*R.* v. *Handy* (1795) 6 Term Rep. 286.

"No doubt a ballet representing a connected story by acting would properly be called an 'entertainment of the stage,' though not a word was spoken. On the other hand, mere dancing on the stage, without a story, would not," *per* Willes, J.—*Wigan* v. *Strange* (1865) L. R. 1 C.P. 175.

A dialogue in which two persons appear in different costumes and characters is a stage play or other "entertainment of the stage."

Thorne v. *Colson* (1861) 25 J. P. 101; *Thorne* v. *St. Clair* (1861) 25 J. P. 102, as is also the representation on the stage by means of minors of a dramatic performance performed off the stage—*Day* v. *Simpson* (1865) 18 C.B. (N.S.) 680.

24. That this Act shall extend only to Great Britain.

DISORDERLY HOUSES ACT, 1751. (*a*)

(25 GEO. 2. c. 36.)

1. [Repealed by STATUTE LAW REVISION ACT, 1867.]

2. *Unlicensed Places of public Entertainment deemed disorderly Houses.*]—And whereas the Multitude of Places of Entertainment for the lower Sort of People is another great Cause of Thefts and Robberies as they are thereby tempted to spend their small Substance in riotous Pleasures, and in consequence are put on unlawful Methods of supplying their Wants and renewing their Pleasures: In order, therefore, to prevent the said Temptation to Thefts and Robberies, and to correct as far as may be the Habit of Idleness which is become too general over the whole Kingdom, and is productive of much Mischief and Inconvenience: Be it enacted by the Authority aforesaid, That from and after the First Day of *December* One thousand seven hundred and fifty-two any House, Room, Garden, or other Place (*b*) kept (*c*) for public Dancing, Music, or other public Entertainment (*d*) of the like kind (*e*), in the Cities of *London and Westminster*, or within Twenty Miles thereof (*f*), without a Licence (*g*) had for that Purpose from the last preceding *Michaelmas* Quarter Sessions of the Peace (*g*) to be holden for the County, City, Riding, Liberty, or Division in which such House, Room, Garden, or other Place, is situate, (who are hereby authorized and empowered to grant such Licences (*h*) as they in their discretion (*i*) shall think proper), signified under the Hands and Seals of Four or more of the Justices there assembled, shall be deemed a disorderly House or Place (*j*); and every such Licence shall be signed and sealed

by the said Justices in open Court, and afterwards be publicly read by the Clerk of the Peace, together with the Names of the Justices subscribing the same; and no such Licence shall be granted at any adjourned Sessions, nor shall any Fee or Reward be taken for any such Licence;

Constables may Enter and Seize all Persons found therein]—and it shall and may be lawful to and for any Constable or other Person, being thereunto authorized by Warrant under the Hand and Seal of One or more of His Majesty's Justices of the Peace of the County, City, Riding, Division, or Liberty where such House or Place shall be situate, to enter such House or Place, and to seize every Person who shall be found therein, in order that they may be dealt with according to Law;

Persons keeping the same to forfeit 100*l.*]—and every Person keeping such House, Room, Garden, or other Place, without such Licence as aforesaid, shall forfeit the Sum of One hundred Pounds to such Person as will sue (*k*) for the same, and be otherwise punishable as the Law directs in Cases of disorderly Houses.

(*a*) The DISORDERLY HOUSES ACT, 1751, "puts all sorts of places opened for public diversion under the direction and appointment of the magistrates at large; and is applicable to other entertainments than those of the stage," *per* Lord Kenyon, C.J.—*Gallini* v. *Laborie* (1793) 5 Term Rep. 242.

This Act only applies in or near London and Westminster (see section 2, note (*f*), *post*).

(*b*) "*House, Room, Garden, or other Place.*"—For places excepted see section 4, and note thereto, *post*.

See also *Davys* v. *Douglas*, 4 H. & N. 180, and *Fredericks* v. *Howie* (1862) 31 L. J. M.C. 149, *ante*, p. 3. See THEATRES ACT, 1843, s. 2, note (*d*), p. 3. See also PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51 (1), note (*e*), *post*, p. 44.

For fire regulations, structural and other requirements in the Metropolis, see *post*, p. 168.

For naval and military recreation rooms, see ARMY (ANNUAL) ACT, 1889, s. 7, *post*, p. 147.

For the sale of programmes, etc., see *post*, p. 148.

The statute relates to licensed taverns and hotels as well as to places unlicensed for the sale of intoxicating liquors, and it is no defence that the company frequenting the performances was respectable—*Green* v. *Botheroyd* (1828) 3 C. & P. 471.

(*c*) "*kept.*"—A room used for public music or dancing is within the statute although it is not exclusively kept or used for those purposes and although no money is taken for admission—*Gregory* v. *Tuffs* (1833) 6 C. & P. 271; *Bellis* v. *Beale* (1797) 2 Esp. 592; but the mere accidental or occasional use of a room for either music or

dancing is not within this Act of Parliament, *per* Lord Lyndhurst, C.B.—*Gregory* v. *Tuffs* (*supra*); *Garrett* v. *Messenger* (1867) L. R. 2 C.P. 583; and *Syers* v. *Conquest* (1873) 37 J. P. 342. See Parke, B., in *Marks* v. *Benjamin* (*infra*).

"The mere use of a room in a house for a temporary purpose of dancing or music does not come within the intent or meaning of the statute, as the house or room should be *kept* for that purpose," *per* Lord Ellenborough—*Shutt* v. *Lewis* (1804) 5 Esp. 128.

In the case of *Gregory* v. *Tuffs* (*supra*) the dancing occurred on more than twelve nights and for at least a quarter of an hour on each occasion.

If a room be continuously used for the purpose of music and dancing, it will be for the jury to decide whether it is "kept" for those purposes.

A room kept for drinking, music, and dancing is within the statute —*Gregory* v. *Travenor* (1833) 6 C. & P. 280.

"It is not by any means necessary that the room should be kept for the purpose of music or dancing only," *per* Gurney, B.—*Gregory* v. *Travenor* (*supra*).

"(1) The house or room must be kept with the defendant's knowledge; (2) it must be kept for the purpose prohibited by the statute; there must be something like *habitual* keeping of it, which, however, need not be at stated intervals; (3) it must be *public*, to which all persons have a right to go whether gratuitously or on payment. All these are questions to be left to the jury," *per* Parke, B.—*Marks* v. *Benjamin* (1839) 5 M. & W. 565. But apparently it must be under his control—*R.* v. *Barrett* (1862) L. & C. 253; *R.* v. *Stannard* (1863) 33 L. J. M.C. 61.

In this case it was a house let in different apartments for the purposes of prostitution and let with knowledge of the purposes for which it was to be used. On an indictment under this Act for keeping a disorderly house, held not "kept" by him because he had no power to admit or refuse admission to anybody.

Where the lessee of a theatre licensed under the THEATRES ACT, 1843, and under this Act gave a concert on Ash Wednesday, contrary to conditions in each licence, he did not commit any offence against this Act, as the room was not habitually kept for such entertainment—*Syers* v. *Conquest* (1873) 37 J. P. 342.

A person may be guilty of "keeping" although he does not take money for admission—*Archer* v. *Willingrice* (1802) 4 Esp. 185; *Frailing* v. *Messenger* (1867) 31 J. P. 423; and although the admission money was not received for the benefit of the keeper of the house—*Green* v. *Botheroyd* (1828) 3 C. & P. 47.

"The taking of money is only evidence that the defendant is the owner of the house," *per* Lord Ellenborough—*Archer* v. *Willingrice* (1802) 4 Esp. 185.

A room kept by a dancing master for the instruction of his scholars and subscribers, and to which persons are not indiscriminately admitted, is not "kept" within this section—*Bellis* v. *Burghall* (1798) 2 Esp. 722.

It is not necessary that the dancing should be *by* the public—*Quaglieni* v. *Matthews* (1865) 6 B. & S. 474, but is *equally* so where persons are paid to dance for the amusement of others as well as

where the public is indiscriminately admitted to dance—*Clarke* v. *Searle* (1792) 1 Esp. 25. It is immaterial whether the performer is paid or not—*Bellis* v. *Beale* (1797) 2 Esp. 592. But a room kept for private dancing is within the statute if the public is admitted indiscriminately—*Clarke* v. *Searle* (1792) 1 Esp. 25. See also THEATRES ACT, 1843, s. 2, note (*c*), p. 2.

(*d*) "*public Dancing*," *etc.*—When dancing is not the principal part of a public entertainment, even though it is the principal part of a particular performance in the entertainment, if that particular performance be not a principal part of the entertainment a licence is not required.

In this case a restaurant proprietor had a music licence only. The entertainment lasted about five hours, dancing spread over the whole performance occupied about half an hour—*Fay* v. *Bignell* (1883) 1 Cab. & El. 112.

Also under a local Act using language similar to this Act it was held that (1) the music or dancing must be an essential part of the entertainment, and not merely accessory to it—*Quaglieni* v. *Matthews* (1865) 6 B. & S. 474; *Hall* v. *Green* (1854) 9 Exch. 247; *Frailing* v. *Messenger* (1867) 31 J. P. 423.

Where a piano and gramophone played whilst cinematograph performances were being given, the County of London Sessions held that the music constituted a principal part of the entertainment—*R.* v. *Hallinan* (1909) 73 J. P. N. 458.

So where a supper room is open to the public, in which musical entertainments are constantly given, no charge being made for admission, but where persons may obtain refreshment upon payment for what they may be pleased to order, the musical entertainments were held to be incidental only—*Hall* v. *Green* (1854) 9 Exch. 247.

Where a room in a public house was used for music and dancing, the keeper was held liable although the persons using the room paid nothing for it—*Frailing* v. *Messenger* (1867) 31 J. P. 423.

It is a question of fact whether a ball is a "public" one or not—*Maloney* v. *Lingard* (1898) 42 S. J. 193. See also THEATRES ACT, 1843, s. 2, notes (*e*) and (*f*), p. 3.

(*e*) "*of the like kind.*"—The provision of a piano in the public room of an hotel on which customers play for their own amusement, and that of others in the room, is not keeping or using a room for "music or other public entertainment of the like kind"—*Brearley* v. *Morley* (1899) 2 Q.B. 121—within the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (53 & 54 Vict. c. 59), s. 51, *q.v. post*, p. 42.

"Rinking may or may not be similar to dancing; and when it takes place to the accompaniment of music it becomes of a like kind with dancing to music. . . . It is sufficient for us to decide that when rinking is combined with music it is within the statute," *per* Cockburn, C.J.—*R.* v. *Tucker* (1877) 2 Q.B. D. 417.

(*f*) "*or within twenty miles thereof.*"—This Act does not now apply to any portion of the administrative county of Middlesex—see MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894, *post*, p. 27.

For music and dancing licences elsewhere, see *adoptive* PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51 (1), *post*, p. 42.

(*g*) "*Sessions of the Peace.*"—All business done by the quarter sessions or any committee appointed by the quarter sessions for the

licensing of houses or other places for music or for dancing is transferred to by the county council—LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 3, *q.v. post*, p. 144.

Under the DISORDERLY HOUSES ACT licences are granted annually only, whereas under the MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894, and the *adoptive* PUBLIC HEALTH ACT, 1890, Part IV. licences may be granted after fourteen days' notice.

(*h*) "*Licences.*"—The licensing authority may grant a licence for one purpose only—*i.e.* for music or dancing, or music and dancing. The holder of a music licence only who permits public dancing commits an offence—*Brown* v. *Nugent* (1871) L. R. 6 Q.B. 693; affirmed (1872) L. R. 7 Q.B. 588.

A licence being necessary, it lies on the party affirming its existence to produce it—*R.* v. *Wolfe* (1849) 13 J. P. 428; *R.* v. *Neville* (1830) 1 B. & Ad. 489.

A licence under the THEATRES ACT, 1843, does not authorise the keeping of a place for music and dancing or other entertainment of the like kind—*R.* v. *Camden Theatre, Ltd.* (1908) 72 J. P. 318; nor does a music and dancing licence authorise the production of stage plays—*Levy* v. *Yates* (1838) 3 Nev. & P. 249; *Day* v. *Simpson* (1865) 18 C. B. (N.S.) 680.

For licences now granted by the Lord Chamberlain for stage plays in music halls, see *post*, p. 47.

Where a licence has been granted under this Act the Inland Revenue officers have no power to grant a licence under EXCISE ACT, 1839 (5 & 6 Will. 4. c. 39), for the sale of intoxicating liquors, as the LICENSING ACT, 1872 (35 & 36 Vict. c. 94)), s. 72 (4), applies only to theatres and not to music halls—*R.* v. *Inland Revenue Commissioners; In re Empire Theatre* (1888) 21 Q.B. D. 569.

(*i*) "*discretion.*"—See CINEMATOGRAPH ACT, 1909, s. 2 (1) note (*l*), *post*, p. 91.

"Unless the Court can see clearly that they have not exercised their discretion properly, in the sense that they have allowed considerations to influence their decision which ought not to have influenced it, I do not think that the Court ought to interfere in the matter," *per* Cave, J.—*R.* v. *Yorkshire* (*West Riding*) *County Council* (1896) 2 Q.B. 386; followed in *Manchester Palace of Varieties* v. *Manchester Corporation* (1898) 62 J. P. 425.

"The Lord Chancellor, in the case of *Sharp* v. *Wakefield* (1891) A.C. 173, lays down very clearly the kind of discretion which is to be exercised in matters of this kind. He says, and "discretion" means, when it is said that something is to be done within the discretion of the authorities, that that something is to be done according to the rules of reason and justice, not according to private opinion, according to law and not humour . . . and it must be exercised within the limit to which an honest man competent to the discharge of his office ought to confine himself," *per* Wills, J. (*ibid.*).

See also THEATRES ACT, 1843, s. 5, note (*r*), *ante*, p. 6.

(*j*) "*disorderly House or Place.*"—The house or place is deemed to be a disorderly house which, requiring a licence under this section, is without one. It is immaterial that it is not disorderly in fact—*R.* v. *Wolfe* (1849) 13 J. P. 428. See also *Green* v. *Botheroyd* (1828) 3 C. & P. 471, *ante*, p. 17.

(*k*) "*such Person as will sue.*"—A corporation cannot sue for penalties as common informer unless expressly authorized by statute so to do. (Suing under the old penal statutes the informer had to make an affidavit, which a corporation would be unable to do), *per* Coleridge, J., in *Guardians of St. Leonards (Shoreditch)* v. *Franklin* (1878) 3 C. P. D. 377; *Allman* v. *Hardcastle* (1903) 67 J. P. 440; *Harrison's Case*, 1 Leach, 180; *Weavers Co.* v. *Forrest* (1746) 2 Str. 1240.

The assertion that a prosecution is by X Y, on behalf of a corporation, does not invalidate the proceedings, the words being merely redundant—*Allman* v. *Hardcastle* (*supra*).

3. *Licensed Places to have an Inscription over them.*]—Provided always, and it is hereby further enacted by the Authority aforesaid, That, in order to give public Notice what Places are licensed pursuant to this Act, there shall be affixed and kept up in some notorious Place over the Door or Entrance of every such House, Room, Garden, or other Place kept for any of the said Purposes, and so licensed as aforesaid, an Inscription (*l*) in large Capital Letters in the Words following: *videlicit*, LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY-FIFTH OF KING *GEORGE* THE SECOND;

And not be open before Five in the Evening]—and that no such House, Room, Garden, or other Place, kept for any of the said Purposes, although licensed as aforesaid, shall be open for any of the said Purposes before the Hour of Five in the Afternoon (*m*); and that the affixing and keeping up of such Inscription as aforesaid, and the said Limitation or Restriction in point of Time, shall be inserted and made Conditions of every such Licence;

On Breach of either of the said Conditions the Licence to be revoked]—and in case of any Breach of either of the said Conditions such Licence shall be forfeited, and shall be revoked by the Justices of Peace in their next General or Quarter Sessions, and shall not be renewed, nor shall any new Licence be granted to the same Person or Persons, or any other Person on his or their or any of their Behalf, or for their Use or Benefit, directly or indirectly, for keeping any such House, Room, Garden, or other Place for any of the Purposes aforesaid.

(*l*) "*Inscription.*"—Proof that no inscription is affixed as indicated is, in an action for penalties, *prima facie* evidence that

the premises are unlicensed—*Gregory* v. *Tuffs* (1833) 6 C. & P. 271.

(*m*) "*Five in the Afternoon.*"—Altered to "the hour of noon" by the PUBLIC ENTERTAINMENTS ACT, 1875 (38 & 39 Vict. c. 21), s. 1, *q.v. post*, p. 140.

4. *The Theatres and other Places Licensed by the Crown or Lord Chamberlain excepted out of this Act.*—Provided always, That nothing in this Act contained shall extend or be construed to extend to the Theatres Royal in *Drury Lane* and *Covent Garden*, or the Theatre commonly called the King's Theatre, in the *Haymarket*, or any of them, nor to such Performances and public Entertainments as are or shall be lawfully exercised and carried on under or by virtue of Letters Patents, or Licence of the Crown, or the Licence of the Lord Chamberlain (*n*) of His Majesty's Household, anything herein contained notwithstanding.

(*n*) "*of the Lord Chamberlain.*"—If, however, any of these theatres is without such licence, it requires a licence either under this Act or under the THEATRES ACT, 1843 (6 & 7 Vict. c. 68), *q.v. ante*—*Gallini* v. *Laborie* (1793) 5 Term Rep. 242.

"The Legislature did not mean by the statute 25 Geo. 2 to give any magic virtue to the walls of the Opera House in the Haymarket but merely that that place, which was supposed to be licensed by the Lord Chamberlain, need not have any licence from the other magistrates. But that clause cannot extend to the Opera House, unless it be so licensed," *per* Ashurst, J.—*Gallini* v. *Laborie* (*supra*).

5. *Constable's Duty upon Notice given him of Persons keeping a Bawdy House, Gaming House, or other Disorderly Houses, &c.*]—And in order to encourage Prosecutions against Persons keeping Bawdy Houses, Gaming Houses, or other disorderly Houses, be it enacted by the Authority aforesaid, That if any Two Inhabitants of any Parish or Place, paying Scot and bearing Lot therein, do give Notice in Writing to any Constable (*o*) (or other Peace Officer of the like Nature, where there is no Constable,) of such Parish or Place of any Person keeping a Bawdy House, Gaming House, or other disorderly House in such Parish or Place, the Constable, or such Officer as aforesaid so receiving such Notice, shall forthwith go with such Inhabitants to One of His Majesty's Justices of the Peace of the County, City, Riding, Division, or Liberty in which such Parish or Place does lie, and shall upon such Inhabitants making Oath before such Justice that they do believe the

Contents of such Notice to be true, and entering into a Recognizance in the penal Sum of Twenty Pounds each to give or produce material Evidence against such Person for such Offence, enter into a Recognizance in the penal Sum of Thirty Pounds to prosecute with Effect such Person for such Offence at the next General or Quarter Session of the Peace, or at the next Assizes to be holden for the County in which such Parish or Place does lie, as to the said Justices shall seem meet;

The Charge of Prosecution, and 10*l. on conviction, to each of the Two Inhabitants, to be paid by the Overseers, on Penalty of forfeiting double the Sum*]—and such Constable or other Officer shall be allowed all the reasonable Expenses of such Prosecution (*p*), to be ascertained by any Two Justices of the Peace of the County, City, Riding, Division, or Liberty where the Offence shall have been committed, and shall be paid the same by the Overseers of the Poor of such Parish or Place; and in case such Person shall be convicted of such Offence the Overseers of the Poor of such Parish or Place shall forthwith pay the Sum of Ten Pounds to each of such Inhabitants; and in case such Overseer shall neglect or refuse to pay to such Constable or other Officer such Expenses of the Prosecution as aforesaid, or shall neglect or refuse to pay, upon Demand, the said Sums of Ten Pounds, and Ten Pounds, such Overseers, and each of them, shall forfeit to the Person entitled to the same double the Sum so refused or neglected to be paid.

(*o*) "*Constable.*"—In an action upon the complaint of the two inhabitants under this section it is necessary, in order to recover the 10*l.* herein provided from the overseers, that the prosecution should have been conducted by the constable. Therefore where the two inhabitants had taken it upon themselves to conduct the prosecution they are not entitled to the reward, and a demand upon the overseers stating the prosecution to have been so carried on is insufficient to render the overseers liable for the double penalty provided by the section for cases of neglect or refusal—*Clarke* v. *Rice* (1818) 1 B. & Ald. 694.

(*p*) "*Expenses of such Prosecution.*"—For action to recover by way of penalty the amount of the costs of prosecution, see *Garland* v. *Ahrbeck* (1888) 5 T. L. R. 91.

6. *Persons keeping such Bawdy House, &c. to be bound over to appear to answer the Indictment.*]—Provided always

and be it enacted by the Authority aforesaid, That upon such Constable or other Officer entering into such Recognizance to prosecute as aforesaid, the said Justice of the Peace shall forthwith make out his Warrant to bring the Person so accused of keeping a Bawdy House, Gaming House, or other disorderly House before him, and shall bind him or her over to appear at such General or Quarter Sessions or Assizes, there to answer to such Bill of Indictment as shall be found against him or her for such Offence; and such Justice shall and may, if in his Discretion he thinks fit, likewise demand and take Security for such Person's good Behaviour in the meantime, and until such Indictment shall be found, heard, and determined, or be returned by the Grand Jury, not to be a true Bill.

7. *Constable neglecting his Duty forfeits* 20*l.*]—Provided also, That in case such Constable shall neglect or refuse, upon such Notice, to go before any Justice of the Peace, or to enter into such Recognizance, or shall be wilfully negligent in carrying on the said Prosecution, he shall for every such Offence forfeit the Sum of Twenty Pounds to each of such Inhabitants so giving Notice as aforesaid.

8. *Who shall be deemed Keeper.*]—And whereas by reason of the many subtle and crafty contrivances of Persons keeping Bawdy Houses, Gaming Houses, and other disorderly Houses, it is difficult to prove who is the real owner or keeper thereof, by which means many notorious offenders have escaped punishment; be it enacted that any Person who shall at any time hereafter appear, act or behave him or herself as Master or Mistress, or as the Person having the care, government or management of any Bawdy House, Gaming House or other disorderly House, shall be deemed and taken to be the Keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real Owner or Keeper thereof.

9. [Repealed by STATUTE LAW REVISION ACT, 1867.]

10. *No Certiorari.*]—And be it further enacted, that no indictment which shall at any time after the said First Day of

June be preferred against any Person for keeping a Bawdy House, Gaming House or other disorderly House, shall be removed by any writ of *certiorari* into any other Court, but such indictment shall be heard, tried and finally determined at the same General or Quarter Session or Assizes where such indictment shall have been preferred, unless the Court shall think proper, upon cause shown, to adjourn the same; any such writ or allowance thereof notwithstanding.

11. *In Prosecutions for Felony, Court may make Orders for Payment of the Prosecutor's Expenses.*]—And whereas many Persons are deterred from prosecuting Persons guilty of Felony upon account of the Expense attending such Prosecutions, which is another great Cause and Encouragement of Thefts and Robberies: In order, therefore, to encourage the bringing Offenders to Justice, be it enacted by the Authority aforesaid, that it shall and may be in the Power of the Court before whom any Person has been tried and convicted of any Grand or Petit Larceny or other Felony, at the Prayer of the Prosecutor, and on Consideration of his Circumstances, to order the Treasurer of the County in which the Offence shall have been committed to pay unto such Prosecutor such Sum of Money as to the said Court shall seem reasonable, not exceeding the Expenses which it shall appear to the Court the Prosecutor was put unto in carrying on such Prosecution, making him a reasonable Allowance for his Time and Trouble therein;

Clerk's Fee for such Order]—which Order the Clerk of Assize or Clerk of the Peace respectively is hereby directed and required forthwith to make out and to deliver unto such Prosecutor, upon being paid for the same the Sum of One Shilling, and no more;

County Treasurer to pay the Order on Sight]—and the Treasurer of the County is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Prosecutor or other Person authorized to receive the same such Sum of Money as aforesaid, and shall be allowed the same in his Accounts.

12. [Repealed by STATUTE LAW REVISION ACT, 1867.]

13. *Recovery of Forfeitures.*]—And be it further enacted by the Authority aforesaid, That any Person entitled to any of the Forfeitures (*q*) by this Act imposed may sue for the same by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of

being forfeited by an Act, intituled *An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses*;

Full Costs]—and the Plaintiff, if he recover in any such Action, shall have his full Costs (*r*).

(*q*) "*Forfeitures.*"—Where one common informer has recovered from the defendant the penalty under this Act for keeping a house for public dancing or music without a licence, a second action by another informer is not maintainable—*Garrett* v. *Messenger* (1867) L. R. 2 C.P. 583. See also CINEMATOGRAPH ACT, 1909, section 3, note (*p*), p. 92.

"One penalty only is incurred by the defendant for keeping open his house for a purpose prohibited by the statute, and he did not thereby subject himself to cumulative penalties from day to day. The question whether an additional penalty was incurred for keeping open the house for music and dancing during the second licensing year does not arise in this case," *per* Bovill, C.J.—*Garrett* v. *Messenger* (*supra*).

"Though not subject to a second action, the defendant is not relieved from the consequences of his improper conduct; for he is still liable to all the pains and penalties due to the keeping a disorderly house, and to an indictment for a common nuisance," *per* Byles, J., *Garrett* v. *Messenger* (*supra*); *R.* v. *Higginson* (1762) 2 Burr. 1232. *Cf. Apothecaries Co.* v. *Jones* (1893) 1 Q.B. 89.

(*r*) "*full costs*," *i.e.* party and party costs—*Avery* v. *Wood* (1891) 3 Ch. 115. See also *Irwine* v. *Reddish* (1822) 5 B. & A. 796; *Jamieson* v. *Trevelyan* (1855) 10 Ex. 748; *Peddell* v. *Kiddle* (1798) 7 T. R. 659.

14. *Limitation of Actions.*]—Provided, That no Action shall be brought by virtue of this Act unless the same shall be commenced within the space of Six Calendar Months after the Offence committed.

15. [Repealed by STATUTE LAW REVISION ACT, 1867. Made perpetual by 28 Geo. 2. c. 19.]

MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894. (*a*)

(57 & 58 VICT. c. 15).

2. *Music and Dancing Licences.*]—For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind (*b*), the following provisions (*c*) shall have effect in the administrative county of Middlesex (*d*); namely,

(1.) [After the thirty-first day of December one thousand eight hundred and ninety-four,] (*e*) a house, room, garden (*f*), or other place (*g*), whether licensed or not for the sale of wines, spirits, beer, or other fermented or distilled liquors, shall not be kept or used (*h*) for public dancing, singing, music, or other public entertainment of the like kind (*i*), without a licence (*j*) for the purpose or purposes for which the same respectively is to be used first obtained from the County Council of Middlesex and for the registration thereof a fee of five shillings shall be paid by the person applying therefor; provided that such fee shall in no case be payable by any applicant in respect of any licence granted for the purpose of a charitable (*k*) or other like entertainment:

(2.) The County Council may at any meeting convened with fourteen days' previous notice (*l*), or at any adjournment thereof, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions (*m*), and subject to such restrictions (*n*), as they by the respective licences determine, and every licence shall be in force for one year or for such shorter period as the County Council on the grant of the licence shall determine, unless the same shall have been previously revoked (*o*) as herein-after provided:

(3.) The County Council may from time to time at any such meeting aforesaid transfer any such licence to such person as they think fit:

(4.) Each person shall in each case give fourteen days' notice to the clerk of the County Council and to the

superintendent of police of the police division in which the house, room, garden, or place is situated, of his intention to apply for any such licence, or for the transfer of any such licence:

(5.) Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house (*p*), and the person occupying, or rated as occupier of (*q*), the same shall be liable on summary conviction (*r*) to a penalty not exceeding five pounds for every day on which the same is kept or used (*s*) for any of the purposes aforesaid; and it shall be lawful for any constable, being thereunto authorised by warrant under the hand of one of Her Majesty's justices of the peace for the county of Middlesex, to enter any such house, room, garden, or place so kept or used without such licence as aforesaid, and to apprehend every person who shall be found therein in order that they may be dealt with according to law (*t*).

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following: "Licensed in pursuance of Act of Parliament for ," with the addition of words showing the purpose or purposes for which the same is licensed;

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence: Provided that no such house, room, garden, or other place so kept or used shall be open for any of the purposes aforesaid after midnight and before the hour of noon; save that if on any special occasion an occasional licence of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872 (*u*), in respect of any house, room, garden, or other place licensed under this Act, no penalty shall be incurred on account of such

house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional licence as the hour for closing.

(8.) The affixing and keeping up of such inscription (*v*) as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence:

(9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable on summary conviction to a penalty not exceeding twenty pounds, and in the case of a continuing offence to a daily penalty (*i.e.*, a penalty for each day on which such offence is continued after conviction therefor) not exceeding five pounds, and such licence shall be liable to be revoked by the order of the County Council (*w*):

(10.) No notice need be given under sub-section (4) of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:

(11.) The County Council may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period not exceeding fourteen days, which they shall specify in such licence, notwithstanding that no notice shall have been given under sub-section (4) of this section:

(12.) (*x*) [From and after the passing of this Act sections two and three of the Disorderly Houses Act, 1751 (*y*), and the whole of the Public Entertainments Act, 1875 (*z*) shall be repealed so far as relates to the administrative county of Middlesex:]

(13.) Nothing in this Act shall be deemed to interfere with any other enactment respecting the prosecution of persons keeping disorderly houses (*aa*):

(14.) The powers by this Act conferred upon the County Council shall be in addition to and not in derogation of

any of the powers of licensing now vested in the County Council.

(*a*) "*Act*, 1894."—The DISORDERLY HOUSES ACT, 1751 (*q.v. ante*, p. 16), applies within twenty miles of the cities of London and Westminster, *except* in the administrative county of Middlesex, where this Act applies.

For the law elsewhere, see *adoptive* PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, *ante*, p. 39, or *local Acts*.

(*b*) "*of the like kind.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, and notes thereto, *ante*, p. 16.

(*c*) "*provisions.*"—The powers by this Act conferred are in addition to and not in derogation of other powers—see section 2 (14), *post*.

(*d*) "*Middlesex.*"—*i.e.* the old county less substractions due to LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 40.

(*e*) From "*After the*" to "*and ninety-four.*"—Repealed by STATUTE LAW REVISION ACT, 1908 (8 Edw. 7. c. 49).

(*f*) "*garden.*"—See PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (53 & 54 Vict. c. 59), s. 51 (1) note (*e*), *post*, p. 44.

(*g*) "*other place.*"—See THEATRES ACT, 1843 (6 & 7 Vict. c. 68), s. 2, note (*d*), and DISORDERLY HOUSES ACT, 1751, s. 2, note (*b*), p. 17. See also PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51 (1), note (*e*), p. 44.

(*h*) "*kept or used.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*c*), p. 17. See also THEATRES ACT, 1843, s. 2, note (*c*). Note, however, that words there are "have or keep."

For naval and military recreation rooms, see ARMY (ANNUAL) ACT, 1889, s. 7, *post*, p. 147.

For structural and other requirements, see Regulations.

(*i*) "*like kind.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*e*), p. 19. See THEATRES ACT, 1843, s. 2, *ante*, p. 2.

(*j*) "*licence.*"—See THEATRES ACT, 1843, s. 3, note (*m*), *ante*, p. 5. See DISORDERLY HOUSES ACT, 1751, s. 2, notes (*h*) and (*i*).

(*k*) "*charitable.*"—For what is included, see MORTMAIN AND CHARITABLE USES ACT, 1888 (51 & 52 Vict. c. 52), s. 13 (2).

(*l*) "*previous notice.*"—To whom, see sub-section 4, *infra*. For temporary licences, see sub-section 11, *post*.

(*m*) "*conditions.*"—For one condition, see sub-section 8, *post*.

(*n*) "*restrictions.*"—See CINEMATOGRAPH ACT, 1909, s. 2 (1), note (*l*), *post*, p. 91. See also DISORDERLY HOUSES ACT, 1751, s. 2, notes (*h*) and (*i*), *ante*, p. 20.

(*o*) "*revoked.*"—See sub-section 9, *post*.

(*p*) "*disorderly house.*"—See sub-section 13, *post*.

(*q*) "*occupying, or rated as occupier.*" See CINEMATOGRAPH ACT, s. 3, note (*o*).

(*r*) "*summary conviction.*"—See sub-section 14, *post*.

(*s*) "*kept or used.*"—See section 2 (1), note (*h*), *ante*.

(*t*) "*according to law.*"—See also sub-section 14, *post*.

(*u*) "*Licensing Act*, 1872" (35 & 36 Vict. c. 94).

(*v*) "*inscription.*"—See sub-section 6 (*supra*). See also DISORDERLY HOUSES ACT, 1751, s. 3, note (*l*), p. 21.

(*w*) "*County Council.*"—See sub-section 14, *infra*. See also DISORDERLY HOUSES ACT, 1751, s. 2, note (*i*), p. 20, and THEATRES ACT, 1843, s. 3, note (*o*), p. 5, and s. 5, note (*r*), p. 6.

(*x*) This sub-section repealed by STATUTE LAW REVISION ACT, 1908 (8 Edw. 7. c. 49).

(*y*) "*1751*" (25 Geo. 2. c. 36), *ante*, p. 16.

(*z*) "*1875*" (38 & 39 Vict. c. 21), *ante*, p. 140.

(*aa*) "*disorderly houses.*"—*i.e.* prosecution of persons for keeping bawdy or gaming houses, &c. DISORDERLY HOUSES ACT, 1751 (25 Geo. 2. c. 36), ss. 5-10; DISORDERLY HOUSES ACT, 1818 (58 Geo. 3. c. 70), s. 7; CRIMINAL LAW AMENDMENT ACT, 1885 (48 & 49 Vict. c. 69), s. 13. See also DISORDERLY HOUSES ACT, s. 2, note (*j*), p. 20.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT ACT, 1878.

(41 & 42 VICT. c. 32.)

An Act to amend the Metropolis Management Act, 1855, *the Metropolitan Building Act*, 1855, *and the Acts amending the same respectively.*

WHEREAS the provisions of the several Acts now in force within the Metropolis are insufficient for duly regulating the erection and extension of houses and buildings in close proximity to certain roads, passages, and ways, and it is expedient that for such purpose further and better provision should be made:

And whereas with a view to protect the public frequenting theatres and music halls within the Metropolis from danger from fire it is expedient that provisions such as are in this Act contained should be made for empowering the Metropolitan Board of Works (*a*) (in this Act referred to as "the Board") to cause alterations in existing theatres and music halls to be made in certain cases, and to make regulations with respect to the position and structure of new theatres (*b*) and certain new music halls (*c*):

And whereas it is expedient to make provisions with respect to the making, filling up, and preparation of the foundations and sites of houses and buildings to be erected within the Metropolis, and with respect to the quality of the substances to be used in the formation or construction of the sites,

foundations, and walls of such houses and buildings with a view to the stability of the same, the prevention of fires, and for purposes of health:

And whereas it is expedient to make further and better provisions with respect to the payment of expenses incurred by the Board in relation to dangerous structures:

And whereas for the purposes aforesaid it is expedient to amend the Metropolis Management Act, 1855 (*d*), the Metropolitan Building Act, 1855 (*d*), and the Acts amending the same respectively:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

(*a*) "*the Board.*"—Now transferred to the London County Council by the LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 40 (8). See also LONDON BUILDING ACTS.

(*b*) "*theatres.*"—See THEATRES ACT, 1843 (6 & 7 Vict. c. 68), *ante*.

(*c*) "*music halls.*"—For Metropolitan music halls, see DISORDERLY HOUSES ACT, 1751 (25 Geo. 2. c. 36), *ante*.

(*d*) "*Act, 1855.*"—(18 & 19 Vict. c. 120), s. 250, and 18 & 19 Vict. c. 122.

Preliminary.

1. *Short Title.*—This Act may be cited for all purposes as the Metropolis Management and Building Acts Amendment Act, 1878.

2. *Limits of Act.* 18 & 19 *Vict. c.* 120.—This Act shall extend and apply to the Metropolis as defined by the Metropolis Management Act, 1855.

3. *Division of Act into three parts.*—This Act shall consist of three parts.

PART I.

4-10. [Repealed by LONDON BUILDING ACT, 1894 (57 & 58 Vict. c. ccxiii.).]

11. *Power to Board in certain cases to require proprietors of theatres and certain music halls in use at the time of the*

passing of this Act to remedy structural defects.—Whenever it appears to the Board (*f*) that any house or other place of public resort within the Metropolis which was at the time of the passing of this Act authorised to be kept open for the public performance of stage plays (*g*), and which is kept open for such purpose, under the authority of letters patent from Her Majesty, her heirs and successors or predecessors, or of a licence granted by the Lord Chamberlain of Her Majesty's Household for the time being or by justices of the peace (*h*), or that any house, room, or other place (*i*) of public resort (*j*) within the Metropolis (*k*), containing a superficial area for the accommodation of the public of not less than five hundred square feet, which was at the time of the passing of this Act authorised to be kept open, and which is kept open, for dancing, music, or other public entertainment of the like kind (*l*), under the authority of a licence granted by any court of quarter sessions (*m*), is so defective in its structure (*n*), that special danger from fire may result to the public frequenting the same, then and in every such case the Board may, with the consent of the Lord Chamberlain in the case of theatres under his jurisdiction, and of Her Majesty's Principal Secretary of State, in all other cases, if in the opinion of the Board such structural defects can be remedied at a moderate expenditure, by notice in writing require the owner of such house, room, or other place kept open for any of the purposes aforesaid, under such authority as aforesaid, to make such alterations therein or thereto as may be necessary to remedy such defects, within a reasonable time to be specified in such notice (*o*); and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid, he shall be liable to a penalty not exceeding fifty pounds for such default, and to a further penalty of five pounds for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues: Provided always, that any such owner may, within fourteen days after the receipt of any such notice as aforesaid, serve notice of appeal against the same upon the Board, and thereupon such appeal shall be referred to an arbitrator (*p*) to be appointed by Her Majesty's First Commissioner of Works at the request of either party, who shall hear and determine the same, and may, on such evidence as he may think satisfactory,

either confirm the notice served by the Board (*e*), or may confirm the same with such modifications as he may think proper, or refuse to confirm the same, and the decision of such arbitrator with respect to the requirements contained in any such notice, and the reasonableness of the same, and the persons by whom and the proportions in which the costs of such arbitration are to be paid, shall be final and conclusive and binding upon all parties.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

(*f*) "*the Board.*"—Now the County Council. See note (*a*) to preamble, *ante.*

(*g*) "*stage plays.*"—See THEATRES ACT, 1843, s. 23, *ante*, p. 15.

(*h*) "*justices of the peace.*"—*Ibid.*, section 5, *ante*, p. 5.

(*i*) "*house or other place.*"—See THEATRES ACT, s. 2, note (*d*), *ante*, p. 3; also DISORDERLY HOUSES ACT, 1751, s. 2, note (*b*), p. 17, and PUBLIC HEALTH ACTS AMENDMENT ACT, 1870, s. 51 (1), note (*e*), p. 44.

(*j*) "*public resort.*"—See THEATRES ACT, 1843, s. 2, notes (*e*) and (*f*), p. 3.

(*k*) "*Metropolis.*"—See section 2 (*supra*).

(*l*) "*like kind.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, *ante.*

(*m*) See DISORDERLY HOUSES ACT, 1751, s. 2, note (*e*), p. 19.

(*n*) "*structure.*"—As to exits, see METROPOLITAN BOARD OF WORKS (VARIOUS POWERS) ACT, 1882 (45 & 46 Vict. c. lvi.), s. 45, and Rules.

(*o*) "*such notice.*"—One such notice only may be given. When the notice has been complied with and the structural defects remedied no power remains to serve a second notice under this section in respect to the same building. The powers of local authorities under Acts of Parliament to order the execution of structural works at the expense of a private owner may be exercised once only—*St. James's Hall* v. *London County Council* (1901) 2 K.B. 250; *Bonella* v. *Twickenham Local Board* (1887) 20 Q.B. D. 63; *Hornsey Local Board* v. *Davis* (1893) 1 Q.B. 756.

(*p*) "*arbitrators.*"—*St. James's Hall* v. *London County Council* (1901) 2 K.B. 251.

12. *Power to Board to make regulations with respect to new theatres and certain new music halls for protection from fire.*]—The Board (*q*) may from time to time make, alter, vary, and amend such regulations (*r*) as they may think expedient

with respect to the requirements for the protection from fire of houses or other places of public resort (*s*) within the Metropolis to be kept open (*t*) for the public performance of stage plays, and of houses, rooms, or other places of public resort within the Metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open (*t*) for public dancing, music, or other public entertainment of the like kind (*u*), under the authority of letters patent from Her Majesty, her heirs or successors, or of licences by the Lord Chamberlain of Her Majesty's Household, or by any justices of the peace, or by any court of quarter sessions, which may be granted for the first time after the passing of this Act; and may by such regulations prescribe the requirements as to position and structure of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof; provided that the Board may from time to time in any special case dispense with or modify such regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

The Board shall, after the making, altering, varying, or amending of any such regulations, cause the same to be printed, with the date thereof, and a printed copy thereof shall be kept at the office of the Board, and all persons may at all reasonable times inspect such copy without payment, and the Board shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment by such person of any sum not exceeding five shillings for every such copy.

A printed copy of such regulations, dated and authenticated by the seal of the Board, shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same, without adducing proof of such seal or of the fact of such making.

From and after the making of any such regulations it shall not be lawful for any person to have or keep open any such house, room, or other place of public resort for any of the purposes aforesaid, unless and until the Board grant to such person a certificate in writing under their seal, to the effect that

such house, room, or other place was on its completion in accordance with the regulations made by the Board in pursuance of the provisions of this Act for the time being in force, and in so far as the same are applicable to such house or other place, and to the conditions (if any) annexed thereto by the Board.

In case any such house, room, or place of public resort is opened or kept open by any person for any of the purposes aforesaid, contrary to the provisions of this enactment, such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

(*q*) "*the Board.*"—The County Council. See note (*a*) to preamble, *ante*.

(*r*) "*such regulations.*"—For regulations, see Appendix, *post*, p. 168.

(*s*) "*public resort.*"—See THEATRES ACT, 1843, s. 2, *ante*, p. 2.

(*t*) "*kept open.*"—Whether the house is in fact licensed or not—*R.* v. *Hannay* (1891) 2 Q.B. 709. "The words 'to be kept open' (in section 12) are used in contrast to the words 'authorised to be kept open . . . and which is kept open in section 11," *per* Denman, J.—*R.* v. *Hannay* (*supra*).

(*u*) "*of the like kind.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, *ante*, p. 16.

13. *Provisional licence for new premises.*]—A person interested in any premises about to be constructed, or in course of construction, which are designed to be licensed and used within the Metropolis for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind, may apply to the licensing authority for the grant of a provisional licence in respect of such premises. The grant of such provisional licence shall, in respect of the discretion (*v*) of the licensing authority and procedure, be subject to the same conditions as those applicable to the grant of a like licence which is not provisional. A provisional licence so granted shall not be of any force until it has been confirmed by the licensing authority; but the licensing authority shall confirm the same on the production by the applicant of a certificate by the Board (*w*) that the construction of the premises has been completed in accordance with the regulations (*x*) and conditions made by the Board (*w*) as herein-before provided, and on being

satisfied that no objection can be made to the character of the holder of such provisional licence.

(*v*) "*discretion.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*i*), p. 20, also THEATRES ACT, s. 3, note (*o*), p. 5, and s. 5, note (*r*), p. 6. Also CINEMATOGRAPH ACT, s. 2, note (*l*).

(*w*) "*Board.*"—The County Council. See note (*a*) to preamble, *ante*.

(*x*) "*regulations.*"—For regulations, see Appendix, *post*, p. 180.

14-20. [Repealed by LONDON BUILDING ACT, 1894 (57 & 58 Vict. c. ccxiii.), Sched.]

PART III.

21. *Power for architect and persons authorised by Board, and district surveyor, to enter and inspect theatres, music halls, buildings, and works.*]—The architect of the Board, and any other person authorised by the Board in writing under their seal, may, at all reasonable times after completion or during construction, enter and inspect any house, room, or other place kept open or intended to be kept open for the public performance of stage plays (*z*), or for public dancing, music, or other public entertainment of the like kind (*a*) affected by any of the provisions of this Act (*b*), or of any regulations (*c*) made in pursuance thereof; [and the district surveyor of any district may at all reasonable times during the progress and the three months next after the completion of any house, building, erection, or work in such district affected by and not exempted from any of the provisions of this Act, or by any byelaw made in pursuance of this Act, or by any terms or conditions upon which the observance of any such provisions or any of such byelaws may have been dispensed with, enter and inspect such house, building, erection, or work;] (*d*) and if any person refuses to admit such architect, person, or surveyor, or to afford him all reasonable assistance in such inspection, in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds.

(*z*) "*stage plays.*"—See THEATRES ACT, 1843, s. 23, *ante*, p. 15.

(*a*) "*like kind.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, *ante*, p. 16.

(*b*) "*provisions of this Act.*"—See sections 11 and 12, *ante*.

(c) "*regulations.*"—For regulations, see Appendix, *post*, p. 180.
(d) From "*and the district surveyor*" to "*inspect such house, building, erection, or work*" repealed by LONDON BUILDING ACT, 1894 (57 & 58 Vict. c. ccxiii.), Sched.

22. (e) *Power to owners, &c. to enter houses, &c. to comply with notices or order.*]—For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder, or person in respect of any house, building, or other erection, room, or place, such owner, builder, or person, his servants, workmen, and agents, may, after giving seven days' notice in writing to the occupier of such house, building, or other erection, room, or place, and on production of such notice or order, enter such house, building, or other erection, room, or place, and do all such works, matters, and things therein or thereto, or in connexion therewith, as may be necessary; and if any person refuses to admit such owner, builder, or person, or his servants, or workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding twenty pounds.

(e) "*22.*"—This section is repealed in so far as it relates to any notice or order served or made under any of the repealed sections of this Act—LONDON BUILDING ACT, 1894 (*supra*).

23. *Recovery of penalties.*]—Every penalty imposed by Part I. and Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855 (*g*), and the Acts amending the same (*g*), [and every penalty imposed by Part II. of this Act, or by any byelaw made in pursuance thereof, may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122), and the Acts amending the same:] (*h*) Provided always, that in any proceedings against any person for more than one penalty in respect of one

or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings.

(*g*) 18 & 19 Vict. c. 120; 25 & 26 Vict. c. 102.
(*h*) From "*and every penalty*" to "*Acts amending the same*" repealed by LONDON BUILDING ACT, 1894 (57 & 58 Vict. c. ccxiii), Sched.

24. *Exceptions from Metropolis Management Acts extended to this Act.*]—Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855 (18 & 19 Vict. c. 120), and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

25. *Exceptions from Metropolitan Building Acts extended to this Act.*]—Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122), and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 VICT. c. 59.) (*a*)

(*a*) This Act is *adoptive*, and may be so adopted in any area beyond twenty miles from the cities of London and Westminster (see DISORDERLY HOUSES ACT, 1751, *ante*, p. 16), except in the adminis-

trative county of Middlesex (see MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894, *ante*, p. 27).

Many local Acts similar to Part IV. of this Act are in force in various parts of the country.

36. ***Means of ingress to and egress from places of public resort.***]—

(1.) Every building which, after the adoption of this part of this Act in any urban district, is used as a place of public resort (*b*), shall, to the satisfaction of the urban authority, be substantially constructed and supplied with ample, safe, and convenient means of ingress and egress for the use of the public, regard being had to the purposes for which such building is intended to be used, and to the number of persons likely to be assembled at any one time therein.

(2.) The means of ingress and egress shall, during the whole time that such building is used as a place of public resort be kept free and unobstructed to such extent as the urban authority shall require.

(3.) An officer, authorised in writing by the urban authority, and producing his authority if so required, may at all reasonable times (*bb*) enter any such building to see that the provisions of this section are carried into effect.

(4.) Any person who, being the occupier or manager, or in the case of a building let for any period less than one year the owner of any building used as aforesaid, uses the same or suffers the same to be used in contravention of this section, or fails to comply with the provisions of this section in respect thereof, shall for every such offence be liable to a penalty not exceeding twenty pounds.

(5.) Where any alteration in the building is required in order to give proper means of ingress or egress, the court may refuse to inflict a penalty for an offence under this section until a reasonable time has been allowed for making such alteration, but the court may make such order as they think fit for the closing, or otherwise, of the building during such time.

(6.) For the purposes of this section the expression "place of public resort" means a building used or constructed

or adapted to be used either ordinarily or occasionally as a church, chapel, or other place of public worship (not being merely a dwelling-house so used), or as a theatre (c) public hall, public concert-room, public ball-room, public lecture-room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or by payment, or used, or constructed, or adapted to be used, either ordinarily or occasionally for any other public purpose, but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes.

Provided that this section shall not extend to any building used as a church or chapel or other place of public worship before or at the time of the adoption of this part of this Act.

(*b*) See also section 51, *post*.
(*bb*) See CINEMATOGRAPH ACT, 1909, s. 4, note (*r*), *post*.
(*c*) See also THEATRES ACT, 1843, *ante*.

37. *Safety of platforms, &c. erected or used on public occasions.*]—

(1.) Whenever large numbers of persons are likely to assemble on the occasion of any show, entertainment, public procession, open-air meeting, or other like occasion, every roof of a building, and every platform, balcony, or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons, shall be safely constructed or secured to the satisfaction of the surveyor of the urban authority.

(2.) Any person who uses or allows to be used in contravention of this section, any roof of a building, platform, balcony, or structure not so safely constructed or secured, or who neglects to comply with the provisions of this section in respect thereof, shall be liable to a penalty not exceeding fifty pounds (*d*).

(*d*) Prosecutions and appeals are dealt with in this Act, sections 6 and 7.

Part IV.—Music and Dancing Licences.

51. *Music and Dancing Licences.*]—For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect (namely):

(1.) After the expiration of six months from the adoption of this part of this Act, a house, room, garden, or other place (*e*), whether licensed or not, for the sale of wine, spirits, beer or other fermented or distilled liquors, shall not be kept or used (*f*) for public dancing (*g*), singing, music, or other public entertainment of the like kind (*h*) without a licence (*i*) for the purpose or purposes for which the same respectively is to be used first obtained from the licensing justices of the licensing district in which the house, room, garden, or other place is situate, and for the registration thereof a fee of five shillings shall be paid by the person applying therefor:

(2.) Such justices may, under the hands of a majority of them assembled at their general annual licensing meeting or at any adjournment thereof or at any special session (*j*) convened with fourteen days' previous notice, grant licences to such persons as they think fit (*i*) to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions (*k*), and subject to such restrictions as they by the respective licences (*l*) determine, and every licence shall be in force for one year (*m*) or for such shorter period as the justices on the grant of the licence shall determine, unless the same shall have been previously revoked (*n*) as herein-after provided:

(3.) Such justices may from time to time at any such special session aforesaid transfer any such licence to such person as they think fit:

(4.) Each person shall in each case give fourteen days' notice to the clerk of the licensing justices and to the chief officer of police (*o*) of the police district in which the house, room, garden or place is situated, of his

intention to apply for any such licence (*p*) or for the transfer of any such licence:

(5.) Any house, room, garden, or place kept or used (*q*) for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid:

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid, an inscription (*qq*) in large capital letters in the words following: "Licensed in pursuance of Act of Parliament for " with the addition of words showing the purpose or purposes for which the same is licensed:

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence:

(8.) The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence;

(9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding five pounds, and such licence shall be liable to be revoked by the order of a court of summary jurisdiction.

(10.) No notice need be given under sub-section four of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:

(11.) The justices in any petty sessions may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section

for any period not exceeding fourteen days which they shall specify in such licence, nothwithstanding that no notices shall have been given under sub-section four of this section:

(12.) This section shall not apply within twenty miles of the cities of London or Westminster (*r*):

(13.) In this section the expressions "licensing justice," "licensing district," and "clerk of the licensing justices," have respectively the same meanings as in the Licensing Acts, 1872-1874; the expression "police district" means any area for which a separate police force is maintained; and the expression "chief officer of police" means the chief constable, head constable, or other officer, by whatever name called, having the chief command of such separate police force.

(*e*) "*or other place.*"—See THEATRES ACT, 1843, s. 2, note (*d*), *ante*, p. 3, also DISORDERLY HOUSES ACT, 1751, s. 2, note (*b*), *ante*, p. 17. Where a piece of waste land at Margate was hired and music and dancing entertainments were given in a tent. It was held to be a "place" within this Act. In this case no money was charged for admission, though a collection was made amongst the audience—*Farndale* v. *Bainbridge* (1898) 42 Sol. J. 192.

So where on a portable platform on the seashore a piano was placed and accompaniments played to the songs of a concert party, it was held to be a "public show or other like place of entertainment" within the BURGH POLICE (SCOTLAND) ACT, 1892 (55 & 56 Vict. c. 55), s. 397—*Patrick* v. *Wood* (1905) 8 F. (S.C.) 4.

(*f*) "*kept or used.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*c*), *ante*, p. 17. Note words "or used" are not in the earlier Act. See also THEATRES ACT, 1843, s. 2, note (*c*), *ante*, p. 3. For structural and other requirements, see Regulations. For naval and military recreation rooms, see ARMY (ANNUAL) ACT, 1889, s. 7, *post*, p. 147.

(*g*) "*public dancing.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*d*), *ante*, p. 17. It will be noted that the word "singing" does not appear in the earlier Act.

(*h*) "*of the like kind.*"—*Ibid.*, note (*e*), *ante*.

(*i*) "*licence.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, notes (*h*) and (*i*). See also THEATRES ACT, 1843, s. 3, note (*o*), *ante*, p. 5.

(*j*) "*special session.*"—When under a local Act Justices might grant licences at any special session convened by fourteen days' previous notice, the Justices have no right to make a rule that applications for licences must be made at the general annual licensing meeting only—*R.* v. *Oldham Licensing Justices; Ex parte Mellor* (1909) 73 J. P. 390.

(*k*) "*terms and conditions.*"—See THEATRES ACT, 1843, s. 9, note (*c*), *ante*, p. 9.

(*l*) "*licences.*"—DISORDERLY HOUSES ACT, 1751, s. 2, note (*h*), *ante*, p. 20. For renewals, see sub-section 10, *post*. For temporary licences, see sub-section 11, *post*.

(*m*) "*for one year.*"—Under a local Act Cockburn, C.J., held that "if a man takes out a licence in general terms and understanding it to be for a year comes and takes another licence which is a licence for a year, he must be taken to surrender the first"—*Hoffman* v. *Bond* (1875) 32 L. T. 775.

(*n*) "*revoked.*"—See sub-section 9, *post*.

(*o*) "*chief officer of police.*"—For meaning, see sub-section 13, *post*.

(*p*) "*licence.*"—For renewals, see sub-section 10, *infra*.

(*q*) "*kept or used.*"—See section 51 (1) note (*f*), *ante*.

(*qq*) See DISORDERLY HOUSES ACT, 1751, s. 3, note (*l*), *ante*.

(*r*) "*or Westminster.*"—The law for this area is to be found in the DISORDERLY HOUSES ACT, 1751, *ante*, p. 16. Nor does this Act apply in the administrative county of Middlesex, for which see MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894, *ante*.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

(7 EDW. 7. c. 53.) (*a*)

44. *Urinals to be attached to refreshment houses, &c.*]—(1.) Where any . . . place of public entertainment, whether built before or after the commencement of this section, has no urinal belonging or attached thereto, the local authority (*b*) may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more proper and sufficient urinals in a suitable position.

(2.) If the owner fails within a reasonable time to comply with a notice under this section, he shall be liable in respect of each offence to a penalty not exceeding twenty shillings and to a daily penalty (*b*) not exceeding ten shillings.

(*a*) By section 2 (2): This section applies to any district to which it is applied by an order of the Local Government Board or of the Secretary of State, as the case may be.

(*b*) Section 13: In this Act, if not inconsistent with the context, the expression "local authority" means an urban sanitary authority, an urban district council, or a rural district council. The expression "daily penalty" means a penalty for each day on which an offence

is continued after conviction therefor. The expressions "the commencement of this Part" and "the commencement of this section," used in relation to any part or section of this Act, mean respectively the date at which, by an order made by the Local Government Board or by the Secretary of State as the case may be, in pursuance of this Act, and subject to any conditions or adaptations specified in that order, the part or section is declared to be in force. Other expressions to which a special meaning is assigned by the PUBLIC HEALTH ACT, 1875, have respectively the same meaning in this Act as they have in that Act.

BATHS AND WASHHOUSES ACT, 1899.

(62 & 63 VICT. c. 29.) (*a*)

2. From and after the passing of this Act the following proviso to section five of the Baths and Washhouses Act, 1878, viz.,—

"Provided always that no covered or open swimming bath when closed, may be used for music or dancing"

shall be repealed.

Provided always—

(*a*) That the Commissioners appointed under the Baths & Washhouses Acts, 1846 to 1899, or any body for the time being acting in the execution of those Acts, which Commissioners or other body are herein-after referred to as "such Commissioners," shall, before any bath is used for music or dancing, obtain such licence as may be required for the use of a place for that purpose under any enactment in force in the area for which such Commissioners act, or if no such enactment is in force, obtains a licence from the County Council of the County in which the district of such Commissioners is situate:

(*b*) That no portion of the premises in respect of which the licence is granted be let otherwise than occasionally to any person or persons, corporate or otherwise, and that no money for admission be taken at the doors (*b*):

(*c*) That such Commissioners be responsible for any breach of the conditions on which the licence is granted, which

may occur during any entertainment given on such premises by their permission:

(*a*) Similar provisions relating to the administrative County of London exist in the BATHS AND WASHHOUSES ACT, 1896 (59 & 60 Vict. c. 59).

(*b*) "*at the doors.*"—Where the Commissioners under the BATHS AND WASHHOUSES ACTS, 1846 to 1899, having obtained the necessary licence, let their baths to persons who used them for musical entertainments, one condition of the lease was that no money should be taken at the doors. The lessees erected pay boxes on the Commissioners' land just outside the building, and there charged money for admission. Held (Joyce, J.), that there is nothing in the statute as to the responsibility of the defendants for the lessees, and the Court would not by injunction compel the defendants to take the responsibility of excluding their lessees on the ground of what has been done with reference to the pay boxes, thus compelling the defendants to risk the result of a decision as to whether taking money at the pay boxes outside the building is an unlawful evasion of the Act—*Attorney-General* v. *Walthamstow Urban District Council* (1910) 1 Ch. 347. Generally on this Act see *Attorney-General (on relation of Hoxton Cinema, Lim.)* v. *Shoreditch Corporation* (1915) W. N. 184.

3. *Licence by County Council* (25 *Geo.* 2. *c.* 36).]—In places in which the Disorderly Houses Act, 1751, is in force, a licence under that Act for music or dancing, or for both purposes, may be granted to such Commissioners at any annual licensing meeting of the Council authorised to grant such a licence, or at any other meeting of such Council duly convened with fourteen days' previous notice.

4. This Act shall not apply to the administrative county of London.

THEATRE LICENCES FOR MUSIC HALLS.

The Lord Chamberlain grants theatre licences to Music Halls subject to the following conditions:

1. The licence is an annual licence.

2. The performance must consist of at least six separate items, which must appear on the programme.

3. The act-drop curtain must be lowered after each item.

4. Where the holder of this licence has given the London County Council an undertaking that intoxicating drinks shall

not be sold or consumed on the premises, he must not apply under this licence for an excise licence.

5. The usual Lord Chamberlain's stage play licence is needed for all sketches for the production of which a theatre licence is required.

The usual condition in a theatre licence that smoking is not permitted in the auditorium is not a condition attaching to this licence. The Lord Chamberlain will not renew this licence in the event of a breach of any of the conditions, and applicants must give a written undertaking to observe conditions 2, 3, and 4.

See *Letter from Lord Chamberlain*, dated January 6, 1912—*Times*, January 9.

SUNDAY OBSERVANCE ACT, 1781.

(21 Geo. 3. c. 49.)

An Act for preventing certain Abuses and Profanations on the Lord's Day, called Sunday.

Preamble.]—Whereas certain Houses, Rooms, or Places within the Cities of *London* or *Westminster*, or in the Neighbourhood thereof, have of late frequently been opened for public Entertainment or Amusement upon the Evening of the Lord's Day, commonly called *Sunday*; and at other Houses, Rooms, or Places within the said Cities, or in the Neighbourhood thereof, under Pretence of inquiring into religious Doctrines and explaining Texts of Holy Scripture, Debates have frequently been held on the Evening of the Lord's Day concerning divers Texts of Holy Scripture, by Persons unlearned and incompetent to explain the same, to the Corruption of good Morals, and to the great Encouragement of Irreligion and Profaneness:

From the passing of this Act any House, &c. opened for public Amusement or Debate on a Sunday to which Persons shall be admitted by Payment of Money, &c. shall be deemed a disorderly House, and the Keeper thereof shall forfeit 200*l. for*

every Sunday the same shall be used as aforesaid]—Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this present Act, any House, Room, or other Place (*a*) which shall be opened or used (*b*) for public (*c*) Entertainment or Amusement (*d*), or for publicly debating on any Subject whatsoever, upon any Part of the Lord's Day called *Sunday*, and to which Persons shall be admitted by the Payment of Money (*e*), or by Tickets sold for Money, shall be deemed a disorderly House (*f*) or Place and the Keeper (*g*) of such House, Room, or Place (*a*) shall forfeit the Sum of Two hundred Pounds for every Day that such House, Room, or Place shall be opened or used (*b*) as aforesaid on the Lord's Day, to such Person as will sue (*gg*) for the same, and be otherwise punishable as the Law directs in Cases of disorderly Houses (*h*);

Penalty on the President, &c.]—and the Person managing or conducting such Entertainment or Amusement on the Lord's Day, or acting as Master of the Ceremonies there, or as Moderator, President or Chairman of any such Meeting for public Debate on the Lord's Day, shall likewise for every such Offence forfeit the Sum of One hundred Pounds (*i*) to such Person (*j*) as will sue for the same;

Doorkeepers and Servants]—and every Doorkeeper, Servant, or other Person who shall collect or receive Money or Tickets from Persons assembling at such House, Room, or Place on the Lord's Day, or who shall deliver out Tickets for admitting Persons to such House, Room, or Place on the Lord's Day, shall also forfeit the Sum of Fifty Pounds (*i*) to such Person as will sue for the same.

(*a*) "*any House, Room, or other Place.*"—See THEATRES ACT, 1843, s. 2, note (*f*), p. 4; also DISORDERLY HOUSES ACT, 1751, s. 2, note (*b*), p. 17, and PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 51 (1), note (*e*), p. 44.

(*b*) "*opened or used.*"—See DISORDERLY HOUSES ACT, 1751, s. 2, note (*c*), p. 17, also THEATRES ACT, 1843, s. 2, note (*d*), p. 3. Note, however, difference in wording.

(*c*) "*public.*"—See THEATRES ACT, 1843, s. 2, note (*f*).

(*d*) "*Entertainment or Amusement.*"—A hall in which meetings were held on Sunday evenings was duly registered as a place of religious worship. During the meetings sacred music was performed,

and an address given, always of an instructive, sometimes of a religious, and never of a profane character. Admission was free, but a charge was made for reserved seats. The object of the promoters was not pecuniary gain, and in fact the services were carried on at a loss. Such a place is not a place of public entertainment—*Baxter* v. *Langley* (1868) L. R. 4 C.P. 21.

An aquarium to which the public is admitted on payment is a place of "public entertainment or amusement" whether, in addition, the attractions of sacred music and a reading room are provided—*Warner* v. *Brighton Aquarium Co.* (1874) 10 Ex. 291; or not—*Terry* v. *Brighton Aquarium Co.* (1875) 10 Q.B. 306.

(*e*) "*Payment of Money.*"—"The fact that a charge is made for a reserved seat is not incompatible with admission being free. The statute speaks of admission, not to a seat, but to the entertainment," *per* Collins, J.—*Williams* v. *Wright* (1897) 13 T. L. R. 551; (inferentially) *Baxter* v. *Langley* (1868) L. R. 4 C.P. 21.

It is submitted that this does not mean that the money must be taken at the door. It is further submitted that a reasonable number of persons must be admitted free, as otherwise it would be merely a colourable evasion of the Act.

(*f*) "*disorderly House.*"—See DISORDERLY HOUSES ACT, 1751, *ante.*

(*g*) "*Keeper.*"—A hall belonging to a company in liquidation was let by a solicitor, as agent for the liquidator, to a society for the purpose of lectures being delivered on Sundays on secular subjects. A charge was made for admission. The jury found that the hall was used for public entertainment or amusement within this section. The solicitor, however, was not the "keeper," nor was the person in the chair, who had no control over the lecturer, though he may have had over the audience, the "chairman" under this section—*Reid* v. *Wilson* (1895) 1 Q.B. 315.

If the secretary of a company owning the hall had actually made the bargain for the letting, he would not have been the person who let the hall. It would have been the company who let the hall, and the company could not have been sued for penalties under the Act.

"If a tenant does an illegal thing he, not the landlord, is the keeper of the house for the purpose of the Act," nor is the landlord to be deemed to be the keeper under section 2 of the Act"—*Reid* v. *Wilson* (*supra*), *vide* judgment, Lord Esher, M.R.

(*gg*) See DISORDERLY HOUSES ACT, 1751, s. 2, note (*k*), *ante.*

(*h*) "*punishable . . . disorderly Houses.*"—See DISORDERLY HOUSES ACT, 1751, *ante.*

(*i*) For mitigation of penalties by Crown, see REMISSION OF PENALTIES ACT, 1875, *post*, p. 55.

(*j*) "*to such Person.*"—A judgment in favour of a friendly informer for a penalty is no bar to the recovery of the penalties under this Act by a third party. The action by the friendly informer is in truth one in which the defendants are also the plaintiffs, or it is obtained by covin and collusion—*Girdlestone* v. *Brighton Aquarium* (1879) 4 Ex. D. 107; but see *Barrett* v. *Johnson* (1836) 2 Jo. Ex. Ir. 197.

2. ***The Person who acts as Master or Mistress in any such House shall be deemed the Owner thereof.***]—And whereas, by reason of the many subtle and crafty Contrivances of Persons keeping such Houses, Rooms, or Places as aforesaid, it may often be difficult to prove who is the real Owner or Keeper thereof: Be it enacted by the Authority aforesaid, That any Person who shall at any Time hereafter appear, act, or behave him or herself as Master or Mistress, or as the Person having the Care, Government, or Management (*k*) of any such House, Room, or Place as aforesaid, shall be deemed and taken to be the Keeper thereof, and shall be liable to be sued or prosecuted and punished as such, notwithstanding he or she be not in fact the real Owner or Keeper thereof:

Where there are joint Owners, each of them shall be liable to Prosecution]—And wherever any such House, Room, or Place shall belong to or be kept by divers Persons in Partnership, as joint Owners or joint Keepers thereof, each and every such joint Owner or joint Keeper of such House, Room, or Place shall be deemed the Keeper thereof, and shall be liable to be sued or prosecuted and punished as such:

All Houses where Refreshments are sold at greater Prices on Sundays than on other Days]—And any House, Room, or Place at which Persons shall be supplied with Tea, Coffee, or any other Refreshments of eating or drinking on the Lord's Day, at any greater Prices than the common and usual Prices at which the like Refreshments are commonly sold upon other Days at such House, Room, or Place, or at Coffee Houses, or other Houses, where the same are usually sold, shall be deemed a House, Room, or Place to which Persons are admitted by the Payment of Money, although Money be not there taken in the Name of or for Admittance, or at the Time when Persons enter into or depart from such House, Room, or Place;

and such as shall be opened for public Debate on Sundays, by Subscription, &c. shall be liable to the Penalties inflicted by this Act]—and any House, Room, or Place which shall be opened or used for any public Entertainment or Amusement, or for public Debate, on the Lord's Day, at the Expense of any Number of Subscribers or Contributors to the carrying on any such Entertainment or Amusement, or Debate, on the Lord's Day, and to which Persons shall be admitted by Tickets, to

which the Subscribers or Contributors shall be entitled, shall be deemed a House, Room, or Place to which Persons are admitted by the Payment of Money, within the meaning of this Act.

(*k*) "*or Management.*"—See section 1, note (*g*), *supra*.

3. *Penalty on advertising any such public Amusement for Sunday, and on printing such Advertisement.*]—And for the better preventing Persons assembling on the Lord's Day for such irreligious Purposes as aforesaid, be it further enacted by the Authority aforesaid, That any Person advertising or causing to be advertised any public Entertainment or Amusement, or any public Meeting for debating on any subject whatsoever, on the Lord's Day, to which Persons are to be admitted by the Payment of Money, or by Tickets sold for Money, and any Person printing or publishing any such Advertisement, shall respectively forfeit the Sum of Fifty Pounds (*l*) for every such Offence, to any Person who will sue for the same.

(*l*) "*Fifty Pounds.*"—For power of Crown to remit penalties, see REMISSION OF PENALTIES ACT, 1875, *post*, p. 55.

4. *Penalties how to be recovered.*]—And be it further enacted by the Authority aforesaid, That any Person entitled to either of the aforesaid Forfeitures may sue for the same by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the Sum of
(being the Sum demanded by the said Action), being forfeited by an Act made in the Twenty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for preventing certain Abuses and Profanations on the Lord's Day, called* Sunday; and the Plaintiff, if he recover in any such Action, shall have his full Costs.

5. *Actions to be brought within Six Months.*]—Provided, That no Action shall be brought for either of the said Penalties by this Act imposed unless the same be brought within Six Calendar Months next after the Offence committed.

6. *Persons sued in execution of this Act may plead the General Issue and recover Treble Costs.*]—Provided also, That

if any Action or Suit shall be brought against any Person for anything done in pursuance and in execution of this Act, the defendant may plead the General Issue; and if a Verdict pass for the defendant, or the Plaintiff discontinue his or her Action, or be nonsuited, or Judgment be given against the Plaintiff, then such Defendant shall have Treble Costs (*m*).

(*m*) "*have Treble Costs.*"—Apparently repealed by 5 & 6 Vict. c. 97. See also, as to this section, PUBLIC AUTHORITIES PROTECTION ACT, 1893 (56 & 57 Vict. c. 61).

7. *This Act not to affect the Ecclesiastical Jurisdiction;*]—Provided also, That the Ecclesiastical Jurisdiction within this Realm shall not by this Act be altered or abridged, but that the Ecclesiastical Courts may punish the said Offences as if this Act had not been made.

8. *Nor the Toleration Act of* 1 *Will. & Mar.*]—Provided also, That nothing in this Act contained shall be construed to extend to take away, alter, or abridge any of the Liberties or Immunities to which the Protestant Subjects of this Kingdom are entitled by an Act made in the First Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for exempting Their Majesties' Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws.*

SUNDAY OBSERVANCE PROSECUTION ACT, 1871.

(34 & 35 VICT. c. 87.)

1. *Prosecutions for offences under* 29 *Car.* 2. *c.* 7 *to be only by chief officer of police or with consent of two justices of the peace, &c.*]—No prosecution or other proceeding shall be instituted against any person or the property of any person for any offence committed (*b*) by him under the Act of the twenty-ninth year of the reign of King Charles the Second, chapter seven, intituled "An Act for the better observation of the Lord's Day, commonly called Sunday," or for the recovery of any forfeiture or penalty for any such offence, except by or with the consent

in writing (*b*) of the chief officer of police (*c*) of the police district in which the offence is committed, or with the consent in writing of two justices of the peace or a stipendiary magistrate having jurisdiction in the place where such offence is committed. No such prosecution shall be heard before the justices of the peace or stipendiary magistrate by whom or with whose consent the same has been instituted.

(*b*) "*committed.*"—The consent in writing must be obtained before the prosecution is instituted—*Thorpe* v. *Priestnall* (1897) 1 Q.B. 159.

The prosecution is instituted when the information is laid—*Thorpe* v. *Priestnall* (*supra*); *R.* v. *Wallace* (1797) 1 East P.C. 186.

(*c*) The consent of a superintendent of police who was in fact in chief command of a police district during the temporary holiday of the chief constable is not the chief officer of police within the statute, and has no authority to give the consent—*R.* v. *Halkett* (1910) 1 K.B. 50.

2. *Interpretation.*]—In this Act—

The term "police district" means the districts mentioned in the schedule (*d*) to this Act, and the term "chief officer of police" means the officers mentioned in relation to each district in that schedule; all the police under one chief constable shall be deemed to constitute one force for the purposes of this Act.

(*d*) SCHEDULE.

Police District.	Chief Officer of Police.
The city of London and the liberties thereof, exclusive of Southwark.	The Commissioner of Police of the City.
The metropolitan police district.	The Commissioner of Police of the Metropolis.
Any county, any riding, parts, division, or liberty of county, any borough or town maintaining a separate police force.	The chief constable or head constable or other officer, by whatever name called, having the chief command of the police in the police district.

3. *Short title.*]—This Act may be cited as "The Sunday Observation Prosecution Act, 1871."

4. *Duration of Act.*]—[This Act shall continue in force until the first day of September one thousand eight hundred and seventy-two, and no longer. (*e*)]

(*e*) *Section 4.*—This section was repealed by STATUTE LAW REVISION (No. 2) ACT, 1893 (56 & 57), c. 54, and the Act has been continued by successive EXPIRING LAWS CONTINUANCE ACTS.

REMISSION OF PENALTIES ACT, 1875.

(38 & 39 VICT. c. 80.)

1. Whereas doubts are entertained as to the power of the Crown to remit penalties and forfeitures incurred under the said Act of the twenty-first year of the reign of King George the Third, chapter forty-nine (*a*), by reason of its being contended that the Power of the Crown to remit such penalties and forfeitures does not extend to penalties and forfeitures recovered in penal actions, and it is expedient to remove such doubts; Be it therefore enacted that

It shall be lawful for Her Majesty to remit in whole or in part any penalty, fine, or forfeiture imposed or recovered for any offence under the said Act, whether on indictment, information, or summary conviction, or by action, or any other process.

(*a*) DISORDERLY HOUSES ACT, 1751, *ante*.

2. This Act may be cited as the Remission of Penalties Act, 1875 (*b*).

(*b*) "*Act*, 1875."—For remission by Crown of penalties incurred by "convicted offenders," though payable to third parties, see REMISSION OF PENALTIES ACT, 1859 (22 Vict. c. 32), *post*, p. 140.

COPYRIGHT IN DRAMATIC AND MUSICAL WORKS.

The law relating to copyright is, with few comparatively minor exceptions, contained in the COPYRIGHT ACT, 1911 (1 & 2 Geo. 5. c. 46), which consolidates and amends the law of copyright.

Copyright now subsists only under this Act and becomes statutory for all works from the time of making, whether published or unpublished.

The Act reduces into a comprehensive and orderly arrangement a branch of law previously intricate, confused, and uncertain. The author no longer has to register his work to obtain copyright—it subsists from the time the work is created if the author is at the time of making a British subject or resident in Great Britain; and also in the case of a published work if the work was first published in a country to which the Act applies.

The Act confers on the author, composer, or artist the sole and exclusive right to the benefit of his original work, and protects him against the appropriation—in any manner—of the essential or vital features of his creativeness. The author now has secured to him the exclusive right of translating or dramatising his work or of converting his dramatic work into novel form, and the right to reproduce his work in any material form even visually or mechanically.

A printed dramatic piece has the same protection as any merely literary work, in addition to the "playright."

The owner of a copyright subsisting at the time this Act became operative is entitled to the substituted rights or "life" in section 3.

An exhaustive treatise on copyright law is outside the scope of this article, which is mainly confined to such aspects of the law of copyright as relate more particularly to the performance or reproduction of copyright productions in places of public entertainment, *i.e.*, the playright or performing right. The majority of the cases referred to in the notes were decided under Acts now repealed, and are now obsolete; they are not to be relied on as precisely accurate statements of law under the present Act, but are useful chiefly as shewing previous judicial interpretations and defi..itions of words and clauses which recur in this Act.

Sections 1, 2, 3, and 4 have been annotated as being of importance to the subject-matter of this book; the remainder of the Act has been placed in the Appendix for purposes of reference.

COPYRIGHT ACT, 1911.

(1 & 2 GEO. 5. c. 46.)

An Act to amend and consolidate the Law relating to Copyright.

Imperial Copyright.

RIGHTS.

1.—(1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's Dominions to which this Act extends for the term herein-after mentioned in every original (*a*) literary dramatic (*b*) musical (*c*) and artistic work, if—

(a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and

(b) in the case of an unpublished work, the author was at the date of the making (*d*) of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial (*e*) part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

(a) to produce, reproduce (*f*), perform, or publish any translation of the work;

(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;

(d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise (*g*) any such acts as aforesaid.

(3) For the purposes of this Act, publication (*h*), in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but for the purposes of this provision the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

(*a*) "*original.*"—The result of individual creative work. A work demanding the fair exercise of a mental operation, deserving the character of an original work—see *Wilkins* v. *Aikin*, 17 Ves. 422; ". . . being a work of imagination or invention on the part of the author"—*Spiers* v. *Brown* (1858) 6 W. R. 352, *per* Wood, V.C.

It is doubtful whether the mere title of a play is the subject of copyright—*Broemel* v. *Meyer* (1913) 29 T. L. R. 148; 57 S. J. 145.

(*b*) "*dramatic.*"—No definition in the Act. For what is included, see section 35 (1).

If the scenic arrangement or the caste of a piece in dumb show depends upon the taste of the actors it seems doubtful whether copyright exists. It is submitted that acting form or stage arrangement must be fixed in writing (section 35, sub-section 1)—*Karno* v. *Pathé Frères* (1908) 100 L. T. 260.

(*c*) "*musical*" is not defined in this Act, but musical work is defined in the MUSICAL (SUMMARY JURISDICTION) COPYRIGHT ACT, 1902, as "Any combination of melody and harmony or either of them printed, reduced to writing, or otherwise graphically produced or reproduced"; and see *D'Almaine* v. *Boosey* (1835) Y. & C. Ex. 288.

(*d*) "*making*" is independent of printing, publishing or performing; the time at which a work is made is a question of fact—*Reichardt* v. *Sapte* (1893) 2 Q.B. 308.

Copyright exists from the moment of making—*Tuck* v. *Priester* (1887) 19 Q.B. D. 629.

(*e*) "*substantial.*"—To constitute infringement the appropriation must be of some "material and substantial part"—*Chatterton* v. *Cave* (1878) 3 App. Cas. 483.

Substantial refers not only to the extent but also to the way in which the copyright work is used and the importance of the part taken. When it comes to a question of quantity it must be vague.

. . . One might take all the vital part though a small proportion in quantity—it is not only quantity but value that is always regarded—*per* Lord Cottenham, L.C.—*Bramwell* v. *Halcomb* (1836) 3 My. & Cr. 738.

(*f*) "*reproduce.*"—The representation of a picture by tableaux vivants is not a reproduction—*Haufstaengl* v. *Empire Palace Co.* (1895) App. Cas. 20.

The author of a dramatic work may prevent additions—*Gilbert* v. *Workman* (1910), *Times*, Jan. 19, p. 3.

(*g*) "*authorise.*"—The plaintiffs agreed to let a certain cinema film to the defendants for the period of one week for exhibition at certain places; the defendants agreed not to exhibit or suffer to be exhibited the film at any other places. The defendants in fact exhibited or suffered to be exhibited the film at other places and advertised such performances. *Held*, That by advertising the defendants had authorised a performance or exhibition of the work and had therefore infringed the plaintiffs' copyright in the film within the meaning of this section—*Fenning Film Service, Ltd.* v. *Wolverhampton, Walsall and District Cinemas, Ltd.* (1914) 3 K.B. 1171; 83 L. J. K.B. 1860.

(*h*) "*publication.*"—Mere performance in public is not publication. The distinction between performing right and copyright which existed prior to this Act is so removed.

2. (1) *Infringement of Copyright.*]—Copyright in a work shall be deemed to be infringed (*i*) by any person (*j*) who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright; Provided that the following acts shall not constitute an infringement of copyright:

(i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary:

(ii) Where the author of an artistic work is not the owner of the copyright (*k*) therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work.

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are

not in the nature of architectural drawings or plans) of any architectural work of art:

(iv) The publication in a collection, mainly composed of non-copyright matter, bona fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries:

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

(a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or

(b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(c) by way of trade exhibits in public; or

(d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or

other place of entertainment to be used for the performance in public (*l*) of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting that the performance would be an infringement of copyright.

(*i*) "*infringed.*"—As to what constitutes infringement, see *Chatterton* v. *Cave* (1878) 3 App. Cas. 483.

Infringement is not excused by acknowledgment—*Bohn* v. *Bryne* (1846) 10 Jur. 420.

The making of a manuscript orchestral accompaniment of a song written for pianoforte accompaniment only is an infringement of copyright—*Chappell & Co., Ltd.* v. *Columbia Gramophone Co.* (1914) 2 Ch. 745.

A kinematograph reproduction of a music hall sketch may be a "colourable imitation representation or version"—whether it is so depends on the facts in each case—*London Theatre of Varieties* v. *Evans* (1914) 31 T. L. R. 75.

A dramatic sketch containing a series of incidents in the same arrangement which have been taken from the plaintiff's book, although the words are different, is an infringement, and will entitle the plaintiff to an injunction—*Corelli* v. *Gray* (1913) C.A., 30 T. L. R. 116.

(*j*) "*person*" shall, unless the contrary intention appear, include company—INTERPRETATION ACT, 1889 (52 & 53 Vict. c. 63), s. 19.

(*k*) The position of the owner of copyright is not the same as the position of an inventor who has obtained a patent. A patentee has an absolute monopoly of the right to make use of and exercise an invention within certain limits, and if anybody used that invention, though he might have arrived at the result by an independent course of investigation altogether, he was infringing the patent. But in the case of copyright it is not so. It has been admitted over and over again that it is possible for the same result to be arrived at in the case of copyright from independent sources, and in that case the fact that the defendant produced from that independent source something which was like the plaintiff's work would not be an infringement of copyright, *per* Warrington, J.—*Rees* v. *Melville and Others* (1913), *Times*, September 25, approving Sargant, J., in *Corelli* v. *Gray* (1913) C.A., 30 T. L. R. 116. Decision in *Rees* v. *Walter and Melville* upheld in C.A. (1914) January 29.

(*l*) "*performance in public.*"—Although money was not charged for admission—*Duck* v. *Bates* (1884) 13 Q.B. D. 843; *Caird* v. *Sime* (1887) 12 App. Cas. 326.

3. *Term of Copyright.*]—The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author (*m*) and a period of fifty years after his death. Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright

subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of 10 per cent. of the price at which he publishes the work; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

(*m*) "*author.*"—*As to what constitutes authorship see Nottage* v. *Jackson* (1883) 11 Q.B. D. 627.

4. *Compulsory Licences.*]—If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to publish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

5. (1) *Ownership of copyright, &c.*]—Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

(a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such

plate or other original was ordered shall be the first owner of the copyright; and

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies.

6. (1) *Civil remedies for infringement of copyright.*]—Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

7. *Rights of owner against persons possessing or dealing with infringing copies, &c.*]—All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

8. *Exemption of innocent infringer from liability to pay damages, &c.*]—Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

9. *Restriction on remedies in the case of architecture.*]—(1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

10. *Limitation of actions.*]—An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Summary Remedies.

11. *Penalties for dealing with infringing copies, &c.*]—(1) If any person knowingly—

(a) makes for sale or hire any infringing copy of a work in which copyright subsists; or

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or

(c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(d) by way of trade exhibits in public any infringing copy of any such work; or

(e) imports for sale or hire into the United Kingdom any infringing copy of any such work:

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

12. ***Appeals to quarter sessions.***]—Any person aggrieved by a summary conviction of an offence under the foregoing

provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts.

13. *Extent of provisions as to summary remedies.*]—The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

Importation of Copies.

14. *Importation of copies.*]—(1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section,

or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any en .ctment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876: Provided that, notwithstanding anytning in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) Tliis section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

Delivery of Books to Libraries.

15. *Delivery of copies to British Museum and other libraries.*]—(1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall gave a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter-press or in the maps, prints, or other engravings belonging thereto.

Special Provisions as to certain Works.

16. *Works of joint authors.*]—(1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of

compulsory licences a reference to the date of the death of the author who dies last shall be subsituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

17. *Posthumous works.*]—(1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

18. *Provisions as to Government publications.*]—Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, . . copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

19. *Provisions as to mechanical instruments.*]—(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

(a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and

(b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate herein-after mentioned:

Provided that—

(i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced,

unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

(a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent.; and

(b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing:

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of

the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply:

(b) The rate of two and one-half per cent. shall be substituted for the rate of five per cent. as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten:

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically

performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives:

(d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of the Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section:

(e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

(i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and

(ii) nothing in this provision shall be considered as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

20. *Provision as to political speeches.*]—Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

21. *Provisions as to photographs.*]—The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

22. *Provisions as to designs registrable under 7 Edw. 7. c. 29.*]—(1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23. *Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.*]—If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

24. *Existing works.*]—(1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder:

Provided that—

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or

(ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or

interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers:

(b) where any person has, before the twenty-sixth day of July nineteen hundred and ten, taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section nineteen subsections (7) and (8) and of section thirty-three of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

Application to British Possessions.

25. *Application of Act to British dominions.*]—(1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any

modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

(2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act.

26. *Legislative powers of self-governing dominions.*]—(1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends.

(2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.

(3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident else-

where than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned dominion, and to works first published in that dominion; but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends:

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection, authorised to confer within other parts of His Majesty's dominions.

For the purposes of this subsection the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

27. *Power of Legislatures of British possessions to pass supplemental legislation.*]—The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession.

28. *Application to protectorates.*]—His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such

Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends.

Part II.

International Copyright.

29. *Power to extend Act to foreign works.*]—(1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

(a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends;

(b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were British subjects;

(c) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that—

(i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I. of this Act;

(ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;

(iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;

(iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;

(v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;

(vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886.

(2) An Order in Council under this section may extend to all the several countries named or described therein.

80. *Application of Part II. to British possessions.*]—(1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply.

(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His

Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order.

Part III.

Supplemental Provisions.

31. *Abrogation of common law rights.*]—No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

32. *Provisions as to Orders in Council.*]—(1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

33. *Saving of university copyright.*]—Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

34. *Saving of compensation to certain libraries.*]—There shall continue to be charged on, and paid out of, the

Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books:

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

38. *Interpretation.*]—(1) In this Act, unless the context otherwise requires,—

"Literary work" includes maps, charts, plans, tables, and compilations;

"Dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

"Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Work of sculpture" includes casts and models;

"Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Engravings" include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

"Photograph" includes photo-lithograph and any work produced by any process analogous to photography;

"Cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work" means—

(a) an encyclopædia, dictionary, year book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

"Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act;

"Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

"Lecture" includes address, speech, and sermon;

"Self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

36. *Repeal.*]—Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

37. *Short title and commencement.*]—(1) This Act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation—

(a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council;

(b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion;

(c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;

(d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.

SCHEDULES.

FIRST SCHEDULE.

EXISTING RIGHTS.

Existing Right.	Substituted Right.
(a) In the case of Works other than Dramatic and Musical Works.	
Copyright	Copyright as defined by this Act.*
(b) In the case of Musical and Dramatic Works.	
Both copyright and performing right	Copyright as defined by this Act.*
Copyright, but not performing right	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act.

* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:

"Copyright," in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

"Performing right," in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

SECOND SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2. c. 13	The Engraving Copyright Act, 1734.	The whole Act.
7 Geo. 3. c. 38	The Engraving Copyright Act, 1767.	The whole Act.
15 Geo. 3. c. 53.	The Copyright Act, 1775 -	The whole Act.
17 Geo. 3. c. 57.	The Prints Copyright Act, 1777	The whole Act.
54 Geo. 3. c. 56.	The Sculpture Copyright Act, 1814.	The whole Act.
3 & 4 Will. 4. c. 15.	The Dramatic Copyright Act, 1833.	The whole Act.
5 & 6 Will. 4. c. 65.	The Lectures Copyright Act, 1835.	The whole Act.
6 & 7 Will. 4. c. 59.	The Prints and Engravings Copyright (Ireland) Act, 1836	The whole Act.
6 & 7 Will. 4. c. 110.	The Copyright Act, 1836 -	The whole Act.
5 & 6 Vict. c. 45.	The Copyright Act, 1842 -	The whole Act.
7 & 8 Vict. c. 12.	The International Copyright Act, 1844.	The whole Act.
10 & 11 Vict. c. 95.	The Colonial Copyright Act, 1847.	The whole Act.
15 & 16 Vict. c. 12.	The International Copyright Act, 1852.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 68.	The Fine Arts Copyright Act, 1862.	Sections one to six. In section eight the words "and pursuant "to any act for the "protection of copy- "right engravings," and "and in any such "Act as aforesaid." Sections nine to twelve.
38 & 39 Vict. c. 12.	The International Copyright Act, 1875.	The whole Act.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section forty-two, from "Books wherein" to "such copyright will "expire." Sections forty-four, forty-five, and one hundred and fifty-two.
45 & 46 Vict. c. 40.	The Copyright (Musical Compositions) Act, 1882.	The whole Act.
49 & 50 Vict. c. 33.	The International Copyright Act, 1886.	The whole Act.
51 & 52 Vict. c. 17.	The Copyright (Musical Compositions) Act, 1888.	The whole Act.
52 & 53 Vict. c. 42.	The Revenue Act, 1889 - -	Section one, from "Books first pub- "lished" to "as pro- "vided in that "section."
6 Edw. 7. c. 36	The Musical Copyright Act, 1906	In section three the words "and which "has been registered "in accordance with "the provisions of "the Copyright Act, "1842, or of the Inter- "national Copyright "Act, 1844, which "registration may be "effected notwith- "standing anything "in the International "Copyright Act, "1886."

CINEMATOGRAPH ACT, 1909.

(9 EDW. 7. c. 30.)

An Act to make better provision for securing safety at Cinematograph and other Exhibitions.

1. ***Provision against cinematograph exhibition except in licensed premises.***]—An exhibition (*a*) of pictures or other optical effects by means of a cinematograph (*b*), or other similar apparatus (*c*), for the purposes of which inflammable (*d*) films are used, shall not be given unless the regulations (*e*) made by the Secretary of State for securing safety are complied with, or (*f*), save as otherwise expressly provided by this Act, elsewhere than in premises (*g*) licensed (*h*) for the purpose in accordance with the provisions of this Act.

(*a*) "*An exhibition.*"—A cinematograph exhibition which would ordinarily require a licence may be given without a licence when it is given in a room on business premises merely for the purpose of exhibition to *bona fide* intending purchasers—*Att.-Gen.* v. *Vitagraph Co., Ltd.* (1915) 1 Ch. 206.

For exhibitions in private dwelling houses, clubs, and institutions, see section 7 (4), *post*, and notes thereto.

(*b*) "*cinematograph.*"—The Act contains no definition of this word.

(*c*) "*similar apparatus.*"—It is submitted that a magic lantern if inflammable films are used is "similar apparatus" to a cinematograph. Whether an apparatus is a "similar apparatus" is a question of fact.

(*d*) "*inflammable.*"—The Act does not contain any definition of this word. It is submitted that it means susceptible of combustion, and does not mean "easily set on fire."

To evade the statute, films must in fact be non-flammable, and not merely non-flammable while being used in the cinematograph—*Victoria Pier (Folkestone) Syndicate, Ltd.* v. *Reeve* (1912) 28 T. L. R. 443.

(*e*) "*regulations.*"—For copy of, see *post*, p. 154.

The Lord Chamberlain's power to make regulations is restricted to "regulations for securing safety"—*L.C.C.* v. *Bermondsey Bioscope Co.* (1911) 1 K.B. 449.

(*f*) "*or.*"—The word "or" as here used does not mean that there is an alternative. Obedience to the regulations and a licence are both required. On this point see also sections 4 and 7 (2), *post*.

(*g*) "*premises.*"—For moveable building, see section 7 (3), *post*.

(*h*) "*licensed.*"—For penalties see section 3, *post*.

2. ***Provisions as to licences.***]—(1) A county council (*i*) may grant licences (*j*) to such persons (*k*) as they think fit to

use the premises specified in the licence for the purposes aforesaid on such terms and conditions and under such restrictions (*l*) as, subject to regulations of the Secretary of State (*m*), the council may by the respective licences determine.

(2) A licence shall be in force for one year or for such shorter period as the council on the grant of the licence may determine, unless the licence has been previously revoked as herein-after provided.

(3) A county council may transfer any licence granted by them to such other person as they think fit.

(4) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the county council and to the chief officer of police of the police area in which the premises are situated of his intention to apply for a licence or transfer:

Provided that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(5) There shall be paid in respect of the grant, renewal, or transfer of a licence such fees as the county council may fix, not exceeding in the case of a grant or renewal for one year one pound, or in the case of a grant or renewal for any less period five shillings for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any years shall not exceed one pound, or, in the case of transfer, five shillings.

(6) For the purposes of this Act, the expressions "police area" and "chief officer of police," as respects the city of London, mean the city and the Commissioner of City Police, and elsewhere have the same meanings as in the Police Act, 1890 (*n*).

(*i*) "*county council.*"—For delegation to committees, district councils, or Justices, see section 5, *post*.

For principles governing the county council, see DISORDERLY HOUSES ACT, 1751, s. 2, note (*i*), *ante*, p. 17. Also THEATRES ACT, 1843, s. 3, note (*o*), *ante*, p. 5, and s. 5, note (*r*), *ante*, p. 6.

(*j*) "*licences.*"—No provision is made for the grant of provisional licences in this Act, but some local authorities (amongst others the L.C.C.) have assumed the power—*re Sutton Cinematograph Theatres, Ltd.* (1911) 75 J. P. N. 245. See also *James* v. *Newington Justices* (1900) 64 J. P. 489.

For the necessity for a music licence where a piano or gramophone is used, see DISORDERLY HOUSES ACT, 1751, s. 2, notes (*c*) and (*d*), *ante*, p. 17.

(*k*) "such persons."—In practice the person to whom licenses are granted varies in different parts of the country. In London the L.C.C. grants licences to the actual legal occupier, whether freeholder or leaseholder. In many parts of the country the practice is to grant the licence to the manager.

(*l*) "*restrictions.*"—A condition in a cinematograph licence that the premises shall not be open under the licence on Sundays, Christmas Day, or Good Friday is not *ultra vires.* The restrictions in this section are not confined to securing safety as are the regulations of the Secretary of State in section 1 (*supra*)—*London County Council* v. *Bermondsey Bioscope Co.* (1911) 1 K.B. 445.

"I have been unable to discover any distinction for this purpose between the condition which is imposed in the ordinary case of music hall licences and the condition which is impugned in this case," *per* Avory, J.—*L.C.C.* v. *Bermondsey, etc.* (*supra*).

A condition that no cinematograph exhibitions, whether using inflammable films or not, shall be given on Sundays is not *ultra vires.* The discretion of the licensing authority with respect to the restrictions and conditions it may attach to a licence under this Act is unfettered save by the limitation that such conditions may not be unreasonable—*Ellis* v. *North Metropolitan Theatres,* W. N., Feb. 6, 1915. But it should be noted that a condition that children were not to be admitted to performances after a certain hour at night was unreasonable and *ultra vires*—*Theatre de Luxe* (*Halifax*), *Ltd.* v. *Gledhill* (1915) 31 T. L. R. 138.

The effect of the decision in *Ellis* v. *North Metropolitan Theatres* (*supra*) is that although a cinematograph exhibition using non-flammable films does not require a licence, yet, if a licence be obtained for inflammable films and that licence contains a condition not in itself unreasonable or *ultra vires* prohibiting the user on particular days, such condition will prohibit the user of the building on those days even for purposes for which non-flammable films are used. In other words, licensing authorities have power to impose restrictions so long as they are otherwise reasonable upon the user of the premises for purposes for which a licence is not required *as a condition* of granting a licence.

The decision in *Theatre de Luxe* (*Halifax*) v. *Gledhill* (*supra*), which was a majority judgment, appears to have been arrived at on the ground that it was admitted the condition was made for the benefit of children generally, and not in connection with the performance itself. It is submitted that the correct ground is given by Atkin, J., in his dissentient judgment, and that his judgment contains the grounds upon which *Ellis* v. *North Metropolitan Theatres* (*supra*) was decided: "I myself see an insuperable difficulty in seeing what limitation you can impose upon the powers given to the public authority under the terms of this section. The terms of the section are quite unrestricted." "In my opinion the section is intended to confer on the county council a discretion as to the conditions which they will impose, so long as those conditions are not unreasonable," *per* Atkin, J.—*Theatre de Luxe* (*Halifax*), *Ltd.* v.

Gledhill (*supra*). See also judgment *per* Pickford, J.—*L.C.C.* v. *Bermondsey, etc.* (*supra*). Both under this Act and under the Disorderly Houses Act, 1751, the licensing authority may refuse to renew a licence on the ground that several directors and a majority of the shareholders are alien enemies—*R.* v. *London County Council; Ex parte London and Provincial Electric Theatres, Ltd.* (1915) 31 T. L. R. 249. See also Theatres Act, 1843, s. 9, note (*c*), *ante*, p. 9. The Court is very slow to interfere with the exercise by public bodies of powers entrusted to them—*R.* v. *West Riding County Council* (1896) 2 Q.B. 386; *Kruse* v. *Johnson* (1898) 2 Q.B. 91; *London County Council* v. *Bermondsey Bioscope Co., Ltd.* (*supra*). On necessity for embodying reasons in judgments, see Theatres Act, 1843, s. 3, note (*o*), p. 5.

Where the full number of seats for which a cinema theatre has been licensed have not been installed, the occupier may not permit spectators to stand in the gangway although their number does not exceed the number which could have been seated under the licence—*Potter* v. *Watt* (1914) 31 T. L. R. 84.

(*m*) "*of State.*"—For regulations of Secretary of State, see *post*, p. 154.

(*n*) "*1890*"—(53 & 54 Vict. c. 45), s. 33.

3. ***Penalties.***]—If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier (*o*) of any premises allows those premises to be used, in contravention of the provisions of this Act or the regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Act, he shall be liable, on summary conviction (*p*), to a fine not exceeding twenty pounds, and in the case of a continuing offence (*q*) to a further penalty of five pounds for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the county council.

(*o*) "*occupier.*"—A licence having been granted to the manager of a limited company for premises owned by the company, the company changed its manager, but continued the performances without having the licence transferred. The Divisional Court declined to decide whether an offence had been committed, but held that the company which had control of the premises was the occupier—*Bruce* v. *McManus* (1915) W. N. 170.

(*p*) When the Act under which proceedings are instituted does not limit the class any private person may lay the information and prosecute—*Allman* v. *Hardcastle* (1903) 2 L. G. R. 13; (1903) 89 L. T. 553; *Giebler* v. *Manning* (1906) 1 K.B. 709; *Worthington* v. *Kyme* (1905) 3 L. G. R. 1098; (1905) 93 L. T. 546; *Dodd* v. *Pearson* (1911) 2 K.B. 383; *Duncan* v. *Toms* (1887) 51 J. P. 631, and the words "on behalf of" in an information or summons are mere surplusage—*Giebler* v. *Manning* (*supra*).

An information and prosecution may be laid and conducted by the informant or prosecutor personally, or by counsel or solicitor—SUMMARY JURISDICTION ACT, 1848 (11 & 12 Vict. c. 43).

The complaint must be made and information laid within six calendar months from the time when the matter of such complaint or information respectively arose—SUMMARY JURISDICTION ACT, 1848 (11 & 12 Vict. c. 43), s. 11.

(q) "*in the case of a continuing offence.*"—See *R.* v. *Slade, Ex parte Saunders* (1895) 2 Q.B. 247; *Chepstow Electric Light Co., Ltd.* v. *Chepstow Gas & Coke Consumers Co., Ltd.* (1905) 1 K.B. 198; *Metropolitan Board of Works* v. *Anthony & Co.* (1885) 54 L. J. M.C. 39. Note also that a defendant may be convicted of a continuing offence although not charged therewith in the information—*Airey* v. *Smith* (1907) 2 K.B. 273.

4. *Power of entry.*]—A constable or any officer appointed for the purpose by a county council may at all reasonable times enter any premises (*r*), whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Act, or any regulations made thereunder, and the conditions of any licence granted under this Act, have been complied with, and, if any person prevents or obstructs the entry of a constable or any officer appointed as aforesaid, he shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

(*r*) "*constable . . . may at all reasonable times enter any premises.*"—Under similar words in the LICENSING ACT, 1874 (37 & 38 Vict. c. 49), s. 16, a constable must not demand admission unless he has "reasonable ground" for suspecting that some violation of the Act is or is about to take place thereon—*Duncan* v. *Dowding* (1897) 1 Q.B. 575. But see *R.* v. *Dobbins* (1884) 48 J. P. 182; *Re Hospital for Paralysed and Epileptic* (1913), *Times*, Oct. 11. Whether the time is reasonable or not is a question of fact. See also *McVittie* v. *Oldham, Chief Constable of* (1914) J. P. N. 582.

5. *Power of county councils to delegate.*]—Without prejudice to any other powers of delegation (s), whether to committees of the council or to district councils, a county council may, with or without any restrictions or conditions as they may think fit, delegate to justices sitting in petty sessions (*t*) any of the powers conferred on the council by this Act.

(*s*) "*other powers of delegation.*"—*e.g.* MUNICIPAL CORPORATIONS ACT, 1882 (45 & 46 Vict. c. 50); LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), *q.v. post*, p. 144; LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73).

(*t*) "*justices sitting in petty sessions.*"—The Justices have no power of stating a Case—*Huish* v. *Liverpool Justices* (1913), *Times*, October 22.

6. *Application to county boroughs.*]—The provisions of this Act shall apply in the case of a county borough as if the borough council were a county council, and the expenses of the borough council shall be defrayed out of the borough fund or borough rate.

7. *Application of Act to special premises.*]—(1) Where the premises are premises licensed by the Lord Chamberlain (*u*) the powers of the county council under this Act shall, as respects those premises, be exerciseable by the Lord Chamberlain instead of by the county council.

(2) Where the premises in which it is proposed to give such an exhibition as aforesaid are premises used occasionally and exceptionally only, and not on more than six days (*v*) in any one calendar year, for the purposes of such an exhibition, it shall not be necessary to obtain a licence for those premises under this Act if the occupier thereof has given to the county council and to the chief officer of police of the police area (*w*), not less than seven days before the exhibition, notice in writing of his intention so to use the premises, and complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified to the occupier in writing.

(3) Where it is proposed to give any such exhibition as aforesaid in any building or structure of a moveable character (*x*), it shall not be necessary to obtain a licence under this Act from the council of the county in which the exhibition is to be given if the owner of the building or structure—

(a) has been granted a licence in respect of that building or structure by the council of the county in which he ordinarily resides (*y*), or by any authority to whom that council may have delegated the powers conferred on them by this Act; and

(b) has given to the council of the county and to the chief officer of police of the police area (*w*) in which it is proposed to give the exhibition, not less than two days

before the exhibition, notice in writing of his intention to give the exhibition; and

(c) complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified in writing to the owner.

(4) This Act shall not apply to an exhibition given in a private dwelling-house (*z*) to which the public are not admitted, whether on payment or otherwise.

(*u*) "*Lord Chamberlain.*"—*i.e.* under the THEATRES ACT, 1843, *ante*, p. 8.

(*v*) "*six days.*"—The days need not be consecutive days, but if they are not consecutive it would seem that one or more notices under this section must be served specifying the day or days on which the premises are to be so used.

(*w*) "*police area.*"—See section 2 (6), *ante*.

(*x*) "*building or structure of a moveable character.*"—Steam roundabouts, shooting galleries, and caravans are not "wooden structures or erections of a moveable or temporary character" within the METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT ACT, 1882—*Hall* v. *Smallpiece* (1890) 59 L. J. M.C. 97; nor is a wood and iron bungalow erected on a piece of land for the purpose of sale and not occupied—*London County Council* v. *Humphreys, Ltd.* (1894) 2 Q.B. 755. See also *Corporation of Leicester* v. *Brown* (1892) 62 L. J. M.C. 22.

(*y*) "*ordinarily resides.*"—For the meaning of the phrase "ordinary residence" in the BANKRUPTCY ACT, 1883 (46 & 47 Vict. c. 52), see *In re Erskine* (1893) 10 T. L. R. 32; (1893) 38 S. J. 144.

(*z*) "*private dwelling-house.*"—For the law in the case of entertainments where the number of children present exceeds one hundred, see the CHILDREN ACT, 1908, s. 121, *post*, p. 111.

A London stipendiary has held that a hospital is not a private dwelling house under this section, and therefore requires a licence, although the cinematograph exhibition was only given in connection with lectures at a medical congress—*Re National Hospital for the Paralysed and Epileptic* (1913), *Times*, October 11.

It is submitted that even scientific lectures given in clubs or institutions using a cinematograph of the character mentioned in section 1 of this Act require a licence. It is further submitted that such club or institution does not become a "private dwelling house" merely by virtue of the fact that a caretaker or steward lives on the premises. See, further, DISORDERLY HOUSES ACT, 1871, s. 2, note (*d*), *ante*, p. 17.

8. *Application to Scotland.*]—This Act shall extend to Scotland subject to the following modifications:—

(1) For references to the Secretary of State there shall be substituted references to the Secretary for Scotland:

(2) For the reference to the Police Act, 1890, there shall be substituted a reference to the Police (Scotland) Act, 1890:

(3) The expression "county borough" means a royal, parliamentary, or police burgh; and the expression "borough council" means the magistrates of the burgh; and the expression "borough fund or borough rate" means any rate within the burgh leviable by the town council equally on owners and occupiers:

(4) The provision relating to the delegation of powers shall not apply.

9. *Application to Ireland.*]—This Act shall extend to Ireland subject to the following modifications:—

(1) For references to the Secretary of State there shall be substituted references to the Lord Lieutenant:

(2) The provision of this Act relating to the delegation of powers shall not apply.

(3) Any of the powers conferred on the county council by this Act may be exercised by any officer of the council authorised in writing by the council in that behalf for such period and subject to such restrictions as the council think fit:

(4) In any urban district other than a county borough, and in any town, the provisions of this Act shall apply as if the council of the district and the commissioners of the town, as the case may be, were a county council:

(5) The expenses incurred in the execution of this Act shall—

(a) in the case of the council of any county other than a county borough, be defrayed out of the poor rate and raised over so much of the county as is not included in any urban district or town;

(b) in the case of the council of any county borough or other urban district, be defrayed out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, as if incurred for those purposes;

(c) in the case of the commissioners of any town, be defrayed out of the rate leviable under section sixty of the Towns Improvement (Ireland) Act, 1854:

Provided that the limits imposed upon that rate by that section may be exceeded for the purpose of raising the expenses incurred under this Act by not more than one penny in the pound:

(6) The expression "town" means any town as defined by the Local Government (Ireland) Act, 1898, not being an urban district:

(7) The expressions "police area" and "chief officer of police" mean, as respects the police district of Dublin Metropolis, that district and the chief commissioner of the police for that district, and elsewhere a police district and the county inspector of the Royal Irish Constabulary.

10. *Short title and commencement.*]—This Act may be cited as the Cinematograph Act, 1909, and shall come into operation on the first day of January nineteen hundred and ten.

THE CHILDREN'S DANGEROUS PERFORMANCES ACT, 1879.

(42 & 43 Vict. c. 3.) (*a*)

An Act to regulate the Employment of Children in places of public amusement in certain cases.

"Whereas it is expedient to regulate the employment of children in places of public amusement in certain cases:" Be it enacted therefore as follows:

1. This Act may be cited as "The Children's Dangerous Performances Act, 1879."

2. (*b*) Commencement of Act, January 1, 1880.

(*a*) See Children Act, 1908 (8 Edw. 7. c. 67), Sched. I. and section 19; also see The Dangerous Performances Act, 1897, which amends this Act, *post*, p. 99. The Criminal Evidence Act, 1898 (61 & 62 Vict. c. 36), applies to offences under this Act.

(*b*) Repealed by Statute Law Revision Act, 1894 (57 & 58 Vict. c. 56).

3. *Penalty for employment of any child in dangerous performances.*]—From and after the commencement of this Act, any person who shall cause any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of a court of summary jurisdiction, the life or limbs of such child shall be endangered, and the parent or guardian, or any person having the custody, of such child, who shall aid or abet the same, shall severally be guilty of an offence against this Act, and shall on summary conviction be liable for each offence to a penalty not exceeding ten pounds.

Compensation for accident to any child.]—And where, in the course of a public exhibition or performance, which in its nature is dangerous to the life or limb of a child under such age as aforesaid taking part therein, any accident causing actual bodily harm occurs to any such child, the employer of such child shall be liable to be indicted as having committed an assault; and the court before whom such employer is convicted on indictment shall have the power of awarding compensation not exceeding twenty pounds, to be paid by such employer to the child, or to some person named by the court on behalf of the child, for the bodily harm so occasioned; provided that no person shall be punished twice for the same offence.

4. *Evidence of age.*]—Whenever any person is charged with an offence against this Act in respect of a child who in the opinion (*bb*) of the court trying the case is apparently of the age alleged by the informant, it shall lie on the person charged to prove that the child is not of that age.

(bb) See PREVENTION OF CRUELTY TO CHILDREN ACT, 1904, s. 17, note (*m*), *post*.

5. *Recovery of penalties.*]—Every offence against this Act in respect of which the person committing it is liable as above mentioned to a penalty not exceeding ten pounds shall be prosecuted and the penalty recovered with costs in a summary manner, as follows:

In England, in accordance with the provisions of the Act eleventh and twelfth Victoria, chapter forty-three, intituled "An Act to facilitate the performance of the

YALE LAW LIBRARY

duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders" (*c*), and of any Act or Acts amending the same; and the court of summary jurisdiction when hearing and determining an information in respect of any offence under this Act shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for the holding of petty sessions, or some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace;

(*c*) The SUMMARY JURISDICTION ACT, 1848 (11 & 12 Vict. c. 43).

THE DANGEROUS PERFORMANCES ACT, 1897.

(60 & 61 VICT. c. 62.) (*a*)

An Act to extend the age under which the employment of Young Persons in Dangerous Performances is prohibited.

1. *Extension to young persons of 42 & 43 Vict. c. 34.*]—The Children's Dangerous Performances Act, 1879 (*b*), shall apply in the case of any male young person under the age of sixteen years, and any female young person under the age of eighteen years, in like manner as it applies in the case of a child under the age of fourteen years.

(*a*) See CHILDREN ACT, 1908 (8 Edw. 7. c. 67), Sched. I. The CRIMINAL EVIDENCE ACT, 1898 (61 & 62 Vict. c. 36), applies to offences under this Act.

(*b*) "*Act, 1879.*"—(42 & 43 Vict. c. 34), *ante.*

2. (1) *Restriction on prosecutions.*]—Except where an accident causing actual bodily harm occurs to any child or young person, no prosecution or other proceeding shall be instituted for an offence against the Children's Dangerous Performances Act, 1879, as amended by this Act, without the consent in

writing of the chief officer of police (*c*) of the police area in which the offence is committed.

(2) For the purposes of this section the expression "chief officer of police,"—

(a) with respect to any place in England other than the City of London, has the meaning assigned to it by the Police Act, 1890 (*d*);

(b) with respect to the City of London, means the Commissioners of City Police;

(c) with respect to Scotland, has the meaning assigned to it by the Police (Scotland) Act, 1890 (*e*);

(d) with respect to Ireland, means in the police district of Dublin metropolis either of the Commissioners of Police for that district, and elsewhere the district inspector of the Royal Irish Constabulary.

(*c*) "*chief officer of police.*"—See SUNDAY OBSERVANCE PROSECUTIONS ACT, 1871 (34 & 35 Vict. c. 87), s. 1, note (c), *ante*, p. 54.

(*d*) "*Act, 1890.*"—(53 & 54 Vict. c. 45).

(*e*) "*(Scotland) Act, 1890.*"—(53 & 54 Vict. c. 67).

3. This Act may be cited as The Dangerous Performances Act, 1897, and the Children's Dangerous Performances Act, 1879, and this Act may be cited as the Dangerous Performances Acts, 1879 and 1897.

THE PREVENTION OF CRUELTY TO CHILDREN ACT, 1904.

(4 EDW. 7. c. 15.)

Restrictions on Employment of Children.

2. *Restrictions on employment of children.*]—If any person

(a) (*a*) [Causes or procures any child, being a boy under the age of fourteen years (*b*), or being a girl under the age of sixteen years (*b*), or having the custody, charge, or care (*c*) of any such child, allows that child to be in any street (*d*), premises, or place for the purpose of

begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or]

(b) causes or procures any child, being a boy under the age of fourteen years (*b*), or being a girl under the age of sixteen years (*b*), or, having the custody, charge, or care (*c*) of any such child, allows that child, to be in any street (*d*), or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing, [or being exhibited] (*e*) for profit or offering anything for sale, between nine p.m. and six a.m. (*f*); or

(c) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child, to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus (*g*) or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing, [or being exhibited] (*e*) for profit, or offering anything for sale; or

(d) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any place for the purpose of being trained (*h*) as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction (*i*), be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months:

Provided that—

(i) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any

charitable object (*j*), if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments (*k*), or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii) Any local authority (*l*) may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (b) of this section, either on every day or on any specified day or days of the week and either as to the whole of their district or as to any specified area therein; and

(iii) Paragraphs (c) and (d) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends.

(*a*) "*2 (a).*"—This sub-section is repealed by the CHILDREN ACT, 1908 (8 Edw. 7. c. 67). See section 14 of that Act.

(*b*) "*fourteen years,*" "*sixteen years.*"—For presumption of age of child, see section 17, *post.*

(*c*) "*or care.*"—For definition, see section 23, *post.*

(*d*) "*street.*"—For definition, see section 29, *post.*

(*e*) "[*or being exhibited*]."—These words are new.

(*f*) *i.e.* Greenwich mean time.—See STATUTE (DEFINITION OF TIME) ACT, 1880 (43 & 44 Vict. c. 9).

(*g*) "*circus.*"—No licence is required for a circus *qua* circus. Whether required if there be music or dancing, see DISORDERLY HOUSES ACT, 1751, s. 2, note (*c*), *ante*, p. 17.

(*h*) "*trained.*"—Whereas sub-sections (b) and (c) refer to "performing," sub-section (d) refers only to "training." The Act contains no definition of acrobat, contortionist, circus, or circus performer. It is submitted that not all performers in a circus are circus performers—*e.g.* a singer.

(*i*) "*summary conviction.*"—For appeal, see section 19, *post.*

(*j*) "*charitable object.*"—For what is included, see MORTMAIN AND CHARITABLE USES ACT, 1888 (51 & 52 Vict. c. 52), s. 13 (2).

(*k*) *i.e.* the child may be in such premises as a theatre where there is a theatre licence, though there is also a liquor licence.

(*l*) "*local authority.*"—For definition, see section 29, *post.*

3. (1) (*m*) *Licences for employment of children.*]—A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, or in the Employment of Children Act, 1903 (*n*), or any byelaw made thereunder, grant

a licence for such time and during such hours of the day and subject to such restrictions and conditions as the court or board think fit, for any child exceeding ten years of age (*o*)—

(a) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus (*p*) or other place of public amusement as aforesaid; or

(b) to be trained as aforesaid; or

(c) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) It shall be the duty of inspectors and other officers charged with the execution of the Employment of Children Act, 1903 (*q*), to see whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector or officer shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector appointed under the Factory and Workshop Act, 1901 (*r*), has to enter, inspect, and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly.

(3) Where any person applies for a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of police (*s*) for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be

sent to the local authority for the district in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable on summary conviction (*l*) to a fine not exceeding five pounds.

(5) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876 (*u*), or the Education (Scotland) Act, 1878 (*v*), as amended by any later enactment (*w*).

(*m*) It is submitted that section 2 (b) and (c) and section 3 must be read in conjunction with the EMPLOYMENT OF CHILDREN ACT, 1903, s. 3 (1).

(*n*) "*Act, 1903.*"—(3 Edw. 7. c. 25).

(*o*) For presumption of age, see section 17, *post*.

(*p*) See section 2 (c), note (*g*), *ante*.

(*q*) "*Act, 1903.*"—(3 Edw. 7. c. 25), s. 8.

(*r*) "*Act, 1901.*"—(1 Edw. 7. c. 22), s. 119.

(*s*) "*officer of police.*"—For definition, see section 29, *post*.

(*t*) "*summary conviction.*"—For appeal, see section 19, *post*.

(*u*) "*Act, 1876.*"—(39 & 40 Vict. c. 79).

(*v*) "*Act, 1878.*"—(41 & 42 Vict. c. 78).

(*w*) "*later enactment.*"—*i.e.* ELEMENTARY EDUCATION ACT, 1880 (43 & 44 Vict. c. 23).

Arrest of Offender and Provision for Safety of Children.

4. *Power to take offenders into custody.*]—(1) Any constable may take into custody, without warrant, any person (*x*)—

(a) who within view of such constable commits an offence under this Act [or any of the offences mentioned in the First Schedule to this Act] (*y*) where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(b) [who has committed, or who he has reason to believe has committed, any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable] (*y*).

(2) (*z*) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in

his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

(*x*) This does not mean that the person must be taken into custody instantly. Where a "case stated" can be obtained, a *mandamus* should not be applied for—*R.* v. *Wisbeach Justices* (1890) 54 J. P. 743.

(*y*) Repealed by the CHILDREN ACT, 1908. See section 19 of that Act.

(*z*) Compare SUMMARY JURISDICTION ACT, 1879 (42 & 43 Vict. c. 49), s. 38.

6-11. [Repealed by the CHILDREN ACT, 1908. See sections 19-26 of that Act.]

Evidence and Procedure.

12. (*b*) *Evidence of accused person.*]—In any proceeding against any person for an offence under this Act, [or for any of the offences mentioned in the First Schedule to this Act,] (*c*) such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

(*b*) See, however, CRIMINAL EVIDENCE ACT, 1898 (61 & 62 Vict. c. 36), s. 1, which now governs this section. Unless the person proceeded against puts his own good character in issue he cannot be cross-examined as to any previous conviction—*Charnock* v. *Merchant* (1900) 1 Q.B. 474.

(*c*) Repealed by the CHILDREN ACT, 1908.

13. (*d*) *Extension of power to take deposition of child.*]

(*d*) Repealed by the CHILDREN ACT, 1908. See section 28 of that Act.

14. (*e*) *Admission of deposition of child in evidence.*]

(*e*) *Ibid.* See section 29 of that Act.

15. (1) *Evidence of child of tender years.*]—Where, in any proceeding against any person for an offence under this Act, [or for any of the offences mentioned in the First Schedule to this Act,] (*f*) the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence of such child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848 (*g*), or of section fourteen of the Petty Sessions (Ireland) Act, 1851 (*h*), or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively.

Provided that—

(a) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and

(b) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879 (*i*), in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884 (*j*), in the case of children.

(2) This section shall not apply to Scotland.

(*f*) Repealed by the CHILDREN ACT, 1908.
(*g*) (11 & 12 Vict. c. 42).
(*h*) (14 & 15 Vict. c. 93).
(*i*) (42 & 43 Vict. c. 49).
(*j*) (47 & 48 Vict. c. 19).

16. (*k*) *Power to proceed with case in absence of child.*]

(*k*) Repealed by the CHILDREN ACT, 1908. See section 31 of that Act.

17. *Presumption of age of child.*]—Where a person is charged with an offence under this Act, [or any of the offences mentioned in the First Schedule to this Act,] (*l*) or any offence under the Employment of Children Act, 1903, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act, and the Employment of Children Act, 1903, be deemed to be under that age, unless the contrary is proved (*m*).

(*l*) Repealed by the CHILDREN ACT, 1908.

(*m*) The contrary is not proved merely because the child gives evidence that he is over the stated age. The Justices may arrive at an opposite conclusion from the child's appearance—*R.* v. *Viasani* (1866) 30 J. P. 758.

18. *Mode of charging offence and limitation of time.*]—(1) Where a person is charged with committing an offence under this Act [or any of the offences mentioned in the First Schedule to this Act] (*n*) in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, [and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each] (*n*).

(3) A person shall not be summarily convicted of an offence under this Act, [or of an offence mentioned in the First Schedule to this Act,] (*n*) unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When an offence under this Act, [or any offence mentioned in the First Schedule to this,] (*n*) charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

(*n*) Repealed by the CHILDREN ACT, 1908.

19. *Appeal from summary conviction to quarter sessions.*]—When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, [or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court,] (*o*) he may appeal against such a conviction, [or order, or decision,] (*o*) in England and Ireland to a court of quarter sessions (*p*), and in Scotland to the High Court of Justiciary in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875 (*q*), or any Act amending the same.

(*o*) Repealed by the CHILDREN ACT, 1908.

(*p*) For appeal, see SUMMARY JURISDICTION ACT, 1879 (42 & 43 Vict. c. 49).

(*q*) (38 & 39 Vict. c. 62).

20. (*r*) *Expenses of prosecution.*]

21. (*r*) *Guardians may pay cost of proceedings.*]

(*r*) Repealed by the CHILDREN ACT, 1908.

Supplemental.

22. *Provisions as to byelaws.*]—Every byelaw under this Act shall be made by the same authority and confirmed in the same way as byelaws under the Employment of Children Act, 1903 (*s*), or in Scotland as byelaws under section two of the said Act.

(*s*) (3 Edw. 7. c. 45).

28. *Provision as to parents and as to meaning of "custody charge, or care."*]—(1) The provisions of this Act relating to the

parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent," when used in relation to a child, includes guardian and every person who is by law liable to maintain the child.

(2) [This Act shall apply in the case of a parent who, being without means to maintain a child, fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child] (*t*).

(3) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

(*t*) Repealed by the CHILDREN ACT, 1908.

25. *Evidence of wages of defendant.*]—In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by such employer, or by his foreman, shall be prima facie evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid: Provided that such copy or statement has been signed by such employer, or his foreman, and that the signature of such employer, or foreman, has been witnessed by the person producing the said copy or statement.

28. (*u*) *Vexatious Indictments Act* (*v*) *to apply.*]

(*u*) Repealed by the CHILDREN ACT, 1908. See section 35 of that Act.

(*v*) (22 & 23 Vict. c. 59).

26. (*w*) *Guardians may subscribe to child protection associations.*]

(*w*) Repealed by the CHILDREN ACT, 1908. See section 36 of that Act.

27. (*x*) The limit of time mentioned in the second proviso of section five of the Criminal Law Amendment Act, 1885 (*y*), shall be six months after the commission of the offence.

(*x*) This section deals only with procedure. See *R.* v. *Dharma* (1905) 2 K.B. 335.

(*y*) (48 & 49 Vict. c. 69).

28. (*z*) *Right of parent, &c. to administer punishment.*]

(*z*) Repealed by the CHILDREN ACT, 1908. See section 37 of that Act.

29. *General definitions.*]—In this Act, unless the context otherwise requires—

The expression "local authority" has the same meaning as in the Employment of Children Act, 1903 (*a*):

The expression "chief officer of police" (*aa*) means—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

[The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same] (*b*).

(*a*) (3 Edw. 7. c. 45).

(*aa*) See SUNDAY OBSERVANCE PROSECUTION ACT, 1871, s. 1, note (*c*), *ante*.

(*b*) Repealed by the CHILDREN ACT, 1908. For definitions, see section 131 of that Act.

30. *Application of Act to Scotland.*]

31. *Application of Act to Ireland.*]

32. *Expenses of local authority.*]—Expenses incurred by a local authority under this Act shall be defrayed in like manner as expenses incurred under the Employment of Children Act, 1903.

33. *Short title and commencement of Act.*]—(1) This Act may be cited as the Prevention of Cruelty to Children Act, 1904.

(2) The enactments mentioned in the Second Schedule to this Act shall be repealed from the date of the commencement of this Act to the extent specified in the third column to that Schedule.

(3) This Act shall come into operation on the first day of October one thousand nine hundred and four.

Schedules (*c*).

(*c*) Repealed by the CHILDREN ACT, 1908.

For restrictions on the employment of children in places of public entertainment, see the EMPLOYMENT OF CHILDREN ACT, 1903 (3 Edw. 7. c. 45).

CHILDREN ACT, 1908.

(8 Edw. 7. c. 67.)

121. *Safety of children at entertainments.*]—(1) Where an entertainment for children (*a*) or any entertainment at which the majority of the persons attending are children is provided, and the number of children who attend the entertainment exceeds one hundred, and access to any part of the building in which children are accommodated is by stairs, it shall be the duty of the person who provides the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to any

such part of the building than that part can properly accommodate, and to control the movement of the children and other persons admitted to any such part whilst entering and leaving, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier (*b*) of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person, on whom any obligation is imposed by this section, fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence, fifty pounds, and in the case of a second or subsequent offence, one hundred pounds, and also, if the building in which the entertainment is given is licensed under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by which the licence was granted.

(4) A constable may enter any building in which he has reason to believe (*c*) that such an entertainment as aforesaid is being, or is about to be, provided with a view to seeing whether the provisions of this section are carried into effect.

(5) It shall be the duty of the council of the county or county borough in which a building in which any contravention of the provisions of this section is alleged to have taken place to institute proceedings under this section if the building is a building licensed by the Lord Chamberlain, or is licensed by the council of the county or county borough under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, and in any other case it shall be the duty of the police authority to institute such proceedings.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

(*a*) By section 121 the expression "child" means a person under the age of fourteen years. For presumption of age see section 123. See also PREVENTION OF CRUELTY TO CHILDREN ACT, 1904, s. 17, note (*m*), *ante*.

(*b*) See CINEMATOGRAPH ACT, s. 3, note (*o*), *ante*.

(*c*) *Ibid.* s. 4, note (*r*).

CASES ON THEATRICAL CONTRACT.

Customs and Usages.

Whilst theatrical contracts must be construed by the ordinary law of contract, the possible existence of special customs or usages must be remembered—*Grant* v. *Maddox* (1846) 15 M. & W. 737.

The interpretation of contracts by the light of customs or usages is merely the translation of them into the languages of the contracting parties—*Grant* v. *Maddox* (*supra*).

Customs and usages are applicable to contracts only in cases where both parties were aware, or from the nature of the case must be taken to have been aware, of the custom or usage.

The custom must be certain, reasonable, universal, and not opposed to the general law or in conflict with an express term of the agreement. By "universal" is meant universal in that particular place or in that particular set of circumstances or in that particular branch of the theatrical world.

Many of these special customs and usages have been the subject of judicial decision.

A custom is really a private law, and it must be proved that it was universally known in the market, so that for a witness to say he did not know it must be the exception. As a general rule, both the persons who engaged and the persons who were engaged must know the custom, otherwise it was not a custom—*per* Fletcher Moulton, L.J., in *Monro* [*professionally Hale*] v. *Hicks* (1909), *Times*, November 27.

Evidence of custom, whilst sometimes admissible to add to or explain, is never admissible to vary or contradict, either expressly or by implication, the terms of a written instrument.

Proven custom may be an implied term of a contract, but is of course overridden by an expressed term—*Wigglesworth* v. *Dallinson* (1779) 1 Sm. L.C. (11th ed.), 545.

"When any special meaning and custom have been negatived I do not appreciate how there can be a special understanding in the profession as distinct from the use of the words as a term of art"—*per* Cozens-Hardy, M.R., in *Monro* [*professionally Hale*] v. *Hicks* (1909), *Times*, November 27.

When a theatre proprietor contracts to allow the use of his theatre for a specified period for the production of a play, custom prohibits him allowing another person to produce thereat another play during that period even at hours other than those required for the first play—*Cotton* v. *Sounes* (1902), 18 T. L. R. 456. Of course the proprietor can reserve to himself the right so to do.

In contracts with music-hall artists no custom has been proved—(1) that in the absence of express provision therefor an advertisement in professional papers is sufficient notification of the date and place of rehearsal; or (2) that in contracts of engagement a clause giving the artist the option of transferring dates, but containing no provision how the dates are to be fixed, the artist must submit to the management the artist's engagement book showing the whole of the artist's future engagements and giving the management the right to select from such dates as appear from the book to be vacant—*Terry*

[*professionally Vesta Victoria*] v. *Moss's Empires* (1914), Times, December 10.

Where an actor, having acquired celebrity in a part, is called upon to resume that part in consequence of the illness of his successor, he is entitled to reasonable notice. What length of notice is dependent upon the reputation—*Graddon* v. *Price* (1827) 2 C. & P. 610.

No custom entitles an acting manager under the "usual privileges of his situation" (1) to the free use of a private box, or (2) to give free orders of admission—*Lacy* v. *Osbaldiston* (1837) 8 C. & P. 80.

Nor has the existence of a custom whereunder pianos are lent to lessees of theatres ever been established—*Chappell & Co.* v. *Harrison* (1910) 75 J. P. 20 (*c*).

Illegality. Unlicensed Theatre.

It is a received rule of law that what is done in deliberate contravention of the provisions of an Act of Parliament cannot be made the subject-matter of an action—*Langton* v. *Hughes* (1813) 1 M. & S. 593; quoted with approval by Tindal, C.J.—*De Begnis* v. *Armistead* (1833) 10 Bing. 107; *Ewing* v. *Osbaldiston* (1837) 2 Myl. & Cr. 53.

And money paid by one person at the request of another cannot be recovered from that person where they are both engaged in conducting an unlicensed theatre and the money is paid for the furtherance of the purposes of that theatre—*De Begnis* v. *Armistead* (*supra*)—see also *Mitchell* v. *Cockburne* (1792) 2 H. Bl. 379.

"The principle . . . is very clearly expressed by Holt, C.J., in *Bartlett* v. *Vinor* (1720) Carth. 252: 'Every contract made for or about any matter or thing which is prohibited and made unlawful by statute is a void contract though the statute does not mention that it shall be so, but only inflicts a penalty on the offender, because a penalty implies a prohibition, though there are no prohibitory words in the statute,'" *per* Tindal, C.J.—*De Begnis* v. *Armistead* (1833) 10 Bing. 107.

A person entering into a contract, without knowing that it is illegal, may refuse to carry it out. In an action for breach of the contract he may justify his refusal on the ground of illegality, notwithstanding the fact that at the time of his refusal he assigned a different reason—*Cowan* v. *Milbourn* (1867) L. R. 2 Ex. 230.

No action is maintainable for the breach of an agreement to perform at any place requiring a licence if it appear that no such licence has been granted—*Gallini* v. *Laborie* (1793) 5 Term Rep. 242.

But in an action against a performer for breach of contract in not performing, evidence that performances have gone on without interruption is sufficient *prima facie* evidence that the place is duly licensed—*Rodwell* v. *Ridge* (1824) 1 Car. & P. 220.

(*c*) The existence of such a custom was sought to be proved in order to prevent the piano being in the "reputed ownership" of the tenant under the Law of Distress Amendment Act, 1908 (8 Edw. 7. c. 53).

An agreement to perform in a stage play at a music hall or other place not licensed as a theatre or not licensed for stage plays is an illegal contract, and no action can be maintained for its breach—*Scott* v. *Macnaughton* (1908), *Times*, November 25; *Gray* v. *The Oxford, Lim.* (1905) 21 T. L. R. 664, upheld on another point (1906) 22 T. L. R. 684; see also *Haines* v. *Busk* (1814) 5 Taunt. 521, and *Waugh* v. *Morris* (1873) L. R. 8 Q.B. 202.

It should be noted that where a party resists specific performance of a contract on the ground that he would thereby incur a forfeiture, the Court will look at all the circumstances out of which the danger of forfeiture arises, and if it arises out of such party's own acts subsequent to the contract, the Court will, in a proper case, decree specific performance and leave the party open to the consequence of his own acts—*Helling* v. *Lumley* (1858) 28 L. J. Ch. 249.

A covenant on the part of the lessee in the lease of a theatre not to use the theatre for other than theatrical purposes will render the lessee liable in an action for damages if the theatre is used for the purpose of holding religious meetings—*Leader* v. *Moody* (1875) 20 Eq. 145.

Contracts of Personal Service. Death of One Party.

In the event of the death of one of the parties to a contract "it must be determined in each case whether the obligation, which it is sought to enforce, depended upon the personal conduct of the deceased party. If in any particular case the contract is one which has relation to the personal conduct of the contracting party then the death puts an end to the contract; if, on the other hand, it has no such relation, the death of the contracting party has no such effect," *per* Lord Alverstone, C.J.—*Phillips and others* v. *Alhambra Palace Co.* (1901) 1 K.B. 59; *Tasker* v. *Shepherd* (1861) 6 W. & N. 575; *Robson* v. *Drummond* (1831) 2 B. & Ad. 303 (see next case).

Death of Member of a Troupe.

The death of a member of a troupe cancels the contract if it was entered into by the members—*Glinsinetti* v. *Richards* (1907), *Times* January 26 (*d*); but not if it was entered into by the proprietor of the troupe and the death was of some member other than the proprietor—*Harvey and others* v. *Tivoli, Manchester, Lim.* (1907) 23 T. L. R. 592 (*e*).

In the same way the death of one of the proprietors of a music hall does not terminate a contract of service with an actor to perform therein—*Phillips and others* v. *Alhambra Palace Co.* (1901) 1 K.B. 59.

(*d*) Here the contract was not signed on behalf of the troupe, but by and on behalf of Ferdinand Glinsinetti, carrying on business as "The Glinsinettis." Contract not terminated by death of member of the troupe.

(*e*) Here the contract was signed by one member of a troupe of three brothers, two of whom paid the third a wage and shared the profits. Contract terminated.

Contracts of Personal Service. Risk to Life.

Contracts of personal service are subject to the implied condition that they are not to be enforced if doing so involves serious risk of life for the defendant. It is not necessary for the defendant to show that the risk was in contemplation at the time when the contract was entered into—*London Theatres of Varieties* v. *Evans* (1914) 31 T. L. R. 75 (*f*)—see also *Robinson* v. *Davison* (1871) L. R. 6 Eq. 269, and *Hall* v. *Wright* (1859) 29 L. J. Q.B. 43.

Assignment.

Contracts importing the consideration of personal skill or confidence are incapable of assignment—*Jaegers Sanitary Woollen Co.* v. *Walker* (1897) 77 L. T. 180; *Stevens* v. *Benning* (1855) 6 D. M. & G. 223; *Hole* v. *Bradbury* (1879) 12 Ch. D. 886; *Griffith* v. *Tower Publishing Co.* (1897) 1 Ch. 21.

Engagement. Opening the Part.

Where an actor is engaged to act for a salary it is not sufficient to pay him his salary. "You must regard the position and situation in which the person is placed who enters into the contract. Here the defendant carries on the profession of an actor, a profession peculiar in its character and results, for it is to be observed that his success entirely depends on pleasing the public and upon being constantly before the public," *per* Romilly, M.R.—*Fechter* v. *Montgomery* (1863) 33 Beav. 22.

But where an actor is engaged to act in a play about to be produced, no custom gives him the right to "open the part"—*White* v. *Henderson* (1885) 2 T. L. R. 119.

Where a manager engaged a provincial actor, who wished to appear in London, for a term of two years, the Court inferred or imported into the contract a term that the actor's services should actually be used for a reasonable time, and a term that the actor should not act elsewhere—*Fechter* v. *Montgomery* (1863) 33 Beav. 22. The actor not being allowed to act for five months, broke his agreement and acted at another theatre. He was held justified in so doing, and an interlocutory injunction was refused.

"A manager cannot be expected to give every actor whom he engages a part in every play which may be produced, and generally to attempt to do so would not be for the benefit of the actor," *per* Wills, J.—*Grimston* v. *Cunningham* (1893) 1 Q.B. 125.

Inadequacy of Actor.

Where a performer is engaged for certain performances, and at the final rehearsal the manager refuses to allow him to appear on the ground of inadequacy, he is not necessarily entitled to damages for breach of contract. The question to be determined is whether the manager was justified upon the facts in coming to the decision he did—*Zamco* v. *Hammerstein* (1913) 29 T. L. R. 217.

(*f*) Reversed in C.A. on other grounds.

In deciding whether an artist is competent properly to perform the part allotted to him, evidence as to any insufficiency, being regarded as only temporary by the management, is material. The fact that the artist is allowed to continue for some time, although considered incompetent, is some evidence that such incompetence is considered to be temporary—*Harley* v. *Henderson* (1884), *Times*, February 19.

Incapacity of body or mind, without default on the part of the artist, may discharge a contract for personal services. If the contract to perform is silent on this point, ability to perform will be an implied condition—*Robinson* v. *Davison* (1871) L. R. 6 Ex. 269.

Illness.

Illness does not give the right to terminate an agreement unless such right is expressly stipulated for, except where the ability to perform at certain dates is an essential term or condition precedent—*Bettini* v. *Gye* (1876) 1 Q.B. D. 183; *Poussard* v. *Spiers & Pond* (1876) 1 Q.B. D. 410.

If, however, by reason of illness the artist is disabled from performing efficiently and properly the manager can refuse permission to perform until the artist is in a fit condition—*Robinson* v. *Davison* (1871) L. R. 6 Ex. 269.

Temporary illness, preventing a person carrying out his part of a contract for personal service, does not justify his wages being withheld for that period; but permanent incompetence from unskilfulness or the visitation of God would justify the determination of the contract—*Cuckson* v. *Stones* (1858) 28 L. J. Q.B. 25; *Harmer* v. *Cornelius* (1858) 5 C. B. 236.

Incapacity, by reason of the intervention of an act of God, to perform a contract of personal service is an excuse for its non-performance, notwithstanding a covenant to serve which is both absolute and unconditional in its terms—*Taylor* v. *Caldwell* (1863) 3 B. & S. 826; 32 L. J. Q.B. 164; *Boast* v. *Firth* (1868) L. R. 4 C.P. 1; *Robinson* v. *Davison* (1871) L. R. 6 Ex. 269.

Meaning of "Actor."

Whether an artist is engaged in the capacity of actress or chorus is a question of fact—*Thomas* v. *Gatti, Lim. and Frohman* (1906) *Times*, February 1 and 2.

Generally as to meaning of "actor," see *ibid.*

Even an opera singer, though paid by the performance, may be a "servant" within the Preferential Payments in Bankruptcy Act, 1888 (*g*)—*Re Winter German Opera, Lim.* (1907) 23 T. L. R. 662.

Understudy.

No custom has been proved conferring the right on an "understudy" to play a part in the absence of the principal. The managers

---

(*g*) 51 & 52 Vict. c. 62.

have the right to call on the understudy or not—*Newman* v. *Gatti* (1907) 24 T. L. R. 18.

Exclusive Engagement. Injunction.

The Court will interfere by injunction to prevent the breach of a reasonable negative stipulation in a contract of personal service—*Nordenfeldt* v. *Maxim Nordenfeldt Co.* (1894) A.C. 535.

Such as, for instance, not to perform within a certain area during the continuance of the agreement—*Nordenfeldt* (*supra*); *Lumley* v. *Wagner* (1852) 1 De G. M. & G. 604 (*h*); *Morris* v. *Colman* (1812) 18 Ves. 437; *Kelly* v. *London Pavilion* (1897) 77 L. T. 215; *Tivoli, Manchester, Lim.* v. *Colley and others* (1904) 20 T. L. R. 437; and see *Clarke* v. *Price* (1819) 2 Wil. C.C. 157.

The Court will interfere by injunction to prevent the violation of a negative stipulation in a contract of service—*Lumley* v. *Wagner* (1852) 1 De G. M. & G. 604 (*h*); but not to enforce a positive stipulation—*Whitwood Chemical Co.* v. *Hardman* (1891) 2 Ch. 416 (*i*); *Davis* v. *Foreman* (1894) 3 Ch. 654; nor to enforce a stipulation which, though negative in form, is positive in substance—*Davis* v. *Foreman* (*supra*); *Kirchner & Co.* v. *Gruban* (1909) 1 Ch. 413.

In *Lumley* v. *Wagner* (*supra*) the contract was to sing at a certain theatre and not to sing otherwheres. In this case the Court interfered to prevent the violation of the negative, although it could not enforce the positive, stipulation.

In the *Whitwood Chemical Co.* case (*supra*) the Court refused to enforce by injunction an agreement to give whole time to company's business.

An injunction will be granted to prevent the breach of a term that "no member of a company is allowed to act, sing or appear publicly at any other theatre without special permission of the management—*Grimston* v. *Cunningham* (1894) 1 Q.B. 125.

"In my opinion that stipulation is as distinctly negative as anything can be. This is an agreement of a kind which is pre-eminently subject to the interference of the Court by injunction, for in cases of this nature it very often happens that the injury suffered in consequence of the breach of the agreement would be out of all proportion to any pecuniary damages which could be proved or assessed by a jury. This circumstance affords a strong reason in favour of exercising the discretion of the Court by granting an injunction," *per* Wills, J. (*ibid.*).

"It is certainly true that the Court will decline to interfere by injunction where the plaintiff fails to do that which he has promised to do as part of the contract. An instance of this is afforded by the case of *Fechter* v. *Montgomery* (1863) 33 Beav. 22, *per* Wills, J. (*ibid.*).

(*h*) *Kemble* v. *Keen* (1829) 6 Sim. 333, and *Kimberley* v. *Jennings* (1836) 6 Sim. 340, dissented from.

(*i*) *Montague* v. *Flocton* (1873) L. R. 16 Eq. 189, dissented from. *Lumley* v. *Wagner* (*supra*) looked upon as an anomaly not to be extended; but see *Webster* v. *Dillon* (1857) 3 Jur. N.S. 432.

Where a music-hall artist entered into a contract containing the condition that the said artist shall not perform before or during this engagement at any theatre, music hall, club, concert, or place of entertainment, the artist went one Sunday evening by invitation to a concert at a club to which members and their guests only were admitted. No admission money was paid. At the concert she sang and danced for a few minutes. It was held that the word "engagement" did not include Sundays, as that day is a *dies non* in such contracts; that the performance was not within the meaning of the word "perform," as the artist did not use her powers of mimicry; that, although singing was included in the things prohibited, singing before a private audience was not a performance—*Kelly* v. *The London Pavilion, Lim.* (1897) 77 L. T. 215; *Kelly* v. *The New Tivoli, Lim.* (*ibid.*); *Kelly* v. *The Oxford, Lim.* (*ibid.*).

If the word "exclusively" refers only to performances of a certain kind the artist is at liberty to perform in a different capacity elsewhere. The word "exclusively" may refer to the nature of the services as distinguished from the place of performance—*Gaiety Theatre Co., Lim.* v. *Cissy Loftus and others* (1893), *Times*, August 11.

Injunctions.

Delay in applying for an injunction may be a reason for refusing to grant one; so also may be the fact that the agreement under which the injunction is sought is very near its termination—*Edwardes* v. *Haines* [*professionally De Sousa*] (1912), *Times*, April 27.

The Court ought not to grant an *interim* injunction to restrain a person from following his business if it is satisfied that doing so may prevent such person from earning his livelihood—*Palace Theatre, Lim.* v. *Clensy and The Hackney and Shepherd's Bush Empire Palaces, Lim.* (1909) 26 T. L. R. 28.

The Court will restrain the breach of a contract not to write dramatic pieces for any other theatre, though it could not enforce an agreement to write for a theatre. The negative covenant is not void as a covenant in restraint of trade generally. Similarly a like covenant by a performer not to act elsewhere than in a particular theatre may be good—*Morris* v. *Colman* (1812) 18 Ves. 437.

Colourable Imitation.

An agreement by a music-hall artist, that the management should have his exclusive services and that he would not permit any colourable imitation, representation, or version of his performance within a certain radius, is broken if he permits the representation of one of his sketches on a cinematograph at certain picture palaces within the prescribed area—*London Theatre of Varieties* v. *Evans* (1914) 30 T. L. R. 258.

Condition Precedent.

"Parties may think some matter, apparently of very little importance, essential, and if they sufficiently express an intention

to make the literal fulfilment of such a thing a condition precedent it will be one," *per* Blackburn, J.—*Bettini* v. *Gye* (1876) 1 Q.B. D. 183.

In this case the contract contained conditions that the plaintiff should sing at concerts as well as operas, and should not, during the period of his engagement of three and a-half months, sing, without written permission of the management, within fifty miles of London.

"The Court must ascertain the intention of the parties, as is said by Parke, B., in delivering the judgment of the Court in *Graves* v. *Legg* (1854) 9 Ex. 709, to be collected from the instrument and the circumstances legally admissible in evidence with reference to which it is to be construed"—*per* Blackburn, J. (*ibid.*).

Bill-Matter.

Subject to agreement to the contrary, the breach of a condition that an actor must send in bill-matter is a ground for an action for damages, but not such a breach as will entitle the manager to rescind the contract—*Wade* v. *Waldron* (1909) S. C. 571.

It has been held that a custom exists whereby prominent actors must be "starred" on a music-hall bill—*Elen* v. *London Music Hall, Lim.* (1906), *Times*, May 31, June 1; and it may be defamatory to insert the names in the wrong order—*Russell* v. *Notcutt* (1896) 12 T. L. R. 195. See, however, *Renard* v. *Carl Rosa Opera Co.* (1905), *Times*, February 15.

Rehearsals.

Attendance at a rehearsal may be a condition precedent; if so, failure to attend will render the contract voidable at the option of the other party—*Bettini* v. *Gye* (1876) 1 Q.B. D. 183.

The stipulation to attend rehearsals for six days before the commencement of an engagement where a singer was to perform in theatres, halls, and drawing-rooms, may not be a condition precedent so going to the root of the matter as to justify rescission of the whole contract where a breach was committed owing to temporary illness—*Bettini* v. *Gye* (1876) 1 Q.B. D. 183. Failure from the same cause to attend the final rehearsals and earlier performances of an opera may justify rescission—*Poussard* v. *Spiers & Pond* (1876) 1 Q.B. D. 410.

"This inability having been occasioned by sickness was not any breach of contract by the plaintiff, and no action can lie against him for the failure thus occasioned. But the damage to the defendants and the consequent failure of consideration is just as great as if it had been occasioned by the defendants' fault," *per* Blackburn, J. (*ibid.*).

Salary.

An engagement at a "West End salary" does not operate to form a concluded contract until the parties agree upon the salary—*Loftus* v. *Roberts* (1902) 18 T. L. R. 532.

Where a manager engaged an actor for a fixed period extending over several years, at an increased salary each year, an option to retain the actor's services for a further period, no salary being mentioned, means at the salary payable during the last period for which the amount of the salary is mentioned—*Wade* v. *Robert Arthur Theatre Co.* (1907) 24 T. L. R. 77.

"The fact that an agreement is open to more than one construction does not make it void in law . . . nor was the contract confined to the pantomime in which Mr. Robey had been playing, but would include a new pantomime," *per* Parker, J. (*ibid.*).

When an actor is engaged for a period no portion of the salary is due until the end of that period, unless the contract otherwise provides, even though the contract provides that only a portion of it should be payable in certain eventualities—*Mapleson* v. *Sears*; *Moss's Empires Garnishees* (1911) 105 L. T. 639. In this case the eventualities provided for were closing of the theatre owing to national mourning and non-appearance of the actor owing to illness or default.

A weekly engagement is an indivisible contract within the doctrine of *Cutter & Powell* (1794) 6 T. R. 320. If the contract is broken by not performing for the complete week it is broken, and there is no more to be said, *per* Phillimore, J.—*Barrasford & Macnaghten* v. *Gray* (1910), *Times*, July 15, 16, and 30. This view of the law is unaffected by the decision of the C.A. (1910), *Times*, December 17.

It has been held that an engagement for three years at a salary per week means per week of the theatrical season during which the theatre is open—*Grant* v. *Maddox* (1846) 15 M. & W. 737; see also *Mapleson* v. *Bentham* (1871) W. R. 177.

Period of Engagement. Tour.

And the manager has the right, "within reasonable limits of construction, to fix the length of the season." *Obiter*, *per* Malins, V.C.—*Montague* v. *Flocton* (1873) 16 Eq. 189, not overruled on this point by *Whitwood Chemical Co.* v. *Hardman* (1891) 2 Ch. 416.

No custom exists that a "tour" means a tour for three weeks or at least three weeks—*Wyatt* v. *Phillips* (1896) 40 S. J. 781. See also *Monro* [*professionally Hale*] v. *Hicks* (1909), *Times*, June 9 and 10, and (in Court of Appeal) November 27.

The term "re-engagement" has no definite legal meaning. It is for the jury to decide whether a particular engagement constitutes a "re-engagement" or a "fresh engagement"—*Arnold* v. *Stratton* (1898) 14 T. L. R. 537; *Robey* v. *Arnold* (1898) 14 T. L. R. 537.

Where a contract with an artist contains the clause that "the manager shall have the right to make eight weeks' recess, either together or separately, during the period of this engagement, and the manager reserves the right to retire the said artist temporarily for the purpose of exercising his right to such recess, either wholly or from time to time," the word "recess" applies to the whole company, and for the purpose of the recess the manager has no right to retire a particular artist—*Davenport* v. *Faraday* (1912), *Times*, November 15 (*j*).

(*j*) Not overruled on this point by Court of Appeal (1913), *Times*, April 25.

For the meaning of the phrase "completion of engagement" in a contract to perform on a large number of nights in each series with considerable intervals, see *London Music Hall* v. *Austin* (1906), *Times*, December 16.

For the meaning of a clause restraining the performer from acting within a certain area for a period of eight months after such completion, see *London Music Hall* v. *Austin* (*ibid.*).

Rules and Regulations.

Rules and regulations may be terms of the contract if so expressed, and may be enforced—independently of cancellation and/or damages for breach—by fines—*Graddon* v. *Price* (1827) 2 Car. & P. 610.

Destruction or Closing of Theatre. Impossibility.

"Where from the nature of the contract it appears that the parties must from the beginning have known that it could not be fulfilled unless, when the time for the fulfilment of the contract arrived, some particular thing continued to exist, so that when entering into the contract they must have contemplated such continuing existence as the foundation of what was to be done, then, in the absence of any express or implied warranty that the thing shall exist, the contract is not to be construed as a positive contract, but as subject to an implied condition that the parties shall be excused in case, before breach, performance becomes impossible from the perishing of the thing without default of the contractor" (*k*)—*Nickoll & Knight* v. *Ashton, Edridge & Co.* (1901) 2 K.B. 126; *Taylor* v. *Caldwell* (1863) 3 B. & S. 826; *Appleby* v. *Myers* (1867) L. R. 2 C.P. 651; *Howell* v. *Coupland* (1876) 1 Q.B. D. 258.

A clause rendering an agreement null and void in the event of the theatre being closed on account of any public calamity, epidemic, fire, accident, "or when theatrical performances are suspended from any cause whatever," does not cover the case of a patent theatre where renewal of the patent was postponed in consequence of certain alterations having been ordered—*Blow* v. *Lewis* (1902) 19 T. L. R. 127.

An agreement with a theatrical company contained a clause that it should be null and void in the event of the theatre being closed through fire, death in the Royal family, "or any other cause whatsoever." At the time of the making of the contract the theatre was being reconstructed owing to the requirements of the county council, and the works were being carried out by a contractor. When the time arrived for the performance of the contract the reconstruction was not completed, and the play could not be produced. The theatre manager was liable for the breach, because he took upon himself the risk of the contractor, whom he employed, not finishing in time—*Hardie* v. *Balmain* (1902) 18 T. L. R. 539.

"The words 'any other cause whatsoever' did not include a case brought about by the defendant himself," *per* Vaughan Williams, L.J. (*ibid.*).

(*k*) But if payment becomes due before completion has become impossible, see *Chandler* v. *Webster* (1904) 1 K.B. 493.

When a theatre is closed under a Dangerous Structure Order (*l*) it is "closed by order of a superior authority" within the terms of a lease under which the rent was suspended if and when it was so closed—*Lennox* v. *Curzon* (1906) 22 T. L. R. 611; *Scott and others* v. *Lennox* (*ibid.*).

Agent's Commission. Future Engagements.

A music hall does not cease to be the same music hall for the purpose of entitling an agent to his commission on "future engagements" by the mere fact that the building has been demolished and rebuilt, nor by the fact of change of proprietorship—*Auckland & Brunetti* v. *Collins* (1898) 14 T. L. R. 348 (*m*).

Liquidated Damages.

A sum specifically stated to be payable as liquidated damages will be treated as a penalty when it is contracted to be payable on the breach of any of several stipulations of very varied but fixed importance—*Kemble* v. *Farren* (*supra*); *Astley* v. *Weldon* (1806) 2 Bos. & P. 346.

If, however, the various stipulations, though apparently of varied importance—*Kemble* v. *Farren* (*supra*); *Astley* v. *Weldon* (1806) breach will probably be regarded as liquidated damages and not as a penalty (*n*)—*Reynolds* v. *Bridge* (1857) 6 E. & B. 540; *Wallis* v. *Smith* (1882) 21 Ch. D. 243. For assessment of damages for breach see *Golder's Green Amusement and Development Co., Lim.* v. *Relph* (1915) 31 T. L. R. 343.

Fines.

The parties to a contract may agree upon the damages to be payable in the event of a breach. "There is nothing illegal or unreasonable in the parties, by their mutual agreement, settling the amount of damages, uncertain in their nature, at any sum upon which they may agree. In many cases such an agreement fixes that which is almost impossible to be accurately ascertained, and in all cases it saves the expense and difficulty of bringing witnesses to that point"—*Kemble* v. *Farren* (1829) 6 Bing. 148.

So in a contract between a theatrical manager and an actor, which contained various stipulations of varied importance relating to the regulation of the theatre and the performances and actors' benefits, together with a clause that "if either party should neglect or refuse to fulfil the said agreement or any part thereof or any stipulation therein contained such party should pay to the other the sum of 1,000*l.*," and such sum was thereby agreed "to be liquidated and ascertained damages and not a penalty or penal sum, or in the nature thereof." Nevertheless, the sum was held to be a penalty,

---

(*l*) London Building Act.

(*m*) For effect of dissolution of partnership by agents, see *Sales* v. *Crispi* (1913) 29 T. L. R. 491.

(*n*) *Quære*, whether it would not be treated as a penalty if one of the stipulations was of very trivial though unfixed importance.

and not liquidated damages—*Kemble* v. *Farren* (*supra*); *Wilson* v. *Love* (1896) 1 Q.B. 626.

For discussion on penalties and liquidated damages, see *Barrasford & Macnaghten* v. *Gray* (1910), *Times*, July 15, 16, and 30.

Liability of Third Parties.

No person can be rendered liable upon any contract to which he is not a party, but he may subject himself to an action for damages if he interferes with the contractual relations so established —*Quinn* v. *Leatham* (1901) A.C. 495; *South Wales Miners' Federation* v. *Glamorgan Coal Co.* (1905) A.C. 239; as by inducing a professional singer to break his engagement—*Lumley* v. *Gye* (1853) 2 E. & B. 216.

Contracts with Infants.

Great care must be taken when contracting with infants. An infant can sue, but frequently cannot be sued, upon contracts made during infancy. Although an infant can sue, he can only obtain damages, and not specific performance—*De Francesca* v. *Barnum* (1880) 45 Ch. D. 430; see also *Corn* v. *Matthews* (1893) 1 Q.B. D. 310.

"It has been clearly held that contracts of apprenticeship and with regard to labour are not contracts to an action on which the plea of infancy is a complete defence, and the question has always been, both at law and in equity, whether the contract, when carefully examined in all its terms, is for the benefit of the infant. If it is so, the Court before which the question comes will not allow the infant to repudiate it," *per* Kay, L.J.—*Clements* v. *London and North Western Railway Co.* (1894) 2 Q.B. 482.

For an example of a contract of employment of infant, see *Roberts* v. *Gray* (1912) 57 S. J. 143.

Where an infant covenants in an apprenticeship deed to do or abstain from doing something after the expiration of the term of apprenticeship, such covenant is enforceable provided it is reasonable and the deed for his benefit—*Gadd* v. *Thompson* (1911) 1 K.B. 304.

A covenant by an infant not to carry on the trade of his master in a specified area, for a specified time after the expiration of his apprenticeship, may be enforceable, and its breach restrained by injunction—*Gadd* v. *Thompson* (*supra*).

In a contract of apprenticeship an infant contracted not to accept any professional engagement or marry without the consent of her master, the master agreeing properly to instruct her in stage dancing and to pay her for all dancing engagements. As the contract contained no agreement to provide either engagements or maintenance, it was unreasonable and unenforceable against the infant—*De Francesca* v. *Barnum* (*supra*); see also *Shears* v. *Mendeloff* (1915) 30 T. L. R. 342.

But where the master contracted to pay wages except during the usual holidays and days on which the master's business was not carried on owing to no fault of the master, these stipulations were not so disadvantageous as to render the contract unenforceable against the apprentice—*Green* v. *Thompson* (1899) 2 Q.B. 1.

Rights of the Public. Applause. Hisses.

"The audience has certainly a right to express by applause or hisses the sensations which naturally present themselves at the moment, and nobody has ever hindered or would ever question the exercise of that right. But if any body of men were to go to a theatre with the intention of hissing an actor, or even damning a piece, there can be no doubt that such a deliberate and preconcerted scheme would amount to a conspiracy, and that the persons concerned in it might be brought to punishment. If people endeavour to effect an object by tumult and disorder they are guilty of a riot. It is not necessary to constitute the crime that personal violence should have been committed or that a house should have been pulled to pieces," *per* Lord Mansfield, C.J.—*Clifford* v. *Brandon* (1810) 2 Camp. 358 (*o*); *Gregory* v. *Brunswick* (*Duke of*) (1843) 1 C. & K. 24. See also *Quinn* v. *Leatham* (1901) A.C. 495.

If a member of the audience makes an unreasonable use of his privileges he should be requested by the management to leave, and, if he refuse, he may be removed, but only a reasonable amount of force may be used to achieve that purpose—*Jay* v. *New Bedford Palace, Lim.* (1910), *Times*, June 30.

Purchase of a Ticket.

The purchase of a ticket for a seat in one part of the house does not entitle the purchaser to a seat in any other part of the house in the event of his failing to find an unoccupied seat in that part. He must walk out, and demand the return of the amount paid. This is so, although the theatre bills expressly state that no money will be returned.

If he occupies a seat in another part of the house, he may be removed, no more force than is necessary being used—*Lewis* v. *Arnold* (1830) 4 C. & P. 354.

Further, for the position of a person who has given up his ticket and been shown into his seat, see *Dauney* v. *Chatterton* (1875) 45 L. J. C.P. 293.

A member of the audience who has paid for his seat has a right to retain it so long as he behaves himself and keeps the regulations laid down by the management. He has the right to enter the theatre and see the performance, expressly, or impliedly, agreed upon—*Hurst* v. *Picture Theatres, Lim.* (1914) 30 T. L. R. 642; 58 S. J. 739, in which *Wood* v. *Leadbitter* (1845) 13 M. & W. 838 was criticised and doubted (*c*). But in the case of free admission he is a mere licensee and, as such, his licence may be revoked at any time.

Safety of Audience.

The manager or lessee of a theatre warrants to his audience the safety of the building—*Cox* v. *Coulson* (1915) *Times*, April 17—and

---

(*o*) This case has a note to the effect that Macklin, the famous actor, indicted several people for a conspiracy to ruin him. On Lord Mansfield's direction they were convicted.

(*c*) *Quære* whether the two cases are not distinguishable.

is responsible for injury arising from the production of a play or turn intrinsically dangerous, whether the actors are his "servants" or not—*Cox* v. *Coulson* (*supra*), *Welsh and Wife* v. *Canterbury and Paragon, Lim.* (1894) 10 T. L. R. 478—and possibly for injury caused by the play or turn whether intrinsically dangerous or not—*Cox* v. *Coulson* (*supra*).

A Queue.

A queue outside a theatre may be such an obstruction as to amount to a nuisance—*Lyons* v. *Gulliver*, 83 L. J. Ch. 281; *Barber* v. *Penley*, 62 L. J. Ch. 623; see also *Att.-Gen.* v. *W. H. Smith & Sons, Lim.* (1910) 103 L. T. 96. Whether a queue does amount to an obstruction is a question of fact in each particular case.

Right to Admission Granted or Reserved by Lease.

The right of admission to a theatre may be let for a short or long period and with or without restrictions—*Croft* v. *Lumley* (1858), 6 H.L. C. 672 (*d*), subject in case the lessor is himself a lessee to the period and restrictions of his own lease. Similarly the right of admission may be reserved to a vendor—*Scott* v. *Howard* (1881) 6 App. Cas. 295 (see also *Helling* v. *Lumley* (1858) 3 De G. & J. 493), or lessor—*Coleman* v. *Foster* (1856) 1 H. & N. 37.

Where the relationship between the proprietor of a theatre and the lessee of a box becomes that of landlord and tenant, the proprietor has no right to enter on the lessee's box. If the proprietor does wrongfully enter, the proper remedy appears to be in damages, and not by way of injunction—*Leader* v. *Moody* (1875) 20 Eq. 145.

Such right of admission does not give its possessor any interest in land—*Taylor* v. *Waters* (1816) 2 Marsh 551, see also *Flight* v. *Glossop*; nor does a contract, giving the use of a box, give any interest in any specific part of the theatre—*Flight* v. *Glossop* (1835) 2 Scott 220; *Malone* v. *Harris* (1859) 11 Ir. Ch. R. 33; such a contract is merely a personal contract—*Flight* v. *Glossop* (*supra*). See, however, *Hurst* v. *Picture Theatres, Lim.* (1914) 31 T. L. R. 642. Nor does such a contract bind an assignee—*Flight* v. *Glossop* (*supra*), nor a sub-lessee—*Coleman* v. *Foster* (1856) 1 H. & N. 37—of the grantor. It has been held to apply only to the theatre existing at the date of creation and not to a subsequent building—*Scott* v. *Howard* (1881) 6 App. Cas. 295; but see *Auckland and Brunetti* v. *Collins* (1898) 14 T. L. R. 348; the lessee merely having his contractual rights for the period specified—*Hurst* v. *Picture Theatres, Lim.* (1914) 31 T. L. R. 642 (*e*) (see *Dauney* v. *Chatterton* (1875) 45 L. J. C.P. 293, where the rights were statutory), but the lessee for a term of years of a private box who has the exclusive right of occupying it on

---

(*d*) This case contained a covenant in the lease not to grant away, assign, or dispose of boxes or stalls for longer than a prescribed period. For breach of which see this case.

(*e*) Under a local Act (10 Geo. 3. c. 75). But see *R.* v. *Morrish* (1863) 32 L. J. M.C. 245.

the nights on which there are performances has been held liable to be rated for it (*f*)—*R.* v. *St. Martin's-in-the-Fields* (*Inhabitants*) (1842) 3 Q.B. 204.

APPENDIX.

Specimen Contract.

Music Halls Award, 1913.

Metropolitan Police Act, 1839.

Public Entertainments Act, 1875.

Remission of Penalties Act, 1859.

Refreshment Houses Act, 1860.

Metropolitan Board of Works (Various Powers) Act, 1882.

Local Government Act, 1888.

Army (Annual) Act, 1889.

Uniforms Act, 1894.

Shops Act, 1911.

Regulations of Lord Chamberlain as to Theatres.

Form of Manager's Bond and Lord Chamberlain's Licence.

Lord Chamberlain's Regulations under Cinematograph Act, 1909.

L.C.C. Regulations for Music, Dancing, and Stage Plays Licences.

L.C.C. Rules for Licensed Premises.

L.C.C. Regulations for Protection of Theatres &c. from Fire.

L.C.C. Regulations under Metropolis Management and Building Acts Amendment Act, 1878.

L.C.C. Regulations respecting Use of Limelight.

(*f*) *Wood* v. *Leadbitter* (1845) 13 M. & W. 838 declared obsolete, but *quære* whether not distinguishable.

SPECIMEN CONTRACT.

An Agreement made the day of Between [*manager*] of Theatrical Manager, hereinafter called the Management, of the one part, and [*actor*] of , hereinafter called the Artist, of the other part.

Witnesseth that the Management hereby engages the Artist and the Artist accepts an engagement to appear as or such parts as the Artist may be cast for and to understudy any part required by the Management at or any Theatre in Great Britain or Ireland, to commence or within days thereof at the option of the Management. This engagement is for a period of at the salaries hereinafter provided and subject to the undermentioned conditions.

(1) Salary £ per week of six consecutive evening and one morning performances.

(i) Additional performances may be required by the Management in excess of such number at the rate of of such salary for each additional performance.

(ii) Where performances are given for a portion of a week only, each evening performance shall be paid at the rate of , and each morning performance at the rate of such salary.

Provided that no salary shall be payable for any performance at which the Artist does not perform owing to illness or default.

The Management shall have the right to determine or cancel this Agreement—

(2) By written notice of not less than days.

(3) When the Theatre is closed by reason of national mourning, public calamity, riot, war, fire, epidemic, strikes, lock-outs, disputes with employees or the consequences of any of them, or order of the licensing or any public authority, and shall not be under any obligation to pay any part of the salary herein provided for days upon which such Theatre is closed for any such reason. Cessation of the performances for any of the above reasons for a period of not less than one week shall entitle the Artist to determine this Agreement forthwith and without further notice.

(4) When the Artist is prevented by illness or any other cause whatever from performing on the first night or on performances, whether consecutive or not.

(5) On the breach of any term hereof.

(6) The Artist is engaged exclusively by the Management, and shall not appear in nor assist at any performance at any time during the continuance of this Agreement publicly or privately, for gain or otherwise, without the written permission of the Management.

(7) The Management shall have the sole right to determine the position of the Artist's name and the size and nature of the type on all bills, programmes, and advertisements.

(8) All costumes to be provided by the Management (or), all character and fancy costumes, except fleshings, to be provided by the Management; indoor, walking, and evening modern dress to be provided by the Artist to the satisfaction of the Management.

(9) The Management agrees to convey the Artist from town to town whilst upon tour when travelling with the company.

(10) Artists shall attend rehearsals and performances when required at the places and times notified by the Management.

(11) Artists must be present in the Theatre and ready for the performance not less than minutes before the time advertised for the commencement of the play.

(12) Notice of inability to perform owing to illness must be sent, accompanied by a medical certificate giving the nature of the illness, to the Management immediately, and before the commencement of the performance.

(13) Every Artist must enter his or her address in the stage manager's book and notify him of any change of address. Any notice under this Agreement which shall be sent to the Artist's last notified address or while performing at any Theatre shall be deposited in the place for deposit of letters at the Theatre or shall be posted on the usual notice board of the Theatre shall be deemed to be validly served.

(14) The Artist shall not assign, mortgage, charge, or incumber the salary payable under this Agreement without

the consent of the Management. If the Artist shall or shall attempt such assignment, mortgage, charge, or incumbrance without such consent this Agreement shall at the option of the Management become forthwith null and void.

(15) The Management shall have the option of the artist's further services for the following period or periods:

(16) The Artist shall be liable to forfeit a salary, or, at the option of the Management, to have this Agreement cancelled if guilty of misbehaviour. It shall be deemed to be misbehaviour if the Artist—

(i) Shall be intoxicated or under the influence of drink or drugs whilst in the Theatre.
(ii) Is wilfully careless or inattentive.
(iii) Is late at rehearsals or causes the stage to wait.
(iv) Uses improper or objectionable language or gestures.
(v) Smokes in places prohibited by the Management or the owners of the Theatre.
(vi) Addresses the audience otherwise than in the performance of the Artist's part.
(vii) Shall go in front of the house or bring any person into the house without permission of Management.
(viii) Neglects to give notice of inability to attend.
(ix) Alters words or business of part.
(x) Alters, adds to, or omits any words, music, or business of his or her part.
(xi) Neglects to travel by conveyances provided by Management whilst on tour.

(17) All forfeitures may be deducted by the Management from the Artist.

MUSIC HALLS AWARD, 1913.

The following Award is made by me the undersigned this fourteenth day of May, 1913, for Theatres of Varieties in Great Britain and Ireland, to govern the relations of managers and Artists for a period, by request of the parties, of not less than

five years, and in accordance with the provisions of my Award dated June 14, 1907, the provisions of such Award relating to future disputes being deemed and hereby found to have been duly fulfilled, and the parties having been heard on April 24, 25, and 26, and their statements fully considered.

(1) Existing Contracts.

No existing contracts made prior to this Award shall be deemed to be affected by this Award, except that by consent of the parties it was agreed that all actual expenses reasonably incurred of any transfer shall be allowed and shall be paid within fourteen days of the completion of the transferred engagement.

(2) Future Contracts.

In contracts made by a Management for the performance of an Artist at a West End Theatre of Varieties—*i.e.* a Theatre situated within a radius of one mile from the monument in the yard of Charing Cross Railway Station on the northern bank of the Thames, to the entire exclusion of any other Theatre of Varieties, the terms and conditions shall be such as may be agreed between the parties.

(3) The terms and conditions of other contracts are to be deemed to be subject to the following obligations, viz.:

(*a*) A contract containing or in accordance with the provisions laid down in the annexed model contract should be ordinarily used with such proper alterations and additions as may be suitable for particular localities or circumstances.

(*b*) No barring clauses shall impose greater restrictions than the restrictions mentioned under the heading of Barring Clauses.

(*c*) In the event of the contract being made without the intervention of an agent, the Management shall not charge or deduct any commission.

(*d*) Options of re-engagement may be agreed upon between the Artist and the Management upon terms to be mutually arranged, but must be either upon a separate form, or, if put on the same form as the contract,

must be in a space set apart from the rest of the contract and separately signed or initialled by the Artist.

(*e*) Any clause inserted in the form of contract calling upon the Artist to prolong his engagement shall be subject to the engagements already entered into by the Artist.

(*f*) The number of performances allowed to be inserted in clause 2 of the form of contract shall, unless the Artist agrees to the contrary, be the usual weekly number of performances at the time of making the contract; the number shall not in any case exceed twelve.

(4) Form of Contract.

The following is the form of model contract mentioned above:

An Agreement made the day of 191
Between hereinafter called the Management
of the one part and hereinafter called the
Artist of the other part

Witnesseth that the Management hereby engages the Artist and the Artist accepts an engagement to appear as (or in his usual entertainment) at the Theatres and from the dates for the periods and at the salaries stated in the Schedule hereto, upon and subject to the undermentioned conditions:

1. The word "Artist" shall when more than one is included in the performance include the plural (the troupe, company, partnership, or combination) and the word "Theatre" shall include all places of public entertainment.

2. The Artist agrees to appear at performances per week at a salary of and shall be paid at the rate of one-twelfth of that salary for each performance required by the Management in excess of such number.

3. Where this contract relates to a troupe, company, partnership, combination, or sketch, the Artist shall at the time when the contract is signed furnish the Management in writing with such names as the Management may require and shall not substitute a performer for a person so named without the written consent of the Management.

4. The Artist may be transferred during the whole or any part of the engagement (not less than one week) to any other Theatre owned or controlled by or associated with the Management, with the consent of the Artist, such consent not to be unreasonably withheld.

All actual expenses reasonably incurred of any transfer shall be allowed and shall be paid within fourteen days of the completion of the transferred engagement.

5. Barring Clause: Upon breach of (any of) the barring clauses the Artist shall pay to the Management as liquidated damages one week's salary for each breach thereof, but nothing in this clause shall affect the right of the Management to apply for an injunction to restrain the Artist from performing in breach of the said clauses, nor the right to determine the contract.

6. The Artist shall not infringe any copyright, patent, or other proprietary rights of third parties, and in the event of infringement shall be liable for and on demand pay the amount of all damages, penalties, and costs incurred by the Management.

The Artist shall not give or permit to be given any colourable imitation or version of his performance within the radius or time prescribed by the barring clauses.

7. In case the Artist shall, except through illness certified as hereinafter provided, or accident proved to the satisfaction of the Management, fail to perform at any performance, he shall pay to the Management, as and for liquidated damages, a sum equal to the sum which the Artist would have received for such performance, in addition to costs and expenses incurred by the Management through the default of the Artist.

When the Management own or control two Theatres in any provincial town the Artist shall act as deputy in cases of emergency upon request, and be paid at a rate to be mutually arranged.

8. The Artist undertakes that his performance shall not be dangerous to the Artists, audience, or stage employees. If any accident or injury results from the performance of the Artist the Artist shall pay for any loss, damage, or costs incurred by the Management.

9. The Management shall not be liable to the Artist or to the legal personal representative of the Artist for any loss, damage, or injury to the Artist's person or property during or in connection with the engagement, unless caused by the negligence of the Management.

10. The Artist shall not assign, mortgage, or charge his salary, nor permit the same to be taken in execution. No salary shall be paid for days upon which the Theatre is closed by reason of national mourning, fire, epidemic, strikes, lock-outs, disputes with employees, or order of the licensing or any public authority. No salary shall be payable for any performance at which an Artist may not appear through illness or his own default, nor provided that eight weeks' previous notice has been given to the Artist for days upon which the Theatre is closed for alterations, decorations, repairs, or any cause which the Management may reasonably consider adequate.

11. The Artist agrees to observe and carry out conditions and regulations imposed by statute, the London County Council, or other public authority, and to comply with the requirements of any public authority that scenery and properties used by the Artist shall be non-flammable. All flammable material brought into the Theatre by the Artist may be required to be made non-flammable by him, or at his expense by the Management.

12. The Artist declares that at the time of signing this contract he is under no engagement with any other Management that can preclude him from fulfilling the engagements shown herein, and that he has not concealed any change of professional name or description.

13. The rules and regulations subjoined shall be read and construed as forming part of this contract, and the Artist agrees to abide by all reasonable rules which may from time to time be made by the Management for the good and orderly conduct or special requirements of their Theatres, provided that the rules shall have been served on or brought to the notice of the Artist.

14. Upon the breach by the Artist of any of the terms and conditions in this contract, or of Rules 1 to 10, the Management, without prejudice to other remedies, and in addition to

rights given under the terms and conditions aforesaid, or the rules, may forthwith determine this contract, and the Artist shall have no claim upon them for salary (other than a proportion for performances played), expenses, costs, or otherwise.

The same provision shall apply upon breach by any member of a troupe or company, if not remedied after complaint by the Management.

15. Any notices under this contract may be served upon the Artist by posting the same to his last known address, or to the agent through whom this contract is made, or while performing at any Theatre in the manner specified in Rule 11.

16. If the Artist's performance is contrary to law or is objected to by any licensing or other public authority, this contract may be cancelled by the Management.

If the Management be threatened with legal proceedings in respect thereto the contract may be cancelled, unless the Artist forthwith provides indemnity to the satisfaction of the Management.

17. The Artist shall notify his intention to appear, specifying dates and places, and send matter for billing, programmes, and advertisement, and in the case of a sketch or stage play a copy of the Lord Chamberlain's licence, to
in time to arrive at not later than twenty-one days before opening.

18. The Artist is permitted to perform within the barred area of any Theatre referred to herein not opened for public entertainment, provided that his performance takes place within eight weeks of the making of the contract for the said performance and that he makes no new contract for any such performance after receipt of notice from the Management that the actual building of any such Theatre is then substantially commenced.

19. If the Theatre shall not be in the occupation and possession of the Management at the date fixed for performance thereat the engagement shall, provided the best possible notice has been given to the Artist in writing, be deemed to be cancelled as from the date of such notice.

20. The agreement is subject to written confirmation by the Management. If not confirmed within twenty-one days after receipt by the Management of the agreement signed by

the Artist no liability shall attach either to the Management or the Artist.

Schedule.

Week at commencing at the salary of per week.

(5) RULES AND REGULATIONS.

1. The Artist shall attend rehearsals if required at the places and times notified by the Management.

2. The Artist shall be present in the Theatre and ready for his appearance not less than five minutes before he is due to appear on the stage.

The Artist may be put on ten minutes later than the specified time, and if required must do the whole of his performance. The Artist (unless exclusively engaged) shall not have the time for his appearance varied after the second performance on Monday evening, except in case of emergency, unless the Artist be notified in writing not later than noon of the day upon which the proposed change of time is required.

3. In the event of an Artist being unable to perform through illness a medical certificate must be sent immediately to the Management at the Theatre, setting forth the nature of the illness and that the Artist is unable to appear. If the Artist is prevented by illness or from any cause whatever from performing on the first night, or for three consecutive performances, the engagement may either be determined or be treated as postponed to such date as the Management decide, subject to engagements entered into by the Artist.

4. Any Artist giving expression to any vulgarity or words having a double meaning, or using any objectionable gesture when on the stage, shall be liable to instant dismissal, and if dismissed shall forfeit the salary for the current week. Any question under this clause to be decided by the Management, whose decision shall be final and binding on the Artist.

5. Any Artist being in the Theatre in a state of intoxication may be fined one week's salary or dismissed.

6. Artists shall not address the audience except in the regular course of the performance nor interfere in any manner

with other Artists or employees nor go into the front of the house without permission.

7. Singers shall, if required, sing at least three songs at each performance. The Management may prohibit the whole or any part of the performance which they may reasonably consider unsuitable or displeasing to the audience, and in the case of songs may require a copy to be forwarded for approval twenty-one days before a song is to be sung, and no variation will be permitted from words so approved. The Artist shall not be required to perform if by the unruly behaviour of the audience his performance would be or is rendered inaudible.

The Artist agrees to produce a new or revert to any old song, sketch, or business, on the reasonable request of the Management, and to provide suitable dresses and properties.

8. Artists must respond to encores or not, as the Management shall reasonably direct.

9. No naked lights shall be carried or matches used, nor any lighting apparatus interfered with by the Artist. Artists shall not bring into the Theatre combustible or explosive materials without the written permission of the Management.

10. Smoking is strictly prohibited in dressing rooms or anywhere in proximity to the stage.

11. The Artist must furnish the hall-keeper with his address, and while performing at any Theatre notice shall be sufficiently served if sent to such address, or if no address is furnished by deposit in the place for deposit of letters at the Theatre.

12. The Management shall have the sole right to determine the position of the Artist's name, the size and nature of the type, and the description of the turn on bills, programmes, and advertisements.

13. No person not employed at the Theatre shall go behind the scenes without permission.

(6) Barring Clauses.

The United Kingdom, for barring purposes, shall be divided into three sections:

(*a*) West End of London, as defined in clause 2 (Future Contracts).

(*b*) Suburban—*i.e.* the Metropolitan Police District, exclusive of the West End.

(*c*) The Provinces.

An exclusive engagement means that during such engagement the Artist shall not appear at any other public place of entertainment.

MAXIMUM BARS.

——	Distance, *i.e.*, a Radius (according to the Ordnance Survey) of	Time.
West End, exclusive, *see* clause 2 (Future Contracts) - - -	—	—
West End turns (one week's engagement) - - - - -	1 mile	16 weeks.
West End turns (two week's consecutive engagement or longer) -	1 mile	32 ,,
Suburban, exclusive - - -	2 miles	52 ,,
,, turns - - - -	2 miles	48 ,,
Provincial - - - - -	6 miles	52 ,, and also 2 weeks after engagement.

The extension bar referred to in the 1907 Award, Barring Clauses, sub-section (*f*) is abolished.

(7) FUTURE DISPUTES.

In the event of any dispute arising hereafter no strike or stoppage of work shall take place, and if any change be desired in the rules and conditions hereinbefore declared six calendar months' notice in writing must be given, either by Managements or Artists, such notice to expire on the 30th June in any year (except that neither side shall give such notice prior to 1st January, 1918), and shall state clearly the nature of such alteration and the reasons therefor and the Theatres affected thereby. The party receiving the notice shall have the right of replying to it within two calendar months, either by giving counter-notice or otherwise, and within one calendar month of the said counter-notice, on or before 31st March, two managers and two artists shall meet together and endeavour

to come to a unanimous understanding before 30th June, failing which both parties shall refer the question to arbitration. A party upon receiving notice as hereinbefore specified may within seven days demand that a like notice shall be served on any other Managements whom he shall deem to be affected, and upon such demand notice shall be served forthwith upon such other Managements and shall be deemed to have been served on the 1st January.

In the event of no understanding being arrived at between the parties affected the question, in accordance with agreement now come to, shall be referred for final determination to me, or failing me, to another agreed arbitrator, or failing agreement, to an arbitrator appointed by the Board of Trade. Upon such reference each party shall, as a condition precedent to arbitration, deposit the sum of 20*l.* with the arbitrator, who may out of such sum award costs to either party. The decision of the arbitrator shall be final and binding on the parties.

This present Award shall come into force on and after Monday, June 16th, 1913.

Signed and Published this fourteenth day of May, 1913.

GEORGE ASKWITH,

Chief Industrial Commissioner.

METROPOLITAN POLICE ACT, 1839.

(2 & 3 Vict. c. 47.)

46. It shall be lawful for the said commissioners (*a*) of police, by order in writing, to authorise any superintendent belonging to the metropolitan police, with such constables as he may think necessary, to enter into any house or room (*b*) kept or used (*c*) within the said district for stage plays (*d*) or dramatic entertainments into which admission is obtained by payment of money, and which is not a licensed theatre, at any time when the same shall be open for the reception of persons resorting thereto, and to take into custody all persons who shall be found therein without lawful excuse; and every person keeping, using, or knowingly letting any house or other tenement (*b*) for the purpose of being used as an unlicensed theatre shall be liable

to a penalty not more than twenty pounds, or in the discretion of the magistrate, may be committed to the house of correction, with or without hard labour, for a time not more than two calendar months; and every person performing or being therein without lawful excuse shall be liable to a penalty not more than forty shillings; and a conviction under this Act for this offence shall not exempt the owner, keeper, or manager of any such house, room, or tenement from any penalty or penal consequences to which he may be liable for keeping a disorderly house (*e*), or for the nuisance thereby occasioned.

(*a*) As defined by section 4 of this Act.
(*b*) See THEATRES ACT, 1843, s. 2, note (*c*), *ante*, p. 2.
(*c*) *Ibid.*, note (*b*), *ante*.
(*d*) *Ibid.*, section 23, *ante*.
(*e*) See DISORDERLY HOUSES ACT, 1751, *ante*, p. 16.

PUBLIC ENTERTAINMENTS ACT, 1875.

(38 Vict. c. 21.) (*a*)

Whereas by an Act [and recites effect of DISORDERLY HOUSES ACT, 1751 (*q.v. ante*)].

And whereas it is expedient to amend the said Act as herein-after mentioned:

(*a*) The operation of this Act in the area of the administrative county of Middlesex repealed by the MUSIC AND DANCING LICENCES (MIDDLESEX) ACT, 1894 (57 & 58 Vict. c. 15), s. 2 (12), *q.v.*

1. *Amendment of section* 3.]—Section three of the recited Act shall be construed as if, instead of the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon," there were substituted the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of noon."

Provided, that if on any special occasion an occasional license of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872, in respect of any house, room, garden, or other place licensed under the recited Act, no penalty or forfeiture shall be incurred for contravention of section three of the recited Act, as hereby amended, on account of such house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional licence as the hour for closing.

2. [*Commencement of Act* September 29, 1874. Repealed by STATUTE LAW REVISION (No. 2) ACT, 1893.]

3. *Short Title.*]—This Act may be cited as the Public Entertainments Act, 1875.

REMISSION OF PENALTIES ACT, 1859.

(22 Vict. c. 32.)

An Act to amend the Law concerning the Remission of Penalties.

"Whereas penalties which under penal statutes are made payable to parties other than the Crown, cannot be remitted or pardoned by the Crown where no express provision has been made by the statute for that purpose, and it is expedient that the law as to the remission of such penalties should be amended and made uniform": BE IT THEREFORE ENACTED, as follows, that is to say,

1. It shall be lawful for Her Majesty (or in Ireland for the Lord Lieutenant or other chief governor, or governors of Ireland) to remit in whole or in part any sum of money which under any Act now in force or hereafter to be passed may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to some party other than the Crown, and to extend the royal mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be in whole or part payable to some party other than the Crown.

REFRESHMENT HOUSES ACT, 1860.

(23 Vict. c. 27.)

6. "All houses, rooms, shops, or buildings kept open for public refreshment, resort, and entertainment (*a*) at any time between the hours of nine of the clock at night and five of the clock of the following morning (*b*), not being licensed for the sale of beer, cider, wine, or spirits respectively, shall be deemed Refreshment Houses within this Act, and the Resident, Owner, Tenant, or Occupier thereof shall be required to take out a licence (*c*) under this Act to keep a Refreshment House."

(*a*) "*entertainment.*"—A dancing saloon where no refreshments are sold directly or indirectly does not require a licence under this Act—*Taylor* v. *Oram* (1863) 31 L. J. M.C. 252; 27 J. P. 8. See also *Muir* v. *Keay* (1876) 40 J. P. 694; *Howes* v. *Inland Revenue Commissioners* (1877) 41 J. P. 423; *Kellaway* v. *Macdougal* (1881) 45 J. P. 207.

(*b*) "*nine of the clock.*"—By Greenwich mean time. See STATUTES (DEFINITION OF TIME) ACT, 1880 (43 & 44 Vict. c. 9). Amended to ten of the clock by the REVENUE (No. 2) ACT, 1861 (24 & 25 Vict. c. 91). See also PUBLIC-HOUSE CLOSING ACT, 1864 (27 & 28 Vict. c. 64). But see *temporary* regulations under DEFENCE OF THE REALM ACTS, 1914-1915.

(*c*) "*licence.*"—By section 9 the penalty for keeping a refreshment house without a licence is a fine not exceeding 20*l*.

THE METROPOLITAN BOARD OF WORKS (VARIOUS POWERS) ACT, 1882.

(45 & 46 Vict. c. lvi.) (*a*)

An Act to confer Various Powers on the Metropolitan Board of Works and to amend certain Acts relating to that Board.

. . . . . .

And whereas it is expedient to confer farther powers upon the Board with respect to the regulations of theatres, music halls, and places of public resort, so as to provide for the free exit therefrom of the public frequenting the same. . . .

And whereas the objects aforesaid cannot be accomplished without the authority of parliament:

May it therefore please your majesty that it may be enacted, and BE IT ENACTED

1. This Act may be cited as "The Metropolitan Board of Works (Various Powers) Act, 1882."

. . . . . .

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction: (that is to say)

. . . . . .

The expression "the metropolis" means the metropolis as defined by the Metropolis Management Act, 1855 (*b*).

. . . . . .

45. Where any house or any other place of public resort within the Metropolis, which is for the time being authorized to be kept open for the public performance of stage plays, is kept open for such purpose under the authority of letters patent from her majesty, her heirs and successors or predecessors, or of a licence granted by the lord chamberlain of her majesty's household for the time being, or by Justices of the peace; or where any house, room, or other place of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, which is for the time being authorized to be kept open, is kept open for dancing, music, or other public entertainment of the like kind under the authority of a licence, granted by any court of quarter sessions (*c*), the board (*c*) may serve a notice in writing upon the person by whom such a house, room, or other place of public resort is so kept open, requiring him to comply with any such requirements as the Board may think expedient with respect to all or any of the matters following; (that is to say)

The times during which the doors, or any of the doors affording means of exit, from any such house, room, or place of public resort shall be kept open during the times fixed for the admission of the public to, or the presence of the public in; or the departure of the public from any such house, room, or place of public resort;

The conditions under which such doors, or any of such doors, may be closed during the times aforesaid, and the persons to be charged with the duty of closing and opening the same;

The nature of the fastenings to be used for the purpose of keeping such doors or any of such doors closed during the times aforesaid;

The notices to be posted in any such house, room, or place of public resort specifying the means of exit therefrom.

In the case of any such house, room, or place of public resort kept open by any person for any of the purposes aforesaid while all or any of the requirements of such notice are not complied with, such person shall be liable to a penalty not exceeding ten pounds for every day on which such house, room, or place of public resort is so kept open after service of such notice.

Any person authorized by the Board (*c*) in writing may at any time during the times fixed for the admission or the presence of the public, and at all other reasonable times, enter and inspect any such house, room, or place of public resort for the purpose of ascertaining whether any such notice should be served by the board with respect to any such house, room, or place of public resort, or whether the requirements of any such notice are complied with; and if any person refuses to admit any person so authorized or to afford him any reasonable assistance in such inspection, then in every case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds (*a*).

48. Every penalty imposed by this Act, upon any person with reference to any house, room, or place of public resort, may be recovered by summary proceedings before any Justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and Acts amending the same (*b*).

Provided always that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act, or of any byelaw made in pursuance of this Act, it shall be lawful to include in

one summons all such penalties, and the charge for such summons shall not exceed two shillings.

(*a*) See also METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT ACT, 1878, ss. 11, 12, 13, 21, and 22, *ante*. For provisions relating to public buildings in London, see the LONDON BUILDING ACT, 1894. See also L.C.C. Regulations, *post*, p. 180.
(*b*) (18 & 19 Vict. c. 120), s. 250.
(*c*) Now the County Council. See LOCAL GOVERNMENT ACT, 1888, s. 40 (8)

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 Vict. c. 41.)

8. There shall be transferred to the Council of each county on or after the appointed day, the administrative business of the justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following, namely—

. . . . . .

(v) The licensing under any general Act of houses and other places for music or for dancing.

7. There shall be transferred to the County Council on and after the appointed day the business of the justices of the County out of session—

(a) In respect of the licensing of houses or places for the public performance of stage plays.

28. (1) The County Council shall, as respects the business by this Act transferred to them from quarter sessions or the justices out of sessions, be subject to the limitations and provisions in this Act specified, but save as aforesaid, shall have and be subject to all the powers, duties, and liabilities which the quarter sessions, or any committee thereof, or any justice or justices had or were subject to in respect of the business so transferred.

(2) The County Council (*a*) shall, with the exceptions hereinafter mentioned, have power to delegate, with or without any

restrictions or conditions as they may think fit, any powers or duties transferred to them by or in pursuance of this Act, either to any committee of the County Council appointed in pursuance of this Act or to any District Council in this Act mentioned; the County Council may also, without prejudice to any other power, whether to appoint committees or otherwise, delegate to the justices of the county sitting in petty sessions any power or duty transferred by this Act to the County Council in respect of the licensing of houses or places for the public performance of stage plays.

(*a*) On November 11, 1889, the Local Government Board advised the Justices of Norwich that, in the opinion of the Board, it is competent for the town council of a county borough to delegate to the borough Justices in petty session any power or duty transferred to the town council under the LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), s. 28 (2).

36. (1) Where a borough has a separate Commission of the Peace, whether a quarter sessions borough or not (and is not a borough named in the Third Schedule to this Act) then, subject to the provisions of this Act, all such powers, duties, and liabilities of the court of quarter sessions or justices of the borough, as in the case of the county are by this Act transferred to the County Council, shall cease, and the County Council shall have those powers, duties, and liabilities within the area of the borough in like manner as in the rest of the county.

78. (1) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties, or liabilities transferred by or in pursuance of this Act from any authority to a County Council, either alone or jointly with the quarter sessions, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—

(a) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the County Council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—

(b) a reference to any clerk or officer of such authority referred to the clerk or officer of the County Council or committee thereof as the case requires,

and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

(2) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

(a) to exercise any of the powers of a court or record; or

(b) to administer an oath; or

(c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace;

but this enactment shall be without prejudice to the position of the chairman of the County Council as justice of the peace during his term of office.

(3) Where, under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be exercised or discharged after any presentment or in any particular manner, or at any particular meeting, or subject to any other conditions, the County Council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the Council fixed by the standing orders, or without such other condition, and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit, and a presentment by a grand jury in relation to any other such powers, duties, or liabilities, shall cease to be made otherwise than by way of indictment.

(4) For the purposes of this section the expression "authority" means a Secretary of State, the Board of Trade, the Local Government Board, and any other Government Department, also any commissioners, conservators, or Public Body, corporate or incorporate, specified in a Provisional Order, transferring any powers, duties, or liabilities to the County Council, also any quarter sessions and any justices, also the Metropolitan Board of Works, or other local authority

mentioned in this Act; and the expression "member of an authority" includes, where the authority are quarter sessions, or justices, any justice; and the expression "meeting of an authority" includes a court of quarter sessions and the assembly or justices in special or petty sessions; and the expression "clerk of an authority" includes, in relation to any quarter sessions or justices, the clerk of the peace or the clerk to a justice as the case requires.

This section shall apply as if a joint committee were a committee of the County Council.

ARMY (ANNUAL) ACT, 1889.

(52 Vict. c. 3.)

7. After section one hundred and seventy-four of the Army Act, 1881 (*a*), the following section shall be inserted and numbered 174A:

Notwithstanding anything in the Act of the twenty-fifth year of the reign of His Majesty King George the Second, chapter 36, intituled "An Act for the better preventing theft and robberies and for regulating places of public entertainment and punishing persons keeping disorderly houses" (*b*), or in the Act of the session held in the sixth and seventh years of Her Majesty, chapter 68, intituled "An Act for regulating Theatres" (*c*), where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind, or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

(*a*) 44 & 45 Vict. c. 58.
(*b*) *q.v. ante*, p. 16.
(*c*) *q.v. ante*, p. 1.

UNIFORMS ACT, 1894.

(57 & 58 Vict. c. 45.)

Provides that this Act shall not prevent 2 (*b*) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music hall or circus performance, or in the course of any bona fide military representation.

SHOPS ACT, 1911.

(1 & 2 Geo. 5. c. 54.)

14. "The expression 'retail trade or business' . . . does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement."

REGULATIONS AS TO THEATRES UNDER JURISDICTION OF LORD CHAMBERLAIN.

1. All doors and barriers to open outwards, or to be fixed back during the time when the public are within the Theatre.

2. All gangways, passages, and staircases, intended for the exit of the audience, to be kept entirely free from chairs or any other obstructions, whether permanent or temporary.

3. An ample water supply with hose and pipes to be available to all parts of the House, where possible on the high-pressure main.

4. All fixed and ordinary gas-burners to be furnished with efficient guards. Movable and occasional lights to be, where possible, protected in the same manner, or put under charge of persons responsible for lighting, watching, and extinguishing them. A separate and independent supply of light for the stage and auditory.

No white metal gas pipes to be used in the building.

5. The footlights or floats to be protected by a wire guard. The first ground-line to be always without gas, and unconnected with gas, whether at the wings or elsewhere. Sufficient space to be left between each ground-line, so as to lessen risk from accident to all persons standing or moving among such lines.

6. The rows or lines of gas-burners at wings to commence four feet at least from the level of the stage.

7. Wet blankets or rugs, with filled buckets or water-pots, to be always kept in the wings; and attention to be directed to them by

placards legibly printed or painted, and fixed near them. As in Rule 4, some person to be responsible for keeping the blankets, buckets, &c., ready for immediate use.

8. Hatchets, hooks, or other means to cut down hanging scenery in case of fire to be always in readiness.*

9. The regulations as to fire to be always posted in some conspicuous place, so that all persons belonging to the Theatre may be acquainted with their contents. A report of any fire, or alarm of fire, however slight, to be at once sent to the Lord Chamberlain's Office.

10. Counter weights, where possible, to be carried to the walls of the building, and cased in. The ropes attached to them to be constantly tested.

11. An annual inspection is made of all Theatres. It is expected that all alterations suggested for the safety and convenience of the public will be carried out before the issue of the Annual Licence.

12. No structural alterations to be made in the Theatre without the sanction of the Metropolitan Board of Works. Plans of such alterations to be sent to the Lord Chamberlain's Office.

13. A copy of every new piece, or alterations of old pieces intended to be produced, to be forwarded for Licence to the Examiner of Plays seven clear days before such intended production. No alteration of the text when licensed for representation to be permitted without sanction.

14. Copies of all Play Bills to be sent to the Lord Chamberlain's Office every Monday, and whenever a change of performance is announced.

15. Notice of the change of title of a piece to be given to the Examiner of Plays.

16. The name and private address of the actual and responsible manager to be printed in legible type at the head of each bill.

17. Admission to be given at all times to authorised officers of the Lord Chamberlain's Department, and of the Police.

18. No profanity or impropriety of language to be permitted on the stage.

19. No indecency of dress, dance, or gesture to be permitted on the stage.

20. No offensive personalities or representations of living persons to be permitted on the stage, nor anything calculated to produce riot or breach of the peace.

---

* Note.—The Committee of the House of Commons in their Report on Fires in Theatres in 1877 recommended, "with respect to the daily management of the Theatre, naked lights should be protected; inflammable materials should not be allowed to be placed where they are likely to catch fire; the hose and other apparatus should be maintained in good order; the passages should be kept clear, and a plan settled beforehand of what should be done in the case of a fire or panic, each of the employees being instructed as to the place he is to take, and the duties he is to perform, and all being occasionally drilled together for the purpose."

21. No exhibition of wild beasts or dangerous performances to be permitted on the stage. No women or children to be hung from the flies, nor fixed in positions from which they cannot release themselves.

22. No masquerade or public ball to be permitted in the Theatre.

23. No encouragement to be given to improper characters to assemble, or to ply their calling in the Theatre.

24. Refreshments to be sold in the Theatre only during the hours of performance, only to the audience and company engaged in the house, and only in positions which do not interfere with the convenience and safety of the audience.

25. No smoking to be permitted in the auditorium.

26. Theatre Licences are granted for one year, from the 29th September. Licences are granted also for shorter periods, but all Licences cease on the day above-mentioned.

27. No public entertainment to be given in the Theatre on the days excluded from the Licence.

28. Applications for Licences, with the names and addresses of the actual and responsible Manager and of his two proposed sureties, who must be resident householders and ratepayers, must be forwarded to the Lord Chamberlain's Office seven clear days before the day for which the Licence is required.

29. Theatre Licences are granted, after consultation with the Metropolitan Board of Works so far as the structural condition of the Theatres is concerned, only for buildings in which the above Regulations can be carried out, and on the express condition that these and every other reasonable and practicable precaution against fire or the dangers arising therefrom are adopted.

30. The Manager is held solely and entirely responsible for the carrying out of the above Regulations, for the management of his Theatre before and behind the curtain, and for the safety of the public and the members of his company.

31. All exits from the Theatre must be plainly indicated by Placards, and kept always available for the use of the Audience.

32. The service of light for the Auditorium and Entrance Passages must be separate from that for the Stage.

BY ORDER OF THE LORD CHAMBERLAIN.

LORD CHAMBERLAIN'S OFFICE,
ST. JAMES'S PALACE.

REGULATIONS FOR THE BETTER PROTECTION AGAINST ACCIDENTS BY FIRE AT THEATRES LICENSED BY THE LORD CHAMBERLAIN.

I.

All fixed and ordinary GAS-BURNERS to be furnished with efficient Guards. Movable and occasional Lights to be, when possible, protected in the same manner, or put under charge of persons responsible for lighting, watching, and extinguishing them. No white metal gas pipes to be used in the Building.

II.

The Footlights or Floats to be protected by a Wire Guard. The first Ground-Line to be always without Gas, and unconnected with Gas, whether at the wings or elsewhere. Sufficient space to be left between each Ground-Line, so as to lessen risk from accident to all persons standing or moving among such lines.

III.

The rows or lines of Gas-Burners at Wings to commence Four Feet at least from the level of the Stage.

IV.

Wet Blankets or Rugs, with Filled Buckets or Water-Pots, to be always kept in the Wings; and attention to be directed to them by Placards legibly printed or painted, and fixed immediately above them. As in Rule I., some person to be responsible for keeping the Blankets, Buckets, &c., ready for immediate use.

V.

Hatchets and Hooks to be in readiness to cut down hangings, *scenery, &c., in case of Fire.*

VI.

These Regulations to be always posted in some conspicuous place, so that all persons belonging to the Theatre may be acquainted with their contents; every Breach or neglect of them, or any act of carelessness as regards Fire, to be punished by Fines or Dismissal by the Managers.

LORD CHAMBERLAIN.

Lord Chamberlain's Office,
St. James's Palace.

FORM OF LORD CHAMBERLAIN'S LICENCE AND BOND TO BE GIVEN BY MANAGER.

I DO HEREBY give Leave and Licence unto
to have Stage Plays performed at
situate in the Parish of
in the County of upon every day during the currency of this Licence, with the exception of The Lord's Day (commonly called Sunday), Christmas Day, and Good Friday, upon the understanding that the above-named Actual and Responsible Manager shall be subject to the Rules and Regulations annexed to this Licence.

This Licence will remain in force from the until the inclusive, unless at any time during such period the above-named

shall wilfully infringe any of the Rules and Regulations annexed to this Licence.

In case of any such infringement being committed, this Licence shall forthwith be determined, and be of no effect.

Given under my Hand and Seal this day of 18 In the Year of Her Majesty's Reign.

LORD CHAMBERLAIN.

KNOW ALL MEN by these Presents, that WE

are severally held and firmly bound unto The Lord Chamberlain of Her Majesty's Household for the time being in the several sums of money following, that is to say, the said in the sum of Three hundred pounds of lawful money of Great Britain, the said in the sum of Fifty pounds of like lawful money, and the said in the sum of Fifty pounds of like lawful money, such sums to be respectively paid to the said Lord Chamberlain, or his attorney, executors, administrators, or assigns, for which several payments, so to be well and truly made by us respectively, we bind ourselves respectively and our respective heirs, executors, and administrators firmly by these presents, sealed with our seals.

Dated this day of September in the year of our Lord 189 .

WHEREAS under or by virtue of a certain Act of Parliament made and passed in the 6th and 7th years of the reign of Queen Victoria, entitled, "An Act for regulating Theatres" the Lord Chamberlain of Her Majesty's Household for the time being is empowered to grant Licences for Theatres within the limits therein mentioned, and is also given certain jurisdiction over such Theatres and the Performances therein. And the Manager for the time being of any such Theatre is thereby required to do or abstain from doing certain Acts therein specified, and other provisions are therein contained for carrying into effect the purposes of the said Act, and certain penalties to be awarded, recovered and paid, together with costs as therein mentioned, are thereby imposed for the breach of any of the requisitions or provisions of the said Act. And it is thereby, amongst other things, enacted that no such Licence for a Theatre shall be granted by the Lord Chamberlain to any person except the actual and responsible Manager for the time being of the Theatre in respect of which the Licence shall be granted. And such Manager shall become bound himself in such penal sum as the Lord Chamberlain shall require, being in no case more than Five hundred pounds, and two sufficient sureties to be approved by the said Lord Chamberlain, each in such penal sum as the Lord Chamberlain shall require, being in no case more than One hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the Licence for the regulation of such Theatre, and for securing payment of the penalties which such Manager may be adjudged to pay for

breach of the said rules or any of the provisions of the said Act. AND WHEREAS the above-named Lord Chamberlain, as such, for the time being hath granted a Licence to the above bounden as the actual and responsible Manager for the time being of the Theatre called The Theatre situate in the parish of Saint in the County of within the limits of the said Lord Chamberlain's jurisdiction, under the said recited Act, for keeping open such Theatre from the Twenty-ninth day of September 189 until the Twenty-eighth day of September, 189 according to the provisions of the said Act. AND WHEREAS pursuant to the provisions in that behalf contained in the said recited Act, the said Lord Chamberlain, as such, hath required that the above written Bond or Obligation shall be entered into and executed, and he has approved of the above bounden as sufficient sureties to join therein with the said

NOW THE CONDITION of the above written Bond or Obligation is, that if the said do and shall, from time to time, and at all times during the continuance or currency of the Licence so granted to him for keeping open the Theatre called The Theatre as aforesaid, duly and regularly observe, perform and obey all and every the rules and regulations which now are or at any time or times during the continuance or currency of such Licence shall be enjoined or imposed by the Lord Chamberlain of Her Majesty's Household for the time being, or otherwise in existence or force for the regulation of such Theatre, and also do and shall well and truly pay or cause to be paid all and every the penalties or sums or sum of money which he the said shall be at any time or times hereafter awarded or adjudged to pay for or on account of the breach or non-performance of all or any of such rules or regulations, or all or any of the provisions of the said recited Act of Parliament for regulating Theatres, according to any such award or judgment, together with the costs attending the same, then and in such case the above written Bond or Obligation to be void, but otherwise to be and remain in full force.

Signed, Sealed, and Delivered, in the presence of

STATUTORY RULES AND ORDERS, 1910.
No. 189.

CINEMATOGRAPH, ENGLAND.

REGULATIONS, DATED FEBRUARY 18, 1910, MADE BY THE SECRETARY OF STATE UNDER THE CINEMATOGRAPH ACT, 1909 (9 EDW. 7. c. 30).

In pursuance of the power vested in me by the Cinematograph Act, 1909 (9 Edw. 7. c. 30), I hereby make the following regulations:

GENERAL.

1. In these regulations the word "building" shall be deemed to include any booth, tent, or similar structure.

2. No building shall be used for cinematograph or other similar exhibitions to which the Act applies, unless it be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress.

The seating in the building shall be so arranged as not to interfere with free access to the exits; and the gangways and the staircases, and the passages leading to the exits shall, during the presence of the public in the building, be kept clear of obstructions.

3. The cinematograph operator and all persons responsible for or employed in or in connection with the exhibition shall take all due precautions for the prevention of accidents, and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition.

Fire Appliances.

4. Fire appliances adequate for the protection of the building shall be provided, and shall include at least the following—namely, a damp blanket, two buckets of water, and a bucket of dry sand. In a building used habitually for the purpose of cinematograph or other similar exhibitions they shall also include a sufficient number of hand grenades or other portable fire-extinguishers.

The fire appliances shall be so disposed that there shall be sufficient means of dealing with fire readily available for use within the enclosure. Before the commencement of each performance the cinematograph operator shall satisfy himself that the fire appliances intended for use within the enclosure are in working order, and during the performance such appliances shall be in the charge of some person specially nominated for that purpose who shall see that they are kept constantly available for use.

Enclosures.

Regulations applying in all cases and to all classes of buildings.

5.—(1) (*a*). The cinematograph apparatus shall be placed in an enclosure of substantial construction made of or lined internally with fire-resisting material and of sufficient dimensions to allow the operator to work freely.

(*b*) The entrance to the enclosure shall be suitably placed and shall be fitted with a self-closing close-fitting door constructed of fire-resisting material.

(*c*) The openings through which the necessary pipes and cables pass into the enclosure shall be efficiently bushed.

(*d*) The openings in the front face of the enclosure shall not be larger than is necesasry for effective projection, and shall not exceed two for each lantern. Each such opening shall be fitted with a screen of fire-resisting material, which can be released both inside and outside the enclosure so that it automatically closes with a close-fitting joint.

(*e*) The door of the enclosure and all openings, bushes, and joints shall be so constructed and maintained as to prevent, so far as possible, the escape of any smoke into the auditorium. If means of ventilation are provided, they shall not be allowed to communicate direct with the auditorium.

(*f*) If the enclosure is inside the auditorium, either a suitable barrier shall be placed round the enclosure at a distance of not less than two feet from it, or other effectual means shall be taken to prevent the public from coming into contact with the enclosure.

(*g*) No unauthorised person shall go into the enclosure or be allowed to be within the barrier.

(*h*) No smoking shall at any time be permitted within the barrier or enclosure.

(*i*) No inflammable article shall unnecessarily be taken into or allowed to remain in the enclosure.

Regulations applying only to specified classes of buildings.

(2) In the case of buildings used habitually for cinematograph or other similar exhibitions, the enclosure shall be placed outside the auditorium; and in the case of permanent buildings used habitually as aforesaid the enclosure shall also be permanent.

Provided, with regard to the foregoing requirements, that, if the licensing authority is of opinion that compliance with either or both of them is impracticable or in the circumstances unnecessary for securing safety and shall have stated such opinion by express words in the licence, the requirement or requirements so specified shall not apply.

LANTERNS, PROJECTORS, AND FILMS.

6. Lanterns shall be placed on firm supports constructed of fire-resisting material, and shall be provided with a metal shutter which can be readily inserted between the source of light and the film-gate.

The film-gate shall be of massive construction and shall be provided with ample heat-radiating surface. The passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light-opening.

7. Cinematograph projectors shall be fitted with two metal film-boxes of substantial construction, and not more than fourteen inches in diameter, inside measurement, and to and from these the films shall be made to travel. The film-boxes shall be made to close in such a manner, and shall be fitted with a film-slot so constructed, as to prevent the passage of flame to the interior of the box.

8. Spools shall be chain or gear driven and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

9. During the exhibition all films when not in use shall be kept in closed metal boxes.

LIGHTING.

10. Where the general lighting of the auditorium and exits can be controlled from within the enclosure, there shall also be separate and independent means of control outside and away from the enclosure.

11. No illuminant other than electric light or limelight shall be used within the lantern.

Electric Light.

12.—(*a*) Within the enclosure the insulating material of all electric cables, including "leads" to lamps, shall be covered with fire-resisting material.

(*b*) There shall be no unnecessary slack electric cable within the enclosure. The "leads" to the cinematograph lamp shall, unless conveyed within a metal pipe or other suitable casing, be kept well apart both within and without the enclosure and shall run so that the course of each may be readily traced.

(*c*) Cables for cinematograph lamps shall be taken as separate circuits from the source of supply and from the supply side of the main fuses in the general lighting circuit, and there shall be efficient switches and fuses inserted at the point where the supply is taken, and in addition, an efficient double-pole switch shall be fitted in the cinematograph lamp circuit inside the enclosure. When the cinematograph lamp is working, the pressure of the current across the terminals of the double-pole switch inside the enclosure shall not exceed 110 volts.

(*d*) Resistances shall be made entirely of fire-resisting material, and shall be so constructed and maintained that no coil or other part shall at any time become unduly heated.* All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and, if reasonably practicable, outside the auditorium. If inside the auditorium, they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact.

The operator shall satisfy himself before the commencement of each performance that all cables, leads, connections, and resistances are in proper working order. The resistances, if not under constant observation, shall be inspected at least once during each performance. If any fault is detected, current shall be immediately switched off, and shall remain switched off until the fault has been remedied.

Limelight.

13.—(*a*) If limelight be used in the lantern the gas cylinders shall be tested and filled in conformity with the requirements set out in the Appendix hereto. The tubing shall be of sufficient strength to resist pressure from without and shall be properly connected up.

(*b*) No gas shall be stored or used save in containers constructed in accordance with the requirements contained in the Appendix.

Licences.

14. Every licence granted under the Act shall contain specific conditions for the carrying out of regulations 2 and 5 (1) (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) in the building for which the licence is granted, and may, in accordance with regulation 5 (2), contain an expression of opinion on the matters referred to in the proviso thereto.

15. Subject to the provisions of No. 16 of these regulations, every licence granted under the Act shall contain a clause providing for its lapse, or, alternatively, for its revocation by the licensing authority, if any alteration is made in the building or the enclosure without the sanction of the said authority.

---

* *E.g., they should not become so heated that a piece of newspaper placed in contact with any part of the resistance would readily ignite.*

16. Where a licence has been granted under the Act in respect of a moveable building, a plan and description of the building, certified with the approval of the licensing authority, shall be attached to the licence. Such a licence may provide that any of the conditions or restrictions contained therein may be modified either by the licensing authority or by the licensing authority of the district where an exhibition is about to be given. The licence and plan and description or any of them shall be produced on demand to any police constable or to any person authorised by the licensing authority or by the authority in whose district the building is being or is about to be used for the purpose of an exhibition.

17. The regulations dated December 20, 1909, made under the Cinematograph Act, 1909, are hereby repealed, provided, nevertheless, that any licence granted prior to such repeal shall remain valid for the period for which it was granted without the imposition of any more stringent condition than may have been imposed at the time of the grant.

Given under my hand at Whitehall this eighteenth day of February, 1910.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

APPENDIX.

Limelight.

The gas cylinders shall be tested and filled in conformity with the requirements set out below, which follow the recommendations of the Departmental Committee of the Home Office on the Manufacture of Compressed Gas Cylinders [C. 7952 of 1896] :—

Cylinders of Compressed Gas (Oxygen, Hydrogen, or Coal Gas).

(*a*) *Lap-welded wrought iron.*—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed 6½ tons per square inch.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch in hydraulic test not to exceed 10 per cent. of the elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between two rounded knife-edges without cracking.

(*b*) *Lap-welded or seamless steel.*—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed 7½ tons per square inch in lap-welded, or 8 tons per square inch in seamless cylinders.

Carbon in steel not to exceed 0.25 per cent. or iron to be less than 99 per cent.

Tenacity of steel not to be less than 26 or more than 33 tons per square inch. Ultimate elongation not less than 1.2 inches in 8 inches. Test-bar to be cut from finished annealed cylinder.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife-edges without cracking.

Regulations applicable to all Cylinders.

Cylinders to be marked with a rotation number, a manufacturer's or owner's mark, an annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

Testing to be repeated at least every two years, and annealing at least every four years.

A record to be kept of all tests.

Cylinders which fail in testing to be destroyed or rendered useless.

Hydrogen and coal gas cylinders to have left-handed threads for attaching connections and to be painted red.

The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing overcharging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

Cylinders not to be refilled till they have been emptied.

If cylinders are sent out unpacked the valve fittings should be protected by a steel cap.

A minimum weight to be fixed for each size of cylinder in accordance with its required thickness. Cylinders of less weight to be rejected.

MUSIC, MUSIC AND DANCING, AND STAGE PLAYS LICENCES.

REGULATIONS MADE BY THE LONDON COUNTY COUNCIL UNDER THE LOCAL GOVERNMENT ACT, 1888.

PART I.—APPLICATIONS.

1. (*a*) Applications are investigated by the Theatres and Music Halls Committee of the London County Council, referred to hereafter as "the Committee."

(*b*) The Committee report the result of their investigation to the Council, by whom all licences are granted or refused.

*(c) The annual meeting of the Committee shall be held in the month of November.

NEW LICENCES.

2. A person applying for a new licence must—

(i) On or before the 1st day of October in each year, give notice to the Clerk of the London County Council of such intended application on a form to be obtained on application to the Clerk of the Council.

(ii) Within seven days after serving the notice of intended application on the Clerk of the Council, affix and, until the application has been dealt with, maintain upon the principal outer door or other conspicuous part of the premises sought to be licensed, at the height of five feet above the footway, a copy of such notice printed in large type, known as "Two-line English Roman," so that the same can be seen and read by persons in a public street or place.

(iii) Advertise the fact of his intended application in three newspapers circulating generally throughout the county or throughout the locality in which the premises are situated or proposed to be erected, and must transmit one copy of each such newspaper containing the advertisement of such notice to the Clerk of the Council.

Such advertisement must be inserted by the applicant within seven days after serving the notice of the intended application upon the Clerk of the Council.

(iv) Send to the Clerk of the Council, seven clear days at least before the day appointed for the hearing of his application by the Committee, a statutory declaration that he or his agent has duly published and served all the notices prescribed by this regulation.

Where the notices have been served by an agent, a joint statutory declaration must be furnished.

3. Applications must be supported by satisfactory documentary evidence that the applicant is owner or lessee (for at least one year certain) in possession of the premises in respect of which the licence is required.

4. No application will be entertained unless plans of the premises for which the licence is required have been approved by the Council

5. Applicants must attend personally before the Committee, and, if required by the Clerk of the Council, must also attend before the Council.

RENEWAL OF LICENCES.

(i) *With removal or modification of conditions.*

6. A person applying for the renewal of an existing licence and desiring the removal or modification of any condition or conditions attached to such licence must comply with all the provisions of regulation 2 and must state in the notice to the Clerk of the Council

---

* The Council has no power to grant music or music and dancing licences or provisional music or music and dancing licences except at the annual meeting.

and in the notice to be affixed to the premises and in the advertisement, that he intends to apply for such removal or modification, and must set out in the notices referred to and in the advertisement that he intends to apply for such removal or modification, and must set out in the notices referred to and in the advertisement the condition or conditions sought to be removed or modified.

Regulation 5 also applies to such applications.

(ii) *Without alteration in terms.*

7. A person applying for the renewal of an existing licence without alteration in the conditions, if any, attached thereto, must, on or before the 1st day of October in each year, give notice to the Clerk of the Council of such intended application on a form to be obtained on application to the Clerk of the Council.

Applicants need not attend before the Committee unless notice of opposition to the renewal has been given, or they have been specially required to do so by the Clerk of the Council.

Swimming Baths.

8. (*a*) Applications for licences in respect of any swimming baths erected under the Baths and Washhouses Acts 1846-1882, may be heard at the Annual Licensing Meeting of the Committee, or at any other meeting of the Committee.

(*b*) Such applications must be made in accordance with regulations Nos. 1 to 7, but they may be heard at any meeting after the expiration of one month from the date of the notice to the Clerk of the Council.

9. The licensee of any swimming bath licensed by the Council for music, or music and dancing, must give notice annually to the Clerk of the Council when it is proposed to alter the baths so as to render them suitable for the purposes of the licence, and such licence will not be issued until the alterations have been satisfactorily completed, and the district surveyor, or the borough surveyor, or any surveyor accepted by the Council, has certified his approval of the construction of the flooring over the swimming bath.

Stage Plays.

10. Applications for annual licences for the performance of stage plays in premises outside the jurisdiction of the Lord Chamberlain must be made in accordance with regulations Nos. 1 to 7. In addition to the notices required by these regulations the applicant must send to the Clerk of the Council, at least 14 days before the hearing of the application the names and addresses of his proposed two sureties. The licences, if granted, are subject to the provisions of the Act for regulating theatres (6 and 7 Vict., chap. 68), save as to the provision requiring the signatures of the justices.

11. Applications for licences for the performance of stage plays for periods of less than one year but more than a few days must, so far as practicable, be made in accordance with the regulations relating to annual licences except that they may be heard at any meeting of the Committee after the expiration of 14 days from the date of the notice to the Clerk of the Council.

12. Applications for licences for occasional dramatic performances may be heard at any meeting of the Committee.

Provisional Licences.

13. Application for provisional licences for premises about to be constructed, or in course of construction or re-arrangement, must be made in accordance with regulations Nos. 1 to 11.

14. A provisional licence does not justify the use of the premises for public entertainments. The premises must not be so used until such licence has been confirmed by the Council. Such confirmation can take place at any meeting of the Council held during the year, provided that the Committee report that the premises have been satisfactorily completed.

Transfers.

15. (*a*) A person applying for a transfer of an existing licence must give notice to the Clerk of the Council of such application at least one month before the meeting of the Committee, at which such application is to be considered. The application must be supported by satisfactory documentary evidence that the proposed transferee is owner or lessee (for at least one year certain) in possession of the premises in respect of which the licence is required.

(*b*) Applications for transfers may be heard at any meeting of the Committee, except during the months of August, September, and October.

(*c*) Applicants must attend personally before the Committee, and, if required by the Clerk of the Council, must also attend before the Council.

General.

16. Notice of intended application for a licence or for a transfer of a licence when given on behalf of any company registered under the Companies (Consolidation) Act, 1908, must be signed by a responsible officer of the company and proof of his appointment must be given if required by the Committee.

17. If a person who has given notice of his intention to apply for a licence vacates the premises in respect of which the licence is sought, or dies before the application is heard, the new tenant, or the legal representative of the deceased person, may be heard in place of the original applicant if the Committee think fit.

18. Licences are subject to the regulations of the Council in reference to arrangements for the safety and protection of the public.

PART II.—MODE OF MAKING OBJECTION TO APPLICATIONS.

19. No objection made by any person other than a member of the Council to the granting or renewal of any licence shall be heard by the Committee unless a notice of such objection, setting forth the grounds upon which the opposition is made, and where definite offences are alleged, the dates and particulars of such offences, has been received by the Clerk of the Council and by the applicant 14 clear days before the day appointed for the hearing by the Committee.

On the hearing of the case before the Committee it shall not be competent for any person (other than a member of the Council) objecting to the granting or renewal of any licence to go into any matter not set forth in such notice.

PART III.—PROCEDURE TO BE OBSERVED AT THE HEARING BY THE COMMITTEE OF APPLICATIONS.

20. Applications for licences will be heard by the Committee in the order in which they appear in the list compiled by the Clerk of the Council, except that applications which are opposed will be heard last, provided that the Committee may, in the exercise of their discretion, take any application out of its proper order, or postpone it.

21. The meetings of the Committee shall be open to the public. The Committee shall, however, conduct their deliberations and consider their report to the Council upon the applications in private.

22. Every applicant for a licence, and every person objecting to the granting thereof, who shall have given the notices required by regulation No. 19, shall be heard, either personally or by counsel, and shall be entitled to call witnesses.

23. The order of hearing shall be as follows:—

(i) On the case being called each person objecting shall be heard in person or by counsel in the order of the date of his notice of objection, and, after stating his grounds of objection, may call witnesses in respect thereof.

(ii) The applicant or his counsel may then call witnesses, and may be heard in reply to objections.

(iii) On the hearing of applications for new licences or for the removal or modification of the terms of existing licences, this order of procedure shall be reversed and the applicant shall in every such case be heard first.

24. Where a member of the Council, or of the Committee, makes an allegation for or against any application in regarc to a licence, and such allegation is unsupported by the evidence of any other person or persons, the party affected thereby, or his counsel, shall be permitted to put questions through the Chairman by way of cross-examination.

25. Regulations Nos. 1 to 24 will, so far as they are applicable, be observed at all the meetings of the Committee at which applications for licences are considered, unless the Committee otherwise determine.

LAURENCE GOMME,
Clerk of the Council.

County Hall,
Spring Gardens, S.W.
July, 1914.

RULES TO BE OBSERVED BY THE LICENSEES OF PREMISES LICENSED BY THE LONDON COUNTY COUNCIL.

1. The management must allow the public to leave by all exit and entrance doors, which must open outwards.

2. All exit doors must be thrown open for the use of the audience at the end of the performance.

3. All doors and barriers must open outwards.

4. All gangways, passages and staircases, intended for the exit of the audience, must be kept entirely free from chairs or any other obstructions, whether permanent or temporary.

5. Persons must not be permitted to stand or sit in any of the intersecting gangways, and if standing be permitted in the gangways at the sides and rear of the seating, sufficient room must be left for persons to pass easily to and fro.

6. All exit and other doors or openings used by the public for the purposes of exit must be indicated by notices clearly painted to the satisfaction of the Council in 7-inch letters.

Such notices must be painted over such doors or openings at a height of at least 6 feet 9 inches above the floor.

The words "No Exit" must be clearly painted to the satisfaction of the Council in 7-inch letters at least 6 feet 9 inches above the floor, over all doors or openings, which are in sight of the audience, but which do not lead to exits.

7. Each exit door from the auditorium and stage must have a distinct light fitted over it, such light to illuminate the exit notice, and to be maintained throughout the performance.

8. All doors used for purposes of exit must, if fastened during the time the public are in the building, be secured during such time by automatic bolts only, of a pattern and in a postion to be approved by the Council.

9. All exit doors must have a notice clearly painted on them indicating the method of opening them.

10. All curtains covering doors or in passages must be hung so as not to trail on the ground.

11. The seating area assigned to each person must not be less than 2 feet deep and 1 foot 6 inches wide in all parts of the house where no backs or arms are provided to the seats, and not less than 2 feet 4 inches deep by 1 foot 8 inches wide where backs or arms are provided. In all cases, however, there must be a space of at least 1 foot in depth between the front of one seat and the back of the next measured between perpendiculars.

The above regulation shall not apply to the seating now in existence except in cases where it is proposed to re-arrange the seating or to alter the premises.

12. Where chairs are used they must be battened together at a distance of not less than 1 foot 8 inches from centre to centre where they have arms, and 1 foot 6 inches where they are without arms, and in lengths of not less than 4 or more than 12 chairs.

13. The corridors must not be used as cloak rooms, and no pegs for hanging hats and cloaks must be allowed therein.

14. All check boxes must be fixed and placed in such positions that they will not obstruct exit.

15. No decoration, or construction for the purpose of decoration, must be employed in dressing rooms which does not adhere without any cavities to the surface of the wall.

16. All open fire-places or stoves must be protected by strong fixed iron-wire guards and fenders of not more than 1½ inch mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

17. All gas-burners within reach of the audience must be protected by glass or wire globes.

18. All gas-taps within reach of the public must be made secret.

19. All gas pipes must be made of iron or brass.

20. Additional means of lighting for use in the event of the gas or the electric light being extinguished must be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured to an uninflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (*a*) a complete installation of both gas and electric light, or (*b*) two complete systems of electric lighting from separate companies, or (*c*) two complete systems from one company if specially approved by the Council for the purposes of these regulations. In cases (*b*) and (*c*), however, the exit notices must be provided with independent means of lighting or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages, and exits (including the exit notices) must be kept alight during the whole time the public are in the premises.

No mineral oils must be used in oil lamps.

21. Where there is a safety curtain to the proscenium opening it must be lowered at least once about the middle of the performance in the presence of the audience so as to ensure its being in proper working order.

22. An inscription of the following nature must be exhibited on the fire curtain—"Safety Curtain," the notice to be exhibited in letters sufficiently large that it can be read from all parts of the house.

23. Whenever the safety curtain is lowered, all lights in the auditorium must be immediately lighted.

24. If a temporary proscenium be required it must be formed of heavy woollen curtains only, to the satisfaction of the Council. (*See No.* 39.)

25. No wires, etc., in connection with gymnastic or other displays, or any other apparatus, must be allowed to interfere in any way with the lowering of the safety curtain.

26. All scenery, wings, sky borders, cloths, draperies, gauze cloths, floral decorations, properties, hangings, curtains, etc., whether on the stage, in the auditorium, or in other parts of the premises, must be rendered and maintained non-inflammable.

27. Where performances are regularly given, and where scenery is used, at least one fireman must be employed during the entertainment. The responsibility as regards the employment of such men must rest, as at present, with the management.

28. Counter-weights, where possible, must be carried to the walls of the building and cased in. The ropes attached to them must be constantly tested.

29. All fixed and ordinary gas burners on or about the stage must be furnished with efficient guards; movable and occasional lights must be protected in the same manner, and put under charge of persons responsible for lighting, watching and extinguishing them.

30. The rows and lines of lights and gas burners in the wings must commence 4 feet at least from the level of the stage, and be protected by fixed iron-wire guards

31. Druggets or crumb cloths where used must be secured so as to be in no way liable to rucking or to be in any way a source of danger to members of the audience.

32. Smoking by members of the orchestra or others must be strictly prohibited within the stage risk, except so far as may be necessary on the stage in connection with the performance.

33. Blankets or rugs and buckets filled with water must be always kept on the stage and in the flies, scene docks and immediate passages approaching the dressing-rooms, ready for instant use, and attention must be directed to them by placards legibly printed or painted and fixed immediately above them.

Some person must be held responsible by the management for keeping the blankets or rugs and fire appliances ready for immediate use.

34. Hatchets, hooks, ladders, and other appliances for taking down hanging scenery in case of fire, where such scenery is in use, must be always kept in readiness for immediate use.

35. Regulations as to fire must be posted in some conspicuous place approved by the Council, so that all persons connected with the premises may be acquainted with such regulations.

36. Communication must be established between a point on the stage, in close proximity to the releasing gear to the fire curtain, and the telephone alarm in connection with the nearest fire-brigade station.

37. Information of any outbreak of fire, however slight, must be at once communicated to the Fire Brigade.

38. A sufficient number of employees must have definite duties allotted to them in the event of fire or panic, and statements of such duties must be posted up in conspicuous positions. Dry fire drills must be held at least once a week in all theatres, music-halls, and large concert halls.

39. Before any alterations are made in the seating or in the arrangements of the premises, the person in whose name the licence is granted must submit full particulars and a plan to the Council for its approval. In the case of a bazaar, etc., such plan must show the position of the stalls, gangways, etc., and be accompanied by a statement as to the proposed construction of the stalls, etc. (*See No.* 24.)

The following conditions must be complied with in the arrangements for a bazaar—

(*a*) That in the construction of the stalls no thin wood lining and divisions be employed.

(*b*) That every stall or structure of a like character, which is placed within 5 feet of any other stall or structure of a like

character, or any part thereof, be restricted to a height of 12 feet.

(*c*) That all roofs or coverings be of plaster or other fire-resisting material.

(*d*) That all the hangings used for draping be rendered fire-resisting.

(*e*) That special arrangements be made to the satisfaction of the Council for the extinction of fire.

40. Where there is an electrical installation a properly qualified man must be in charge of such installation.

41. In all cases in which it is desired to instal temporary lighting, notice must be given to the Clerk of the Council, in writing, as long as possible before it is desired to commence the work.

Wires and cables must be adequately and firmly fixed, and must be similar to the wires specified in the Council's regulations, and in all cases where the wires are within reach of the public they must be cased.

All joints must be soldered and taped if used for more than one week, and if used less than a week the wire must be soldered, if larger than 7/20 S.W.G. or its equivalent. In either case the joints must be taped.

In portable fittings and appliances all joints, excepting those connecting the fittings, etc., to the permanent installations must be soldered.

The circuits must be sub-divided as much as possible, no sub-circuit exceeding 10 ampères at 100 volts, or correspondingly less at higher pressures.

All temporary work must be immediately removed when no longer required for the purpose for which it was installed.

In the case of temporary work on the stage, all connections to the permanent installation must be removed immediately after each performance in which they are used unless permission be obtained to the contrary.

Such special conditions as may be requisite in each case will be attached to the consent of the Council to the use of temporary electrical work.

42. All main switches, fuses, etc., which are the property of the electric supply company, must be distinguished by being coloured red with a white band.

43. At least one pair of india-rubber gloves must be provided for the use of the electricians in connection with the electric lighting arrangements as a precaution in the event of high voltage occurring. The gloves must be kept on the stage switchboard and be kept in good order.

44. At least one bucket, filled with dry sand, must be kept in some accessible position on the stage in readiness for use in dealing with an electric fire, and one must also be kept in each of the intake rooms.

45. All boilers, pipes, radiators, etc., used for heating purposes must be equipped and maintained in accordance with the Council's detail regulations, copies of which may be obtained on application to the Clerk of the Council. Supply tanks must be covered and protected

from frost, and the pipes and radiators must be protected where necessary by properly secured guards.

Every boiler or heating apparatus must be tested by hydraulic pressure when new, and annually thereafter, to twice the working pressure, in the presence of an official of the Council, the cost of any such test being borne entirely by the licensee of the premises. This test will not be required when the boiler or apparatus is insured with a recognised boiler insurance company, in which case a certificate, or a duplicate thereof, of a recent test made by the Company, must be sent annually to the Clerk of the Council for inspection.

Where it is desired for stage effects to use apparatus or connections that do not comply with the regulations of the Council as to steam boilers, heating apparatus, etc., application, accompanied by full details, must be made to the Council, and such apparatus, etc., must not be used until the Council's permission has been obtained.

When it is proposed to make use of a steam boiler that has not previously been inspected by the Council's officers and approved, a notice of seven clear days must be given to the Council before putting the boiler to work.

When such a boiler, having been inspected and approved at one theatre, is transported to another for use under exactly similar conditions, further inspection and approval may not be requisite, but the necessary seven days' notice must be given to the Council, and a recent certificate issued by the boiler insurance company must always be in the custody of the person who is in responsible charge of the boiler, and must be produced to the Council's officers on demand.

Where a boiler is not a fixture on the premises, but may be transported from time to time to other licensed premises, it must bear some approved and permanent stamp or mark that will serve to identify it with the boiler referred to in the certificates granted by the boiler insurance company.

46. The name of the responsible manager must appear on the programme of the performance.

47. The following notice must be printed for the information of the public on the programme of the performance on the same page as the cast and in similar type to that used below—

> In accordance with the requirements of the London County Council—
>
> (*a*) The public may leave at the end of the performance by all exit and entrance doors and such doors must at that time be open.
>
> (*b*) All gangways, passages and staircases must be kept entirely free from chairs or any other obstructions.
>
> (*c*) Persons must not be permitted to stand or sit in any of the intersecting gangways, and if standing be permitted in the gangways at the sides and rear of the seating, sufficient space must be left for persons to pass easily to and fro.
>
> (*d*) The safety-curtain must be lowered about the middle of the performance so as to ensure its being in proper working order.

In addition to the above-mentioned rules, in every place of public entertainment where there is a fire-resisting curtain provided, Rules Nos. 13, 20, 21, 23, 25, 26, 29, 32, 33, 34, 36, 37, 43, 44, and 49 must be legibly printed and posted up in a conspicuous position on each side of the stage behind the fire curtain.

48. The person in whose name the licence is granted will be held solely and entirely responsible for the carrying out of the above rules, and for the safety of the public and the employees in the event of fire or panic.

49. Admission must be given at all times to authorised officers of the London County Council.

LAURENCE GOMME,
Clerk of the Council.

LONDON COUNTY COUNCIL.

THE PROTECTION OF THEATRES, &c., FROM FIRE.

Regulations made by the Council on March 25, 1902, and November 13, 1906, with respect to the fitting and use of electric lighting plant, heating apparatus, steam boilers, machinery, etc., for all purposes in theatres, houses, rooms, and other places of public resort within the Adminstrative County of London.

Interpretation of "such premises."—In these regulations the expression "such premises" means a theatre, house, room, or other place of public resort within the Administrative County of London to be kept open for the public performance of stage-plays, or for public dancing, music or other public entertainment of a like kind, under the authority of letters patent from His Majesty the King, his heirs or successors, or of licences by the Lord Chamberlain of His Majesty's Household, or by the London County Council.

ELECTRIC LIGHTING.

1. *Sanction of Council to be obtained to all work.*—Before the installation of the electric light, or any electrical work or apparatus, and before any alterations or additions to the electric installation are commenced, the sanction of the Council shall be obtained to what is proposed to be done. For this purpose plans showing the approximate positions of the lights, and specifications, together with full particulars of the work it is proposed to carry out, and drawings of proposed switchboards, shall be forwarded to the Clerk of the Council, to whom also complete drawings shall be sent on completion of the work.

2. *High Pressure.*—The term high pressure means in all cases throughout these regulations pressure above 240 volts.

3. *Tests.*—Where the electric light is installed in such premises, it shall be on condition that a competent electrical engineer shall certify in writing, to the satisfaction of the Council, once in twelve months that the system is in proper working order.

Tests may also be made by the officials of the Council from time to time.

4. *Main Circuits.*—All such premises when lighted by electric light shall have at least three separate and distinct main circuits.

These circuits shall be—

(A) for the stage.

(B) and (C) for the auditorium, corridors, exits, and all parts of the house open to the public.

The circuits B and C shall be so arranged that approximately half the lights in each division of the auditorium and half those in each corridor, exit, etc., shall be on B and the other half on C circuit.

As far as practicable, the lights on the two circuits shall be placed alternately.

The two circuits shall not be combined in one fitting, nor shall the wires or leads for one circuit be placed in the same box, tube, or casing, etc., as those of another circuit, except as provided in regulation No. 8 for internally illuminated exit notice boxes, when special precautions must be taken to prevent risk of connection.

5. The main leads, etc., for circuit A shall, where possible, be kept entirely on the stage side of the proscenium wall, and those for B and C entirely on the auditorium side of that wall. If it is desired to control a portion of the lights in the auditorium from the stage board (circuit A), this will be permitted if a sufficient number of lights, for safety purposes, be maintained on circuits B and C in each portion of the auditorium, entirely independent of the stage. The number and position of such lights shall be subject to the approval of the Council.

6. *Supply by public lighting company, etc.*—When the current is supplied by a public lighting company, or corporation, these circuits shall be taken separately from the street mains, each circuit being taken from a separate box and where practicable from a separate pair of mains. Where transformers are installed on the premises, separate transformers, with fuses, switches, and other apparatus, shall be used for each of the three circuits, and the transformers, etc., for circuits B and C shall be placed in separate rooms, or in detached strong iron cases placed well apart, and the primary and secondary mains properly protected, or shall be divided by an incombustible partition. The transformer rooms, etc., must be kept clear of lumber.

7. *Three-wire system.*—Where supply is given on the three-wire system, circuits A and B or A and C may be supplied from the two sides of that system, but the other circuit, C or B, shall be taken from a separate connection with the street mains.

8. *Independent companies.*—The supply for the three main circuits may be taken from the mains of independent companies, but in such case special precautions must be taken to prevent accidental connection.

Change-over switches.—Change-over switches may also be used if approved by the Council.

Additional means of lighting.—Additional means of lighting in such premises for use in the event of the gas or the electric light being extinguished, shall be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured

to an uninflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (*a*) a complete installation of both gas and electric light, or (*b*) two complete systems of electric lighting from separate companies, or (*c*) two complete systems from one company if specially approved by the Council for the purposes of these regulations. In cases (*b*) and (*c*), however, the exit notices shall be provided with independent means of lighting, or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages, and exits (including the exit notices) shall be kept alight during the whole time the public are in such premises.

No mineral oils shall be used in oil lamps.

9. *Unlicensed premises.*—No unlicensed premises or parts of premises not included in a licence shall be supplied with electric current from the mains or apparatus used for the licensed premises, except as provided in Regulation No. 43.

10. *Dressing rooms.*—Dressing rooms and other parts of the premises used by the staff shall be lighted to the satisfaction of the Council.

11. *Metallic circuits.*—In all circumstances complete metallic circuits shall be employed.

Gas and water pipes shall never form part of any circuit.

12. *Sub-circuits.*—The main circuits A, B, and C shall be sub-divided as may be necessary.

The number of lamps shall be so sub-divided that no sub-circuit shall carry more than 10 ampères in the case of the auditorium, corridors, etc., or 40 ampères in the case of the stage; and each sub-circuit shall start from a distributing board. If the supply be given at a higher pressure than 100 volts, the current in the sub-circuit shall be correspondingly reduced. Where arc lamps are permitted in the auditorium under Regulation No. 36 larger circuits may be allowed for such lamps.

The same sub-circuit shall not be used for arc lamps and incandescent lamps.

Lights outside buildings shall be on sub-circuits entirely independent of inside lights. These outside sub-circuits may carry any current not exceeding 40 ampères if at 100 volts, or correspondingly less at any higher pressure. By sub-circuit is meant a circuit rising from double pole fuses on a distributing board direct to the lamps or current-consuming device.

Except as provided for in Regulation No. 55 circuits for power or heating purposes shall be kept distinct and separate from lighting circuits.

13. *Conductors.*—All conductors used within buildings shall be of tinned copper, having a conductivity equal to not less than 98 per cent. of that of pure copper, and shall be so proportioned to the work they have to do that the current density in any conductor shall not exceed a ratio of 1,000 ampères per square inch.

Where a number of lights, as in the footlights, battens, etc., are supplied under control of one switch, and protected by one single or double pole cut-out, as the case may be, the conductors shall be maintained throughout of such a section that they will be effectually protected by the cut-outs against heating.

14. *Insulation.*—The conductors shall be insulated with pure and vulcanised india-rubber of approved quality.

The insulation resistance shall be not less than 600 megohms per statute mile for the largest cable in the class as defined by the Cable Makers' Association, at 60 degrees Fahr., after one minute's electrification, when tested with at least 400 volts, and after 48 hours' immersion in water. If the pressure of the supply be above 115 volts the insulation resistance shall not be less than 2,000 megohms per statute mile in lieu of the 600 specified above. Certificates of test shall be supplied to the Council if required.

15. If it is desired to use any other means of insulation than that above specified, special permission shall be obtained from the Council, and no material shall be used which is not waterproof, or protected by waterproof covering, or which will soften at a temperature below 170 degrees Fahr.

16. The insulated conductors shall be protected on the outside by stout tape or braiding impregnated with preservative compound.

17. *Flexible conductors.*—Flexible conductors (if composed of wires smaller than No. 25 S.W.G., shall be of untinned copper wire; if composed of larger wire, the wire shall be tinned) shall be insulated with pure and vulcanised india-rubber and have an insulation resistance of not less than 600 megohms per statute mile when tested as above, and shall be protected on the outside by a stout braiding and rubber tube where necessary (for instance in the orchestra). Should any of these flexible conductors be damaged, they shall be at once replaced. No flexible conductor smaller than 35/40 S.W.G. shall be used.

No circuit of this nature shall carry more than 10 ampères if the pressure of the supply be not over 100 volts, if the supply be given at a higher pressure the current shall be correspondingly reduced, and each circuit shall be protected by a fuse on each pole. The restriction to 10 ampères shall not apply to batten circuits.

18. *Conductors, etc., special precautions.*—No metal work in connection with the circuits shall be exposed or so fixed or constructed as to be liable to cause a short circuit.

19. In all cases conductors conveying currents of high electromotive force inside buildings, shall be specially and exceptionally insulated. They shall be enclosed in screw-jointed and earthed iron or steel tubing; or armoured cable may be used for supply authorities' services.

Any such conductors or any fittings between which high pressure exists or is liable to exist shall be so separated as to prevent any risk of shock to person or of short circuiting.

20. *Joints.*—Joints in conductors shall be avoided, but when unavoidable, they shall be electrically and mechanically perfect. Soldering fluids shall not be used in making such joints, and no joints shall be made in iron barrel.

21. *Conductors, fixing and protection.*—All conductors shall be efficiently protected from mechanical injury.

Where conductors pass through or within walls, fire-proof floors, or ceilings, they shall be protected by iron pipes or by glazed stoneware or porcelain tubes, and precautions shall be taken to prevent the possibility of fire or water passing along the course of the

conductors. Conductors must not be placed where liable to be heated by gas jets, steam pipes, or other appliances.

22. In special cases, or where necessary for protection from the depredations of rats, mice, or other vermin, armoured cables may be used.

These need receive no further mechanical protection, but the armouring shall be efficiently earthed.

23. Lead covered cables shall not be used unless protected by external armour of iron or steel or enclosed in substantial iron pipes or tubes.

24. Metal fastenings for fixing conductors shall not be used without special permission. When permitted, some additional covering shall be used to protect the conductor from mechanical injury at the points of support.

25. If casing be used, it shall be of hard wood, *e.g.*, teak or oak, or on the auditorium side of the proscenium wall American whitewood casing of good quality may be used and each conductor shall be laid in a separate groove, unless previous permission be obtained from the Council to vary this condition. In no circumstances shall wires of opposite poles be laid in the same groove, nor wires of the same polarity belonging to different circuits A, B and C. The cover shall be secured with screws at the outer edges.

Casing shall, as far as possible, be placed in sight, and the conductors shall always be accessible.

Casing shall not be used where it is liable to injury from weather or leakage of water, nor shall it be recessed into plaster.

26. No soft or fusible metal tubing shall be used to contain conductors, nor shall any tubing which is not water-tight be embedded in walls or plaster or floors. Split tubing must not be used.

27. Where iron pipe or tube is used as a mechanical protection it shall be bushed where necessary, and properly bushed inspection boxes shall be used. All metallic tubing shall be efficiently earthed, and shall be provided with screw joints or other means of ensuring a good and permanent electrical connection which must be continuous with boxes and other fittings.

28. *External conductors.* — All external conductors shall be specially insulated and laid in iron pipes properly jointed and bushed, and of ample size. In no case shall conductors belonging to different circuits (A, B and C) be run in the same barrel or be carried through the same boxes.

Such iron pipes shall be protected where necessary, and securely fixed and supported when not underground.

29. *Stage lighting.*—Where there is a stage, it shall, if possible, be lighted by electric light only. Special care shall be taken that all works in connection with the lighting of the stage are carried out in as substantial a manner as possible.

30. *Stage switchboard.*—A switchboard fitted with the necessary switches, cut-outs, and other fittings for the control and regulation of the stage lighting shall be fixed in some convenient position, preferably overlooking the stage.

This board shall be inaccessible to all but the persons employed at such premises to work it.

A platform with proper means of access thereto shall be provided, where necessary, for the convenient operation of the board, and such platform shall be of fire resisting construction, with hardwood floor (teak or oak) for insulating purposes.

Connections shall be made where possible at the front of the board; if the connections are made at the back of the board there shall be a space of not less than 3 feet between the wall and the back of the board, or such larger space as may be necessary to ensure the thimbles and connections being at all times easily accessible, or, as an alternative in the case of wires not larger than 7/18 S.W.G., provision may be made by hinging the board or placing it on rollers for rendering the back of the board accessible without breaking the connections or dismounting the board.

31. *Footlights, &c.*—Lamps on battens, footlights, etc., shall be protected by stiff wire guards, so arranged that no scenery or other inflammable material can come in contact with the lamps, and shall be properly protected from everything liable to cause a short circuit.

32. No readily combustible material shall be used in connection with any lamps in such a manner that it may come in contact with the lamps or conductors.

33. No soft or readily inflammable wood shall be used in connection with the lamps, and all wood shall be protected by uninflammable material from the possibility of ignition by an arc between any two parts of two conductors, or by heated particles from any conductor or part of a conductor which may connect together the two main conductors.

34. *Stage sockets.*—The sockets for the stage shall be of hard wood, vulcanite, or slate, with metal guards, care being taken to avoid risk of ignition, and they shall be of specially substantial construction, and where circuits of different potential are run, stage sockets shall be of such pattern as to prevent wrong connections being made.

35. *Battens.*—The leads to the battens and movable lengths shall be specially guarded, particularly at the points where they join on to the battens, etc., and a sufficient length shall be allowed to prevent the leads receiving any injury through any movement of the battens, and this part of the leads shall be protected by leather or stout waterproof canvas hose, properly fixed.

The battens shall be suspended by at least three ropes attached to insulators on the battens. Where spans are used they shall be of chain or wire rope, and shall be attached to insulators on the battens.

36. *Arc lamps.*—In any such premises arc lamps shall not be used in the auditorium or in any part open to the public without special permission from the Council.

When they are used in any part of such premises special precautions shall be taken to guard against danger from falling glass or incandescent particles of carbon.

All parts of the lamps, lanterns, and fittings which are liable to be handled (except by the persons employed to trim them) shall be insulated from the framework.

Any exposed portion of the metal work of an arc lamp liable to become heated to a temperature sufficient to cause a conflagration by contact with scenery or other inflammable material shall be protected by a wire guard.

In no case shall arc lamps be suspended by the conductors.

37. *Cut-outs.*—All circuits shall be efficiently protected by cut-outs, placed in positions easily accessible to the staff, but inaccessible to the public. Such cut-outs shall be permanently marked with the maximum current they are intended to carry.

All cut-outs shall be of such pattern and be fixed in such a position as to admit of quick replacement.

All circuits carrying a current of 10 ampères or more shall be provided with a cut-out on each conductor, and the two fuses shall not come in the same compartment or on the same base.

All cut-outs shall be so constructed that fused metal in falling cannot caus. a short circuit or an ignition.

All cut-outs shall be so marked as to show what circuit or lamps they control.

38. *Switches, cut-outs, etc.*—All exposed metal work, such as fittings, switch and cut-out covers, etc., shall be efficiently insulated from the circuits.

All switches, cut-outs, ceiling roses, wall sockets and lamp holders, shall have uninflammable bases and covers.

All switches and cut-outs shall have sufficient length of break, and shall be constructed so as to prevent the risk of formation of an arc. All lamp holders shall be of bayonet-socket form and shall be fitted with porcelain bridges or some equivalent separation between poles.

All switches shall be of ample size to carry the currents for which they are intended without heating, and shall be so constructed that it will be impossible for them to remain in any position intermediate between the "on" and the "off" positions, or to permit of a permanent arc or short circuit.

39. *Fittings.*—All fittings shall be suspended in an approved manner, and special care taken to avoid risk of suspension failing from any cause.

40. Combined gas and electric fittings shall not be used.

Any electric light pendants or brackets in the auditorium and front of the house generally shall be at least 6ft. 8in. above the floor to the lowest projecting part of the fitting.

No electrical fitting or apparatus of any description shall be so fixed or arranged that under any circumstances can it interfere with the proper working of the safety curtain.

41. All switch and fuse boards which are not fitted with front connections shall be so mounted as to give instant and easy access to the connections at the back of the board, and shall be provided with dividing strips between poles, both at back and in front, and proper lock-up cases with glass fronts, the glass (unless plate of adequate thickness) shall be protected with a wire guard or boxes with lids and sides rendered fireproof by asbestos sheeting; or some equivalent method may be used. Switch and fuse boards shall be fixed in accessible positions where they will not obstruct passages or exit ways.

42. *Resistances.*—Resistances for regulating the power of the lights or motors or for other purposes shall be mounted on incombustible bases, and shall be so protected and placed at such a distance from any combustible material that no part of the resistance, if broken, can

fall on such material or *vice versa*. Adequate ventilation shall be provided.

Principal resistances shall be placed in a fire-resisting room properly ventilated and reserved for the purpose. Liquid resistances with side or bottom connections shall be provided with proper trays and stands.

Tracker wires outside the fire-resisting room shall be so installed and shielded that in the event of breakage, slackness or other displacement contact with live conductors will be impossible.

43. *Generating plant.*—Where the supply of current is derived from special plant on the premises or under the control of the licensee, such plant must in all cases be approved by the Council. It must be in duplicate. Such duplication may be provided either by not fewer than two separate boilers, engines, dynamos, and switchboards, each capable of supplying the maximum ordinary load, or, in lieu of one engine and dynamo, a battery of approximately equal capacity for a minimum period of five hours, and such battery shall be fully charged before the commencement of every performance, or another alternative may be adopted by obtaining a full supply from the mains of a public company or borough council through proper change-over switches. The position and the construction of the change-over switches shall be subject to the approval of the Council. Where gas engines are used, a battery or other duplicate supply shall be provided, gas engines alone shall not be accepted as sufficient. No unlicensed building or unlicensed portion of a building shall be supplied from any part of the installation of the licensed part of the building unless the installation in such unlicensed portion is open to inspection and testing by the Council. The switchboards and their fittings must be to the satisfaction of the Council.

44. Boilers, steam engines, gas engines and dynamos, when used for the supply of electricity to such premises, shall be placed in such positions as shall be sanctioned by the Council. (See special clauses with regard to engines and boilers, pp. 7 and 8.)

All necessary provision shall be made for keeping the temperature of the engine-rooms within proper limits.

45. *Gas engines.*—Gas engines shall be placed in rooms so adequately and continuously ventilated that no explosive mixture of gas can accumulate by any leakage through the engine in the event of any of the gas cocks being left turned on.

A hood connected with a pipe carried into the external air shall be fixed over the ignition tube when this is used.

46. *Batteries.*—Primary or secondary batteries shall be placed in rooms adequately ventilated to the outside air. These rooms shall be of fire-proof construction with fire-resisting doors and shall be used for no other purpose.

The batteries shall be well insulated.

47. *Transformers.*—Transformers used to transform either direct or alternating currents, together with the switches and cut-outs connected therewith, shall be placed in a fire and moisture proof structure adequately ventilated to the outside air, properly lighted and accessible to the management and used for no other purpose.

48. Where the primary current is of high potential, such structure shall be preferably outside the building.

No part of such apparatus shall be accessible except to the persons in charge of its maintenance.

49. The outer case, if metallic, of all transformers, high tension switches and fuses, shall be efficiently connected to earth.

50. Proper labels indicating the circuit controlled shall be affixed to all transformers, main switches, fuses, etc.

51. No transformer which, under normal conditions of load, heats to above 130 degrees Fahr., shall be used.

52. Transformer circuits shall be so arranged that in no circumstances shall a contact between the primary and the secondary coils lead an electro-motive force of high pressure into the building.

53. *Insulation resistance.*—The insulation resistance of a system of distribution shall be such that the greatest leakage from any conductor to earth, when all branches are switched on, shall not exceed one sixty-thousandth part of the total current intended for the supply of the said lamps and motors; the test being made at approximately double the usual working electro-motive force. Provided that this rule shall not be held to justify a lower insulation resistance than 10,000 ohms.

54. *Supervision.*—The generating plant and switching gear shall be in the hands of thoroughly competent manipulators, and the engine room (if any) shall be inaccessible to the public, and shall have at least one independent entrance. Where there is an electrical installation a properly qualified man must be in charge of such installation.

55. *Motors, etc.*—Motors or electrical heating apparatus shall, if permitted, be subject to special conditions, but electric fans and similar motors not taking more than 300 watts may be used if separately wired from fuses on a proper distributing board.

56. *Plan of wiring.*—A plan of the wiring shall be always kept in a prominent position in the office of the manager of such premises.

57. *Temporary lighting.*—In all cases in which it is desired to instal temporary lighting, notice shall be given to the Clerk of the Council in writing as long as possible before it is desired to commence the work.

Wires and cables shall be adequately and firmly fixed, and shall be similar to the wires already specified in these regulations, and in all cases where the wires are within reach of the public, they shall be cased.

All joints shall be soldered and taped if used for more than one week, and if used less than a week the wire shall be soldered if larger than 7/20 S.W.G., or its equivalent. In either case the joints shall be taped.

In portable fittings and appliances all joints excepting those connecting the fittings, etc., to the permanent installations shall be soldered.

The circuits shall be sub-divided as much as possible, no sub-circuit exceeding 10 ampères, at 100 volts, or correspondingly less at higher pressures.

All temporary work shall be immediately removed when no longer required for the purpose for which it was installed.

In the case of temporary work on the stage, all connections to the permanent installation shall be removed immediately after each

performance in which they are used unless permission be obtained to the contrary.

Such special conditions as may be requisite in each case will be attached to the consent of the Council to the use of temporary electrical work.

58. *Miscellaneous.*—Whenever the safety curtain is lowered all lights in the auditorium, etc., shall be immediately lighted.

59. All main switches, fuses, etc., which are the property of the electric supply company must be distinguished by being coloured red with a white band.

60. At least one pair of india-rubber gloves must be provided for the use of the electricians in connection with the electric lighting arrangements as a precaution in the event of high voltage occurring. The gloves must be kept on the stage switchboard and be kept in good order.

61. At least one bucket, filled with dry sand, must be kept in some accessible position on the stage in readiness for use in dealing with an electric fire, and one must also be kept in each of the intake rooms.

Steam Boilers, Heating Apparatus, &c.

1. *Fire-places.*—No fire-place shall be formed in any portion of the auditorium or stage of such premises, and no system of heating which involves the use of naked lights will be permitted within the stage risk.

2. *Guards for fire-places or stoves.*—All open fire-places or stoves in any part of such premises shall be protected by strong fixed iron-wire guards and fenders of not more than 1½ in. mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

3. *System of heating.*—The system of heating may be by hot air, low pressure hot water, or low pressure steam. The high pressure hot water system with sealed pipes will not be permitted.

The term "low pressure" in the case of hot water shall be understood to mean the pressure due to the vertical head of water between the boiler and the supply cistern; and in the case of steam it shall be understood to mean a maximum pressure of fifteen pounds per square inch above the pressure of the atmosphere.

4. *Position and surroundings of boiler, furnace, etc.*—Every furnace, boiler, oven or other apparatus for heating or steam raising shall be placed in a position to be approved by the Council, and the construction, ventilation and management of the chamber, room, or compartment in which it may be placed, and of any fixtures or fittings that may be affected by heat must also be to the Council's satisfaction.

5. *Width of gangways not to be diminished. Pipe trenches.*—All hot water or steam pipes, or coils, shall be recessed in the walls or shall be otherwise arranged so as not to diminish the clear width of the gangways, corridors, etc. Where the pipes are placed in trenches below the level of the floor and covered by grids or gratings, such trenches shall be sufficiently large to admit of being thoroughly cleaned out from time to time as may be required or directed.

6. *Radiators to be protected.*—Any radiator, length of piping or other hot surface placed in those parts of the premises to which the

public has access shall if considered necessary by the Council be protected with stout wire guards, securely fixed in position.

7. *Inspection and testing of apparatus.*—Every boiler or heating apparatus shall be tested by hydraulic pressure when new, and annually thereafter, to twice the working pressure, in the presence of an official of the Council, the cost of any such test being borne entirely by the licensee of the premises. This test will not be required when the boiler or apparatus is insured with an approved boiler insurance company, in which case a certificate, or a duplicate thereof, of a recent test made by the company, must be sent annually to the Clerk of the Council for inspection.

8. *Type and position of safety-valve.*—Every boiler, whether hot water or steam, shall be provided with a dead-weight or spring safety-valve, of sufficient area, which shall be set to blow off at the approved pressure, and shall be so locked up as to prevent any unauthorised person adding to the load on it, whilst also permitting the attendant to lift the valve or turn it on its seat at any time. The safety-valve must be attached either direct to the boiler or by means of a special stand-pipe of size, form and material to be approved by the Council, and must be so placed as to be protected from soot and dirt.

The safety-valve shall not in any circumstances be placed on the circulating pipes.

9. *Supply cisterns.*—Every hot water boiler must have an independent water supply cistern, and the supply pipe to the boiler must be at all times open to the atmosphere. The supply cistern and all pipes in exposed situations shall be adequately protected against the action of frost.

10. *Material of piping.*—All pipes, except such as may be of copper, are to be of stout wrought iron or wrought steel tubing, or of a strong section of cast iron or cast steel; and all wrought iron or wrought steel feed pipes below 1½ inches internal diameter must be galvanised internally.

11. *Working pressures, reducing valves, etc.*—Steam boilers may be worked at any approved pressure, but if such pressure exceeds 15 lbs. per square inch above the atmosphere, an efficient reducing valve and a safety-valve of the same type as that required on the boiler must be fitted. These valves must be so placed that no higher pressure than 15 lbs. per square inch above the atmosphere can ever be reached in any part of the system or piping outside the boiler house or compartment. An approved pressure gauge must, in these cases, be fitted on the low pressure side of the reducing valve. This regulation shall not apply to steam used solely for driving electric generating plant installed under Regulations Nos. 43 and 44. (See p. 5.)

12. *Disposal of combustible material.*—No coal, coke, wood or other combustible material is to be so stored or placed that it will be affected by the heat of the furnace, boiler or other heating apparatus.

13. *Steam boilers for stage effects.*—Where it is desired for stage effects to use apparatus or connections that would not comply with these regulations, application, accompanied by full details, should be

made to the Council, and such apparatus, etc., must not be used until the Council's permission has been obtained.

When it is proposed to make use of a steam boiler that has not previously been inspected by the Council's officers and approved, a notice of seven clear days must be given to the Council before putting the boiler to work.

When such a boiler, having been inspected and approved, at one theatre is transported to another for use under exactly similar conditions, further inspection and approval may not be requisite, but the necessary seven days' notice must be given to the Council, and a recent certificate issued by the boiler insurance company must always be in the custody of the person who is in responsible charge of the boiler and must be produced to the Council's officers on demand.

14. *Identification of portable boiler.*—Where a boiler is not a fixture on the premises, but may be transported from time to time to other licensed premises, it must bear some approved and permanent stamp or mark that will serve to identify it with the boiler referred to in the certificates granted by the boiler insurance company.

15. *Lifts, machinery, etc.*—All lifts, hoists, moving machinery, etc., shall be installed, guarded and protected with a view to the prevention of accidents to the public or employees.

Arbitration.

Arbitration.—In the event of any difference or dispute arising between the Council and the Licensee of such premises as to any works which are required, by these regulations, to be executed to the satisfaction or approval of the Council or are not definitely specified, or, in the case of alterations to any such premises where the installation has already been approved by the Council, as to the extent, if any, to which these regulations shall apply to such installation, such difference or dispute shall be referred to an Arbitrator to be appointed by the President of the Institution of Electrical Engineers at the request of either party, and such Arbitrator shall hear, and, having regard to the standard required in the foregoing regulations, determine the same, and may either confirm the requirements of the Council or may confirm the same with such modification as he may think proper or refuse to confirm the same, and the decision of such Arbitrator as to the requirements of the Council and the reasonableness of the same and the persons by whom, and the proportions in which, the costs thereof are to be paid shall be final and conclusive and binding upon all parties.

In case of any reference as aforesaid, compliance with the requirements in dispute may be postponed until after the day upon which such reference shall be decided, and the same if confirmed in whole or part shall only take effect as from such day.

Laurence Gomme,
Clerk of the Council.

Note.—Inspections made by the Council's officers must not be taken as guaranteeing the safety or efficiency of any plant or apparatus or any part of the installation.

County Hall,
Spring Gardens, S.W.

LONDON COUNTY COUNCIL.

THE METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT ACT, 1878.

THE PROTECTION OF THEATRES, &c., FROM FIRE.

Regulations made by the Council on 30th July, 1901, and amended on 4th February, 1902, 13th November, 1906, and 28th February, 1911, with respect to the requirements for the protection from fire of theatres, houses, rooms, and other places of public resort within the Administrative County of London.

Limits of regulations.—These regulations shall, unless otherwise specified, apply to all theatres, houses, rooms, or other places of public resort within the Administrative County of London, to be hereafter constructed and to be kept open for the public performance of stage-plays, and to all houses, rooms, or other places of public resort within the said County, to be hereafter constructed and to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from His Majesty the King, his heirs or successors, or of Licences by the Lord Chamberlain of His Majesty's Household, or by the London County Council.

Interpretation of "such premises."—In these regulations the expression "such premises" means a theatre, house, room, or other place of public resort to be kept open for any of the purposes aforesaid.

1. *Application for certificate.*—Every person who shall be desirous of obtaining authority to open any such premises within the said County, shall first make public his intention to erect such premises by exhibiting a notice-board on the proposed site in such a position that it can be plainly seen from the public way, or by advertisement in three newspapers circulating generally throughout the County or throughout the locality in which it is proposed to erect such premises, and shall then make an application in writing to the Clerk of the Council for a certificate under the Metropolis Management and Building Acts Amendment Act, 1878. For the purposes of the advertisement, differently dated issues of one paper shall count as different papers. The notice-board shall be maintained until the application has been dealt with by the Council. No application will be considered before the expiration of one fortnight after the receipt by the Clerk of the Council of a copy of the notice exhibited on the site or of each of the newspapers containing the advertisement.

Statement. Drawings.—The application shall contain a statement as to the nature and extent of the interest of such person in such premises, and the character of the entertainment for which such premises are proposed to be used. The application shall be accompanied by complete plans, elevations and sections in duplicate, drawn on the dull side of tracing linen, to a scale of $\frac{1}{8}$th of an inch to a foot; and by a block plan on a separate sheet showing the position of such premises in relation to any adjacent premises, and to the public thoroughfares upon which the site of such premises abuts, drawn to a scale of not less than $\frac{1}{16}$th of an inch to a foot.

A plan and section of the drains proposed to be laid from such premises shall be submitted at the same time, and such plan shall indicate the sewer or sewers to which the drains are to be connected, and the section shall show the surface level of the street, the level of the lowest portion of the premises which is to be drained, and the level of the sewer or sewers. All levels shall be given in relation to ordnance datum.

All drawings shall be coloured to distinguish the materials employed in the construction of the building.

The width of all staircases, and the number of stairs in each, the width of corridors, gangways, and doorways, together with the heights of the tiers, and other parts of such premises shall be indicated on such drawings.

The thickness of the walls, and scantlings of the various materials shall be clearly shown on such drawings by figured dimensions.

The cardinal points shall be marked upon each plan.

Spccification.—The plans shall show the respective numbers of persons to be accommodated in the various parts of such premises, and the area to be assigned to each person, and shall be accompanied by a specification of the works to be executed, describing such of the materials to be employed and the mode of construction to be adopted, as may be necessary to enable the Conncil to judge whether the requirements of these regulations will, when such premises have been completed, be complied with.

In the case of schools and halls used for parochial or mission purposes and having a superficial area for the accommodation of the public of not more than 1,000 square feet, elaborate drawings will not be required, but sufficient detail shall be given to indicate the part of the premises to be used for public entertainments and the surroundings.

One copy of such drawings and specification will be returned to the applicant, if it is so desired, but the other copy shall remain the property of the Council.

2. *Site.*—One-half at least of the total length of the boundaries of the site of any such premises which consist of an entire building, and in case of a room or other such premises not consisting of an entire building, one-half at least of the total length of the boundaries of the site of the building of which such room or other such premises form part, shall abut upon or front to public thoroughfares, of which one thoroughfare at least shall not be less than 40 ft. wide and of the remainder none shall be less than 30 ft. wide, if a carriageway, or 20 ft. wide, if a footway. These widths shall continue for the whole length of the roads between the nearest thoroughfares in each direction connecting therewith. The frontage of the site to a thoroughfare not less than 40 ft. wide shall not be less than one-sixth of the total length of the boundaries of the site.

If, in order to comply with No. 10 of these regulations, an additional passage or way should be necessary, it may be provided by means of a private passage or way.

Such passage or way shall not be less than 10 ft. wide and shall be under the complete control of the owner of such premises, and, if less than 20 ft. wide, no doors or other openings of the adjoining

premises shall communicate therewith or overlook any portion of such passage or way.

3. *No theatre, etc., under or over any other building.*—No such premises, in which a stage will be erected and in which scenery will be used, shall be constructed underneath, or on the top of, any part of any other building, nor shall such premises contain living rooms.

4. *Walls (openings in and windows overlooking).*—No openings shall be allowed in the walls or roof of such premises within 20 feet of any adjoining property unless a brick wall of the thickness prescribed by the Building Act be erected between such premises and the adjoining property to such a height that no part of any opening either in such premises or in any building which may be erected on such adjoining property shall be higher than the part of the wall immediately opposite to it. A similar wall shall be erected between any openings in such premises and any inflammable structure, erection, or material on any adjoining property.

5. *Walls (external), etc.*—All such premises shall be enclosed with proper external or party walls of brick or stone.

The thickness of all external party or cross walls shall not be less than the thickness prescribed by the London Building Act, 1894 (clause 12 of Part II. of the 1st Schedule to such Act excepted) for walls of similar height and length in buildings of the warehouse class, or such greater thickness as shall be required by the District Surveyor, or the Tribunal of Appeal, under section 78 of the London Building Act, 1894.

Where such premises are part of another building they shall be cut off from such other building by party walls and party structures of fire-resisting materials in a manner to be approved by the Council, and no part of such premises shall overlook any portion of the adjoining part which may be liable to communicate fire to such premises.

6. *Floors, tiers, and roof.*—In all such premises the floors, tiers and roof of the auditorium, and all parts used by the public, shall be constructed of fire-resisting materials to the satisfaction of the Council, and the flooring, if of wood and not laid on solid foundations, shall be laid with iron tongues.

7. *Tiers (number of).*—Except in exceptional circumstances no such premises shall have more than two tiers, including the gallery, above the level of the pit, and no tier shall be constructed with a slope of more than 35 degrees.

Where the front seats of any tier are separated from the other seats by a partition, such seats shall not count for the purpose of this regulation as a separate tier.

8. *Tiers (height of).*—Where the first tier or balcony of such premises extends over the pit, stalls, or area, the height between the floor of the pit and the first tier shall not be at any part less than 10 feet; the height between the floor of the highest part of the gallery and the lowest part of the ceiling over the same shall not be less than 12 feet. The height between the tiers shall in no case be less than 8 feet.

9. *Pit (floor of).*—In all such premises the floor of the highest part of the pit, or of the stalls, where there is no pit, shall not be more than six inches above the level of the street at the principal

entrance to the pit, and the lowest part of the floor of the pit or stalls shall not be lower than the level at which it can be effectually drained by gravitation into a public sewer, nor more than 15 feet below the level of the street at the principal entrance to the pit.

Pit, etc. (drainage).—In any case the lowest floor shall not be placed at such a level as will render it liable to flooding, and such premises shall be efficiently and properly drained to the satisfaction of the Council.

10. *Entrances and exits.*—In all such premises two separate exits shall be provided from every tier or floor which accommodates not more than 500 persons, and where a tier or floor accommodates more than 500 persons, an additional exit shall be provided for every 250 or part of 250 persons above 500. Each of such exits shall be not less than 5 feet wide between the walls at any point or between the leaves of the doors when open. Two of the exits from each tier or floor shall deliver into different thoroughfares or ways.

In the case of a tier or floor not accommodating more than 300 persons two 4-ft. exits will be required.

If any tier or floor shall be divided into two or more parts, exits as set out above shall be provided from each of such parts.

In calculating the number of persons which can be accommodated in any tier or part of a tier of such premises, the standing space from which a view of the performance can be obtained (with the exception of that afforded by the intersecting gangways) will be considered as well as the seated area.

Exits shall be arranged so as to afford a ready means of egress from all parts of each tier or floor, and shall lead directly into a thoroughfare or way.

It shall be compulsory on the management of such premises to allow the public to leave by all exit doors.

11. *Corridors, passages, etc.*—Every lobby, corridor or passage in such premises intended for the use of the audience shall be formed of fire-resisting materials, and shall be at the narrowest point when finished of the width specified in No. 10 of the regulations for exits.

Where possible, inclines shall be used instead of steps, but no corridor, passage or gangway shall be inclined to a steeper gradient than 1 in 10.

There shall be no recesses or projections in the walls of such corridors or passages within 5 feet of the floor.

12. *Vestibules.*—Where vestibules are provided in such premises not more than three tiers or floors or (where such tiers or floors are divided into two or more parts) not more than three of such parts of tiers or floors shall communicate with one vestibule.

The aggregate width of all the doorways or passages that lead from a vestibule towards a thoroughfare or way, shall be at least one-third greater than the aggregate width of all the exits required by the regulations that lead to such vestibule.

13. *Cloak rooms.*—The corridors in such premises shall not be used as cloak rooms, and no pegs for hanging hats and cloaks shall be allowed therein.

Where cloak rooms are provided, they shall be so situated that the persons using them shall not interfere with the free use of any exit way.

14. *Staircases.*—All staircases in such premises intended for the use of the audience from any tier or part of a tier accommodating not more than 300 persons shall be at least 4 feet wide at their narrowest parts, and those intended for the use of the audience from any tier or part of a tier accommodating more than 300 persons shall be at least 5 feet wide at their narrowest parts.

All such staircases shall have solid square (as distinguished from spandril) steps and landings of York or other approved stone, or of such other fire-resisting material and construction as the Council may in any special case approve, with treads not less than 11 inches wide and with risers not more than 6 inches high (each lapping at least 1 inch over the back edge of the step below it), without winders, in flights of not more than 15 or less than 3 steps each.

The treads and risers of each flight of steps shall be of uniform width and height, and the steps shall be pinned into brick walls at both ends.

The several flights of such steps shall be properly supported and enclosed to the satisfaction of the Council.

No staircase shall have more than 2 flights of 15 steps each without a turn, the depth of the landing between such flights being at least the same as the width of the staircase.

All landings shall be 6 inches thick.

Every staircase shall have a roof of fire-resisting materials to be approved by the Council.

A continuous and uninterrupted handrail shall be fixed on both sides of all steps and landings, supported by strong metal brackets built into the wall, but such handrails shall not project more than 3 inches.

Where the flight of steps re-turn, the newel wall shall be chased so as to allow the handrail to turn without projecting over the landing.

There shall be no recesses or projections in the walls of such staircase within 5 ft. of the floor, and any gas or electric light fittings shall be at least 6 ft. 8 in. above the steps or landings.

15. *Doors and fastenings.*—All doors in such premises used by the public as exit doors shall, except where otherwise approved, be hung in two folds and be made to open outwards towards the thoroughfare or way.

All internal doors shall be hung so as not to obstruct, when open, any gangway, passage, staircase, or landing.

No door shall open immediately upon a flight of steps, but a square landing at least 3 ft. in width shall be provided between such steps and such doorway.

All exit doors, having fastenings, shall be fastened by automatic bolts only, of a pattern and in a position to be approved by the Council; but where such doors are also to be used by the public for entrances they may be fitted with lever or other approved fastenings in approved positions. Doors so fitted, however, must not be fastened during the presence of the public.

All doors and all gates used for entrances, shall be made to open both ways, and shall, when opened inwards, be so fitted that they can be locked back against the wall in such a manner as to require a key to release them.

All doors leading from exit passages, staircases or corridors to the other parts of the building shall be hung so as to be closed by the stream of persons passing from the auditorium to the street, and be fitted with springs. No door handles or other fittings shall project into exit ways more than 1 inch when the doors are open.

All barriers and internal exit doors shall be made to swing or to open outwards, with no other fastenings than automatic bolts.

No locks, monkey-tail, flush or barrel bolts, or locking bars, or other obstructions to exit, other than as before mentioned, shall be fitted on any doors, gates or barriers.

16. *Exit, etc., notices.*—All exit and other doors or openings in such premises used by the public for the purposes of exit shall be indicated by notices clearly painted to the satisfaction of the Council in 7-inch letters.

Such notices shall where possible be painted over such doors or openings at a height of at least 6 feet 9 inches above the floor.

The words "no exit" shall be clearly painted to the satisfaction of the Council in 7-inch letters at least 6 feet 9 inches above the floor, over all doors or openings which are in sight of the audience, but which do not lead to exits.

17. *Gangways.*—Passages or gangways not less than 3 feet 6 inches wide shall be formed leading direct to the exit doors, and gangways 3 feet 6 inches wide shall be provided intersecting the rows of seating in such a manner that no seat shall be more than 10 feet from a gangway measured in the line of the seating.

18. *Enclosures.*—No enclosure shall be allowed in any such premises where the public can assemble for any other purpose than to view the performance, except so far as the Council shall consider necessary for the provision of refreshment bars, or in the case of a theatre for the provision of a foyer.

19. *Seating.*—The seating area assigned to each person shall not be less than 2 feet deep and 1 foot 6 inches wide in all parts of the house where no backs or arms are provided to the seats, and not less than 2 feet 4 inches deep by 1 foot 8 inches wide where backs or arms are provided. In all cases, however, there shall be a space of at least 1 foot in depth between the front of one seat and the back of the next measured between perpendiculars.

20. *Chairs.*—Where chairs are used in such premises, they shall be battened together at a distance of not less than 1 foot 8 inches from centre to centre where they have arms, and 1 foot 6 inches where they are without arms, and in lengths of not less than 4 or more than 12 chairs.

21. *Proscenium (wall).*—In all such premises where a stage with a proscenium will be erected, such stage shall be separated from the auditorium by a brick proscenium wall not less than 13 inches in thickness, and such wall shall be carried up the full thickness to a height of at least 3 feet above the roof, such height being measured at right angles to the slope of the roof, and shall be carried down below the stage to a solid foundation.

Proscenium (openings).—Not more than three openings shall be formed in the proscenium wall, exclusive of the proscenium opening.

No such opening shall exceed 20 square feet in area. Each of such openings shall be closed with a wrought iron door not less than

¼th of an inch thick in the panel, hung in a wrought iron frame, so as to close of itself without a spring, and with a 3-in. lap or with such other fire-resisting door and frame as may be approved by the Council.

No openings formed in the proscenium wall shall, at the lowest part, be at a higher level than 3 feet above the floor of the stage.

Proscenium (*decorations*).—All the decorations around the proscenium opening shall be constructed of fire-resisting materials.

Stage (*exit*).—A separate exit shall be provided from the stage direct to a thoroughfare or way.

Stage (*lighting*).—Wherever possible electric light shall be the only illuminant used for the stage.

22. *Proscenium* (*screen*).—The proscenium opening shall be provided with a fire-resisting screen to be used as a drop curtain, of such pattern, construction and gearing, and with such arrangements for pouring water upon the surface of the screen which is towards the stage, as may be approved by the Council.

23. *Stage* (*roof over*).—The space above the stage shall be of sufficient height to allow of all scenes and of the fire-resisting screen being raised above the top of the proscenium opening in one piece and without rolling.

The roof over the stage shall not be of fire-resisting material or heavy construction, and shall be provided with an opening at the back thereof equal at the base to $\frac{1}{10}$th the area of the stage. Such opening shall be glazed at the top and sides with sheet glass not more than $\frac{1}{16}$th of an inch in thickness, and be capable of being opened by the action of lowering the fire-resisting screen or by the cutting or burning of a cord, to an extent equal at least to the superficial area required at the base of the opening. Suitable exhaust cowls shall also be provided on the stage roof.

24. *Flies.*—The floors of the flies of such premises shall be constructed of fire-resisting materials to the satisfaction of the Council.

Gridiron.—Adequate means of escape shall be provided from the flies and the gridiron to the satisfaction of the Council.

25. *Dressing-rooms.*—Dressing-rooms shall be arranged in a separate block of buildings, or divided from such premises by party walls, with only such means of communication therewith as may be approved by the Council.

All dressing-rooms and staircases leading thereto shall be constructed of fire-resisting materials, and shall be connected with an independent exit leading directly into a thoroughfare or way.

All dressing-rooms shall be adequately ventilated to the outer air by windows in the external walls.

No decoration, or construction for the purpose of decoration, shall be employed in such dressing-rooms which does not adhere without any cavities to the surface of the wall.

No dressing-rooms shall be situated more than one storey below the street level.

The exit doors from the dressing-room block shall be fitted with automatic bolts only.

Sufficient and separate water-closet accommodation shall be provided for the use of the male and female artistes and orchestra, and urinal accommodation for the use of males. Such water-closets shall

be constructed and arranged to the satisfaction of the local sanitary authority.

26. *Workshops, etc.*—All workshops, store-rooms, wardrobe or painting rooms, in connection with such premises, shall be separated from such premises and from each other by brick walls not less than 9 inches thick, and shall be placed in positions to be approved by the Council.

All openings in such walls shall be closed by fire-resisting doors as described in No. 21 of these regulations. Such doors may, however, be of such greater size as the Council may approve.

All such doors, if consisting of a single fold, shall be made to overlap the door frame at least three inches when closed; and, if made in two folds, such folds shall overlap each other, when closed, at least three inches.

All floors and ceilings of such rooms shall be formed of fire-resisting materials.

All such rooms shall be ventilated by windows in the outer walls or otherwise to the satisfaction of the Council.

Sufficient and separate water-closet accommodation shall be provided for the use of the male and female workpeople, and urinal accommodation for the use of the male workpeople. Such water-closets shall be constructed and arranged to the satisfaction of the local sanitary authority.

27. *Limelight tanks, boilers, and dynamos.*—All limelight tanks, boilers with engines, and dynamos with engines in connection with such premises, shall be placed in ventilated chambers or buildings of fire-proof construction.

Such chambers or buildings shall be separated from such premises, and from each other, by brick walls and fire-proof floors, and shall be enclosed upon one or more sides by external walls.

All openings between such premises and such chambers or buildings shall be fitted with fire-resisting doors as described in No. 21 of these regulations; such doors, however, may be of such greater size as the Council may approve.

28. *Scene store, etc.*—All scene stores and property rooms in connection with such premises shall be enclosed by brick walls not less than 9 inches thick, and shall have floors and ceilings of fire-resisting materials.

All openings from such scene stores and property rooms to such premises shall be closed by fire-resisting doors as described in No. 21 of these regulations; such doors may, however, be of such greater size as the Council may approve.

29. *Ironwork.*—All constructional ironwork in such premises shall, if considered necessary, be embedded in fire-resisting materials in a manner to be approved by the Council.

30. *Inflammable linings, etc.*—No soft wood or other inflammable wall linings, partitions, screens, or barriers shall be used in any part of such premises, and no cavities shall be left behind any linings. All woodwork of the stage shall be rendered non-inflammable or be hard wood.

31. *Skylights, etc.*—All skylights, and lantern lights in such premises which may be liable to be broken, shall be protected by stout

galvanised iron-wire guards, securely fixed on the outside of such skylights or lantern lights.

32. *Gas.*—All such premises when lighted by gas shall have separate and distinct gas services and meters as follows—

(*a*) To the stage (wherever possible electric light shall be used);

(*b*) To the auditorium;

(*c*) To the staircases, corridors, and exits.

Such meters shall be placed in properly ventilated chambers of fireproof construction, the openings to which shall be fitted with fire-resisting doors as described in No. 21 of these regulations.

All gas brackets shall be fixed without joints; and all burners within reach of the audience shall be fitted with secret taps, and shall be efficiently protected by glass or wire globes.

All gas burners within 3 feet of inflammable ceilings shall be fitted with consumers of uninflammable material to distribute the heat.

All gas pipes shall be made of iron or brass.

Where there is to be a stage or where scenery is to be used, the footlights or floats shall be protected by fixed wire guards.

The rows and lines, and gas burners in the wings (which must commence 4 feet at least from the level of the stage) shall be protected by fixed iron-wire guards.

All battens shall be hung by at least three wire ropes, and shall be protected at the back by a solid metal guard and wire fixed to a stiff iron frame at such a distance from the gas jets that no part of the scenery or decoration can become heated.

All movable lights shall be fitted with flexible tubes, and the gas in every case shall be capable of being turned off by the tap on the stage as well as by that on the flexible tube.

All flexible tubes shall be of sufficient strength to resist pressure from without.

An indicating gas plate shall be provided at a convenient place at the side of the stage. A stop cock shall be provided outside such premises in order that the supply of gas may be cut of when necessary.

33. *Additional means of lighting.*—Additional means of lighting in such premises for use in the event of the gas or the electric light being extinguished, shall be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured to an uninflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (*a*) a complete installation of both gas and electric light, or (*b*) two complete systems of electric lighting from separate companies, or (*c*) two complete systems from one company if specially approved by the Council for the purposes of these regulations. In cases (*b*) and (*c*), however, the exit notices shall be provided with independent means of lighting or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages, and exits (including the exit notices) shall be kept alight during the whole time the public are in such premises.

No mineral oils shall be used in oil lamps.

34. *Sun burner.*—If there be a sun burner in such premises it shall be provided with a pilot light, which shall be placed so that such sun burner can be lighted from the stage.

35. *Ventilation.*—All parts of such premises shall be properly and sufficiently ventilated in a manner to be approved by the Council.

All openings for ventilation shall be shown on the plans, and described in the specification, which shall be submitted to the Council for its approval.

36. *Water-closets, etc.*—Each part of all such premises used by the public shall be provided with sufficient and separate water-closet accommodation for the use of males and females, and urinal accommodation for the use of males. Such water-closets and urinals shall be constructed and arranged to the satisfaction of the local sanitary authority.

37. *Hydrants, etc.*—All such premises shall be provided with a sufficient number of hydrants each of a diameter of not less than 2½ inches; such hydrants shall be connected by, at least, a 3-inch main with a high pressure street main of the Metropolitan Water Board.

Where such premises contain a large superficial area for the accommodation of the public, the size of the main supplying the hydrants shall be determined by the Council. A pressure of at least 30 lbs. on the square inch shall be maintained in the flies and upper tiers of such premises.

Each of such hydrants shall be provided with, at least, a 30-ft. length of hose with fittings of the London Fire Brigade pattern, and shall be fitted with bibcocks for filling buckets. Three buckets filled with water shall be kept near each hydrant. Hand pumps or other small fire appliances shall be provided as required.

Where there is no constant supply of water, there shall be provided on the top of the proscenium wall, or at some other place to be approved by the Council, two cisterns to be kept always filled with water.

Such cisterns shall be each capable of containing at least 250 gallons of water for every 100 persons of the audience to be accommodated in the building, and shall be properly protected from all danger from frost.

Fire mains shall be connected with such cisterns to hydrants to be fixed in such places and in such a manner as may be approved by the Council.

38. *Telephone.*—Every theatre, and, where considered necessary by the Council, all other premises licensed for public entertainments shall be connected with the nearest fire brigade station by telephone alarm. The positions for such alarms and the number of points in the house shall be decided upon by the chief officer of the fire brigade. The installation and maintenance shall be carried out by the General Post Office at the cost of the lessee.

39. *Hangings, etc.*—All woodwork of stage, hangings, curtains and draperies in such premises shall be rendered non-inflammable.

40. *Fire (precautions against).*—Blankets or rugs, and buckets filled with water shall always be kept on the stage, in the flies, scene-stores, or wings, and in the immediate passages approaching

the dressing rooms of such premises, and attention shall be directed to them by placards legibly printed or painted and fixed immediately above them to the satisfaction of the Council.

Some person shall be held responsible by the management for keeping the blankets or rugs, and fire appliances ready for immediate use.

Hatchets, hooks, and other appliances, for taking down hanging scenery in case of fire, shall be always kept in readiness for immediate use.

The regulations as to fire shall be posted in some conspicuous place approved by the Council in such premises, so that all persons connected with such premises may be acquainted with such regulations.

41. *Fire-places.*—No fire-place shall be formed in any portion of the auditorium or stage of such premises, and no system of heating which involves the use of naked light will be permitted within the stage risk.

Guards for fire-places or stoves.—All open fire-places or stoves in any part of such premises shall be protected by strong fixed iron-wire guards and fenders of not more than $1\frac{1}{2}$-inch mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

42. *Electric lighting and heating.*—The electric lighting and heating apparatus shall be carried out to the satisfaction of the Council, and no work shall be commenced until the sanction of the Council has been obtained to what is proposed to be done. Copies of the Council's regulations on the subject can be obtained on application to the Clerk of the Council.

43. *Lightning conductor.*—Such premises shall, where considered necessary by the Council, be provided with a lightning conductor, to the satisfaction of the Council.

44. *Power to modify or dispense with these regulations.*—The Council reserves to itself the right from time to time, in any special case, to modify, or dispense with, these regulations.

All applications for dispensation or modification of these regulations shall be made in writing, addressed to the Clerk of the Council, and shall contain a statement of the facts of the particular case, and the reasons why it is desired to modify, or dispense with, these regulations.

45. *Person responsible.*—When the premises have been licensed, the person or persons in whose name the licence is granted by the Lord Chamberlain or the London County Council shall be held responsible for the due management of such premises, and for the safety of the public and his or their employees in the event of fire.

46. *Additions or alterations to premises.*—No subsequent alterations shall be made to such premises without the sanction of the Council having been first obtained.

Notice of any intended structural addition to, or alteration of, any such premises shall be given in writing to the Clerk of the Council, and shall be accompanied by drawings, elevations and sections, block plan, and specification of the works to be executed similar to those required in the case of premises to be certified for the first time by the Council, and shall show such intended addition or alteration.

The Council will, if necessary, cause a fresh survey of such premises to be made.

No doors, bolts, or other fastenings, obstructions to the means of egress, flap seats or other means of diminishing or stopping up the gangways, whether permanently or temporarily, shall be permitted.

NOTE.—The issue of the certificate referred to in these regulations does not preclude the Council from considering, on its merits, any application which may hereafter be made to it with respect to the licensing of the building for public entertainments.

LAURENCE GOMME,
Clerk of the Council.

County Hall,
Spring Gardens, S.W.

LONDON COUNTY COUNCIL.

REGULATIONS RESPECTING THE USE OF LIMELIGHT IN PREMISES LICENSED BY THE COUNCIL.

1. The gas cylinders shall be tested and filled in conformity with the following recommendations of the Departmental Committee of the Home Office, which appear in the report of the Committee on the Manufacture of Compressed Gas Cylinders [7952 of 1896]—

Cylinders of compressed gas (oxygen, hydrogen or coal gas).

(*a*) *Lap-welded wrought iron.*—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed 6½ tons per square inch.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch in hydraulic test not to exceed 10 per cent. of the elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between two rounded knife-edges without cracking.

(*b*) *Lap-welded or seamless steel.*—Greatest working pressure 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed 7½ tons per square inch in lap-welded, or 8 tons per square inch in seamless cylinders.

Carbon in steel not to exceed 0.25 per cent. or iron to be less than 99 per cent.

Tenacity of steel not to be less than 26 or more than 33 tons per square inch. Ultimate elongation not less than 1.2 inches in 8 inches. Test-bar to be cut from finished annealed cylinder.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife-edges without cracking.

Regulations applicable to all cylinders.

Cylinders to be marked with a rotation number, a manufacturer's or owner's mark, an annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

Testing to be repeated at least every two years, and annealing at least every four years.

A record to be kept of all tests.

Cylinders which fail in testing to be destroyed or rendered useless.

Hydrogen and coal gas cylinders to have left-handed threads for attaching connections and to be painted red.

The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing overcharging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

Cylinders not to be refilled till they have been emptied.

If cylinders are sent out unpacked the valve fittings should be protected by a steel cap.

A minimum weight to be fixed for each size of cylinder in accordance with its required thickness. Cylinders of less weight to be rejected.

2. All cylinders shall be used with an approved safety regulator.

3. All cylinders shall be suitably connected with the lantern by means of iron pipe or by means of rubber tubing protected on the outside by canvas and coiled wire, and so arranged that it cannot be affected by the movement of the operator, or by others in the neighbourhood of the lantern.

4. All lighting shall be in charge of a competent person, who can at will raise or lower the lights without risk of their being turned out, and in order to avoid danger from panic he should remain at his post during the whole of the entertainment.

5. The gas shall in no case be stored in or used from bags or containers other than those recommended by the Departmental Committee of the Home Office (see No. 1 above).

6. The combustible gas used shall be either hydrogen or coal gas, and in no case whatever shall ether or other inflammable liquid be employed.

NOTE.—*In order to avoid risk of fire, it is desirable, wherever possible, that electric light should be used as an illuminant instead of limelight.*

LAURENCE GOMME,
Clerk of the Council.

January, 1898.

INDEX.

A.

ACTIONS, LIMITATION OF, 15, 26, 52, 65.
ACTOR, 13.
ACTOR. *See* HIRE. CONTRACTS.
AGE. *See* CHILDREN, EVIDENCE OF.
APPEAL, 14, 19, 33, 66, 108.
APPLAUSE. *See* CONTRACTS; THE PUBLIC.
APPRENTICESHIP, CONTRACT OF.
AQUARIUM, 50.
ARMY (ANNUAL) ACT, 1889 . . 148.
AUDIENCE. *See* CONTRACTS.
AUTHOR. See COPYRIGHT.

B.

BALLET, 15.
BARRING CLAUSE. *See* MUSIC HALLS AWARD. CONTRACT.
BATHS AND WASHHOUSES ACT, 1899 . . 46, 160.
BIAS. *See* LICENSING AUTHORITY.
BOND, MANAGER'S, 152.
BOOTH. *See* THEATRE.
BUILDING REGULATIONS. *See* STRUCTURAL REQUIREMENTS.
BURDEN OF PROOF. *See* LICENCE.
BY-LAWS. *See* CHILDREN.

C.

CAMBRIDGE. *See* OXFORD.
CATALOGUES. *See* SHOPS ACT.
CAUSE, 10.
CERTIORARI. *See* PROCEDURE.
CHAMBERLAIN. *See* LORD CHAMBERLAIN.
CHARITABLE, 30.
CHARTER. *See* LETTERS PATENT.
CHILDREN—
- age, evidence of, 98.
  - extension of, 99, 112.
  - presumption of, 107, 112.
- accident to, 98.
- accused, evidence of, 105.
- appeal, 108.
- arrest, 104.
- by-laws, 108.
- circus, in, 102.
- cruelty to, 100.
- custody, charge, or care.
- employment of, 97, 100.
- evidence of, 106.

CHILDREN (*continued*)—
licensed premises, on, 101, 102.
performing or training, 102.
police, entry by, where children employed, 103.
procedure, regarding, 107.
prosecutions, restriction of, 99, 107, 110.
CHILDREN. *See* CONTRACTS. INFANTS.
CHILDREN ACT, 1908 . . 111.
CHILDREN'S DANGEROUS PERFORMANCE ACT, 1879 . . 97
CINEMATOGRAPH ACT, 1909 . . 89.
business exhibition in, 89.
copyright in work of. *See* COPYRIGHT.
county boroughs, 94.
enter, power to, exhibition, 93.
fees for, 90.
inflammable films, 89.
licences for, 89.
occupier, who is, 92.
penalties under Act, 92.
private houses in, 89.
provisional licence for, 90.
regulations, 154.
reproduction of sketch. *See* COPYRIGHT.
restrictions in licence, 91.
similar apparatus to, 89.
CIRCUS. *See* CHILDREN.
CLOSING ORDER. *See* LICENCE, REVOCATION OF.
COMMON INFORMER, 21, 23, 26, 50, 92.
CONDITIONS. *See* LICENSING AUTHORITY; DISCRETION.
CONTRACT, SPECIMEN, 128.
music hall, 130.
CONTRACTS—
actor inadequate, 116.
meaning of, 117.
agents' commission, 123.
assignment, 116.
bill-matter, 120.
condition precedent, 119.
covenant in lease, 115.
customs and usages, 113.
death, 115.
exclusive engagements, 118.
fines, 122, 123.
future engagements, 123.
illegal, 114.
illness, 117.
imitation, colourable, 119, 61.
infants, 124.
interpretation, 113.
liquidated damages, 123.
notice, reasonable, 114.
opening of part, 116.
period of engagement, 121.
personal service, 115.
public, the, 125.
admission, right of, 126.
purchase of ticket, 125.
queue, 126.
safety of, 125.
re-engagement, 121

CONTRACTS (*continued*)—
rehearsals, 120.
resumption of part, 114.
risk to life, 116.
rules and regulations, 122.
salary, 120.
theatre, closing of, 122.
third party, liability of, 124.
" tour," 121.
understudy, 117.
unlicensed theatre, 114.
usual privileges, 114.
COPYRIGHT ACT, 1911—
actions, limitation of, 65.
appeals, 66.
author, 62.
foreign, 75.
joint, 69
authorise, 59.
British possessions in, 77-81.
colourable imitation of, 61, 119
common law rights, 82.
dramatic works in, 58, 83.
existing works in, 76.
gramophone records in, 71.
importation of copies, 67.
infringement of, 59, 61, 64, 65, 84.
international, 80.
libraries, copies for, 68, 82.
" making of," 58.
mechanical instruments, 71.
musical, 58.
Orders in Council, 82.
original, 58.
ownership of, 62.
performance in public, 61.
political speeches in, 75.
posthumous works in, 70.
publication of, 58.
registrable designs, 75.
reproduction of sketch, 61, 84.
song, 61.
" substantial part," 58.
term of, 61.
university, 82.
COSTS. *See* PROCEDURE.
COUNTY BOROUGH, 145.
COUNTY COUNCIL. *See* LICENSING AUTHORITY.

D.

DANCING. *See* PUBLIC DANCING.
DANCING CLASS, 17.
DANGEROUS PERFORMANCES ACT, 1897..99. *See* CHILDREN.
DANGEROUS STRUCTURE ORDER, 33, 37, 38.
DEFECTS. *See* DANGEROUS STRUCTURE ORDER.
DELEGATED AUTHORITY. *See* LICENSING AUTHORITY.

DIALOGUE, 15.
DISCRETION. *See* LICENSING AUTHORITY.
DISORDERLY HOUSE. *See* HOUSE.
DRAMATIC. *See* COPYRIGHT.

E.

ENTER, POWER TO. *See* POLICE.
ENTERTAINMENT OF THE STAGE, 15.
ENTERTAINMENT ON SUNDAY, 49.
EVIDENCE. *See* HIRE; LICENCE; KEEP; CHILDREN.
EXCISE, 9.
EXITS. *See* STRUCTURAL REQUIREMENTS.

F.

FEES FOR THEATRE LICENCE, 5, 7.
FINE. *See* PENALTY.
FIRE, 169, 181.

G.

GARDEN. *See* HOUSE.
GRAMOPHONE. *See* COPYRIGHT.

H.

"HAVE OR KEEP." *See* "KEEP."
HIRE, EVIDENCE OF ACTING FOR, 13.
HIRER, 3.
HOUSE—
  disorderly, 16, 22.
  hour of opening, 140.
  moveable, 95, 3, 10, 44.
  recreation rooms, naval and military, 148.
  requirements in Metropolis, 142, 159.
  unlicensed, 8, 10, 16, 139.
"HOUSE OR OTHER PLACE," 3, 10, 17, 27, 44, 141.

I.

ILLEGAL DETENTION, 4.
ILLNESS. *See* CONTRACT.
INCOMPETENCE. *See* CONTRACT.
INFANTS. *See* CONTRACTS. CHILDREN.
INFLAMMABLE. *See* CINEMATOGRAPH.
INFORMATION, 92.
INFORMER. *See* COMMON INFORMER.
INSCRIPTION. *See* LICENSED PLACES.
INTEREST. *See* LICENSING AUTHORITY.
INTERPRETATION, 15, 54, 83, 90, 100, 110.

J.

JUSTICES. *See* LICENSING AUTHORITY.

K.

"KEEP," 2, 17, 24, 36.
KEEPER. *See* OCCUPIER.
KEPT OPEN, 36.

L.

LETTERS PATENT, 4.
LICENCES. *See* FEES; CINEMATOGRAPH; COPYRIGHT; CHILDREN.
LICENCES—
grant by Lord Chamberlain, 4, 152.
by licensing authority, 5, 20, 27, 47, 159.
notices required, 6, 27.
objections to, 163.
proof of, 13, 20.
provisional, 29, 36, 43, 160.
revocation of, 21, 40.
rules and regulations for, 8, 9, 34, 149, 151, 154, 164, 169, 181, 192.
suspension of, 8.
temporary, 29, 36, 43, 160.
theatre licences for music halls, 47.
to whom granted, 7, 16, 91.
transfer of, 27, 160.
what is covered by, 5.
LICENSED PLACES—
inscription over, 21, 28, 43.
taking money at, 47, 50.
time for opening, 21, 28, 140.
LICENSING AUTHORITY—
delegated authority, 6, 19, 93, 145.
discretion of, 5, 6, 9, 20, 29, 34, 91.
"LIKE KIND." *See* PUBLIC DANCING.
LOCAL AUTHORITY, 45, 145.
LOCAL GOVERNMENT ACT, 1888 . . 145.
LONDON AND WESTMINSTER, 16.
LORD CHAMBERLAIN, 4, 8, 22; and *see* STAGE PLAYS.

M.

MANAGER, 8, 152.
MATINÉE, FLYING, 113.
METROPOLIS MANAGEMENT AND BUILDING ACT, 1878 . . 81, 181.
METROPOLIS MANAGEMENT AND BUILDING ACT, 1878—
regulations under, 181.
METROPOLITAN BOARD OF WORKS, 32.
METROPOLITAN BOARD OF WORKS (VARIOUS POWERS) ACT, 1882, 142.
METROPOLITAN POLICE ACT, 1839 . . 139.
MIDDLESEX, MUSIC AND DANCING IN, 27.
MONEY, TAKING OF. *See* LICENSED PLACES.
MUSIC. *See* PUBLIC DANCING.
MUSIC HALLS AWARD, 130.
MUSIC HALLS, THEATRE LICENCES FOR, 47.
MUSICAL WORK. *See* COPYRIGHT.

N.

NOTICE. *See* LICENCES.

O.

OCCASIONAL USER. *See* PUBLIC DANCING.
OCCUPIER, 3, 24, 28, 43, 48, 50, 51, 92.
OFFENCE, CONTINUING, 93.
OWNER. *See* OCCUPIER.
OXFORD, 10.

P.

PATENT THEATRES. *See* LETTERS PATENT. LORD CHAMBERLAIN.
PENALTY, 3, 10, 15, 17, 23, 26, 29, 40, 43, 45, 48, 51, 52, 92, 98, 104, 123.
  appropriation of, 14.
  daily, 29, 45.
  how recoverable, 14, 38, 52.
  remission of, 55, 141.
PHONOGRAPH RECORDS. *See* COPYRIGHT.
PLACE. *See* HOUSE.
PLATFORMS. *See* STRUCTURAL REQUIREMENTS; THEATRES.
PLAYS. *See* STAGE PLAYS.
POLICE. *See* PROSECUTION.
POLICE—
  arrest, 104.
  chief officer of, 54, 90.
  entry by, 17, 29, 37, 40, 93, 103, 139, 150.
  neglect of duty, 24.
PREVENTION OF CRUELTY TO CHILDREN ACT, 1904..100.
  See CHILDREN.
PROCEDURE, 23, 24, 25, 38, 92, 98, 107, 110.
  costs, 26, 52
PROGRAMMES. *See* SHOPS ACT, 1911.
PROSECUTION BY POLICE, 22, 51, 53, 99.
  institution of, 54, 99.
  who may conduct, 92.
PROSECUTOR. *See* PROCEDURE.
PROVINCES. *See* PUBLIC HEALTH ACT, 1890.
PUBLIC, THE. *See* CONTRACTS.
PUBLIC AMUSEMENT ON SUNDAY, 48, 51.
PUBLIC DANCING, 16, 19, 27, 46.
  in provinces, 39, 46.
  London County Council Rules, 159.
PUBLIC ENTERTAINMENTS ACT, 1875..140.
PUBLIC HEALTH ACT, 1890..39.
PUBLIC HEALTH ACT, 1907..45.
PUBLIC PEACE. *See* RIOT.
PUBLIC PERFORMANCE, 4, 84.
PUBLIC REFRESHMENT, 141.
PUBLIC RESORT, 3, 40.

Q.

QUARTER SESSIONS. *See* APPEAL.
QUEUES. *See* CONTRACTS; THE PUBLIC.

R.

RECREATION ROOMS, NAVAL AND MILITARY, 148.
RE-ENGAGEMENT. *See* CONTRACT.
REFRESHMENT HOUSES ACT, 1860 . . 142.
REFRESHMENTS, SALE OF, 51.
REGULATIONS. *See* LICENSING AUTHORITY, DISCRETION OF.
REMISSION OF PENALTIES ACT, 1859 . . 141.
REMISSION OF PENALTIES ACT, 1875 . . 55.
RESIDENCE, ORDINARY, 95.
RESORT. *See* PUBLIC RESORT.
REVOCATION. *See* LICENCE.
RINKING. *See* PUBLIC DANCING.
RIOT, 8, 125, 12.
ROOM IN THEATRE, 125.
ROYAL LICENCE, 4, 39.
ROYAL RESIDENCE. *See* LORD CHAMBERLAIN.
RULES. *See* LICENSING AUTHORITY, DISCRETION OF.
RULES, 5, 8, 91, 122, 164.
RULES, LONDON COUNTY COUNCIL, 159, 169, 181, 192.
RULES, LORD CHAMBERLAIN'S AS TO THEATRE, 149, 151.

S.

SEAT, RIGHT TO OCCUPY, 125.
SESSIONS OF THE PEACE. *See* LICENSING AUTHORITY.
SHOPS ACT, 1911 . . 149.
SONG. *See* COPYRIGHT.
STAGE PLAYS, 11.
  fees for examination of, 11.
  forbidden by Lord Chamberlain, 12.
  penalty for acting in unlicensed, 12.
  what is included, 15.
STRUCTURAL DEFECTS. *See* DANGEROUS STRUCTURE ORDER.
  requirements, 150, 168, 181.
    exits, 40, 164, 181.
    platforms, 41.
    urinals, 45.
SUMMONS. *See* INFORMATION.
SUNDAY OBSERVANCE ACT, 1781, 48.
SUNDAY OBSERVANCE PROSECUTION ACT, 1871, 53.

T.

THEATRE. *See* HOUSE; RULES; LICENCES.
  booth theatre, 3, 10, 44.
  unlicensed. *See* CONTRACTS.
THEATRES ACT, 1843 . . 1.

U.

UNDERSTUDY, 117.
UNIFORMS ACT, 1894 . . 149.
UNIVERSITIES. *See* OXFORD.
UNLICENSED HOUSE. *See* HOUSE.
URINALS. *See* STRUCTURAL REQUIREMENTS.

The Eastern Press, Limited, London and Reading.