

# POPULAR TALKS ON LAW

WHEN YOU BUY A TICKET TO THE THEATER.  
By Walter K. Towers, A. B., J. D., of the Michigan Bar.

If you desire to ride to the next town and possess the wherewithal to purchase a ticket, the railroad company is bound to sell you the ticket, and having sold the ticket must allow you to enter its trains and ride to your destination, unless you chance to be in such a condition that it is not proper that you should ride with other passengers. If you wish to send a telegram the telegraph company has no option but to send it if you are able to pay and it is a proper message. This is because these enterprises are public in their nature and all of the public must be served without discrimination. But the owner of a place of amusement is in a different position. One might readily suppose that the theater is public in its service, as is the railroad or telegraph, but before the law it stands in a different position. The rights of the theater owner in dealing with those who come to his place of amusement are rather favorable. He stands more upon the plane of the merchant engaged in a private enterprise, who may sell or refuse to sell to whom he will.

"The manager or proprietor of a theater," said a New York judge, "has the right to say who shall enter his place of entertainment and who shall not, or what class of people shall be entitled to do so, and what class shall not. This necessarily follows from the fact that his enterprise is a private one, and not public and because, while he may entertain the public at large, if he sees fit, he is under no obligation to do so."

In the case from which the foregoing opinion was quoted a leading dramatic critic in New York city had been excluded from certain theaters by the managements, and the court sustained the rights of the managers to refuse admission to whomsoever they chose for whatever reasons. Thus, in general, a theater proprietor, before the law, is held to be engaged in purely private enterprise which he may conduct as he sees fit. He may cancel performances at his pleasure.

The view of the law is that the sale of a theater ticket by a theater is the issuance of a mere license to attend a performance, and this license may be revoked by the management. Even after the holder of a ticket has been admitted to the theater, but before he has taken his seat, the management may revoke the license and require that the holder of the ticket leave the theater. If he refuses he may be lawfully ejected, provided no more than necessary force be used. The holder of the ticket who is refused admission may only recover the cost of his ticket and such expenses as he was put to in reaching the theater—in other words, his direct financial loss. In a few cases, where a patron was ejected without adequate reason, damages were allowed for the insult offered, but this is not generally done, especially where the management had any reason for revoking the right to attend the performance which the ticket holder has purchased.

If, through a mistake, a patron is given a ticket calling for the wrong seat or gets onto the wrong seat, he may be required to change to another seat, and if he resists and causes a disturbance he may be forcibly removed. Unless he becomes disorderly, however, he may not be ejected from the theater.

While a theater is a private enterprise the state may, nevertheless, exercise a wide degree of control. It may censor the entertainment offered through proper officials. Thus a moving picture house may be required to show its films before an official censor and secure his approval before displaying them to the public. Sunday performances may be prohibited,

safely and sanitation insisted upon, etc., etc.

In some states the legislatures have regulated the right of a theater to refuse to sell tickets to whom it will. In such states the rights of the theater goers are increased by the privileges and rights granted by special law. In not a few states this legislation has been aimed to prevent any discrimination against negroes, and where state legislatures have so acted the courts have enforced these laws. Illinois, for instance, has specifically enacted that no theater may deny admission to anyone because of race or color, or bar them from any class of seats. Where such a statute exists, the theater management no longer has the broad right of refusing admission to whom it will, which was spoken of above.

The activity of the ticket speculators is a phase of this question that is of no little importance to the theater-going public. Law makers and theater managers have joined in efforts to stamp out this evil, yet not with complete success. That the judges have not all looked upon ticket speculation as an evil is shown by the following quotation from a judicial opinion:

"The sale of a theater ticket at an advance upon the original purchase price, or the business of reselling such tickets at a profit, is no more immoral or injurious to public welfare or convenience, than is the sale of an ordinary article of merchandise at a profit. It does not injure the proprietor of the theater; he must necessarily have parted with the ticket at his own price and upon his own terms before such resale can be made. It does not injure the second buyer; he must have had the same opportunity as the first buyer to purchase a similar ticket, and no greater right thereto; and having neglected that opportunity, or being unwilling to undergo the necessary inconvenience, and willing to pay a higher price rather than forego the privilege which the other by his greater diligence and effort has obtained, the transaction is just so far as he is concerned. The fact that such tickets are obtained and resold at an advance does not compel the manager of the theater to put the tickets upon the same plane as ordinary articles of merchandise. He can make them non-transferable, and place in the contract of sale any conditions necessary for the protection of himself or his patrons, and by printing such conditions on the tickets, he can prevent their resale to innocent buyers."

As the judge points out, the theater management may make their tickets non-transferable, and by refusing admission to a second purchaser prevent any resale of the tickets. If the attention of the purchaser is drawn to such conditions, by signs in the theater lobby and a notice printed on the tickets, such conditions may be enforced against him.

The theater management owes to its patrons the duty of seeing that the premises are in a reasonably safe condition. It is bound to see to it that the building and all the fittings and appliances are in proper condition for public use. If any injury occurs to a patron which was due to a failure on the part of the management to keep the theater in proper condition, the person injured may recover in damages.

While theaters have been here generally referred to, it is to be noted that all places of public amusement fall within the same rules of law. The circus, the museum, the picture show are all in the same class with theaters, in viewpoint of the law for all ordinary purposes.

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## MADE NO DIFFERENCE.

Two women, mutually confiding their grousches. One woman, a sweet little soul; the other, a self-assertive body.

"You can't think how this high cost of living affects us," confessed the one. "Why my bills for clothes alone are more than twice as large this year as they were last year."

"Mercy!" gasped the other. "I don't see how your husband can afford it!"

"That's the answer—he can't," rebutted the first. "But he couldn't afford it last year. So what's the difference?"—Pittsburgh Chronicle Telegraph.

## CLEARING HIMSELF.

Judge: Sambo, you are charged with being a vagrant, that is, with having no visible means of support.

Sambo: No vis'ble means of support, Yo' Honah? What yo' mean by vis'ble means of support?

Judge: Visible means something that can be seen.

Sambo: Dat so? Why, lawdy, Judge! Yo' jest send for mah wife, an' make her leave de washin' and come hyah. Vis'ble? Huht! She weighs 300 pounds. I guess she's vis'ble, all right.—Springfield Union.

## PRAISEWORTHY ACTIONS.

Bridget Kelly (cooly): So yiz wint P' confusion yisterly, did yez? An' yez confessed all th' kisses yo've shote from me th' month that's jist gone, I hope?

Officer Keegan—O' did, An' Father Malone sid he didn't ragly blame me.


Bridget Kelly—He sid he didn't blame yez?

Officer Keegan: He sid that wuzn't a sin at all, ut all—that wuz a charity.—Puck.



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