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(before LORDS JUSTICES LINDLEY, LOPES and CHITTY)

“GLASSE V. WOOLGAR AND ROBERTS

This was an appeal from a decision of Mr. Justice North's refusing an application by the plaintiff for an injunction to restrain the defendants from letting, or otherwise dealing with the first floor of No. 58, Fleet-street, so as to interfere with the plaintiff or his nominees in the use and occupation of the same, for the purpose of viewing the Queen's Diamond Jubilee procession on June 22. The case is reported in The Times of May 20. It appeared that the defendants had verbally agreed to allow the plaintiff the sole use of the first floor in question on the 22nd, for the purpose aforesaid, at the price of £15, and that they subsequently repudiated the agreement on the ground that by the terms upon which they held the premises they were precluded from sub-letting the same or any part thereof without the consent of their landlord, and that the landlord absolutely declined to give such consent. Mr. Justice North refused the application, being of the opinion that the plaintiff's proper remedy was by way of damages. The plaintiff appealed.

Mr. Warrington, Q. C., and Mr. Lavington were for the plaintiff; Mr. St. John Morrow was for the defendants.

The COURT dismissed the appeal.

LORD JUSTICE LINDLEY said that it was almost ludicrous to ask for specific performance of a lease for a day. In his opinion Mr. Justice North was quite right in holding the plaintiff's only remedy was by way of damages. Apart from that it was to be observed that, if this application were granted, the defendants would be exposed to a serious risk of incurring the forfeiture of their lease.

LORD JUSTICE LOPES concurred.

LORD JUSTICE CHITTY agreed, but preferred to base his judgement on the first ground mentioned by Lord Justice Lindley.”

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