

and comfort of both. The colored man has and is entitled to have all the rights of a citizen, but it cannot be said that equality of rights means identity in all respects. Here the defendant did not exclude or attempt to exclude colored persons from his theatre. He provided accommodations for them, but in doing so required them to purchase tickets for and take seats in the balcony, and this rule adopted by him accords with the custom and usage prevailing in this state. Such custom has the force and effect of law until some competent legislative power shall establish some other and different rule. The defendant's rule was no more than a reasonable regulation which he had a right to make and enforce.

The judgment is therefore affirmed.

All concur.

*F. M. Black J*



[Back](#)