

What Constitutes an Annoyance.

Lawyers, bankers, insurance managers, merchants and others of the large army of workers in the principal business thoroughfares of the city of Montreal will be interested in knowing what constitutes an annoyance in liberty-loving England, and also in learning how a practical people prevent any noise on the public street—which disturbs dwellers thereon.

A County Council in England, claiming to act under its statutory powers, made a by-law prohibiting any person from playing music or singing in any public place or highway within fifty yards of any dwelling house after being requested by any constable or an inmate of the house to desist. Recently a man, who was conducting an open air religious service, began to sing a hymn within the prescribed distance from a house, and continued to sing after he had been requested by a constable to desist. The singer was thereupon brought before a justice, who convicted him, imposing a penalty, as it appeared that the singing was an annoyance to the occupier of the house. The preacher was not satisfied with this check on his liberty, and brought the question of the validity of the by-law before a Superior Court, consisting of Lord Russell, of Killowen, and Judge Mathew. These learned judges differed, however, so Lord Russell called together a specially constituted Court of seven judges to rehear the question, which he referred to as one of wide importance, and as one upon which there had been a contrariety of judicial opinion. The five other judges who were called to assist all agreed with Lord Russell in holding that the by-law was valid. They also laid down a rule, that in determining the validity of by-laws made by public representative bodies, such as County Councils, the Court ought to be slow to hold that a by-law is void for unreasonableness; and that a by-law so made ought to be supported unless it is manifestly partial and unequal in its operation between different classes, or unjust, or made in bad faith, or clearly involving an unjustifiable interference with the liberty of those subject to it.

It will be observed that these seven learned legal luminaries not only upheld the right of this sensible county council to make the by-law in question, but even maintained that, if some people held that the prohibition of that which annoys was in this instance regarded as unreasonable, the Court ought to be slow to interfere.

Surely the time has arrived for some such law to be framed by the rulers of the city of Montreal. If hymn-singing in the open air in a country whose people proudly proclaim that they never shall be slaves can be stopped at the request of a mere constable, it ought to be possible for a Montreal policeman, even in plain clothes, to prevent a number of able-bodied foreigners from invading St. James Street for the purpose of blowing through barbarous brass instruments some mutilated strains of the Star-Spangled Banner, or thought-killing bars of "The Sunshine of Paradise Alley."

We are glad to think that the days of our martyrdom are passing away; that it is no longer necessary to suffer and swear; that the barrel organ with its itinerant Italian attendants, and the trumpets blown by long-haired German counts will be heard no more in the land. We have no deep-rooted dislike to the picturesque daughters of sunny Italy, who, arrayed in scarlet bodices, snowy chemisettes and bright earrings, push the offending organ and a baby into the busiest thoroughfare of Montreal; we disclaim any desire to pose as musical critics when, in our minds, we murder the musicians of Teutonic origin who fill the innocent air of the Canadian metropolis with strange Wagnerian sounds; but, in the name of an annoyed business community, we appeal with confidence to the mayor and aldermen of Montreal for a by-law similar to the one passed by this English county council, even if said by-law only applies to a few of the business streets of the city.

Banks' Messengers and Insurance.

In the insurance column of the *Commercial Bulletin*, of New York, we note a reference to the completion of arrangements for insuring bankers and others against robbery from messengers. The *Bulletin* says:—

Bankers and others in their daily routine of business are accustomed to send, in the charge of messengers, large sums of money to the clearing house, to banks, to factories, or to general offices. Such messengers soon become known, and they are always in more or less danger of being waylaid and robbed. The Fidelity & Casualty Company during the past year has been writing, to a very limited extent, insurances covering this hazard. The company, now having remodeled its forms, is placing them in the hands of its agents. As these policies are not designed to guarantee the fidelity of the messengers, or a careless loss of funds in their hands, the company has limited the insurance to actual highway robbery, and has safeguarded itself against collusion or fraud by a provision requiring that the robbery must be witnessed by not less than two witnesses, whose testimony in respect thereto shall be furnished to the company.

Montreal has hitherto enjoyed comparative freedom from highway robbery of the bank messenger; but the system of insuring against possible loss is good under any circumstances. We know that some financial institutions never send a messenger to clearing house or express office with money unless accompanied by another armed official, usually a junior clerk from the bank. Whether the convoy could or would upon occasion shoot a highway robber, we have had few opportunities of ascertaining. However, as the safeguard to be adopted by the insurance company is the production of two witnesses to the robbery, the clerk acting as convoy to the bank's messenger will be very useful in furnishing a part of the necessary testimony to the insurance company. But the stated safeguard against collusion or fraud requires that the robbery must be testified to by "not less than two witnesses."