

how to study, else you will be heartily discouraged in less than a year. I believe entirely in private lessons from a really good master both theoretically and practically. By proper management of your time you can learn more in one year than you can in two in this or any other school of music. Speaking of how little the German knows of us brings to my mind something I read the other day. A lady in Berlin was asked "If America was in New York." A German I met the other day said to me "You are English." "No," I said "I am Canadian." He looked at me, greatly surprised, and said, "Ingins there?" "No, I seldom see an Indian." "Bears?" said he. "No," I said, "I never saw a bear except a dancing and climbing bear led about the streets for the amusement of small boys." He looked at me in a most incredulous manner, and after a little he ventured again: "Americans, they do not speak English, do they?" "Why, yes," I said. "Nein, nein," he says, "they do speak a dialect."

But I am wandering very far from musical news. I have not time nor space in this letter to tell you about the Liszt-Verein, which contains the truly musical element of Germany. Next month I hope to explain their work. Suffice now to say Arthur Friedham (who is about sailing for New York, and is a member, and a favourite pupil of the late lamented Maestro), gave a piano recital at the old Gewandhaus on Jan. 11th. He played from Beethoven, Schumann, Chopin, Rubinstein, and much of Liszt, to a very large audience, who were more than vociferous in their applause. He is called here the coming Rubenstein, and a great future is prophesied for the young virtuoso.

In the Neue Theatres we have opera of all sorts, but to give an idea of each would be impossible in my limited space. Tanhauser was magnificently given last week; everything, stage, setting, dresses, singing, and above all the orchestra, was grand. When I have heard Wagnerian opera every week for one year, I shall consider myself capable of expressing an opinion. One has to study and study very intelligently to understand and fully appreciate the Wagnerian opera, but it is well worth all the study one can give it. Last Saturday we had what may well be called "A jolly evening." The occasion was the presentation to the public of the *Three Pintos*, a comic opera sketched out by Weber just before he was called on to write *Euryanthe*. He resumed the work subsequently, but it was left again to write *Der Frieschutz*, and was never finished. The manuscript came into the hands of Major Von Weber, residing here. He wrote the libretto, and gave it and the unfinished *M.S.* to Capelmeister Mahler, who has completed it. In consequence of the high social position of Weber's grandson, the high musical position of Mahler, and natural curiosity, there was such an audience as is seldom seen even in musical Leipzig. At the conclusion Mahler was called and recalled, and wreath after wreath was thrown on the stage. At the second recall when the curtain rose Weber's life size bust stood in the centre of the stage, and Mahler had placed all the wreaths around it and refused to appear again. I never before saw so much enthusiasm, and we all hope to hear from Capelmeister Mahler again. G. L.

SOL-FA NOTES.

The Toronto Sol-fa Society announce a concert in Toronto on March 1st.

Mr. Cringan sends us the following for publication:—"A very much distorted version of what I said about music in Canada has got into the papers, and I have seen it in one or two that have reached me from America. I said—'Tonic Sol-fa is in the same position to-day in Canada that it was thirty or forty years ago here,' referring of course to numerical strength. This the reporters has made me say—'Music in Canada is thirty or forty years behind hand,' which of course is a very different thing. If this incorrect report should reach you, I beg that you will take every opportunity of contradicting it. So far as I could observe, music in Canada is quite as advanced as in the States, and probably your church music is superior. Yours with kind regards, very truly,

"J. S. CURWEN.

"PLAISTOW, LONDON, E., 30th January, 1888."

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CAN BE REPRODUCED IN MECHANICAL INSTRUMENTS WITHOUT INFRINGEMENT.

We copy from *American Art Journal* the following decision given by Judge Colt in the U. S. Circuit Court, District of Mass., on Jan. 27, in the case of William H. Kennedy *et al.*, vs. John McTammany, Jr., in Equity:—

COLT, J. This case has been thoroughly presented to the court. It is admitted that the plaintiffs are the owners of a valid copyright in a certain song and musical composition, entitled, "Cradle's Empty, Baby's Gone," and that the defendant makes perforated papers, which, when used in organettes, produce the same music. The sole question in issue is whether these perforated sheets of paper are an infringement of copyrighted sheet music.

To the ordinary mind it is certainly a difficult thing to consider these perforated strips of paper as sheet music. There are no clefs, or bars, or lines, or spaces or other marks which are found in common printed music, but only plain strips of paper, with rows of holes or perforations.

Copyright is the exclusive right of the owner to multiply and to dispose of copies of an intellectual production. (Drone on Copyright, 100.) I cannot convince myself that these perforated strips of paper are copies of sheet music within the meaning of the copyright law. They are not made to be addressed to the eye as sheet music, but they form part of a machine. They are not designed to be used for such purposes as sheet music, nor do they in any sense occupy the same field as sheet music. They are a mechanical invention made for the sole purpose of performing tunes mechanically upon a musical instrument. The bill itself states that they are adapted and intended for a use wholly different from any use possible to be made of the ordinary sheet music. It uses resembles more nearly that of the barrel of a hand organ or music box.

The arguments urged by the complainants, while forcibly put, do not seem to me to be wholly sound or entirely applicable to this case. It is said that sheet music may consist of different characters or methods, as, for example, the sol-fa method, and that the perforated strips of the defendant are simply another form of musical notation; but the reply to this is that they are not designed or used as a new form of musical notation. If they were the case would be different. Again it is said that they can be used as sheet music, the same as the sol-fa method; but the answer to this is that they are not so used. While it may not be denied that some persons by study and practice may read music from these perforated strips, yet, as a practical question in the musical profession or in the sale of printed music, it may be said that they are not recognized as sheet music. The question is not what may be done as an experiment, but whether in any fair or proper sense these perforated rolls of paper made expressly for use in a musical instrument can be said to be copies of sheet music. The complainants further suggest that the sol-fa copy, or the raised copy for the blind, do not take the place of printed music, in reply to which it may be said that their purpose and object is to supply the place of printed music, and that they subserve the same purpose. I find no decided cases which directly or by analogy support the position of the plaintiffs, and it seems to me that both upon reason and authority they have failed to show any infringement of their copyright, and that, therefore, the bill should be dismissed. Bill dismissed.

We are in receipt of a copy of the *Song Journal*, published by C. J. Whitney & Co., Detroit. It is a monthly publication of forty pages, replete with items of musical interest from all parts of the country, besides containing several choice pieces of music. The price of the *Journal* is \$1 per year, including a premium of \$1 worth of sheet music of your own selection from their catalogue. The *Journal* should be in every household having a musical instrument.

Brainard's *Musical World* is the oldest musical magazine in the United States. The circulation of this popular illustrated musical monthly extends to every part of this country, and is extensively read in Europe. It is edited by Prof. Carl Merz, and contains more reading matter of interest to teachers than any other journal of the kind. News, correspondence, biographies, etc., each month, and \$2 worth of new music. Price per year, \$1.50; single copy 15 cents. S. Brainard's Sons, publishers, 52 and 54 Euclid Ave., Cleveland, O.