

State are still musical and will not countenance the undue stoppage of harmonic exercises. A female prisoner (who doubtless had heard of Paul and Silas) refused to stop singing, although her performance greatly annoyed the sick wife of the jailer. The jailer cruelly and severely beat her with many stripes and a horsewhip. He was fined therefor \$100, and the court held the amount was not excessive. (*State v. Roseman*, 43 Alb. L.J. 366.)

In the old days in Scotland people of any pretensions had to provide themselves with Psalm-books, just as nowadays schoolboys in Indiana have to get music-books. The statute passed in the sixth year of James VI. says "that all gentil-men, housholders, and uthers worth 300 marks of yeirly rent or above, and all substantious yeomen or burgesses, likewise housholders, esteemed worth 50 poundes in lands or gudes, be holden to have an Bible and Psalme buik in vulgar language in their houses, for the better instruction of themselves and their families in the knowledge of God, within year and day after the date heirof, ilk persone under the paine of X poundes" (chap. 72). But the clergy in Scotland in those days had no real love for music. Buckle gives us the following extract from the Registers of the Presbytery of Glasgow: "Sept. 22nd, 1649. The quhilk day the Sessionne caused mak this act, that ther sould be no pyper at brydels, and whoever sould have a pyper playing at their brydell on their marriage day sall lose their consigned money, and be farder punished as the Sessionne thinks fitt." Singing on New Year's Eve was forbidden by the church authorities in Aberdeen; no one could "give any meatt or drink to the songsteries or let theime within their house," and the singers were to be "put in prissonn." (Buckle's Hist. of Civil Law, vol. 3, c. 4.)

Sometimes there is music in court of a truth. Not long since, Mr. Henry E. Dixey, the comedian, applied to the Supreme Court of New York for an injunction to restrain some other fellow from singing a song which, he alleged, was an infringement of his copyright in "It's English, you know." The defendant's counsel wanted Mr. D. to sing the song, but Mr. D. evidently did not want to sing (probably he was too much impressed with the dignity of the court), and the judge said the words would be more satisfactory to him. Afterwards the leader of the Boston Museum Orchestra was called and sworn. He took his violin and played the tune, to the great relaxation of the facial muscles of the court and spectators. The other song, "Quite English," was then played by the witness, and the resemblance to the first was so close that all recognized it. The performer then gave "When the Band Begins to Play," but he did not think that there was much resemblance between this and the others (32 Alb. L.J. 241). Judge Taney once upon a time allowed a professional singer to be sworn (how ran the oath?) and to sing "The Old Arm Chair," and another song, over which the parties were contending, to the jury, and as evidence (Tyler's Life of Judge Taney, pp. 312-13); and in our favorite case of *State v. Linkhaw* (v. sup.) one of the witnesses, being asked to describe Brother Linkhaw's peculiar style of singing, rendered a verse in his voice and manner with such success that, as the reporter says, "it produced a burst of long and irresistible laughter, convulsing alike the spectators, the bar, the jury, and the court," and