

HUMOROUS PHASES OF THE LAW.

are told of some of the doings of the Peculiar People in England, and of a Pennsylvanian who practised the Baunscheidt system in his family. The case of the horse killed by eating clippings of a yew tree, was, we find, decided upon the doctrine of "sick yew-tree chew oh!": (*Crowshurst v. Amersham Burial Ground*). From the decision where a cow was killed by eating a fragment of a decayed iron fence, our author says, *semble*: "if the wife of the occupant of a house should moulnt her old hoop-skirt, and throw it into her next door neighbour's yard, and the neighbour's cow should feed on it, and die in consequence, the husband would be liable": (*Frith v. Bowling Iron Works Co.*). But long since it was decided that an action will not lie for carelessly leaving maple syrup in one's uninclosed wood, whereof the plaintiff's cow drank too much and died: (*Bush v. Brainard*, 1 Cow. 78).

In the "Nuisance" chapter, we have several interesting cases of disturbing public worship. We learn that undue haste in getting to church is not punishable: Brown, not our author, and some friends, galloped up to within fifty yards of the sacred edifice; on their way, one caught a cow by her tail, causing her to jump and ring her bell; another, when in church lay upon a rickety bench, which creaked every time he moved. These good young men all escaped punishment on the ground that there was nothing wilful in their conduct. A youth cannot insist upon sitting among the ladies at a camp meeting, if it is against the rule, even though he be an infant. Sometimes disturbing religious people in their sleep after they come from service, is not punishable: but a wicked young man at a camp meeting was punished for purloining the preacher's tin horn, and making night hideous by acting Gabriel: (*Brown v. State*, 46 Ala. 175; *McLean v. Fusttock*, 7 Ind. 625; *State v. Edwards*, 32 Mo. 550; *Fenning's case*, 3 Gratt. 624).

It is a misdemeanor to curse in the private ear of a Methodist at a camp meeting: but

the disturbed brother has no action for damages: Hunt and his friends had to pay \$25 each, for cracking and eating peanuts in church: (*Cockreham v. State*, 7 Humph. 11; *Owen v. Herman*, 1 W. & S. 448; *Hunt v. State*, 3 Tex. Ch. App. 116). We rejoice to find that the morals of North Carolina are improving. Forty years ago the law did not deem it a nuisance for one to curse and swear publicly for the space of two hours; now to swear for five minutes is too much: (*State v. Fones*, 9 Ired. 38; *State v. Chusp*, 85 N. C. 528).

Noise is often a decided nuisance. "But if the rocking of a cradle, the wheeling of a carriage, the whirling of a sewing machine, or the discord of ill-played music, disturb the inmates of an apartment house, no relief by injunction can be obtained, unless the proof be clear that the noise is unreasonable and made without due regard to the rights and comforts of other occupants." A poor boarding-house keeper failed to enjoin the midnight performance of negro minstrels in an adjoining saloon. In *State v. Brown*, 69 Ind. 95, the court said, "the defendants were probably engaged in giving a newly wedded pair that kind of concert or serenade which is usually called a charivari. Such a concert is usually much more entertaining to the performers than it is to the audience, and when it is engaged in by three or more performers, with zeal and earnestness, it may often be denominated as a riot, and the performers therein may be subjected to the punishment prescribed for such offence." In *Harrison v. St. Mark's Church*, Philadelphia, 15 Alb. L. J. 248, we have a case very similar to the well-known one of *Soltan v. De Held*. In the former case the bells of the church were rung four times on Sundays, and twice on every week-day, and on festivals and saints' days from ten minutes to half an hour at a time, averaging from seventy-five to ninety-four strokes a minute. This was deemed too much of a good thing, and was enjoined.