

been required to leave it for another one ; but when his immediate boss had indicated the smoking-car as the proper place for him, and it came down to the question of his right to be seated, he was not bound to take from the train-hands orders which would in effect deprive him of an essential part of his contract, and perhaps expose him to dangers for which he had not stipulated. The arguments of counsel for defendant, based on the supposed analogy between private master and servant and the present case, are inapplicable, for the obvious reason that the contracts of a common carrier for carriage must always take color from the quasi public character of the chief contracting party. I may compel my servant to vacate the seat I have assigned him to in my carriage for the same reason that I may refuse to receive him in at all, notwithstanding he offer me money for his fare."—*Albany Law Journal*.

LEGAL NOISE.—Every good citizen is interested in knowing how much noise the law will compel him to endure at the hands of his neighbours without redress and many citizens who are not good will doubtless like to ascertain how much noise they can inflict upon their neighbours without fear of punishment. Several decisions bearing upon these points have lately been made by the courts. One broad principle well established in the law of noise, both in this country and England, curiously illustrates the serious bent of our Anglo-Saxon nature, and that is the sharp distinction drawn between money-making noises and those which are made in the pursuit of pleasure. The law is tender to a steam-engine or a boiler-maker, and will allow them to disturb a whole neighbourhood with impunity, but is severe on a brass band or a game of skittles. The good citizen must be wary about playing bowls or skittles in populous places. The Italians order this matter differently, and restrain blacksmiths, boiler-makers, etc., within somewhat close limits as to time and place, whereas they allow musical merry-makers to make night hideous or beautiful, as the case may be, without any restraint whatever.

The dog, in English and American jurisprudence, stands upon the border line, because he may be considered in either aspect—as kept for use, when a watch-dog, or for pleasure, when regarded merely as a companion or an ornament. Here, however, we run against another principle of the common law, according to which dogs are privileged persons. For instance, it is unlawful for a farmer to shoot another's dog, who has eaten his sheep, provided it be the animal's first offence of that kind : for the dog who is young in the sin of sheep-killing may repent and lead a respectable life thereafter ; but if he has already been convicted of the crime, then it is lawful to shoot him. In other words, as Lord Mansfield once said, "the law allows every dog in England one bite at a sheep."

It has, however, been held that "the noise produced by a dog barking in the night is a nuisance, and that a man may shoot the dog and abate the nuisance when on his own premises"—that is, we presume, when the dog is on his own (the shooter's) premises ; for it has never been lawful for a man to stand on his own