

that Hoosier town resolved that each pupil in the high school should employ a certain time in the study and practise of music and should get a music-book to use. Mr. W. told the superintendent that he did not believe it was for the best interest of his son to participate in the musical studies and exercises of the high school, and did not wish him to do so. The youth himself, more fearful of domestic than of scholastic punishment, declined to modulate his voice in unison with his fellows, and was suspended. The father went to law; but, like many another, paid heavily for the pleasure of seeing his name in the reports. The Supreme Court of the State held that a boy could be expelled for refusing to get a music-book and study and practise the art. (*State v. Webber*, 108 Ind., 31 S.C., 58 Am. Rep. 30.)

On the other hand, sometimes the courts will restrain music. In the *Albany Law Journal* (vol. 43, p. 21) we find these words: "A wild and enthusiastic amateur insisted upon practising the violoncello in his flat every day for eight hours. On Sundays he usually took an extra whack at it, so as to keep his elbows limber for the coming week. He was sued by a west-end swell in an adjoining flat, who declared in court that the violoncello 'hurt his feelings, until he was near dead.' There was a long array of counsel on both sides, and the court expressed the opinion that three hours a day was long enough for a human being to play on the violoncello." If we had been present when judgment was delivered in that case we would have said, as *amicus curiæ*, that when the celebrated fiddler Geardini was asked how long it would take to learn the violin, that virtuoso replied, "Twelve hours a day for twenty years!" and if that time for a small instrument like the violin, how long for a giant like the 'cello? Mr. Justice Kekewich considered it quite the thing to object to a steam-organ which played—worked, we believe, he called it—from six to ten every evening except Saturday, when it went a little longer (23 Can. L.J. 277).

Judge Stephen on one occasion remarked that under the London Acts a householder of that metropolis who does not like the music of the barrel-organ can order a performer on that well-known and easily played instrument to go away out of his hearing. In the case in which he made that remark his lordship was considering concertina playing. A member of the Salvation Army had got into trouble for a breach of a by-law in Truro, England, enacting that every person sounding or playing upon any musical instrument, or singing, or making any noise whatever, in any street or near any house in that borough, after having been required by any householder resident in that street or house, or by any policeman, to desist, etc., shall be punished if he does not. The judge thought there was nothing unreasonable in the law. While he considered it an act that no one would visit with severity, on the other hand it was an extreme annoyance to have a man playing under your window with a concertina for a couple of hours, and having a number of people to listen to it and sing; it might be a great nuisance. His lordship dared to say that there were many places where the performer could play his little instrument without getting into trouble (30 Alb. L.J. 281).

An English county court had to consider the case of an unfortunate builder