

Chancellor points out, is subject to modification in regard to animals which, though fierce nature in their savage state, have, by long domestication become tamed and made gentle in their behaviour to mankind. Of this the recent case of *Clinton v. Lyons* (1912), 3 K.B. 198, is an instance, where the owner of a cat which bit a customer on his premises was held to be free from liability, for the sudden and unlooked for vicious act, and so it is with dogs, horses, cattle and other domestic animals which are not known to be vicious, but which suddenly and unexpectedly develop vice.

All animals, were, of course, originally wild, and more or less savage, but some have, by long domestication, become ordinarily gentle, and inoffensive to mankind; such as horses, bulls, cows, rams, sheep, pigs, cats, and dogs. The keeping of such animals, not actually known to be vicious entails no liability at common law for any sudden and unlooked-for outbreak of viciousness, whereby injury is caused to another; but by statute (2 Geo. V. c. 65, Ont.), an exception is made in the case of dogs killing or injuring sheep, the owner of the dog being liable for such injury whether he knew the dog was vicious and accustomed to worry sheep or not.

But animals which are not usually domesticated and are ordinarily wild and savage stand on a different footing, and can only be kept or harboured at the peril of the person so keeping or harbouring them, having to be answerable for any damage which they may do, even though such an animal may have been tamed and be ordinarily quiet and inoffensive; therefore he who keeps an elephant: *Filburn v. Peoples' Palace Co.*, 25 Q.B.D. 258; or a monkey: *May v. Burdett* (1846), 9 Q.B. 101; a bear: *Shaw v. McCreary*, 19 Ont. 39; *Besozzi v. Harris*, 1 F. & F. 72, or animals of a like nature must keep them secure, and incapable of doing injury to others, and whether the owner knows of their dangerous disposition or not, is immaterial, he is liable at common law for all damage which they may do; unless the person injured be so injured while a trespasser; thus where the owner of zebras kept them securely tied up in his stable but