

Court of Appeal (Lord Esher, M.R., and Kay and Rigby, L.JJ.) had no difficulty in affirming the judgment, and in doing so, held that it was not necessary for the plaintiff, in order to maintain an action against the defendant for inducing the plaintiffs' customers to break their contracts to prove any specific damages, as it was a reasonable and natural inference that the act complained of in this case must of necessity result in damage to the plaintiffs.

CRUELTY TO ANIMALS—TAME SEA GULL—CRUELTY TO ANIMALS ACT, 1849 (12 & 13 VICT., c. 92) SS. 2, 29—CRUELTY TO ANIMALS ACT, 1854 (17 & 18 VICT., c. 60) s. 3; (CR. CODE, s. 512).

*Yates v. Higgins*, (1896) 1 Q.B. 166, seems to be a case which it was almost superfluous to report. After the cases of *Aplin v. Porritt*, (1892) 2 Q.B. 57, and *Harper v. Marcks*, (1894) 2 Q.B. 319, in which it was held that the Acts relating to cruelty to animals (see Cr. Code s. 512) only apply to domestic animals, and do not extend to wild animals kept in captivity, it would seem hopeless to expect that the Court would be able to hold that, notwithstanding those decisions, they did apply to a tame sea gull. Nevertheless, the attempt was made, and the argument was mainly based on the case of *Colam v. Pagett*, 12 Q.B.D. 66, where it was held that linnets kept in captivity and trained as decoy birds for the purpose of bird-catching, were "domestic animals" within the meaning of the Acts. The only evidence of the domestication of the sea gull was that it was kept by the defendant in a field with one of its wings pinioned, that it would go to her when called and would feed from her hand, and was used by the defendant with two other birds in her business as a photographer—how, it does not appear, presumably as mere stage properties. The Court distinguished this case from *Colam v. Pagett* because there the birds had been trained to perform a useful service, which could not be correctly asserted of the sea gull in the present case.

NEGLIGENCE—RAILWAY COMPANY—LEVEL CROSSING—GATE-KEEPER'S DUTY—CONTRIBUTORY NEGLIGENCE—LORD CAMPBELL'S ACT—(R.S.O., c. 135.)

*Smith v. South Eastern Ry.* (1896), 1 Q.B. 178, was an action brought under Lord Campbell's Act (see R.S.O., c. 135),