

be shown, if the dog is usually in charge of other persons than the owner and those persons knew of its ferocity, that that knowledge was transmitted to the owner. (See *Applebee v. Percy*, L. R. 9 C. P. 647.)

Notice to the wife of the savage nature of the dog will be sufficient evidence of the *scienter* to fix the husband (*Gladman v. Johnson*, 36 L. J. C. P. 153); but the converse case does not seem to hold good. (*Miller v. Kimbray*, 16 L. T. 360.)

Under some circumstances a person bitten by a fierce dog is not entitled to damages, though he can fix the owner with *scienter*. For no action lies for an injury arising from the defendant letting loose a dog in his own premises for their protection at night (*Brock v. Copeland*, 1 Esp. 203); and if the owner of a dog keeps him properly secured, but another person improperly lets him loose, and urges him to mischief, the owner is not liable. (*Fleming v. Orr*, 1 W. R. 339.) Again, a party who is bitten by a dog in consequence of being himself on the owner's land, on which he is not entitled to go, cannot sue for injury done him by the dog. (*Sarch v. Blackburn*, 4 C. & P. 267.) As to persons rightly on the land of the owner, a mere notice, "Beware of the dog!" will not protect the dog's owner from liability if the person injured could not read, or did not see the notice. (*Ibid*; see also *Curtis v. Mills*, 5 C. & P. 489.)

Lastly, it may be remarked that it is not essential that the defendant should be the owner of the dog, for if he harbors the dog, or allows it to resort to his premises, that is sufficient to make him liable for injury done by it. (*McKone v. Wood*, 5 C. & P. 1.) We may mention that we have excluded from this article the cases of injury done by dogs to sheep and cattle, including horses, which are regulated by the statute 28 & 29 Vict., c. 60, and in respect of which the owner is responsible, although there is an absence of *scienter* on his part.—*Law Notes*.