

HUMOROUS PHASES OF THE LAW.

cat figures in *Webb v. McFeat* (22 Journ. of Jur. 669), for killing a carrier pigeon. The pursuer, (not the cat, but the plaintiff), claimed that the defender was responsible in respect of the natural disposition or propensity of cats to kill birds, and the defender's failure to keep the animal properly enclosed or secured. The Court considered that the owner of the bird should have exercised as much caution to prevent it coming near the cat as the owner of the cat should have done to keep it from the bird; that as the victor and vanquished met on neutral ground, both owners were in equal blame.

George Mathews wrongfully and negligently kept a savage and dangerous cock-fowl, knowing it to be savage and dangerous, and accustomed to injure mankind, whereby one Florence Walford was pecked and injured, and George Mathews was asked to pay £5 damages; but the Court said £1 was sufficient compensation, and 16 shillings to pay the doctor. "A town is liable for the injury that a town ram does by abutting on one of the town folk: (*Moulton v. Learborough*, 71 Me. 257). It seems that in England one is not legally liable if his pigeon alight upon a neighbour's roof and pick out the mortar between the slates and tiles, thereby loosening the same, and letting in wet. The owner of the house may kill them, that is all: (*Hannan v. Mackett*, 5 B. & C. 939).

One reads *State v. Mary Turner*, 66 (N.C. 618) with saddened feelings about Christmas time, because Mary was indicted for stealing one turkey of the value of five cents! The Court held that turkeys were not *feræ nature*. But coons are. Freshly imported parrots are not domestic animals: (*Warren v. State*, 1 Greene, 106; *Swan v. Saunders*, 44 L. T. (N.S.) 424). The Courts know something about oysters. We are told that like domestic animals, they continue perpetually in the owner's occupation, and will not stray from his home or person. Unlike animals *feræ nature*, they do not require to be reclaimed or made tame by art, industry, or education.

(Fancy an educated oyster.) If at liberty they have neither the inclination nor the power to escape. They are obviously more nearly assimilated to tame animals than to wild ones; and perhaps more nearly to inanimate objects than to animals of either description. This Court takes them merely in the shell, will have nothing to do with soup, stew or patties, it says, "dead oysters are of no value." Another legal sage says, "Oysters have not the power of locomotion any more than inanimate things:" (*State v. Taylor*, 3 Dutch, 117; *Fleet v. Hagermen*, 14 Wend. 42). Space would fail were we to attempt to follow our author among dogs and carrier pigeons, bees and elephants, parrots and whales. We can only add that when *Thurman v. Bertram* was tried by Baron Pollock, an elephant was brought into Court; and ladies may joy in the fact that it is no crime to steal a tame mouse.

(To be continued.)

RECENT ENGLISH DECISIONS.

In recommencing to review the current English decisions contained in the *Law Reports*, it seems best to begin with the January numbers, rather than attempt the task of going through the numbers which have been missed in the course of the recent period, during which our articles on this subject have been unavoidably discontinued.

The January numbers of the *Law Reports* consist of 10 Q. B. D, pp. 1-58; and 22 Ch. D. pp. 1-131.

The former of these commences with a brief memorandum of the opening of the Royal Courts of Justice, and contains the address of the Lord Chancellor and the Judges to the Queen. We re-produce in the form of an editorial, in our present number, the exceedingly fine peroration with which this address concluded.