

whom, perhaps, was ever on horseback in his life—be expected to deal out justice? Is justice in such a case not a mere matter of chance, or, perhaps, rather a matter of locality? A London jury naturally attaches more weight to the opinions of men like the professors of the London College and Messrs. Field and Mavor. A jury in Liverpool, or, perhaps, in the provinces, would, I think, have found a different verdict on the same evidence. You yourself may probably think that the weight of authority leans to the witness for the plaintiff; whilst I, on the other hand, may value the sound practical knowledge and varied experience of those of the defendant considerably the highest. "Who shall decide when doctors disagree?" What amount of reasoning can remove the evils, of which this case is only a sample; for many others, quite as bad, may be quoted? I think it must be admitted on all hands that the case is hopeless. The limb (of the law) is terribly, incurably diseased, and there is no remedy excepting in amputation. Try to get rid of it altogether."

The effect of such occurrences as these it will easily be seen must to some extent operate injuriously on the production or first-class horses. The burnt child dreads the fire, and the breeder who has once found himself involved in a horse case will very likely turn his attention in future to stock of a less hazardous description. Mr. Litt does not forget to notice this fact:—

"All this is bad enough, but worse remains to be told. The greatest of all the evils that spring from this condition of the law is undoubtedly the effect produced on the breeding and rearing of first class horses generally. It is not too much to say that many of the largest and best breeders of such animals have been deterred by it from this most important pursuit. I speak only of circumstances within my own knowledge, when I say that it is not easy to estimate the injurious influence of the law of warranty in this direction. Of all the causes that have tended of late years to bring about the scarcity of half-bred horses of the highest quality—for, I think, the fact of this increased and still increasing scarcity will hardly be denied—this is certainly one of the most potent, and it demands, therefore, a more serious consideration, on this account alone, than has hitherto been accorded to it. And, for all this evil to individuals and to the community, what is there in the law of warranty really of compensatory good? You hint that it is chiefly of advantage to the dealer, as affording him too many pretexts for fraudulent attempts to obtain back a portion of the purchase money, and I have myself known more than one instance of the character you relate. There can be no doubt that it does very often serve the purpose of enabling—not dealers only—but many other persons besides—to repudiate a bargain which they have begun to repent. It is idle to speak of it, therefore, as a protection

to the public; for it is the very reverse. They require no such protection. It is sufficient for the law to protect the public against fraud, and men ought to buy horses as they buy other things. If they have not sufficient confidence in their own knowledge of an article they wish to purchase, they ask the opinion, and are guided by the advice, of some one peculiarly qualified to judge of such matters. In the matter of horse-flesh here is a profession, whose members have made this qualification almost a special branch of study. Against false and fraudulent representations on the part of the vendor, be he who he may, let the law be as stringent as you like; but until it ceases to recognize that mischievous thing called a warranty of soundness, I fear there can little good be effected. With these sentiments it will be seen I am not of opinion that it is very important to discuss the question of what ought or ought not to be considered unsoundness in a strictly legal sense. I have had some experience in horse causes, and I have never found much weight attached to veterinary opinions on this subject. As a general rule, I have found that everything of the character of disease, no matter how slight or insignificant, has been held to be an unsoundness, and that to be compelled to admit the slightest deviation from a perfect normal structure of parts was always fatal to any attempt to establish the soundness of an animal."

With such a condition of the law, it is no wonder if often an undeserved amount of odium is made to rest on the shoulders of the examiner. Some of our friends may feel interested to know what one so well qualified to speak as Mr. Litt has to say on this part of the subject:—

"It often happens, however, that the veterinary surgeon—and this is a point that is especially wor by of mention—feels himself compelled, by the absurd state of the law, to give certificates of unsoundness in cases of ailments of so light a character that even he himself scarcely thinks them merited. I was requested, a few days ago, for example, to examine, after purchase, a valuable horse, bought by a gentleman in the country for a friend in London. There was, in the inner surface of the head, one of the large metatarsal bones a slight exostosis, quite insulated, as it were, and seeming unconnected with the hock joint. He was lame in the slightest, nor likely to be from such a cause. It was the most insignificant thing possible to the eye, and my general rule, in such cases, is to point the thing out to the purchaser, and advise him to take a special warranty in connection with it for a given time. He, however, I had no such privilege. I was simply asked to give a certificate, and I had no resource but to say "Unsoundness from b. spavin;" for, had I refused to do this, in probability somebody would have done it while the horse got to London, and the consequent