and nobody has a right to interfere with him in doing so until some mischief happens; but as soon as the animal has done an injury to any person, then the act of keeping it becomes, as regards that person, an act for which the owner is responsible." The Baron must be conceived to be talking of animals which the law does not regard as innately and unsubduably mischievous.

In *Cox* v. *Burbidge* (11 W. R. 435), a child was kicked by a horse whose owner had negligently allowed it to stray on the highway. The owner was held not liable, on the ground that (the injury not being sufficiently closely connected with negligence, and negligence therefore being out of the question) a horse is an animal *mansuetæ naturæ*, and there was no evidence that the owner knew of any propensity to kick or liability to stray. Willes, J., said, "The distinction in the rule between fierce and tame animals is clear. In the former case the owner must take care to keep it under his control, and if he does not do so he is answerable for the mischief it does, unless it is of a wild nature and has returned to the woods. As to an animal of tame nature, he is not liable unless it be shown he knew of its mischievous habits." Again, in *Jackson* v. *Smithson* (15 M. & W. 563), Alderson, B., said there was no distinction between the case of an animal which breaks through the tameness of its nature and is fierce, and known by the owner to be so, and one which is *feræ naturæ*.

Coming now to dogs. It was Lord Cockburn who said that "every dog was entitled to at least one bite." His lordship's statement is, however, not good law. In *Worth* v. *Gilling* (2 C. P. 1) it was distinctly laid down that to make the owner liable it was not necessary to show that the dog had ever before bitten anyone. It was sufficient to show that the dog was ferocious, and that the defendant knew it was.

A very old case on dog bites is *Mason* v. *Keeling* (12 Mod. 332). There the plaintiff was bitten by the defendant's dog while "peaceably going about his business" in the street. The judgment of Holt, J., is worth perusing for its quaint style. "If it had been said that the defendant knew the dog to be *ferox* I should think it enough. The difference is between things in which the party has a valuable property, for he shall answer for all damage done by them; but of things in which he has no valuable property, if they are such as are naturally mischievous in their kind, he shall answer for hurt done by them without any notice; but if they are of a tame nature there must be notice of the ill quality; and the law takes notice that a dog is not of a fierce nature, but rather the contrary, and the presumption is against the plaintiff; for can it be imagined that a man would keep a fierce dog in his family willingly. . . . Nor does it appear here, but it was an accidental fierceness. Or suppose it were an innate one to this dog particularly, and it had been given to the owner but an hour before, shall he take notice of all the qualities of his dog at his peril, or shall he have his action against the giver for bestowing him a naughty dog? In case a dog bites pigs, which almost all dogs will do, a *scienter* is necessary. And I do not doubt but if it be generally laid that a dog was used to bite *animalia*, and the defendant knew of it, it will be enough to charge him for biting of sheep, etc.; and by *animalia* shall not be intended frogs or mice, but such in which the