

frequently found that it is not the real interests of the community at large that are sought, and it is not the methods of wisdom and righteousness that prevail, but quite the reverse; so that it comes to pass that "popular government" becomes the synonym for all sorts of bad government, and those who really desire the welfare of the community long for "the benevolent despot" who would govern wisely and for the true interests of all.

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A recent case in England is as interesting in its way as the Bee Case (ante, vol. 42, p. 723) or the Bull and Heifer Case (ante, infra, p. 66). A cyclist riding on one of the beautiful roads of England ran over a fowl (being a cyclist ourselves we deem him not to have been very skilful) belonging to the defendant, which ingeniously entangled itself in the spokes of his wheel and upset him, causing damage, for which he sued the owner of the biped. It did not appear whether the bird attacked the cyclist or simply after the manner of chickens, children and nervous women, ran across his path; nor was it shewn that this particular offender was in the habit of knocking down cyclists, or that its owner had a knowledge of any malicious propensity in that respect; nor was any evidence given that it was a matter of common knowledge that domestic fowls, presumably the ordinary barnyard variety, were accustomed either to lose their heads (except of course when they "got it in the neck" from the traditional axe) or of being subject to any form of berserker madness. The learned judge of the County Court, under these circumstances, was of the opinion that the defendant was not liable; but this proper pronouncement was coupled with the remark that he only so decided in the present state of knowledge as to chicken nature, and that if other cases occurred and it became well known that they were not the harmless animals they are generally supposed to be he would not feel bound to follow his present ruling. Nothing was said as to the right of domestic fowls to stray on the public highway, or as to any