

The Forum.

A CAUSERIE OF THE LAW.

CONDUCTED BY CHARLES MORSE.

"Existe-t-il une société juridique entre les hommes et les animaux?" asks M. Henri Rollin in reviewing M. Englehart's book on the legal rights of the lower animals, ("De l'Animalité et de son Droit"). As our humble energies are more or less absorbed in exploiting the "juridical relation" between man and man, we shall not undertake to find an answer to M. Rollin's interesting query; but we would venture to suggest that he take out an order to examine, *viva voce*, on the subject, Mr. Kipling's "Shere Khan," or, better still, the shades of those leonine epicures of Marco Polo's day who had a playful habit of breaking in upon Oriental forensic functions, and lunching on the presiding magistracy. The subject is not a new one, for we bear in mind what that brilliant young Canadian, Mr. Ernest Seton Thompson, has to say about it in his preface to "Wild Animals I have Known," viz.: "Since then the animals are creatures with wants and feelings differing in degree only from our own, they surely have their rights. This fact, now beginning to be recognized by the Caucasian world, was emphasized by the Buddhist over 2,000 years ago." But we do not expect to see a practical "animal jurisprudence" such as M. Englehart speculates about, until the millennium has first ended "man's inhumanity to man." We suspect that the hard-headed votary of Themis to-day would look upon the advocate of such a propagandism as Goethe's "Werther" exhumed, or, possibly an impersonation of the "Sentimental Shepherd" of whom the humourist sang:

"I sits wid me toes in a brook
And when they ax me: "For why?"
I hits them a tap wid me crook—
'Tis sentiment kills me, says I!"

* * * In looking over the fine new English edition of the late Dr. Broom's "Legal Maxims" we are reminded of what Sir James Fitzjames Stephen said of the value of legal maxims in his "History of the Criminal Law" (vol. 2 page 94 n. 1): "It seems to me that legal maxims in general are little more than pert headings