and we beg to recommend it to the powers that be.—*Exchange.*

LIABILITY FOR A DOG'S BITE.

Some of the well known principles of law, relating to liability for a dog's bite, were rehearsed by Chief Justice McAdam, of the City Court, New York, Dec. 26. The case, as reported in the New York *Times*, was that of Bridget Laherty against James Hogan, both of whom dwell in a large east side tenement house. Hogan had a son who was not of age, and the son had a pet dog which he kept at home. Bridget Laherty in her work about the halls of the tenement, came across the dog, and for some reason they did not take kindly to one another. The dog got in first, however, and bit Bridget, causing not only a disagreeable sore, but fears of something more dangerous, therefore Bridget began a suit in the City Court against Hogan for damages, claiming that the dog was vicious and a nuisance. The jury gave a verdict for Bridget, and the case was carried up to General Term. In his opinion, concurred in by Judge Hall, Judge McAdams reverses the decision and orders a new trial.

Judge McAdam says: "The theory on which the plaintiff sought to hold the defendant was that, while the dog was not his, he maintained it because he allowed his son, who lived with him, to keep the dog about the premises. Assuming that the defendant is liable on this theory, he was certainly not liable in the absence of knowledge of the animal's wicked propensities. The dog was not of the species that are naturally savage and dangerous, and the defendant had a right to assume, in the absence of knowledge or notice to the contrary, that the animal was kind and of good character. There was no evidence that the defendent knew of any propensity on the part of the dog to bite mankind. There was no duty imposed on the owner of a dog to ascertain character before he became acquainted with it. Its character was presumed to be good until the contrary was shown. The plaintiff should prove the knowledge of the owner and keeper of the vicious tendencies of the animal, if it be of a domestic nature, and to charge the defendant he must be shown to have knowledge that the animal was inclined to do the particular kind of mischief that had been done. Satisfactory proof of a single instance of the dog biting mankind previously to the case complained of and of the defendant's knowledge thereof would be sufficient." Judge McAdam refers to the case of Fleming against Orr, in which Lord Cockburn said, in reference to an action for a dog worrying sheep, that "every dog is entitled to one worry." The same rule would apply to mankind. Every dog was entitled to one bite and every bull to one gore before the owner or keeper could be made liable for the results of such tricks on the part of the animals.

The court continues: "The dog was not a trespasser in the present instance; he was on the premises of his owner, and there by the permission of the janitor of the building as well. As to the policy and propriety of keeping dogs in tenements and allowing them to play in the yards thereof it is not necessary for us to advise, for so long as the owner is allowed to keep them they are not trespassers. This dog had been kept about this same tenement for a long time prior to the injury complained of. The occupants had the same means of ascertaining its character that the defendant had, and yet no one seems to have complained of the animal's habits. The plaintiff contends that an idle dog is a nuisance, and that the defendant is liable on the theory of maintaining a nuisance. We cannot subscribe to this as a legal proposition. Many people may believe that idle dogs are nuisances. But they are not necessarily so in a legal sense. An idle man may be a vagrant, but it does not follow that all idle men are vagrants. Some idle dogs may be nuisances, but it does not follow that all are. * * * Mad dogs or dogs reasonably suspected of having been bitten by a rabid animal are nuisances, and may be killed by any person, if at large, or off of the owners premises. Dogs accustomed to bark at night and disturb the neighborhood by their noise are nuisances, and may be killed by any person annoyed thereby. When a dog is ferocious and attacks persons he may be killed as a nuisance.

"The proof does not bring the defendant's dog within either of these definitions, so that we find no legal significance in the suggestion that defendant is liable for keeping and maintaining a nuisance. In short, the plaintiff's case must stand or fall by the old rule that in order to recover scienter must be alleged and proved, and for the failure to give such proof and the error of the trial Judge in charging that scienter might be implied by the affluixon of time the judgment must be reversed and a new trial ordered, with costs to the appellant to abide the event."—*Forest and Stream.*

MASONIC PRESENTATION.

We clip the following from a Strathroy paper:—"On Friday last a number of the members of Euclid Lodge, No. 366, A.F. & A.M., went to the residence of Mr. James Fullerton, secretary and past master of the lodge, and presented him with a valuable gold past master's jewel. Dr. J. P. Whitehead, W.M., made the present in a neat speech, and in reply the recipient spoke feelingly of his pleasant associations with the brethren of Euclid Lodge and regretted his departure very much on that account. The company were afterwards entertained at supper by Mrs. Fullerton. Mr. Fullerton leaves shortly for Calgary, N.W.E., but his family will remain here indefinitely."