

PROHIBITION—INFERIOR COURT—ALTERNATIVE MODES OF PROOF—
UNDERTAKING TO RELY ONLY ON PROOF OF CAUSE ARISING
WITHIN JURISDICTION.

Josolyne v. Roberts (1908) 2 K.B. 349 was an application for a prohibition to the Mayor's Court. The action was brought on a promissory note which was payable at an address within the city of London. Neither plaintiff nor defendant resided in the city, nor did any part of the cause of action arise there, except that the presentment at the address named was, unless waived, necessary to render the defendant liable. On the plaintiff undertaking not to rely on a waiver of presentment, the motion was refused by Channell and Sutton, JJ.

SAVAGE DOG—KEEPING A KNOWN VICIOUS ANIMAL—SERVANT CAUSING DOG TO BITE—LIABILITY OF MASTER—REMOTENESS OF DAMAGE.

Baker v. Snell (1908) 2 K.B. 352 was an action brought to recover damages for injury sustained through the bite of the defendant's dog. The dog was known to be vicious and was entrusted to the custody of the defendant's man servant, whose duty it was to let the dog out early in the morning and then chain it up again before the defendant and his maid servants came downstairs. On the occasion in question the man servant brought the dog into the kitchen where the plaintiff, a maid servant, was, and said: "I will bet the dog will not bite any one in the room." He then let the dog loose and said: "Go it Bob," and the dog flew at the plaintiff and bit her. It had previously bitten the plaintiff and other persons to the defendant's knowledge. The County Court judge who tried the action held that the act of the man servant was an assault, for which the defendant, his master, was not liable, and dismissed the action; but the Divisional Court (Channell and Sutton, JJ.) came to the conclusion that the act of the man servant was not intentionally malicious, in which case the master would not have been liable, but was a foolish and wanton act done in neglect of his duty to keep the dog safe, for which the defendant, his master, was responsible; but that this was a question of fact which ought to be left to a jury, and a new trial was therefore ordered.

SHIP—BILL OF LADING—CONSTRUCTION—"PORT INACCESSIBLE BY ICE"—EJUSDEM GENERIS—"ERROR IN JUDGMENT" OF MASTER.

In *Tillmann's v. Knutsford* (1908) 2 K.B. 385 the Court of