

the possessor of a hutch of rabbits or a cage of guinea-pigs. A little later he affects the company of a mastiff or a bull pup. Strange, too, are the animals of which pets are made. Tame tigers, lions, bears, foxes, elephants, are not unknown. Now, though an animal *feræ naturæ* may be gentle and affectionate enough towards its master, it is not necessarily well disposed towards the whole human race; and the savage nature of many animals, though it can under certain circumstances be kept under restraint, is wont occasionally to break forth, and then that animal "runs amuck" and leaves ruin and desolation in its track. The question then arises, is its master liable for damage done by his pet under all circumstances, or only in certain cases? Shortly, does a man keep a pet animal at his risk? The answer to the question would appear to depend on the particular kind of animal kept.

The law on the point was clearly enunciated by Lord Esher in the recent case of *Filburn v. People's Palace Co.* (38 W.R., 706). "Animals," he said, "may be divided into two classes. The first class consists of those animals as to which, if a person chooses to keep one of them, he does so at his peril, and it is not necessary or material to prove that he knew the particular animal he keeps to be dangerous. The other class consists of animals which are not, as a class, of a dangerous nature, though particular individuals of that class may become dangerous. If a person keeps an animal of this class he is not liable for injury done by it unless he knew that the particular animal was dangerous. How can one determine to which of these two classes any particular kind of animal belongs? Some animals are known by everybody not to be of a dangerous nature in any country. The law accordingly recognizes that such animals are not dangerous. There is another division of animals which the law recognizes as not being of a dangerous nature in England. For instance, there are horses, oxen, dogs, and others which I do not pretend to enumerate. These have come to be recognized by the law as not being of a dangerous nature in England in this way: Though originally wild, in the course of years the whole race has been so tamed in this country that their progeny in England is now known and recognized as not being of a dangerous nature. On account of that universal knowledge, the law in this country recognizes and assumes that these animals as a race are not dangerous in England. Unless an animal can be brought within one of these two divisions—namely, a race of animals that is not dangerous anywhere, or a race of animals which by cultivation, so to speak, in England is recognized as not being dangerous in England—it falls within the first class, and if kept by anyone it must be kept at his peril."

Such, then, is the legal classification of animals. Let us now examine the cases on the subject. First of all let us take the cases which fall within the first class: i.e., of animals so innately dangerous that he who keeps them, keeps them at his risk. There are not many reported decisions in point. It may be taken for granted without express decisions to that effect, that a man who indulges in the luxury of such pets as lions, tigers, wolves, *et id genus omne*, must do so at his risk. The reported cases only deal with bears, monkeys, and elephants.

As to bears: *Besozzi v. Harris* (1 F. & F. 93) was a case of a bear, which its owner kept chained up. The plaintiff was walking past, and was seized by the