

If the owner of a dog keeps him properly secured, but another person improperly lets him loose and urges him to mischief, the owner is not liable: *Fleming v. Orr*, 2 Macq. H.L. Cas. 14, and the owner of a horse which strayed on to a highway, and, without any apparent reason, there kicked a child, was held not to be liable in the absence of evidence that he knew the horse was likely to commit such an act: *Cox v. Burbidge*, 13 C.B. (N.S.), 430.

The harbourer, though he be not the owner, of a known vicious animal is liable for the injury it does: *Vaughan v. Wood*, 18 S.C.R. 703.

A recent ruling of Mr. Justice Darling at the Central Criminal Court as to the distinction between murder and manslaughter has raised some comment in the profession. A woman charged with the wilful murder of another woman by shooting her raised the defence that, having received great provocation from her husband and the woman, she intended to shoot him and herself, but by mistake shot the other woman. It was contended on her behalf, and the learned judge charged the jury to the same effect, that such facts, if proved, might amount only to manslaughter if the husband were killed, and might justify a verdict of manslaughter in the case in question. The tendency of the courts to narrow, rather than to enlarge, the cases which come within the category of "constructive" murder is well known, but the old rule still obtains that if a person, whilst doing or attempting to do another act, undesignedly kills another person, if the act amounted to felony, the killing is murder; if merely unlawful, manslaughter. Manslaughter is a felony, and it seems somewhat difficult to reconcile the above ruling with the old-established rule of law.—*Law Times*.