

appear as an advocate in the courts. The present Prime Minister, however, having served as Home Secretary in a Liberal administration, held many briefs as Mr. Asquith, Q.C., when his party went out of office. But one who was Colonial Secretary under Mr. Balfour did not follow this example. The late Rt. Hon. Alfred Lyttelton, K.C., M.P., never appeared in court after surrendering the seals of office. He did, however, frequently sit as arbitrator in heavy cases. If Sir John Simon does come back to the courts he will receive a cordial welcome from his professional brethren. Nor it is likely that the solicitors will be slow to avail themselves of his powers as an advocate.

#### ANIMALS ON HIGHWAYS.

Two cases illustrating the law of *scienter* in its relation to animals have recently been reported. One is English; the other Scotch. That the principle of *scienter* should be part of the general law of Great Britain need excite no wonder when one remembers that it is even recognized in Holy Writ! In the Book of Exodus, ch. xxi., it is written:—

“35. And if one man's ox hurt another's; that he die; then they shall sell the live ox, and divide the money of it; and the dead ox also shall they divide.

“36. Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own.”

Note that the penalty is increased if the owner of the ox had knowledge of the animal's wicked propensities.

So it is well recognized law that a dog shall have his first bite; but if he bite a second time his master is in peril. The principle seems to apply to cases where a dog is charged with offences, other than that of attacking and biting mankind.

In the Scotch case above-mentioned (*Milligan v. Henderson*, 1915, S.C. 1030), a lady, bicycling on a public road, was about to pass a waggonette, which was coming towards her, when a dog, belonging to the owner of the vehicle, ran out from behind