

given in such circumstances, upon a question which was merely one of value, is one which should be discouraged. Their lordships will therefore humbly advise Her Majesty to affirm the judgment of the Court of Queen's Bench, and to dismiss this appeal, and the appellants will pay the costs of it.

*Bosanquet, Q. C., and H. E. Gurner, for appellants.*

*J. Duhamel, Q.C., and Gore for respondents.*

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QUEEN'S BENCH DIVISION.

LONDON, May 23, 1894.

[MAGISTRATE'S CASE.]

HARPER, appellant, v. MARCKS, respondent (29 L. J., 342).

*Cruelty to animals*—'Domestic animals'—*Lion*—*Wild animal in confinement*—12 & 13 Vict., c. 92, ss. 2, 29—17 & 18 Vict., c. 60, s. 3.

Case stated by a metropolitan police magistrate.

An information had been laid against the respondent for alleged cruelty to certain lions. The lions were kept in a large cage at the Aquarium, into which a lady "skirt dancer" was introduced accompanied by the respondent, a lion-tamer, who was armed with a whip and a strong steel-headed pole. According to the appellant a violent use was made of the whip, but cruelty was not to be assumed against the respondent, as his witnesses were not called owing to the dismissal of the case by the magistrate, who held that these lions were not "domestic animals," to which section 2 of 12 & 13 Vict., c. 92, and section 3 of 17 & 18 Vict., c. 60, alone applied. The learned magistrate stated the case on this point alone, and cited the cases of *Bridge v. Parsons*, 32 Law J. Rep. M. C. 95; 3 B. & S. 382; and *Filburn v. The People's Palace Company*, 59 Law J. Rep. M. C. 471; L. R. 25 Q. B. Div. 258.

*Willes, Q.C., and Colam* appeared for the appellant. They relied on *Colam v. Pagett*, 53 Law J. Rep. M. C. 64; L. R. 12 Q. B. Div. 66; *Swan v. Sanders*, 50 Law J. Rep. M. C. 617; and *Aplin v. Poritt*, 62 Law J. Rep. M. C. 144.

*Poland, Q. C., and Bonsey*, for the magistrate, were not called upon.