

MOTORISTS AS CRIMINALS.

The legislation intended to safeguard the public in reference to the continued recklessness of automobilists is now generally accepted as entirely insufficient to remedy, or even to lessen the evils which were then complained of, and which still exist. An article in our last number dealt principally with the civil side of the question. The criminal aspect of the subject, as will be seen by extract from *Case and Comment*, which we append, is now receiving attention in the United States where the number of these modern juggernauts are very numerous. Something much more stringent in the way of a remedy must be found.

Motor cars, at least in the present initial stage of their use, bear a certain resemblance, so far as civil liability connected with them is concerned, to penned-back water or to the wild animals of a menagerie, or to the use of an electric current. The owner of such dangerous "wild beasts" owes a duty to the public to use extra care in the control and management thereof. Lord Hale says that where one keeps a beast, knowing that its nature or habits are such that the natural consequence of his being loosed is that he will harm men, "the owner must at his peril keep him up safe from doing hurt, for though he used his diligence to keep him up, if he escape and do harm the owner is liable to answer damages": *Fletcher v. Rylands*, L.R. 1 Ex. 281. And Bramwell, B., in *Nicolls v. Marsland*, L.R. 10 Ex. 260, says: "I am by no means sure that if a man keep a tiger and lightning broke his chain and he got loose and did mischief that the man who kept him would not be liable."

The great difficulty in the enforcement of the law as against these mundane meteors is the almost impossibility of identifying them.

The requirements of the statute that the numbers on these vehicles should be affixed in a conspicuous place and be plainly visible are not complied with. They are not visible even a few yards away; and, going at the speed they often do—generally twice as fast as the law allows—are quite undistinguishable, certainly so at night, when there is the greatest danger. The statute is evaded and ignored, and the police, when appealed to, say they are helpless. The necessity is to make identification so easy that