

the plaintiff went into the stable without leave or license to stroke them and got injured it was held the owner was not liable: *Malor v. Ball* (1900), 16 T.L.R. 239. In *Brock v. Copeland*, 1 Esp. 203, it was held by Lord Kenyon, that every man has a right to keep a dog for the protection of his premises and that a person coming on the premises after dark and being bitten by a dog so kept has no right of action.

In *Irving v. Walker* (1911), A.C. 10, a horse known to be savage was left untethered in a field through which it was known to the owner that the public were accustomed to pass, and it was held that the owner was liable for injury done thereby to the plaintiff passing through the field; and though the courts below thought that the fact that the plaintiff was a trespasser exonerated the defendant from liability: see *Marlor v. Ball* (1900), 16 T.L.R. 239, yet the House of Lords considered that the defendant, knowing of the habit of people passing through the field, though without license, was guilty of a wrongful act in exposing them to the attack of a known vicious animal; and see *Brock v. Copeland* (1794), 1 Es. p. 203, where it was also said if the person injured was on the premises under colour of right, though contested, he might maintain an action, but a mere trespasser who is bitten by a dog on the owner's premises has no right of action: *Sarch v. Blackburn, M. & M.* 505; 4 Car. & P. 297, and see *Brock v. Copeland, supra*.

While, therefore, a knowledge of the dangerous character of ordinary domestic animals is necessary (except in case of dogs injuring or killing sheep) in order to make the owner liable for the injury they may do; such knowledge is not necessary in the case of animals which are not domestic, but are usually wild—even though such an animal may have been tamed and rendered ordinarily inoffensive to mankind: *Besizzi v. Harris*, 1 F. & F. 92.

Where it is necessary to prove knowledge, the fact that the defendant had admitted that his animal had done the injury complained of and offered \$10 in compensation was held to be admissible evidence of knowledge to be submitted to a jury, but