

The Legal News.

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The report of a case—*McCormack v. Loisselle, & Caron*—almost unique, probably, in the looks, for which we are indebted to Mr. Noyes, Q.C., appears in the present issue. It was therein held that a person discharging judicial functions, even in the humble capacity of a commissioner of small causes, must have a knowledge of at least two of the "three R.s." A judge who cannot read, or write his name, it is decided, cannot render a valid judgment. Local administrations, therefore, which delight in creating petty justices by the hundred, will need to revise their rolls, and see that they do not invest absolutely unlettered persons with functions which may at times assume considerable importance. There is something almost pathetic in the efforts of this functionary to make his record regular—even by tracing from a signature written by another, something which should serve for his own. The commissioner may console himself with the reflection that in different circumstances he might have been a Mansfield or a Jessel. He may be one of those of whom the poet Gray was thinking when he wrote,

"But knowledge to their eyes her ample page
Rich with the spoils of time, did ne'er unroll;
Chill penury repress'd their noble rage,
And froze the genial current of the soul."

It is a little singular that just after the excitement produced by a too confiding gentleman accepting as genuine one fictitious letter, Englishmen should have been so desperately eager to put confidence in another infinitely more suspicious. Lord Sackville got into trouble by acting on the impulse of a kindly gentleman, and replying to a correspondent who seemed to him to be honest and sincere. The facts stated in the Mahdi's letter had no evidence worthy of the name to support them; the motive for deception was very apparent; yet the very gentlemen who were most severe upon the British Minister, were foremost in urging

Lord Salisbury to interfere with General Grenfell's plans, and obstruct what proved to be a brilliantly successful movement; and all on the ground that the statements of the letter should be assumed to be true.

The case of *Vital v. Tétrault*, M. L. R., 4 S. C. 204, is an interesting decision under the law of responsibility. It illustrates the difference between the English and the French law on the subject, and it also supplies what may be regarded as an extreme example of the far reaching rule contained in article 1055 of our Civil Code. A man is driving along the public road at a late hour in the evening, and he is also conducting two horses behind his vehicle. The led horses are held by a halter, the end of which passes to the seat of the plaintiff, who holds the rope round his hands. As the party pass a farm-house, two dogs, attracted perhaps by the peculiar sound made by three horses advancing in such a combination, dash out and bark furiously at the group. The led horses are excited by the attack, and the result is a sudden and a violent strain on the rope which holds them, and which becoming entangled around the man's thumbs, twists off part of each thumb, inflicting painful wounds and permanent mutilation. There was no evidence that the dogs were known to be vicious or dangerous; it is quite lawful for a farmer to keep dogs; and everybody knows that dogs are not restrained of their liberty by farm fences. The question was whether, in the circumstances, the injured person could recover from the owner of the dogs. It appears to have been conceded that in England the action could not be maintained. But the rule of art. 1055 of our Civil Code is extremely comprehensive: "The owner of an animal is responsible for the damage caused by it, whether it be under his own care, or under that of his servants, or have strayed or escaped from it." It is difficult to evade liability under a rule so sweeping in its terms as this, once the cause of the damage is proved. The defendant; therefore, has been condemned. It may be remarked, however, that it appears from *Rock v. Denis*, M. L. R., 4 S. C. 134, that if the noise, instead of resulting in injury to the plaintiff's thumbs, had frightened a woman