

THE LEGAL STATUS OF DOGS.

A Queer Reason for the Discrimination Against them Under Common Law.

Probably few persons who have not read a little law have ever thought that property in dogs is at all different from property in horses or other domestic animals. They go to large kennel shows and admire dogs which are worth several hundred dollars, thinking that they would be glad to own such noble animals. They see these dogs put through tricks that show wonderful powers of comprehension and memory, and they declare that the dog is the most intelligent of all beasts. It is a surprise when they learn that a dog—a trained, intelligent, affectionate dog—can be stolen and carried away, and at common law the owner will have no remedy. To take feloniously and carry away other animals is larceny; but there is no larceny of dogs at common law.

The reason of this—for there is a reason—strikes us in these days as rather absurd. It takes us back several centuries, to a time when society and law were on a different basis. When the early English law books were written, it was customary for the gentlemen of the realm to keep various wild birds and beasts in a half-tamed condition to use for hunting. Falcons and hawks were commonly so treated. In the same way dogs were kept for sport, and were in truth only half domesticated. It was on the ground that they were animal of an essentially wild nature—*ferae naturae*—and were not wholly reclaimed, that it was not a felony to steal them. On this reasoning the lawyers got themselves into the strange position of holding that "while it was not larceny to steal a dog, it was larceny to steal the skin of a dead dog, and to steal many animals of less account than dogs."

Yet it was not held so of birds kept for sporting. Lord Coke says in his "Institutes": "Of some things that be *ferae naturae*, being reclaimed, felony may be committed in respect of their noble and generous nature and courage serving ob *villae solatium* (for the diversion) of princes and of noble and generous persons, to make them fitter for great employments, as all kinds of falcons and other hawks if the party that steals them know they be reclaimed."

Thus the dog was distinguished from the falcon as being less noble and generous. It is here that the great injustice seems to have been perpetrated on dogs. Not noble indeed, and generous! I can imagine the indignation with which an old sportsman would say this, as he thought of the many hours he had spent with his dog and gun in rambling through the October woods. How a veteran gunner kindles at the suggestion, for those hours spent with a knowing pointer or sympathetic setter, after the quail and partridge, are among the really joyous occasions of his life. If the flight of the falcon can stimulate noble natures to greater fitness for high employments, surely the companionship of a loving dog eager to satisfy his master is a moral influence of no less value.

In some States Judges have come to think so, and to rule accordingly. In New York and New Hampshire decisions have been rendered that the old common law rule must be abrogated and a dog thief held for larceny.

In one of these decisions the warm-hearted judge defended our abused pets with a merited eulogy: "When we call to mind the small spaniel that saved the life of William of Orange and thus probably changed the current of modern history (2 *Motley's Dutch Republic*, 398), and the faithful S. Bernard, which, after a storm has swept over the crests and sides of the Alps, start out in search of lost travelers, the claim that the nature of a dog is essentially base, and that he should be left a prey to every vagabond who chooses to steal him, will not now receive ready assent. In nearly every household in the land can be found chattels kept for the mere whim and pleasure of the owner, a source of solace and serious labor, exercising a refining and elevating influence, and yet they are as much under the protection of the law as chattels purely useful and absolutely essential. This common law rule was extremely technical and can scarcely be said to have had a sound basis to rest on."

There is one other reason why, perhaps, dogs were not included with the other domesticated animals under the law of larceny. During the reign of William I, the grand larceny of chattels over twelve pence in value was made punishable by death. Lord Coke hints that it was not held larceny to steal dogs, because it was not fit that "a person should die for them." The learned judge quoted above adds to this ironicality: "and yet those ancient law givers thought it not unfit that a person should die for stealing a tame hawk or falcon." Since we are not ready to concede the superiority of hawks over dogs we will go the whole length of saying "let the dog thief die, if need be, to protect our dumb friend."

Rarely do we hear of a man who is

ready to die for his dog; yet this is not an unknown case. A bystander at a railroad station not far from Boston might have seen a courageous deed in defence of a dog not many months ago. A handsome Irish setter accompanied his master to the depot, where they were waiting for a train to the city. A train from town came first and left a number of passengers, among them a man with an ugly bull terrier. The bulldog had no sooner alighted on terra firma than he yielded to his besetting temptation and picked a quarrel with the gentlemanly setter. The latter must have had some genuine Irish blood in his veins, for he faced his opponent sturdily and gave tooth for tooth. All would have ended very harmlessly, had not the train for the city moved into the station just then, while the dogs were rolling over and over on the tracks. Before one could think they were down in front of the engine, closed on each other's necks. Then it was that the master's love for his favorite displayed itself. Forgetful of the train and his friends, he dashed upon the track, clasped his beloved dog in his arms, and staggered to one side, hardly knowing where to go in his excitement. It was a very narrow escape. Not a man on the platform expected to find him uninjured when the train came to a stop; but a happy instinct guided him in the direction of safety, and both men and dogs escaped unharmed.

When brute companions can endear themselves in such a way to their owners, it seems out of place to raise the question of property. The old reasoning has been revised; it is not from the baseness, but from the nobleness and fidelity of canine nature, that we are unable to value our dogs in dollars and cents. It is not necessary, however, that men should die in defending them; for in the absence of a common law remedy the stealing of dogs is now punished almost universally by statute.

Electricity Instead of Sand Club.
A novel and somewhat scientific plan for relieving ladies of their purses has been successfully carried out by a gang of thieves along Milwaukee avenue and adjoining streets for the past week or so. The scheme is to give the victim a violent electric shock, thus temporarily paralyzing her.

The most recent victim was Mrs. Jacobsen, a professional nurse. On Friday evening she was relieved of a purse containing \$12 and several bundles by the electric method. She was returning home on Centre avenue, near Milwaukee avenue. As she passed in the shadow of a building two men brushed against her. One of them touched her wrist with a piece of metal. She at once received a violent electric shock that caused her to let go her purse and several bundles and sent her reeling against the building. She was so dazed for the moment that she did not realize what had happened. As soon as she recovered from the effects of the shock she began to look around for her purse and bundles. They were not in sight. Then it dawned upon her that she had been robbed. The two men who had passed her were just turning on Milwaukee avenue. Quickening her steps she followed them, hoping to meet an officer that she might have them placed under arrest. At Chicago avenue she quit the pursuit and ran to the police station and told what had occurred. An officer was sent out with her, but the men could not be found. According to Mrs. Jacobsen's description the men were about 5 feet 6 or 8 inches tall.

A similar case was reported early in the week by Miss Czarkofski, a typewriter who lives on Noble street. Her week's wages were taken.
How the fellows produced the electricity is not known to the police. Some are of the opinion that they carry a small battery with them, while others take the view that they attached small wires to the electric light circuit. Mrs. Jacobsen said the shock was so violent that it stunned her for the time being.—[Chicago Inter Ocean.]

Why Dogs Abound in Constantinople.
There is a queer explanation given of the reason why the people of Constantinople tolerate so many dogs in the streets of that city. It is in effect that when a Mussulman commits a sin he prays and pays to have it forgiven. After this is done he takes a piece of bread and breaks it into bits, which he throws to the dogs. If the latter accept the food it is a sure sign that the sinner is forgiven. If they refuse to eat it, he is not forgiven. The more dogs that roam around, the more bread will be eaten and the more sin forgiven.

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Leave New York . . .	12.15 a m	4.30 p m
Leave Philadelphia . . .	7.20 a m	6.57 p m
Leave Baltimore . . .	9.45 a m	9.25 p m
Leave Washington . . .	11.24 a m	11.00 p m
Leave Charlottesville . . .	3.35 p m	2.55 a m
Leave Lynchburg . . .	5.40 p m	5.07 a m
Arrive Danville . . .	8.20 p m	7.45 a m
Leave Richmond . . .	3.00 p m	2.30 a m
Leave Burkeville . . .	5.05 p m	4.29 a m
Leave Keysville . . .	5.45 p m	5.08 a m
Leave Danville . . .	8.40 p m	8.05 a m
Arrive Greensboro . . .	10.27 p m	9.42 a m
Leave Richmond . . .	2.20 p m	5.00 p m
Arrive Raleigh . . .	4.40 p m	9.00 p m
Leave Raleigh . . .	4.45 p m	1.00 a m
Leave Durham . . .	5.48 p m	2.55 a m
Arrive Greensboro . . .	8.20 p m	7.30 a m
Leave Winston-Salem . . .	5.30 p m	6.15 a m
Leave Greensboro . . .	10.37 p m	9.50 a m
Arrive Salisbury . . .	12.26 a m	11.18 a m
Arrive Statesville . . .	2.01 a m	12.12 p m
Arrive Asheville . . .	7.31 a m	4.36 p m
Arrive Hot Springs . . .	9.28 a m	6.10 p m
Leave Salisbury . . .	12.32 a m	11.23 a m
Arrive Charlotte . . .	2.05 a m	12.40 p m
Arrive Spartanburg . . .	4.51 a m	3.38 p m
Arrive Greenville . . .	5.56 a m	4.46 p m
Arrive Atlanta . . .	11.00 a m	9.40 p m
Leave Charlotte . . .	2.20 a m	1.00 p m
Arrive Columbia . . .	6.30 a m	5.10 p m
Arrive Augusta . . .	10.30 a m	9.00 p m

NORTHBOUND.

DAILY.	No. 51.	No. 53.
Leave Augusta . . .	6.10 p m	8.50 a m
Leave Columbia . . .	10.35 p m	12.50 p m
Arrive Charlotte . . .	3.13 a m	5.15 p m
Leave Atlanta . . .	6.00 p m	7.10 a m
Arrive Greenville . . .	12.35 a m	1.48 p m
Arrive Spartanburg . . .	1.39 a m	2.52 p m
Arrive Charlotte . . .	4.25 a m	5.30 p m
Arrive Salisbury . . .	6.02 a m	7.05 p m
Leave Hot Springs . . .	7.50 p m	12.25 p m
Leave Asheville . . .	9.41 p m	1.54 p m
Leave Statesville . . .	3.15 a m	5.58 p m
Arrive Salisbury . . .	4.20 a m	6.43 p m
Leave Salisbury . . .	6.07 a m	7.12 p m
Arrive Greensboro . . .	7.45 a m	8.40 p m
Arrive Winston-Salem . . .	11.40 a m	12.30 a m
Leave Greensboro . . .	9.45 a m	11.00 p m
Arrive Durham . . .	12.01 p m	5.00 a m
Arrive Raleigh . . .	1.05 p m	7.45 a m
Leave Raleigh . . .	1.05 p m	9.00 a m
Arrive Goldsboro . . .	3.00 p m	12.50 p m
Leave Greensboro . . .	7.50 a m	8.50 p m
Arrive Danville . . .	9.32 a m	10.20 p m
Arrive Keysville . . .	12.20 p m	1.50 a m
Arrive Burkeville . . .	1.13 p m	2.40 a m
Arrive Richmond . . .	3.30 p m	5.15 a m
Arrive Lynchburg . . .	12.25 p m	12.55 a m
Arrive Charlottesville . . .	2.40 p m	3.20 a m
Arrive Washington . . .	7.10 p m	7.03 a m
Arrive Baltimore . . .	8.10 p m	8.20 a m
Arrive Philadelphia . . .	3.00 a m	10.17 a m
Arrive New York . . .	6.20 a m	1.20 p m

*Daily. †Daily, except Sunday.

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9.40 a m	Ar Richmond . . .	Lv 4.45 p m
11.00 a m	Lv Richmond . . .	Ar 4.40 p m
1.00 p m	Lv Burkeville . . .	Ar 2.45 p m
2.05 p m	Lv Keysville . . .	Ar 2.00 p m
2.25 p m	Lv Fort Mitchell . . .	Ar 12.58 p m
2.42 p m	Lv Finneywood . . .	Ar 12.47 p m
2.45 p m	Lv Chase City . . .	Ar 12.30 p m
3.06 p m	Lv Five Forks . . .	Ar 12.10 p m
3.20 p m	Lv Clarksville . . .	Ar 11.55 a m
3.35 p m	Lv Soudan . . .	Ar 11.40 a m
3.50 p m	Lv Bullock's . . .	Ar 11.24 a m
3.58 p m	Lv Stovall . . .	Ar 11.15 a m
4.22 p m	Lv Oxford . . .	Ar 10.40 a m
5.00 p m	Lv Oxford . . .	Ar 10.00 a m
5.15 p m	Ar Dabney . . .	Lv 9.25 a m
5.45 p m	Ar Henderson . . .	Lv 8.55 a m
4.22 p m	Ar Oxford . . .	Ar 10.40 a m
4.45 p m	Ar Stems . . .	Lv 10.16 a m
4.55 p m	Ar Lyons . . .	Lv 9.09 a m
5.17 p m	Ar Holloway . . .	Lv 9.43 a m
5.35 p m	Ar Durham . . .	Lv 9.25 a m
6.39 p m	Ar Carey . . .	Lv 8.33 a m
7.00 p m	Ar Raleigh . . .	Lv 8.15 a m

†Daily, except Sunday.

Additional trains leave Oxford daily except Sunday 11.00 A. M., arrive Henderson 12.05 P. M., returning leave Henderson 2.10 P. M., daily except Sunday, arrive Oxford 3.15 P. M.

No. 50 leaving Goldsboro 2.20 P. M. and Raleigh 4.45 P. M. daily, makes connection at Durham with No. 19, leaving at 6.00 P. M. daily, except Sunday for Oxford, Henderson and all points of O. and H., O. and C., and R. and M. Roads.

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