

ANIMALS BEFORE THE COURTS

PRIMITIVE man ascribed life and personality to inanimate things. If they injured him, he punished or destroyed them. Every child instinctively does the same; so does his father when he stubs his toe on the walk or when his mother “refuses” to run. In ancient Greece the lifeless instrument with which a citizen had been killed was brought to trial and, if found guilty, was cast beyond territorial borders. Later, in England, such an implement had to be surrendered to kinsmen of the slain person, in order that vengeance might be wreaked upon it.

From the most remote ages comes evidence that before there were regular courts of justice, animals were delivered to the injured person or his kin for punishment. Later they were brought into court—domestic animals into secular courts, wild animals into courts of the church. They were formally arraigned, represented by counsel, tried, acquitted or convicted—and if they were convicted they were punished. These proceedings were common all over Europe and even in America.

One of the most famous of these cases arose in Savigny in 1457, when a sow and six little pigs were brought to trial for having killed and eaten a child. The evidence was clear, but the counsel for the accused animals put up such a strong fight that only the sow was convicted. The little porkers were acquitted on account of their youth and because of the bad example set by their mother. The unhappy sow was hanged on the gallows in the market place before a large court of spectators, and was left there for days as a warning.

In 1494 another pig was convicted of having committed a murder on land belonging to the church. The monks were the prosecutors. The sentence: “We, in detestation and horror of the said crime, and to the end that an example may be made and justice maintained, have here adjudged, sentenced, pronounced, and appointed that the said porker, now detained as a prisoner and confined in the said abbey, shall be, by the master of high works, hanged and strangled.”

Other domestic animals were also apprehended as criminals. In 1314 a bull attacked and killed a man near Moisy, France. The beast was sentenced to be hanged on the common gallows and that judgment was affirmed by the parliament of Paris. Dijon condemned and executed a horse for homicide in 1389, and a mare was burned to death as late as 1694 by order of the highest court of the province.

One of the most famous cases is that of the rats of Autun, which during the early part of the sixteenth were charged with having willfully eaten and feloniously destroyed the barley crop of the province. The culprits were cited to appear on a certain day, but they defaulted. The court appointed, as their counsel, Bartholomew Chassanee, who was to become one of the most distinguished of French jurists.

This able advocate was as earnest and faithful in defending the rats as he would have been in the defense of his most notable human client. He made use of every conceivable pretext and technicality to avoid a trial, contending that since the rats were scattered over a great many villages, one summons was not enough. This point was sus-

tained and a second citation was issued by the court with directions that it be published from the pulpits of all the parishes.

After the time for giving this notice had elapsed, Chassanee came before the court again and excused the default of his clients on the ground that their journey was long and particularly dangerous because of the many cats in the district. He demanded, therefore, that those who had filed complaints against his clients be compelled to give bond for the good behavior of the cats. And, believe it or not, his motion was granted, a formal order entered. But since the complainants were not willing to guarantee the safety of the rats against their traditional enemies, the cats, that ended the prosecution.

The classic of animal cases, however, was begun in 1545 by the wine growers of the commune of St. Julien against a species of weevils that had ravaged their vineyards. The case lasted more than 40 years. When it was first heard, two prominent attorneys appeared for the insects and made vigorous defense. The judge, doubtless moved by a modicum of common sense, decided that he would not enter a decree against the insect defendants. Instead he recom-

mended public prayers and masses.

His program was carried out and the insects disappeared. But years later they came back, and this time they were actually brought to trial. Their original attorney had died, so two other lawyers were substituted. They presented their plea in June, 1587, The case was continued three or four times with due formality and argued extensively by both sides.

Finally the suffering grape growers, disgusted with the law's delays, called a public meeting at which it was proposed that a piece of ground outside the vineyards should be set aside for the exclusive use of the insects, where they might live happily and not interfere with the making of good wine. The proposition was speedily

adopted and an offer was made in writing to convey it to the insects, provided their lawyers were satisfied with the arrangement.

But, as might be expected, that did not end the litigation. The lawyers, probably having some doubt as to their influence over their clients, contended that the land offered was sterile. They rejected the proposal. Lengthy arguments ensued. What the final outcome was no man knows, for the last page of the record is missing. Perhaps the defendant weevils, dissatisfied with the action of the court, sent a secret delegation to destroy the missing page, nullifying the judgment for all eternity. —*Harry Hibschan, condensed from Fact Digest.*

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WAR AND HELL

The spirits of General Sherman and Napoleon were having a little talk about the changing world.

"Nappy, I'm in bad," remarked Sherman, sadly.

"How so?" asked Bonaparte.

"It's this way," responded Sherman. "The League of Nations is declaring war abolished and the theologians are declaring hell abolished. This doesn't give me a leg to stand on."