



# TO THE BAG

## NO BITING

To the *Bag*:

I enjoyed the Arthur Train fictional piece that appeared in your most recent publication, which I recall reading in an anthology concerning the law in literature.

The article began with a quotation to an unreported case from the Supreme Court, Appellate Division that a dog is entitled to one bite. I have done some research on the matter for a humorous article I wrote for the *Westchester Bar Journal* ("Must Dogs Wear Seat Belts?").

In *Kennet v. Sossnitz*, 260 App. Div. 759 (1st Dep't 1940), *aff'd* 286 N.Y. 623 (1941), the Appellate Division, First Department, cast doubt on the existence of the doctrine, writing "Although the doctrine that every dog is entitled to 'one free bite,' if it ever prevailed in this State, is no longer followed (*Muller v. McKesson*, 73 N.Y. 195; *Quilty v. Battie*, 135 id. 201), the owner 'is not responsible for such injury unless the vicious propensities of the animal are known to him or by the exercise of reasonable care the same could have been ascertained.'"

The rule may be traced back to the 21st chapter of Exodus Verse 28, a precedent even older than the common law.

Very truly yours,  
James M. Rose  
Scarsdale, NY

