The Court Archive:
Seneca Dog Bite Case

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While defending a client in an assault and battery case by claiming self-defense, Abraham Lincoln told the jury about a farmer's unruly dog who unexpectedly attacked a man who happened to be holding a pitchfork. When the dog lunged at the man, he defended himself with the pitchfork and killed the dog. When he heard the commotion, the farmer rushed to the scene and demanded to know, "What made you kill my dog?"

"What made him try to bite me?" came the reply.

"But why didn't you go at him with the other end of the pitchfork?" the farmer asked.

"Why didn't he come after me with his other end?" replied the man.

While the dog in Lincoln's story met an unfortunate end, another dog-bites-man story occurred inside an Illinois saloon in 1905, initiating a lawsuit that eventually made its way to the Illinois Supreme Court.

George Hollenbeck and his 70-pound bulldog traveled from their home in Dwight, Illinois to nearby Seneca. Once in town, Hollenbeck tied his dog to a bench at the local butcher shop, where he remained for several days as customers came and went. Grocery deliveryman John McGettrick took pity on the neglected dog, untethered him, and let him ride in his wagon as he made his rounds. At the end of the day, the bulldog accompanied McGettrick into a local saloon, where a man named John Domm was shooting pool. Though Domm later testified he had done nothing in the saloon to provoke the animal, the bulldog bit Domm's finger, left arm, and leg.

Domm sued Hollenbeck in the La Salle County Circuit Court for damages. The jury awarded Domm $750. Hollenbeck appealed the decision to the appellate court, which affirmed the judgment. Hollenbeck then appealed to the Illinois Supreme Court in *Domm v. Hollenbeck*, 259 Ill. 382 (1913).

Illinois Supreme Court Justice James Cartwright authored the opinion reversing and remanding the case. At the time, Illinois owners of domestic animals were responsible for injuries caused by the animal only if the plaintiff proved that the animal had an uncommon likeliness to commit an injury. Cartwright added that the "natural presumption from the habits of dogs is that they are tame, docile, and harmless," unless an owner had knowledge of previous vicious acts. In this case, Domm presented witnesses who testified as to previous mean behavior of the dog, but the circuit court excluded the testimony of Hollenbeck's witnesses who noted the gentle and playful nature of the dog. Cartwright noted the circuit court should have allowed Hollenbeck's witnesses to testify to rebut Domm's witnesses.

Court cases involving animals often gather attention in the media. In such cases, the defendant is the owner of the animal who caused bodily harm. In previous times, proving a motive or intent to harm was not a simple task since the case required a plaintiff to prove the vicious tendencies of an animal's behavior. This was difficult in situations where the observations of witnesses differ. Animal owners needed to be aware of their pets' tendencies, but as in this case, the defendant was not present at the time of the attack and had no reason to believe the dog would be aggressive. Today, Illinois has a strict liability statute with regard to dog bites. A dog owner can be held liable for injuries even if the dog had never acted aggressively or bitten someone before.