

**Vassau v. Thompson**  
46 Wis. 345 (1879)

*This case is the only one in this group that is neither famous nor particularly important to the development of Wisconsin law. It is included here as an example of the type of cases the courts often handled in the 19<sup>th</sup> century. It centered on the question of whether an individual could be held responsible for the damages caused when his dog bit a cow. In a 3-2 ruling, the Wisconsin Supreme Court affirmed a Polk County Circuit Court decision. Justice Orsamus Cole wrote the majority opinion and Chief Justice Edward G. Ryan wrote the dissent.*

The case focuses on the actions of the defendant's dog, which chased the plaintiff's cow and bit its tail – causing its death. The jury found the defendant's dog guilty of killing the cow and ordered the defendant to pay \$45, the value of the cow.

The defendant appealed, claiming there was no evidence that he had any prior knowledge of his dog's "mischievous disposition" and therefore he was not responsible for the animal's actions. He also argued the lawsuit should be dismissed because there was no *cause of action*, meaning that the plaintiff had no legal right to sue.

The plaintiff's attorney argued that the cause of action was the defendant's alleged order to his dog to chase the cow. The jury found that the evidence supported this claim.

The Supreme Court said that the complaint against the defendant was "defective," but still upheld the jury's verdict since it was based on sufficient evidence.

In a colorful dissent, Chief Justice Ryan stated there was no evidence to suggest the dog was acting on his master's command. He wrote: "The subject of the complaint is a dog and a cow, hereditary enemies since the days of the House that Jack built. But in this case, it was the dog that killed the cow....this dog presumably acquired a personal taste for oxtail." Ryan stated that it would be "a violent and irrational presumption" that an animal who had been trained to do something (in this case, bite cows' tails) would never "indulge in the vice for his own gratification, without orders."