

## The Town Hall's Place in Legal History

The Milborne Port Town Hall was the scene in 1770 of an incident that gave rise to a legal case that is known by every law student and that is still cited by courts in England and other countries whose legal systems derive from the English system.

It all started in the evening on the 28th of October 1770, the fair day. Merchants had their stalls in the market house, now the Town Hall, which at that time was closed at one end but open at the other end and at the sides. A large crowd was present.

One Mr Shepherd took it upon himself to throw into the market house a lighted squib – a kind of firecracker. It landed on the stall of Mr Yates, who was selling gingerbread, cakes, pies, and other pastry wares. A Mr Willis, perceiving the danger, picked it up and threw it, and it landed on the stand of Mr Ryal, selling similar wares. Mr Ryal, in turn, fearful of what he saw as an impending explosion, picked it up and threw it further. It struck young Russell Scott in the face and exploded, blinding him in one eye.

Scott sued Shepherd. The case was heard at the Summer Assizes for Somerset, at Bridgwater, and the court awarded Scott damages of £100. Shepherd appealed, arguing that he hadn't directly caused the harm.

The appeal was heard before the Court of Common Pleas in London. That court upheld the judgment of the lower court. So Shepherd, who started the chain of events, was held responsible.

The case is still cited by courts in analyses of who is responsible when an action results in some harm but there are intervening events between the action and the harm.

(Scott v. Shepherd, 96 Eng. Rep. 525 (Kings Bench 1773), 2 Wm. Bl. 892)

*John P Fanning*