In another French case, (Court of Nimes, 13 March 1855, D. 1855, 2, 161), it was held, that the liability of fathers and mothers for the damages caused by their minor children living with them, extends to accidents occasioned by them to other children of their age (eight years) in the course of play. In this case one boy was running after the other, and a stone thrown by the former hit the latter in the right eye, thereby damaging it : Damages 500 fr.

In a like case the same decision would result in a common law court. Thus : where a school-boy about twelve years of age discharged an arrow from a bow with which he and his fellows were playing, towards the plaintiff, a school-mate and thereby put out one of his eyes, it was held that the boy was liable to pay damages. Supreme Court of N. York, 1829. (Bullock v. Babcock, 3 Wend., 391).

Dalloz, commenting upon the above French cases, says (*Trans.*) : "The principle (that parents are responsible for the acts of their children) is not so absolute but that its appreciation can be modified by the rules of equity. Thus we conceive, that the duty of superintendence imposed upon the parents, only obliges them within the ordinary limits of human prudence, and does not extend to events which cannot be guarded against." We will now consider cases where children are allowed to stray upon the street and there receive injuries by passing vehicles, etc., and will commence with the recent case of Dufresne v. The City Passenger Ry. Co. This case first came before the Superior Court at Montreal (M. L. R., 7 S. C. 10-16). A child two years of age accidentally escaped from the surveillance of its mother, and straying on to the street, got in the way of an approaching street-car, and was thereby killed. The court thought there was proof of negligence on the part of defendants, in that the eyesight of the driver was defective. That the father of the child (a postman) being away at his work, could not watch over it. That blame could not be attached to its mother ; for the fact of the door being open for a moment and the child slipping out, was purely a "cas fortuit" ; that even if there was imprudence on the part of the child's parents, this would not clear the defendants of their negligence. Therefore judgment for the plaintiff.

On appeal to the Court of Queen's Bench (M. L. R., 7 Q. B. 214), this judgment was reversed. The Court thought there was no proof of appellant's negligence, that the eyesight of the driver was sufficiently good for the safe carrying on of his employment. The fault was on the side of respondent who allowed the child to stray upon the street. It was proved that the child had strayed one or twice before, and might, had it not been noticed by persons in the shop below, have wandered on to St. Catherine street, and been run over as it eventually was at a later date. Counsel for appellant submitted that the parents should have profited by the warning they had already received.

In a leading case of New-York State (Hartfield v. Roper 21 Wend. 615) it was held :—That where a child of such tender age (two years) as not to possess sufficient discretion to avoid danger, is permitted by his parents to be in a public highway without anyone to guard him, and is there run over by a traveller and injured, neither trespass nor case lies against the traveller, unless the injury was voluntary, or arose from "gross" negligence on his part.

In an action for such an injury, if there was negligence on the part of