

SECOND DIVISIONAL COURT.

SEPTEMBER 29TH, 1919.

## \*STEVENSON v. TORONTO BOARD OF EDUCATION.

*Schools—Garment of Pupil Taken from Cloak-room—Liability of Board of Education for Loss—Negligence*

An appeal by the defendants from the judgment of the First Division Court of the County of York in favour of the plaintiff, the father of a pupil at one of the schools under the defendants' jurisdiction, in an action to recover damages for the loss of a coat which was taken from the cloak-room in the school building.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LATCHFORD, and MIDDLETON, JJ.

E. P. Brown, for the appellants.

G. T. Walsh, for the plaintiff, respondent.

MEREDITH, C.J.C.P., giving the judgment of the Court at the close of the hearing, said that Boards of Education are not insurers of school-children's clothing: they are responsible for its loss or injury only when the loss or injury is caused by their negligence; that is, their want of reasonable care, the care which is ordinarily taken in similar circumstances.

There was no want of reasonable care proved in this case.

The board provided two rooms, the one for girls and the other for boys, conveniently situated, where they respectively might leave their over-clothing during school hours.

The plaintiff's daughter hung her overcoat in the girls' room, on going in to school: it was gone when she sought it on going out.

There was no evidence of any kind shewing how or when or by whom the coat was taken from the cloak-room. That it was taken by a thief, not connected with the school in any way, seemed improbable.

The cloak-room in which it was put by the girl was well within the school building. An outer door, and in one way a vestibule and an inner door, had to be passed through, then a hall, and then another hall had to be entered, and the cloak-room door passed through; and doors opening from class-rooms in one of the halls had also to be passed, before the cloak-room could be entered from without.

No one had suggested any better feasible means of accommodation for the pupils in this respect.

The case would be different if experience had proved the cloak-room in question an unsafe place.

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