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HARBOURING DANGEROUS ANIMALS.

A case of *Connor v. Princess Theatre*, (ante p. 118) came before the Divisional Court on an appeal from the County Court of Wentworth in which the plaintiff sought to recover damages for being bitten by a performing monkey in the following circumstances. The defendants, the proprietors of a theatre engaged a person to give an exhibition with a performing monkey at the defendants' theatre. Adjoining the theatre was a restaurant having a backyard into which there was access from the theatre; but the yard belonged to the owner of the restaurant, and the defendants were merely permitted to have access thereto, and occasionally placed property thereon belonging to them. The owner of the monkey, without any license or authority from the defendants fettered the monkey to the leg of a table in this yard and the plaintiff who was living at the restaurant, going into the yard, as he had a right to do, was bitten by the monkey. The action was dismissed by the County Court judge and the Divisional Court (The Chancellor, Latchford, and Middleton, JJ.), affirmed the decision, on the ground that the monkey was not in any way harboured by the defendants, nor on their premises, nor under their control, except during the time of the performances in the theatre. Of the correctness of this conclusion there can, we think, be no reasonable doubt.

If the action had been against the owner of the restaurant it would probably have succeeded: see *Shaw v. McCreary*, 19 Ont. 39, because a person who permits a wild animal (*feræ nature*) to be harboured on his premises, does so at the risk of being liable for any damage it may do. But this rule, as the