

Province of Ontario.

HIGH COURT OF JUSTICE.

Boyd, C., Latchford, and Middleton, JJ.] [Dec. 21, 1912.

CONNOR v. PRINCESS THEATRE.

Savage animal—Kept in yard adjoining theatre where performance given—Yard no part of theatre premises—Liability of proprietors of theatre.

The general rule of law is, that if a person, whether owner or not, harbours a dangerous animal, or allows it to be on and resort to his premises and such animal causes damage to another, the person harbouring the animal is liable to an action for the damages. See *McKone v. Wood* (1831), 5 C. & P. 1; *May v. Burdett*, (1846), 9 Q.B. 101 approved of in *Baker v. Snell* (1908), 2 K.B. at p. 355.

In this case it was sought to attach liability to managers of the theatre, where the owner of the monkey was engaged. The premises adjoining the theatre on which the monkey was when it bit the plaintiff's child was not the premises of the defendant, nor under their control. Neither the defendants nor the performers had a right to use the yard, therefore, the monkey could not be said to be harboured by the defendants, and no liability attached to them.

A. M. Lewis, for the plaintiff. H. McKenna, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Graham, E.J.]

[November 5, 1912.

MCGREGOR v. THE ST. CROIX LUMBER Co.

Company—Disposal of whole of undertaking—Agreement for, held ultra vires in absence of special resolution—Companies Act, R.S.N.S. 1900, c. 128, amended by N.S. Acts, 1912, c. 47—Giving by legislature of express power prohibits deviation.

Under the Nova Scotia Companies Act, R.S.N.S. c. 128, as amended by N.S. Acts of 1912, c. 47, a company, whether incor-