

the father of a boy of 15, who was employed by the defendant, and who was killed by a bull owned by the defendant, to recover damages for the death, the plaintiff alleging that the bull was vicious and the defendant negligent.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

G. F. Henderson, K.C., for the appellant.

C. A. Seguin, for the plaintiff, respondent.

MEREDITH, C.J.C.P., read a judgment in which he said that, as the case was presented, the sole question was, whether there was any evidence, proper to be submitted to a jury, that the bull was vicious, and that his owner knew it. There was direct and positive testimony of an angry and dangerous disposition: it was given by a young man named Garrett, a farm labourer, who lived in the defendant's neighbourhood for a couple of months both before and after the animal's dangerous disposition was proved in its killing of the boy. This witness said: "It seemed to be a cross bull. He used to come to the fence every time I used to be coming home or going. He used to be making signs of trying to get out at me—pawing the ground. The bull was right close to the road, in a little field. Sometimes he would try to get out at me—try to get his head through the wires."

That, the learned Chief Justice said, was evidence upon which, if believed, reasonable men could find against the defendant on the question of the mischievous disposition of the animal; whether it ought to have been believed was a question for the jury. And, if the bull's disposition was as stated by Garrett, the defendant must have known it. If Garrett's testimony ought to be believed, and the defendant's ought not, the verdict was a just one.

The appeal should be dismissed; but from the plaintiff's costs of the appeal should be deducted the costs of the defendant in it over and above what his costs would have been if the action had been brought, as it should have been, in a County Court.

LENNOX, J., concurred.

RIDDELL, J., was of opinion that the appeal should be allowed and the action dismissed. The learned Judge read a judgment in which he stated the law of England and Ontario to be that it is not in the ordinary nature of bulls to injure human beings, and that their owner is not liable for damages done by them by