

## HIGH COURT OF JUSTICE.

Divisional Court—Chan. Div.]

[June 15.]

THIBODEAU v. CHEFF.

*Negligence—Parent and child—Fire caused by act of imbecile son—Parents' liability.*

Appeal by defendant from judgment of BRITTON, J., in an action for damages for injuries caused by the act of the defendant's son, who set fire to plaintiff's property. The boy was half-witted and in the habit of doing foolishly mischievous acts. The father did not see the act which caused fire nor consent to it or share any benefit therefrom, but rather shared in the loss. The rule of the common law was stated to be that a parent is not, because of his family relationship, legally responsible to answer for damages of the torts of his infant child, unless, amongst other things, he acquiesced in the act; so that in this case the question to be determined was as to the father's acquiescence.

*Held*, that the father's assent may be expressed or implied, and, if he carelessly and negligently countenanced his child in having used dangerous material which might be expected to do harm he was liable without direct approval of the particular act of tort; but, as in this case the father knew that the child was in the habit of doing tortious acts and was irresponsible and had access to matches and was allowed to handle and play with them, and the father failed to take steps to avert the disaster by removing the matches or by restraining the child, he was liable.

*M. Wilson*, K.C., for defendant. *O. L. Lewis*, K.C., for plaintiff.

Divisional Court—K.B. Div.]

[July 19.]

BONDY v. SANDWICH, WINDSOR, AND AMHERSTBURG RY. CO.

*Street railway—Operation of on township highway—Township by-law forbidding running of animals at large—Animal killed by car—Negligence.*

Verdict of jury of County Court of Essex for \$200 damages for the killing of a horse on the highway. Appeal by the defendants. The plaintiff alleged that his horse was lawfully upon the highway and that the defendants' servants were negligent