recognized by the English courts: "Further the mere fact of an injured person being of unsound mind, or drunk, or blind or deaf does not of itself deprive the right to recover in the event of injury.

"While deafness or blindness or any similar infirmity does not put the sufferer under civil disability,. neither does it confer greater rights unless the existence of it is known to the injuring person. If, however, he comes to knowledge that the person in front of him is deaf, blind or lame, he must regulated his conduct accordingly. Knowledge engenders a greater duty. ' See *Beven, Law of Negligence, 3rd, Ed. .Vol.* 1, *p.* 161.

"Applying this to the case under consideration, certainly Racine was suffering from an infirmity, temporary though it may have been. The constables had full knowledge of its existence. He was taken in charge just because of his temporary infirmity, and, as already stated, knowing his infirm, helpless condition, they placed him in a place of extreme danger, and they failed properly to protect him. I find negligence proven.

"As to the responsibility of the city the learned trial judge found that if negligence was proven the city could not escape responsibility. In this I agree with the judgment. In fact, the learned counsel for the city practically abandoned that defence at the hearing. The constables at the time of the act were clearly acting within the scope of their authority as employees of the city were acting in virtue of a by-law passed by the city and the city is responsible fortheir negligent act of omission or commission.

"As to the damages, this young man was not the sole support of his mother in fact, she admits that her present husband is quite able to support her. Nevertheless, in my