own the animal. If a person harbours a dangerous animal, or allows it to be at, and resort to his premises, that is sufficient: McKone v. Wood (1831), 5 C. & P. 1. In May v. Burdett (1846), 9 Q.B. 101, an action brought by the husband of a woman who had been bitten by a monkey, Lord Denman declares that the liability is put upon the true ground by Lord Hale in 1 Pleas of the Crown, 350: "Though the owner have no particular notice of the quality of his beast, that he did any such thing before, yet if it be a beast feræ naturæ, as a lion, a bear, a wolf, yea an ape or a monkey, if he get loose and do harm to any person, the owner is liable to an action for the damage, and so I knew it adjudged in Andrew Baker's case, whose child was bit by a monkey that broke its chain and got loose."

May v. Burdett was approved recently in the remarkable case of Baker v. Snell, [1908] 2 K.B. at p. 355, which was sustained on appeal: ib. 825.

Here, however, it is sought to attach liability, not to the owner or keeper of the mischievous animal, but to the managers of the theatre where the owner was engaged for a few days. The premises on which the monkey was when it bit the plaintiff's child were not the premises of the defendants, nor under their control. The utmost length to which the evidence on the point goes is that the defendants knew certain performers used the yard occasionally to store their paraphernalia, and also knew that the owner of the monkey had tied the animal on the day prior to the accident to a table in the yard. No right so to use the yard was in the defendants or the performers. The animal was upon the premises of the restaurant keeper. It was not kept or harboured by the defendants, and no liability attached to them.

The appeal fails and must be dismissed. It is not, I think, a case for costs.

BOYD, C., came to the same conclusion, giving reasons in writing.

MIDDLETON, J., agreed with the judgment of BOYD, C.