

has under his care. It is not necessary now to define the meaning of "controls" or "under his care". There is obviously much to be said in a proper case about both. The article proceeds to speak specifically of the liability of parents for the acts of infant children, of guardians for those of wards, of curators for those of lunatics, and of teachers and artisans for those of scholars and apprentices. Then follows provision for what has been called "Exculpation," a term, which, however, begs the question that *culpa* is implied in the "*responsabilité ci-dessus*." To this succeeds a rule as to the responsibility of masters and employers for their servants and workmen. Subsequent passages deal with responsibility for damage done by animals, or by buildings originally ill-constructed or afterwards allowed to get out of repair.

The language of the exculpatory clause is as follows:—

"The responsibility attaches in the above cases only when the person subject to it fails to establish that he was unable to prevent the act which has caused the damage."

From this it is argued that the exculpatory clause does not refer at any rate to that part of the first paragraph which contains the words "and by things which he has under his care," firstly because "the act which has caused the damage" cannot be applicable to a case of "damage caused by things which he has under his care," for the act of a thing would be a meaningless expression; and secondly, because "the above cases" means only the "cases" properly so called of parent and child and so forth, which figure as particular cases, and even though taken together are far from exhausting the first paragraph. In the French text, however, the exculpatory clause is as follows:—