

boys continued along the high road, and had gone about twenty-five yards when he heard Daniel Creed, who had come back to the high road, cry "Hi lads!" The plaintiff looked round, and saw a gun in Daniel Creed's hands pointed towards him. The gun went off; the plaintiff was hit in the eye and lost the sight of it. The son was called as a witness for the plaintiff, and said: "I saw the gun. It was up against the ditch near the gap. I saw it the moment I went through the gap. I was playing with the gun. I did not know it was loaded." No evidence having been called for the defendant, the jury were asked to assess the damages in case the defendant was liable, and these were fixed at £50, but a verdict was entered for the defendant. Kenny, J., who presided at the trial, being of opinion that the defendant was not legally responsible for the act of his son. Upon a motion to enter the verdict for the plaintiff, it was contended that there was sufficient evidence to warrant a verdict in his favour, for it was the duty of the defendant to use reasonable care to prevent any mischief of which there might be a reasonable apprehension. The defendant, on the other hand, contended that the negligence in firing the gun, which was the proximate cause of the injury to the plaintiff, was the act of a third person, and it was a mere accident that this person was the defendant's son. The King's Bench Division (Palles, C.B.; Gibson, J., and Boyd, J., dissenting) ordered that the verdict should be entered for the plaintiff, and their decision was supported by the Court of Appeal. While thinking that the case was on the border line, the learned judges were clearly of opinion that the jury might reasonably come to the conclusion that the defendant, as a reasonable man, ought reasonably to have anticipated the consequences which ensued. The case may be added to many others in the English courts which relate to reckless dealing with firearms, and though each case must more or less depend upon its particular circumstances, we think the decision may be profitably consulted by those who have to consider the liability of persons in possession of dangerous instruments.—*Solicitor's Journal*.