

TORT: ANIMALS.

In *Pearson v. Coleman Brothers*¹ plaintiff was a little girl of seven years at a circus. Being anxious to visit a lavatory and unable to find one, she crawled under some canvas and unwittingly entered, not exactly the lions' den, but the enclosure in which their cages were situated. She was mauled by a lion as she passed under the lorry on which there was a cage. There was a definite entrance to this "zoo" and those entering by this route would see a notice—"Lions: Danger." In general, one entering by other than the authorised route would be a trespasser, but the Court of Appeal held that the plaintiff was at the circus as an invitee and had not lost that status by her actions. It was perfectly natural for the little girl to act as she did and the prohibited area was not so clearly marked off as to let her appreciate that she was going beyond the area of her invitation and so becoming a trespasser. Had the plaintiff been an adult, the opposite view probably would have been taken. To the child, creeping under the canvas would provide a natural retreat. "Adults are not expected to crawl," was the learned *dictum* of Lord Greene M.R.²

1. [1948] 2 All E.R. 274.
2. at p 280.

TORT: HUSBAND AND WIFE.

*Gottliffe v. Edelston*¹ is a case that students never forget. If you injure a young lady by negligent driving and marry her before she can see her solicitor, then she cannot sue for general damages, as a general right of action in tort is not separate property within the meaning of the *Married Women's Property Acts*. The Court of Appeal in *Curtis v. Wilcox*² has now overruled this decision. There was no real dispute as to the meaning of a "thing in action" at common law—McCardie J. in the earlier discussion admitted that a chose in action includes a right of action in tort, but he thought that in the statute it was intended to have a more limited meaning. The Court of Appeal could find no ground for this view, and hence allowed the lady to recover. It is a rule of public policy that actions between husband and wife should be discouraged: but as in fact the insurance company is usually the real defendant, there is no reason why public policy should protect a company from meeting the risk to cover which premiums are paid. However, if the accident happens during marriage, the wife cannot recover.

G.W.P.

1. [1930] 2 K.B. 378.
2. [1948] 2 All E.R. 573.