

another would entitle the state believing itself injured thereby to exercise its police and military power, in the interests of its own peace, safety, and welfare, to repel such an invasion." Such action on the part of one state would obviously result in chaos, each state seeking to cast its convicts into the other states, causing the others to retaliate. The decision in the principal case is therefore consonant with sound reason.

F. E. F., '31.

PARENT AND CHILD—LIABILITY OF PARENTS FOR CHILDREN'S TORTS.—Plaintiff brought action to recover damages for injuries sustained by her minor child who had been struck and beaten by defendant's sixteen-year-old child. The complaint alleged, and it was admitted by demurrer, that defendants had knowledge of their son's vicious disposition and a habit of persuading smaller boys into secluded places and beating them, and that defendants failed to make efforts to restrain him. *Held*, judgment on demurrer was properly rendered for the plaintiff. *Ryley v. Lafferty* (D. C. N. D. Idaho 1930) 45 F. (2d) 641.

The established common-law rule is that parents are not liable for the torts of their minor children committed without their knowledge or consent. *Tift v. Tift* (1847) 4 Denio (N. Y.) 175; *Bahe v. Haldman* (1857) 24 Mo. 219; *Paul v. Hummel* (1868) 43 Mo. 119; *Wilson v. Garrard* (1871) 59 Ill. 51; *Ritter v. Thilodeaux* (Tex. Civ. App. 1897) 41 S. W. 492.

But a parent may be liable for an injury caused by the child if the parent contributed directly to the child's negligence. *Hoverson v. Noker* (1884) 60 Wis. 511, 19 N. W. 382; *Stewart v. Swartz* (1914) 57 Ind. App. 249, 106 N. E. 719; *Meers v. McDowell* (1901) 110 Ky. 926, 62 S. W. 1013. A petition alleging that parents furnished a velocipede to a child who was irresponsible and unqualified to use the velocipede on account of his tender years and that they knowingly permitted him to ride in a negligent manner, stated a cause of action against the parents. *Davis v. Gavalas* (1927) 37 Ga. App. 242, 139 S. E. 577. *Contra: Hagerty v. Powers* (1885) 66 Cal. 368, 5 Pac. 622; *Figone v. Guisti* (1919) 43 Cal. App. 606, 185 Pac. 694. Thus most courts are unwilling to hold that a parent is guilty of a breach of duty in a case of this sort unless he knew of the particular situation creating a likelihood of injury and failed to remedy it. *Baker v. Haldeman* (1857) 24 Mo. 219; *Paul v. Hummel* (1868) 43 Mo. 119.

In *Hauert v. Speier* (1926) 214 Ky. 46, 281 S. W. 998, in which it was sought to hold the parents for an assault committed by their minor son on the ground that they had knowledge of previous assaults upon other children, the defendants were held not liable. The court declared that if the boy was "an intelligent responsible human being possessed of sufficient discretion to appreciate the probable results of his own acts," the assault was his and not that of his parents.

But other courts have given effect to the view which was applied in the principal case. *Gudziewski v. Stemplesky* (1928) 263 Mass. 103, 160 N. E. 334; *Norton v. Payne* (1929) 154 Wash. 241, 281 Pac. 991.

H. H. G., '33.