

that the informant is entitled to the benefit of any doubt, at this stage of the case, in respect of the issue of the warrant, leaving to us at the trial to remove by argument and scientific evidence and further authority, any hesitation your Honor may entertain about including these lizards as "domestic animals."

On Feb. 17 Mr. Dugas, police magistrate, gave his decision as follows :—

Application has been made before me to issue a warrant against one Frederick Graetz, for having wantonly, cruelly and unnecessarily ill-treated, abused and tortured certain domestic animals, that is to say, six lizards, otherwise known as American chameleons, by exposing the said lizards for sale as pet ornaments and toys, with rings fastened round their necks, to which chains and pins were attached; by depriving the said lizards of their natural and proper food; by exposing them to cold; by confining them in paper boxes, and depriving them of their natural warmth and sunshine, to which they are accustomed.

The law punishes ill-treatment of cattle, poultry, dogs, "domestic animals," or birds. Here, it is alleged that the cruelty was exercised towards domestic animals, to wit, the six lizards in question, and therefore I have to decide whether such reptiles fall under the general denomination of domestic animals. A very able factum has been produced by Mr. McGibbon, in order to convince me that the fact of these animals being bought, or having been bought and sold as pet ornaments and toys, makes of them the animals which the law has in view under the words "domestic animals."

I must declare immediately that I cannot come to such a conclusion. Whatever sympathy personally I may have for animals generally, whether wild, tame or domesticated, and while I heartily approve of whatever is done to prevent any unnecessary cruelty towards them, I cannot see that I can make of a lizard, a chameleon or any other reptile, such for example, as frogs, toads or snakes, an animal which may be considered a domestic animal in the true sense of the word.

The craze which temporarily may exist for having possession of such a beast, whether actuated by curiosity, by the novelty of the thing, or by the desire to make a study of an animal really interesting in its nature and its habits, do not, for the time being at all events, make it fall within the category of those animals which have been domesticated in this country. I admit that the