premises, whether any one is with it or not, or at all events unless the person with it has it under his actual control.

Although the statute authorizing the passing of these by-laws has been in force for many years and many by-laws must have been passed under it, I have not been referred to nor have I discovered any case in the Canadian or English reports where the meaning of the words "run at large" or "roam at large" has been considered when applied to dogs.

Several cases can be found under the Act against horses or cattle being at large upon any highway within half a mile of any railway unless in charge of some person to prevent their loitering or stopping at the intersection (20 Vict., cap. 12, sect. 16). See *Cooley* v. *G.T.R. Co'y*, 18 U. C. R. 95; *Markham* v. *G.W.R. Co'y*, 25 U. C. R. 572. In these great stress was laid on the necessity of the animals being in charge of some person, and upon the object of public safety contemplated by the Legislature. In the case of *Hillyard* v. *G.T.R. Co'y*, 8 Ont. R. 583, it was held that a colt which was injured by a wire fence of defendants could not be said to be running at large, as it was following its dam, which was being led by a man with a halter along the road, as that is the customary way, and the universal custom ought to give the rule.

I have found some cases in the American reports, but they do not appear to be uniform. The Vermont statute permits any one to kill a dog running at large off the premises of the owner or keeper without a collar with the owner's name on it. In *Wright* v. *Clark*, 5 Vt. 130, a fox-hound kept for the chase and chained when not in the pursuit of game, was chasing a fox with its owner and one Stone, and while at some distance from its owner, but near and in full view of Stone, was killed by the defendant in shooting at the fox, it was held the shooting was wrongful and the defendant liable.

It was held that the hound when pursuing the deer or fox, at or with its master's bidding, is not "strolling without restraint," or "wandering, roving or rambling at will."

In the case of the *Commonwealth* v. *Don*, 10 Mit. 382, the defendant owned a dog which was not licensed. It left defendant's store (where he was usually kept chained) with a clerk of the defendant's, and followed said clerk through the streets of the town, not being confined, and following the clerk generally at a distance of from two to three rods, and was usually under the control of the clerk, and obedient to his call.

The judge instructed the jury that "if upon the facts of the case they were satisfied that the dog was by the side of the owner, or of his servant having the especial charge of him, or was so near to him that he might be controlled and prevented from doing mischief, although he was not tied, he was not in point of law at large; but if they were satisfied he was following through the streets his master or the clerk of his master loose, and at such a distance as that such control could not be exercised as would prevent mischief, he was at large within the meaning of the law.

The defendant having been found guilty, the Court of Appeal held that the instructions were sufficiently favourable to the defendant.

The by-law in that case used the words "go at large."

A dog playing with its owner's son on the owner's premises is not at large: *McAneaney* v. *Jewett*, 10 Allen 151.

Several cases considering the meaning of the words "at large" when applied to other animals, are collected in Br[illegible]ne's Judicial Interpretation at page 373.

The construction put upon them seems to vary according to the object the Legislature had in view in passing the enactment in which they are used.

I think there can be little doubt that the chief object the Legislature had in view in passing the enactment in question was to enable measures to be taken to prevent and guard against hydrophobia. It is not so stated in the Act, but as said by Chief Justice Robinson in *McKenzie* v. *Campbell*, 1 U. C. R., at p. 244, "we cannot but know that the principal object of restricting dogs from running at large in a city is the consideration of the imminent danger to the community of the horrible affliction of hydrophobia spreading to a fatal extent and with great rapidity, unless instant measures are taken to prevent it. It is not that dogs are likely to commit injuries to fields and gardens such as may be apprehended from cattle or swine, nor that they are in the same sense a nuisance on account of their making the streets unclean and offensive, for we see when there is not the particular danger alluded to, which cannot be too much dreaded, and which by mankind in general is indeed regarded with almost superstitious terror, it is common to find dogs allowed to wander about towns at will, though possibly there may be exceptions to this in the general regulations of some very populous cities—we are at liberty then to infer, and I think we must judiciously recognize that one object at least, if not clearly the greatest or the only object the Legislature had in view, when they allowed the Mayor and the Commonalty to prevent and regulate the running at large of