

some ten yards of the place where the remainder of my sheep were penned up. The moon being about full at the time, and the nights clear, the identity of the dogs was sworn to by various witnesses. Moreover, I offered to prove that said dogs were known in the locality as sheep-destroying dogs, but the Magistrates decided that this evidence was not in point.

"After hearing some minor items of proof, which I shall not detail, the Magistrates decided that in view of the evidence produced by me, they had no hesitation in avowing that defendant's dogs had destroyed my sheep, and therefore recommended defendant to kill them dogs, but as I had failed to produce direct proof that said dogs had worried my sheep, or were found in the act of worrying them, they could not help themselves under the enactments of the statute, but must give judgment against me with expenses.

Here, it will be observed, that the important class of evidence known as circumstantial, from which guilt or innocence is inferred in our criminal Courts, and on which life or death to a human being frequently hangs, was altogether put aside by the officiating Magistrates. By this means, they virtually placed the lives of four dogs, which they expressed their belief had destroyed my sheep, in a position of security which is denied to man himself. To wriggle themselves out of this position, the worthy Magistrates averred that adjudicating under the new Act they were bound to accept of direct evidence only; for example, if Mr. Willis had patiently stood by the first night, and my lifed man the second night, after the slaughter of the sheep, and allowed the dogs to tear and kill so many more, then that would have been considered good evidence against the dogs. But where, I would like to know, is the farmer to be found who would stand tamely by and see his sheep mangled by savage dogs? If it is to be an invariable rule to be laid down by Magistrates in adjudicating under the new statute, that none but dogs found in the act of worrying sheep, and which were actually seen to worry so many of them, are liable to conviction, then it follows, from the well known cunning of the dog, who usually chooses the select hours of the night to commit his depredations, that four-fifths of the entire sheep of Western Canada might perish without the owners having it in their power to convict a single dog of destroying sheep, or obtain a cent in compensation for their loss.

"It is tantalizing to have to add, that if no such Act had been in existence as the Act passed last session of Parliament, for the better protection of sheep, the officiating Magistrates admitted that my proof was competent to warrant conviction, and, as a matter of course, they would have decided the case in my favour."

Did this statement come from a less reliable source, we should find it difficult to believe that such a decision on such evidence could have been given by the three Magistrates who tried the case. They are all shrewd, respectable men, and we are utterly at a loss to conceive the grounds on which they arrived at their conclusions.

There certainly must be some mistake in Mr. Gordon's supposition that the Magistrates refused to receive circumstantial evidence, and would act on no less positive proof than the oath of a witness that he had actually seen the sheep worried. Assuredly there is nothing in the new Sheep Act or in the Common Law to prohibit the reception of circumstantial evidence. If the magistrates did indeed declare themselves satisfied that the dogs in question worried Mr. Gordon's sheep, it was an utter mockery of justice to dismiss the case and throw the costs upon the plaintiff.

There must also be some great mistake in the supposition that but for the existence of the new Act, the Magistrates would have decided against the dogs, under the old law. The old law was merely the common law of the land—and it is now as much in force as it ever was, except in so far as it is altered by special provisions of the new statute. Now, the object of the new Act was not to relax but to make more stringent and effective the recourse of the sheep-owner in seeking redress when his flock has been worried by dogs.

We would very much like to have some further light thrown upon this case. Either very gross injustice has been done, or there is some defect in the new law which does not appear on its face. Can any of our friends about Whistly enlighten us as to the grounds on which the Magistrates acted?

## Annual Meetings of County Societies.

An esteemed correspondent asks us to say when the annual meeting of County Agricultural Societies should take place under the Statute—between the 14th and 21st of January, or in the third week, without regard to the day on which the year comes in? There can be no doubt on the point. The Statute fixes 'be "third week in January"—and clearly the meetings must be held during the third week, on whatever day the year commences. This year the meetings should have been held between Monday, the 11th, and Saturday, the 16th January.

## Rules of the Agricultural Association of Upper Canada.

We have received a long letter from Mr. W. O. Buell, President of the South Riding of Lanark Agricultural Association, complaining of certain rules passed by the Provincial Association at its last meeting. He objects to Rule 7 as fixing the Annual Meeting on Friday of the Exhibition week, because it affords too little time for discussion and consideration of any disputed point. He thinks the meeting should take place on the second day of the Fair week, and that the Treasurer's Report, in detail, should be submitted to the meeting. Mr. Buell also objects to another Rule, which he thinks secures the Annual Exhibition to places only which provide very costly permanent structures. He thinks we should have "one Great Provincial Exhibition, including both Upper and Lower Canada, and foreign Exhibitors every third year only, to be held alternately at such places as say Montreal and Toronto, and that the resources of the Association be husbanded meantime, and that in the intervening years the Exhibition be extended to all parts of the Province where reasonable provision can be made."

Mr. Buell also objects very strongly to Rule 18, which he alleges almost renders the Association a close corporation.

## Crops in the United States during 1863.

The yield of the great staples of agriculture throughout the United States for the past year compares well with the previous year, as will be seen by the following returns given by the Commissioner of Agriculture in his Report to the President:—

	1862.	1863.
Wheat in bushels.	169,993,500	191,068,239
Oats - - - - -	172,520,397	174,858,167
Corn - - - - -	556,704,474	449,163,894
Hay, in tons - - -	20,003,030	18,500,090
Tobacco, in pounds -	208,807,078	258,462,413
Wool - - - - -	63,524,172	79,405,215

Corn and hay were injured largely by drought and frost.

## Upper Canada Fruit Growers' Association.

The above association held its annual meeting, in the city of Hamilton, on Wednesday, January 20th, 1864, the President, Judge Logie, in the chair. After the reading of minutes, and reports of officers and committees, the meeting listened to the President's address, for which a vote of thanks was passed, and a copy for publication requested. On motion, Messrs. J. Freed and D. A. McNabb were appointed a committee for the city of Hamilton, to receive debts from old and new members; and Messrs. J. D. Humphreys and W. F. Clarke a like committee for the city of Toronto. The meeting then proceeded to the election of officers, with the following result:—

His Honour Judge Logie, of Hamilton, President; Jas. Taylor, Esq., of St. Catharines, First Vice-President; J. D. Humphreys, Esq., of Toronto, Second Vice-President, D. W. Beadle, Esq., of St. Catharines, Secretary and Treasurer.

FRUIT COMMITTEE.—Geo. Leslie, Esq., Toronto; W. H. Mills, Esq., Hamilton; C. Arnold, Esq., Paris; T. H. Graydon, Esq., St. Catharines; A. M. Smith, Esq., Grimsby.

EDUCATION COMMITTEE.—The Secretary, Mr. W. F. Clarke, and Mr. J. A. Bruce.

Notice having been given Mr. W. Holton, at the last meeting, of a motion to amend the constitution, that

motion was now considered, and the second clause of Art III. was so amended as to read thus: "Two other General Meetings shall be held at such places as shall be determined at the January meeting, one on the third Wednesday of July, and the other on the first Wednesday of October in each year."

It was resolved that the meetings for this year be held at Toronto, on Wednesday, July 20th, and at St. Catharines, on Wednesday, Oct. 6th.

A committee was appointed to consider a communication received from the Secretary of the Board of Agriculture, relative to the prize list, which submitted a report that, after considerable discussion, was adopted, and the Secretary directed to transmit the same to the Board of Agriculture.

Mr. W. H. Mills exhibited some insects, and called the attention of the meeting to the importance of being able to recognize the various kinds, some of which are our enemies, eating the fruits, flowers and foliage of our gardens, fields and orchards; while others are our friends, preying upon the injurious species.

Very fine samples of apples were exhibited by Mr. W. H. Mills, of Hamilton; Mr. J. Hagaman, of Oakville; Mr. Arnold, of Paris; and Mr. A. M. Smith, of Grimsby.

Mr. D. Murray, seconded by Mr. W. H. Mills, moved the following resolution, which was carried unanimously:—

Resolved,—That in the CANADA FARMER, the first number of which is before us, we welcome a worthy successor to the AGRICULTURIST, and consider it justly entitled to the support of this Association, and the duty of its members to send communications for publication in its columns.

## Toronto Gardeners' Improvement Society.

PURSUANT to notice given in our last issue, the above society held its annual meeting at the Board of Agriculture Rooms, on the 18th ult. A report of some length was read in which the objects of the society and the extent of its success in carrying them out, were set forth. Monthly meetings had been held throughout the year, at which papers were read and discussions held on subjects of mutual interest and practical importance, and choice plants exhibited. Leading horticultural journals had been furnished for the perusal of the members. It was determined to supply each member of the Society with the CANADA FARMER for the present year. Professor Buckland delivered an able address on the "Relations of Science to Horticulture."

We would urge upon all who take an interest in gardening matters to attend the monthly meetings of this society. They are open to the public, and practical gardeners are always present, who will be happy to answer any questions that may be proposed, and give all the information in their power alike to professional and amateur horticulturists. We append to this brief notice the concluding portion of the Report, and regret that we have not space for the whole of it.

"A very pleasing feature of our meetings has been the exhibition of many new and rare plants, a list of which we have much pleasure in recording:—

Feb. 16.—Exhibited by Mr. G. Vair, gardener to D. L. McPherson, Esq. Azalias, Obtusa, Marginata, Louis Napoleon, also "Mezonia erecta," a beautiful and much admired Mexican shrub.

March 16.—Exhibited by Mr. C. Young, gardener to Judge Morrison. A select variety of Azalias and seedling Cinerarias, also an orchid—"Phalanopsis grandiflora."

May 19.—Exhibited by Mr. Turner, gardener to Judge Harrison. Orchids—"Oncidium papillium, O. Warchita, O. Ampliatum, Epidendrum Cochleatum, Epidendrum Macrochilum, Cymbidium Sinensis, C. Aloefolium, Brasia Hoggii, and Dendrobium nobilis.

June 15.—Exhibited by Mr. C. Young, gardener to Judge Morrison. Collections of Carnations, Picoctes, and Pinks.

August 17.—Exhibited by Mr. James Fleming Collections of Gladiolus, Fuschias, and Asters, also a new Verbena named "Foxhunter." Mr. Turner showed a fine collection of Lilliputian Dahlias.

December 21.—Exhibited by Mr. Turner. Orchidaceous plants—"Barkeria elegans," Cyrtorchillum Maculatum, "Catasetum Tridantatum," Vanda Coerulea and Epidendrum Vitellinum, also Passiflora Goutierii, P. Decasucana and Bignonia Vruana.

Exhibited by Mr. Vair. Camellia Alba Pleno. Camellia Jenny Lind Celosia aurea, Primula Sinensis, Correa Brilliant, Acacia Dealbata, Epacris Salmonia, and E. Fire Ball.