

of the animal over and above the damages sustained *otherwise* than by the loss of or injury to such animal; this is clear both on principle and from the wording of subsequent sections. The question therefore is, what comes within the word "damage." The law does not, as a general principle, recognize either consequential or vindictive damages; and section 10 uses the words "damage" and "value of the sheep" as synonymous terms. The loose way in which these words are used will lead to much difficulty, but we think that the owner would be entitled to recover the value of the animals, if killed and their carcases rendered useless for any purpose; *or*, an amount which would compensate for such injury as may have been done to them, if only hurt in such a way that they were not permanently injured; *or*, if the sheep were killed and its carcase not rendered useless, such an amount as would compensate for the difference between the live animal and the value of the carcase, to the owner, if saleable or fit for use. That part of the above definition which speaks of the value of the dead animal is given more as a suggestion to get out of a difficulty as to its disposal if not destroyed so as to be unfit for some use, rather than a positive opinion as to the legal effect of the words used in the statute. Whatever circumstances, whether of superiority in breed or in condition, and whether the sheep is intended for breeding from, or for butchers' meat, &c., which render the sheep more or less valuable, should certainly be taken into consideration—the damage being judged by the value of the animal to the owner, before its death, and such value to be determined rather by opinion of a *farmer* rather than that of a *butcher*. Prospective damages should not in general be allowed. More than this we cannot say. The time of the owner in prosecuting his claim cannot, we think, be charged for any more in this case than in any other, where he is prosecuting a suit in a court of law or seeking redress for an injury.

6. Our correspondent, we think, misconceives the purport of section 9. The certificate of the Justices, under any circumstances, is only *prima facie* evidence of its contents, and not even that, if notice of the intended application be not given to the owner of the dog.

7 & 10. Of course if the municipality has no funds to pay the claims, the claims cannot be

paid till funds are forthcoming, but they must be paid in the order in which they are presented. The balance should, we presume, be struck as in other cases. This is a difficulty, or rather an inconvenience, which cannot well be avoided.

8 & 9. The party injured can only recover from the municipality in case he cannot discover the owner of the dog doing the damage, or fails in recovering the value of the sheep from such owner. The act does not prevent an action from being brought against the aggressor, whether known or unknown to the aggrieved at the time of his application to the Justices, and we do not think that it would be any answer to such action for the defendant to say that the plaintiff had already received the amount of the damages from the municipality.

11. As to whether magistrates are entitled to any remuneration for services under this act, we should say that, however hard it may be upon magistrates to work for nothing, there appears to be no provision for the payment of any fees to them, either expressly or by implication. They must therefore it would seem, do their duty under this "without fee or reward," and as we trust they will also do it, "without fear, favour or affection."

We see that Mr. Wright has introduced a bill to amend this act. We have not however yet learned the import of it.

Our readers will scarcely expect an apology for the late appearance of this number. Matters of much greater moment have engrossed the time of many and the attention of all of us. Long may it be before a similar cause of excitement arises within our peaceful borders.

AN ACT TO AUTHORIZE THE APPREHENSION AND DETENTION UNTIL THE EIGHTH DAY OF JUNE, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN, OF SUCH PERSONS AS SHALL BE SUSPECTED OF COMMITTING ACTS OF HOSTILITY OR CONSPIRING AGAINST HER MAJESTY'S PERSON AND GOVERNMENT.

[Assented to 8th June, 1866.]

Whereas certain evil disposed persons being subjects or citizens of Foreign Countries at peace with her Majesty, have lawlessly invaded this Province, with hostile intent, and whereas other similar lawless invasions of and hostile incursions into the Province are threatened; Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: