

DIARY FOR JUNE.

1. Friday New Trial Day Q.B.
2. Satur. Easter Term ends.
3. SUN... 1st Sunday after Trinity.
4. Mon... Recorder's Court sits. Last day for notice of trial
10. SUN... 2nd Sunday after Trinity. [for County Court.
11. Mon... St. Barnabas.
12. Tues... Quarter Seas. and County Ct. sittings in each Co.
17. SUN... 3rd Sunday after Trinity.
20. Wed... Ascension of Queen Victoria, 1837.
21. Thurs. Longest Day.
24. SUN... 4th Sunday after Trinity. St. John Baptist.
27. Thurs. Sittings Court of Error and Appeal.
29. Friday St. Peter.
30. Satur. Last day for Co. Cl. fin. to rev. Ass. Roll. Last d. for Co. Ct. to equalize Roll of Local Municipal.

The Local Courts'

AND

MUNICIPAL GAZETTE.

JUNE, 1866.

THE ACT FOR THE PROTECTION OF SHEEP.

A correspondent, whose letter we published in our last issue, asks a number of questions relative to the working of this act, which we now propose to discuss in the order in which he propounds them.

1. May the application—which the 8th section authorises the owner of any sheep or lamb that may be killed or injured by any dog to make to two Justices of the Peace in the municipality, (whose duty it shall be to inquire into the matter and view the sheep injured or killed, and who may examine witnesses upon oath in relation thereto)—be a verbal application or must it be in writing?

The section says nothing as to this: but it does say that the Justices may examine witnesses upon oath, and the statements of these witnesses—of whom the owner should be one, to prove his property, to shew the *bona fides* of the application, and to follow the requirements of the act, if for nothing else—should be reduced to writing and sworn to in the usual manner.

2. It seems imperative upon the Justices to view the sheep; and though this provision may lead to some trouble both in its interpretation and in its practical working, it is one that will prevent much fraud upon municipalities. The owner, though not bound to go to two of the *nearest* Justices, must go to two "in the municipality," and he will probably go to the nearest, who are not likely to be very

far from the scene of action. If within a reasonable distance, and no other circumstances should prevent it, they would probably visit the place where the sheep was killed or injured, and thereby be in a better position to judge of the facts brought before them. But we do not at present think that it is absolutely incumbent upon them to visit the actual locality, as the statute can be complied with by the owner bringing the sheep or its remains to *them*. The time and place for the inquiry and view must, we imagine, be determined upon by the Justices in their discretion.

3. The Justices can, doubtless, compel the attendance of witnesses in such cases at such time and place as they may appoint for the inquiry and view. The form of the summons to compel such attendance may be in a form *similar* to (L. 1) in Con. Stats. cap. 102, though some slight alterations must be made.

This brings us to a further observation with reference to the answer to the first question, in connection with the means of evidence, and it is this; the owner must, owing principally to the fact of the presence of two Justices being required by the act, almost of necessity, make a preliminary application to the Justices, which we think should be on oath before one of them, for the purpose of having the time and place arranged where he could have the sheep inspected and the witnesses examined. He might, perhaps, it is true, take the sheep and witnesses with him to the Justices, and have the examination then and there; but there would be difficulties in this way of doing it; and the owner should, if possible, give notice to the owner of the dog of the intended application so as to obtain the benefit of the 9th section.

4 & 5. These questions may be considered together.

The question of measure of damages is always somewhat difficult, and it is almost impossible to lay down any general rule which would be considered satisfactory in all cases that are likely to arise under this act. The matter is left to the discretion of the Justices to find and certify "the number of the sheep or lambs killed or hurt, and the amount of the damages sustained thereby by the owner, together with the value of the sheep or lambs killed or hurt." Though this certificate is to contain the above facts, it does not follow that the owner can recover either from a municipality or from an individual the value