

vided in s. 198 of this Act, or who, without the consent of the company, or except as authorized by this Act, rides leads or drives any horse or other animal, or suffers any such horse or animal to enter, upon such railway and within the fences and guards), is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning (riding, leading, driving or suffering to enter) upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animal; and no person, any of whose cattle are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall, in addition to the penalty herein provided, be liable to pay any person injured by reason of such violation all damages sustained thereby." The portion between brackets was not in the corresponding section (199) of the Act of 1888. The last clause of the section was in s. 272 of the former Act.

Sec. 237. "No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection or straying upon the railway.

"2. All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large, be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

"3. If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.