

9. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.

10. Every penalty recoverable under this Act shall belong to the Crown; and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.

11. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

INJURIES TO CATTLE AND OTHER ANIMALS.

(32-33 Vict., Chap. 22, amended by 40 Vict., Chap. 29.)

A. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other goal or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.—[32-33 Vict., c. 22, c. 45.]

B. Whosoever unlawfully and maliciously attempts to kill, maim, wound, poison or injure any cattle, or unlawfully and maliciously places poison in such a position as to be easily partaken of by any cattle, is guilty of a misdemeanour, and shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court.—[32-33 Vict., c. 22, s. 46.]

C. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any dog, bird, beast or other animal, not being cattle, but being either the subject of larceny at common law or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of lawful profit or advantage or science, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common goal or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding one hundred dollars as to the Justice seems meet; and whosoever, having been convicted of any such offence, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof upon indictment, is guilty