

CHAPTER XIX.

STOCK LAWS.

The Revised Statutes of Ontario, chap. 184, sec. 463, provide that the council of every township, city, town, and incorporated village may make and pass by-laws for providing pounds, and for restraining and regulating the running at large or trespassing of any animals, and for impounding and selling them if not claimed. Section 2 of Revised Statute 195 further provides that the owner of any animal not permitted to run at large by the by-laws of a municipality shall be liable for the damage done by such animal, although the fence enclosing the premises be not of the height required by such by-laws.

In the Province of Ontario some 330 townships have, at one time or other, passed by-laws, still in existence, giving effect, wholly or in part, to the terms of the above Act, or former Acts to the same purport.

From reports received from nearly every township in the Province, the conclusion must be drawn that these by-laws are, to a large extent, regarded as a dead letter, and this result appears to be attributed not so much to want of recognition of the salutary nature of their provisions, as to the absence of effective machinery for carrying them out. In some few instances, where this machinery has been locally provided, the results have been such as to justify the hope that its introduction may become general. Thus the Township of Blanshard, in the County of Perth, included in its by-law a provision for a salaried inspector, who, in addition to his salary, receives a fee for each animal impounded, and who is required to visit every highway in the municipality at least once a month. This by-law, it is stated, "has had a capital effect, in that the ratepapers look sharp after their stock, and keep them out of the officer's way." In Ancaster Township (County Wentworth), the duty of enforcing the law is also imposed on Inspectors; in East Oxford (County of Oxford), and in Toronto Gore (County of Peel), on the Road Overseers; and in Clarence and East Hawkesbury (County of Prescott), it is made obligatory also on the Road Overseers or Pathmasters, who are subject to penalties not exceeding \$5 in amount if they fail or refuse to perform their duty.

While these townships appear to be the only ones in the Province that have overcome an obvious difficulty, there are many who complain of the absence of the requisite machinery for carrying out the law, and who evidently look to the Provincial Legislature for its amendment. The reports teem with such expressions as "What is everybody's business is nobody's business;" "The law is treated with the utmost contempt, and will continue to be so treated while redress can only be obtained by neighbour and friend prosecuting neighbour and friend;" "I will suffer any injury before I turn public prosecutor and have my friend fined;" "The inhabitants are very forbearing, and would rather suffer loss than give offence;" "The law is inoperative because nobody has been appointed to see its provisions enforced;" "The Statutes should provide for the appointment of an officer—not a reeve or councillor—to prosecute," etc.

While there seems to be a general desire throughout the Province to have stock by-laws made effectually operative, a difference of opinion prevails regarding the *modus operandi*. In the County of Dundas, where they are reported partially operative, "people by common consent use the roadsides as pastures when the grass is good and there are no ornamental trees needing protection from cattle,"—from which it may be assumed that there is no general desire in that county to emulate its neighbours in the State of New York, where road fences are gradually disappearing and tree planting is becoming common under the influence of a law confining all classes of animals within the respective farms.