

then went on to say that on the 24th ult. a citizen walking along St. James street, when opposite the Temple building, noticed a horse evidently in great pain standing by the side of the roadway, and secured with an iron weight. The cause of the pain which the animal exhibited was a very severe check-rein. Other persons besides the citizen alluded to gathered round the animal, and after watching it for some five or ten minutes one of them relieved it by loosening the check-rein. The defence would, no doubt, contend that the principle of the check-rein was a right one. Upon that point he wished it distinctly understood that the prosecution confined itself entirely to the circumstances of the present case, in which torture and pain were caused to the animal.

Mr. McCormick said the whole question was whether or not in this particular case the animal suffered pain. The society had no right to interfere with the public in the use of any means by which an animal would be rendered more serviceable. The contention of the defence would be that the check-rein was adopted by people in order to render an animal more serviceable, and that sec. 512 of the Criminal Code did not interfere with the use of such means.

The first witness called was Mr. Hutchinson, advocate, who deposed that on or about the 24th ult. he was walking along St. James street when he saw a horse, opposite the Temple building, checked up very high. The animal was throwing its head about, and it was apparent to any one that the horse was in great pain. Col. Whitehead, who was present, spoke to witness, asking if nothing could be done to put a stop to that kind of thing, and after a little conversation the result was that the present case had been brought. It was perfectly clear that in the case in question the use of the check-rein was a cruelty. Witness unfastened the overdraw check-rein and the horse became quiet. When the owner of the animal appeared he was spoken to, and he replied that no one could drive the horse without using the check-rein. Witness offered to drive the horse without it, but Mr. Lowry told him that he did not know what he was talking about, got into the vehicle and drove off.

Cross-examined—He had used an overdraw check-rein some four years ago, because when the horse was left standing it would start to nibble the grass; the rein, however, was always left quite loose, and the animal was not checked up in any way. The