

he was worth \$250. It is true that other neighbours consider that \$25 or \$30 would be more like the proper figure, pups it is said being worth about \$10 a dozen, and it not being a matter of much difficulty to raise and educate such animals. It is not without precedent that a man thinks his neighbour's dog nothing but a cur anyway and more of a nuisance to everybody than a benefit to anyone. However that may be, the evidence was amply sufficient to justify the finding of the Court below, that the dog was worth \$125, and we would in no case interfere with the judgment in that respect.

In the afternoon of July 1st, 1911, the plaintiff was away from home, his wife took the dog with her and went toward her mother's; turning back, she allowed the dog to go on along the road to meet his master.

He made his way along the road for a piece and then went "snooping along the fence," of the defendant Hamilton. Collins saw him so snooping, "as a tramp dog would do." ("Snooping," I may say, is defined by the defendant as "crouching along in a sneaking way"): If he had gone on he would have got among the defendants' sheep, and the defendant was suspicious of the dog, as he had lost sheep by dogs and had had several bitten and wounded some time before. When the dog saw or heard the defendant he started to go back. The younger defendant, the son of Hamilton Collins, recognized him as a dog he had seen 8 or 10 days before terrifying the sheep—he would not say "chasing the sheep," because with admirable accuracy he says: "I can't tell you what was in the dog's head," but "running through the field terrifying the sheep." The young man got his gun and shot the dog dead in his tracks, because as he says: "I was afraid he would do harm to our sheep."

The place at which the dog was shot and where he fell was on Collins' farm—the defendants dug a hole close to where the dog lay, and "dog rolled over in the hole." It was argued for the plaintiff that the grave was some distance away from where the dog was shot, but this is not justified by the evidence—farmers do not as a rule go farther than is necessary to get rid of a carcass—and the words are not "rolled over and over," as they would be if the contention of the plaintiff's counsel were correct.

The plaintiff brought his action in the County Court of the county of Prince Edward, and after trial before the Judge without a jury, characterized perhaps with more than the usual amount of acerbity, he directed judgment to be entered for the plaintiff for \$125 and costs.