

that there was no case made. He said they had not established a common nuisance. It seems that to be a common nuisance it must be a nuisance to the community at large. It may be a nuisance to one, two, three or four persons and yet not be a common nuisance. It would be in the eyes of the law a private nuisance and a civil action for damages would have to be brought. The case was dismissed on the ground that it was not a common nuisance.

Mr. Darling: According to that, Mr. Sparling scored half a victory, but not a whole one.

Mr. Gemmell: I am very glad that the judge had so much common sense. It is quite different from a case where a man that kept bees was prosecuted for maintaining a nuisance and had to dispose of the whole lot. It cost that man quite a lot of money. We are more enlightened now. If we had only had the aid of the National Bee-Keepers' Union that man at Port Elgin would not have lost anything.

Mr. Sparling: Was it a magistrate's decision?

Mr. Gemmell: It is likely that it was.

Mr. McEvoy: It was down at Southampton before a jury. The judge charged the jury in that case in favor of the bee-keeper. But it appears that that bee-keeper was rather cranky; the other man, who was a blacksmith, had a pig pen. They were not on friendly terms and the bee-keeper forced the law with the blacksmith and made him move the pigs and the blacksmith went to law with the bee-keeper to make him move the bees. The blacksmith was the more popular man of the two and the jury thought that if it was right to move one it was right to move the other, although according to law the judge charged the jury in the bee-

keeper's favor. The case was appealed and taken to Toronto, but the judge did not like to upset the jury's finding. The man wanted to appeal further but when he found out how it was he let it go.

Mr. Deadman, of Brussels, had a case similar. The lawyer on the opposite side was bound he would move Deadman, bees and all; and after he started the case in the court Mr. Deadman got two men to help move part of the bees. Complainant then said the nuisance was only partly gotten rid, and had he been satisfied with this it would have left Mr. Deadman to foot the bill. He instructed his lawyer, however, to fight it out and the result was Mr. Deadman won the case.

Mr. Hutchinson: I think that we should remember that while bee-keeping in itself is not necessarily a nuisance, it may become a private nuisance. If a man is going to bring a suit against his neighbors he should bring a suit for civil damages. If he can prove those bees have damaged him then he may get damages. But the trouble in the States has been that people have gone to work to prove that bee-keeping was a nuisance per se, in itself, and that is where the point has turned every time.

Mr. Smith: I would advise Mr. Sparling still to join the Bee-Keepers' Union; as I understand it, he is still liable to a civil action for damages.

Mr. Darling: He is too late.

Mr. Post: I think we can all agree with what Mr. Hutchinson says as to the possibility of bees becoming a nuisance. About three years ago I brought my bees home to Trenton a little too early; there is a large canning factory right in front of my place and they made a raid on the pears. The management had to close down business for three days on