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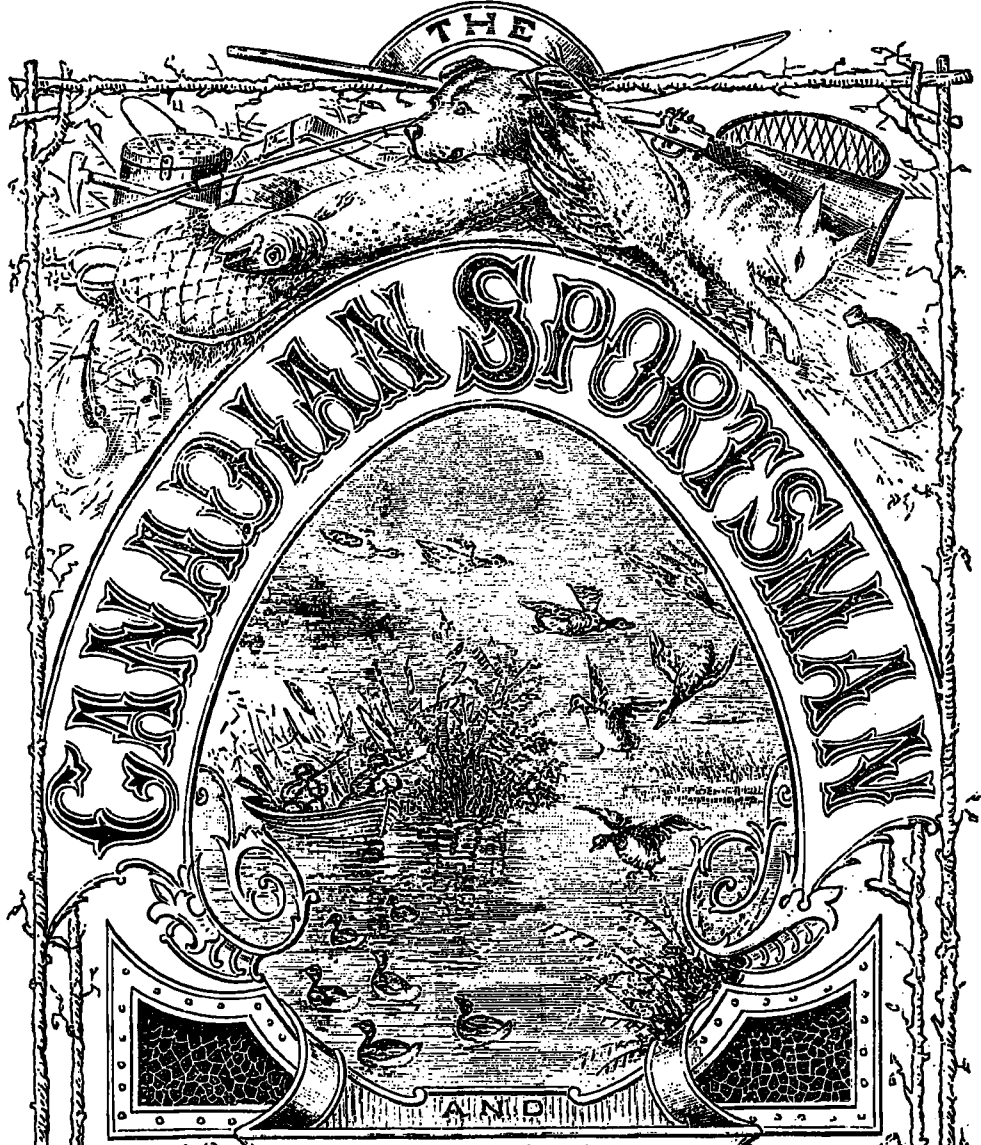
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THE

GAZETTE OF SPORTS AND NATURALISTS



AND

NATURALISTS

A
MONTHLY
JOURNAL



VOL. II.
No. 6.
1882.

A. DUNLAP DEL.

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THE CANADIAN SPORTSMAN AND NATURALIST

No. 6.

MONTREAL, JUNE, 1882.

VOL. II.

WILLIAM COUPER, Editor.

TO HEALTH AND PLEASURE SEEKERS.

This journal is the best medium to advertise Sea Bathing localities and healthy inland Summer Resorts, especially where good shooting and fishing can be obtained. Our subscribers are generally gentlemen of means, and just the parties who visit new places annually to enjoy themselves.

THE CANADA LYNX.

(*Lynx Canadensis*.)

A subscriber writes to say "that Mr. Garnier is wrong in stating that the above-named quadruped have never been seen in the Peninsula (of Ontario I suppose) south of the Ottawa River!" He informs us "that they are still to be found in the County of Simcoe, and that he has found them in his own woods on Lake Simcoe. A remarkable fine specimen measuring very nearly forty-three inches from nose to tail was sent to him by one of his sons, shot in the County of Frontenac, near Skunk Lake, about three months ago. The two species, the Red Lynx (*Lynx rufus*) and the *Lynx Canadensis*, though resembling each other in many respects, yet have such distinctive characteristics, that they cannot well be mistaken for each other."

NOTE.—The Canada Lynx was not uncommon when we resided in Toronto about thirty years ago, and although its fur is used for robes, &c., and many are annually destroyed, it is not possible that it is annihilated in Ontario. The two species are arboreal, and as the woodlands are being cut down and farm lands extending, these animals, like many others, are pressed back to the mountain solitudes, where they can procure food and bring forth their young. This accounts for *L. Canadensis* being more abundant north of the City of Quebec, where large tracts of woodland are almost as primitive to-day as they were one hundred years ago. Our fur-bearing animals are doubtless decreasing, especially in the more cultivated and open portions of Canada. At one time, the Hudson Bay Co., although traders in furs only, protected these animals by a proper system, ordering the Indians to procure certain species during the season,

therefore allowing other species to multiply, thus they kept up the stock in a natural way. But of late years, hunters and fur traders visit the grounds which formerly the Company held within themselves. Now, fur-bearing animals are trapped by residents on the Labrador coast at all seasons. The Indian seeing his white brother doing this, as a matter of course, follows his example, but the result will be ultimately disastrous to the hunter and quadrupeds. The government should certainly stop people from killing fur-bearing animals out of season, and we are pleased to notice that the new Game Laws provides that "the Lieutenant Governor in Council may, in his discretion, prohibit the hunting or killing of any game or fur-bearing animals, for a period not exceeding five years." This is sensible, but at the same time, we have no objection to the muskrat being destroyed at all seasons when they commit havoc on a farmer's land by burrowing under creeks and rivers on his property, but martin, otter, mink and beaver should not be destroyed out of season.

The editor of this journal is not responsible for matter sent by correspondents. When manuscript is placed in our hands for publication, any statements therein, of which we have a doubt, will be invariably corrected before the compositor receives it. Were it not for our long absence from Ontario, Mr. Garnier's remarks regarding the Canada Lynx would have been noted at the time they were published.—C.

ORNITHOLOGICAL QUERIES.

The Canada Jay (*Perisoreus Canadensis*): A great deal has been written regarding the habits of this bird, but very little of its history is given during its nesting season. Its nest was found in Nova Scotia, Mr. Dickinson of Springfield, Mass., says he has eggs from the latter Province. It must nest about the same time as the Crossbills, as on my visit to Labrador, specially to obtain the eggs of this bird, I noticed the young in May, at a place called Watchsheshio. They were following their parents, flying from tree to tree, but their heads were covered with white downy feathers, therefore, I must have found them in the vicinity of their nest. Can any of our

correspondents send us a description of the nest; the month of its completion; the locality and tree in which it was built? From seeing the young so early in Labrador, we think that the eggs must have been laid in March or April, when the land was deeply covered with snow. The stomachs of the young birds shot at Watchbush were filled with a species of swamp cranberry.

Have any of our correspondents discovered a Canadian nesting-place of the Wild Pigeon (*Ectopistes migratoria*) of late years?

The Northern form of Sharp-tailed Grouse (*Pediocetes phasianellus*) occurs in the valley of St. John, Upper Saguenay in winter. Has its nest been found in Canada?

The Rock Ptarmigan (*Lagopus rupestris*) is also occasionally found in winter. The species evidently nests on the north coast of the Lower St. Lawrence. We would be pleased to hear from Oologists regarding the summer locality of this bird.

The Red-breasted Snipe (*Macrorhampus griseus*) is occasionally shot in the Province of Quebec, while on its western flight in spring. Has its nest been found in Ontario?

Jack Snipe (*Tringa maculata*) are sometimes abundant in swamps about the 20th of May. Who discovered its nest and determined its eggs in Canada?

The Solitary Sandpiper (*Rhyacophilus solitarius*) is also seen about the end of May, near creeks on the margin of forests. Has any person found its nest in Ontario?

Did any Oologist discover the Field Plover, commonly known as Bartram's Plover (*Actiturus Bartramius*) breeding in Canada?

The Yellow Rail (*Porzana Novaboracensis*). This pretty little game-looking Rail breeds in our northern swamps, as they have been shot on snipe grounds behind Quebec in Autumn. They pass over the latitude of the latter city, probably north of the Laurentian mountains. Can any of our correspondents send us information as to its nest location, its form and material of construction; whether the habits of the species are similar to the other Rails? Any portion of its summer history would be of interest.—C.

MONTREAL BRANCH, ENTOMOLOGICAL SOCIETY OF ONTARIO.

The ninth annual meeting of this society was held on the 16th May, at the residence of the President, H. H. Lyman, Esq. A very favorable report was presented for the past year, and the society congratulated on its

success and the interest taken by the members in this important branch of Natural Science. Eight meetings were held during the year, (there being a vacation in summer), at which six original papers were read, and many valuable observations placed on record with regard to our Montreal insect fauna. The titles of the papers are as follows: "Notes on some species of HYMENOPTERA occurring at Montreal." "On Instinct in insects." "The Pickled Fruit Fly, *Drosophila ampelophila*, Loew." "On the Genera *HEPIALUS* and *STHENOPSIS* in Canada." "Notes on the CALLIMORPHAS in the Boston Museum, as compared with Montreal species." "List of LEPIDOPTERA collected in 1881, by Dr. Bell, of the Geological Survey. A valuable donation of books, from the Society in London, Ontario was also thankfully acknowledged.

The following gentlemen were elected to office for the ensuing year: H. H. Lyman, M.A., *President*, W. Couper, *Vice-President*, G. J. Bowles, *Secretary* and *Treasurer*, F. B. Canfield, J. G. Jack and E. D. Wintle, *Members of Council*.

The members had the pleasure of examining the celebrated work of Boisduval and Leconte on the DIPTERA of America, and also the beautifully executed works of Professor Townend Glover, of Washington, U.S. on the HEMIPTERA, and on Cotton worm insects. The latter books are profusely illustrated with etched plates, and the reading matter is lithographed from the Professors manuscript in fac-simile. All of these works are, we believe, unique in Montreal.

The prospects of the coming season's collecting were also discussed, as well as the various entomological problems at present engaging the attention of the society, and the members separated with pleasant anticipations of the summer expeditions in pursuit of their "untaxed and undisputed game," by field and flood, over the mountain slopes, or through the leafy woods, and gaining at one time three important things,—health, recreation, and some insight into the mysteries and beauties of nature.

PETRIFIED NEST AND EGGS.

While examining the collection of Dr. S Woolverton of this city, I was shown a petrified bird's nest, containing two eggs, which was found in a cave near Woodstock, Ont., several years ago. It seemed to be formed of sticks, which outside were placed longitudinally

ally, but in the cavity laid horizontally. Many were as much as five-eighths of an inch in diameter, but probably increased by their coating of lime precipitate. What had the appearance of moss was laid around the edges. The eggs, also petrified, lay near the centre of the nest, the larger end of one adjacent to the smaller end of the other. The external dimensions of the nest are 5 x 5 inches, the cavity being $3\frac{1}{2} \times 3$; the eggs both in size and appearance resembling a chaparral cock's. The whole weighed about two pounds, all the interstices between the sticks having been filled with the carbonate, welding them into a homogeneous stony mass. As a whole, it greatly resembled the lava-like formation of stalactites generally. The species is unknown but the doctor thinks it belongs to a Pewee, the eggs being abnormally enlarged by the lime formation, as also the straws, which have the appearance of sticks.—*G. S. Smith, London, Ont.*

Correspondence.

BIRD NOTES.

To the Editor of THE CANADIAN SPORTSMAN AND NATURALIST.

DEAR SIR,—As previously intimated, the Messina Quail, imported by Col. W. Rhodes, of Benmore House, wintered at his request, in my aviary, were let loose at Spencer Grange this spring. The event took place on the 20th May inst.—Buckwheat their favorite food was strewed in the woods and the birds cast out free. You may also be pleased to learn that Col. Rhodes, who returned home per "*Circassian*" on the 17th inst., brought out to Quebec, another supply of Sicilian Quail, close on one hundred, all of which he turned loose the next day, at Sillery, towards the Gomin Wood, in rear of Benmore House. The experiment was unavoidably made late, on account of the backwardness of spring. In ordinary seasons, it might take place on the 1st May, so as to give the birds a chance to nest early and have their young full fledged, healthy and strong in September following. I hope yet to hear that some of your public spirited Montreal sportsmen and well-to-do citizens will try similar experiments in the wooded and sheltered declivities of Mount Royal, whose southern aspect seems most favorable for this purpose. Let us now mark

results of this spring's operations. As a former resident of Quebec, you must be well acquainted with the dates and particulars of the spring migration of our Canadian birds, especially that of the Robin (*Turdus migratorius*), on his way to the ice-bound regions of Hudson Bay, where Sir. John Richardson, during the leafy months met the Robin in such numbers. The spring and fall migration of birds has ever been shrouded in mystery and the Robins are no exception to the rule. For the last twenty-two years, which I have spent at Spencer Grange, (as you know,) is the smaller half of Spencer Wood proper, the spring migration in the early days of May has been uniform and regular. It was difficult to ignore even in a parliamentary or Pickwickian sense the presence and loud warblings of the two hundred feathered musicians, who on some occasions have, unlistened, elected domicile here in May, for two weeks on a stretch. Night and morning, these *virtuosos* poured forth floods of wild minstrelsy, in such defiant, loud, merry, lawless tones that one might have been tempted to believe the place belonged to them—possibly as Irish tenants of the land. The programme ran thus—at 6 a.m., a bath in the *Belle Borne* Brook; at 8 a.m., the morning hymn or performance; on the rising of the curtain, a grand rehearsal: the execution, superb, highly artistic—shall I say, aesthetical. Then, a full stop—a break in the song—a rush, an invasion *en masse* of the moist meadow adjoining the lofty pine, ash, and maple trees which girdle the grounds. A few pair of Robins would cross over to lunch at Woodfield, on caterpillars, earth worms, &c. Some jaunty bachelors whisking their tails and wings, accompanied by sprightly or demure, love-sick lady-birds, lighted under the groves of Spencer Wood, to gossip, frisk and flirt on the grassy margin of the historic *ruisseau Saint Denis*, where more than a century ago, the valiant Wolfe climbed to conquer or die: the bulk of the orchestra, possibly, accompanied by the *Impressario*, loved to linger the livelong day, under the leafy domes of Spencer Grange, within reach of their bathing ground—the *Belle Borne* Brook. Such the usual accompaniments of the annual northern migration of the Robin. Nothing of the kind this spring. The only Robins, a few pair probably hatched on the place—brought back by the bump of locality or memory of places. No spring wave of emigrants this season to the north—our way;—another route through

a warmer latitude may have been selected. But I must close; I may in my next have something to say about other dear friends—the Song; White-crowned; White-throated and Chipping Sparrows, as well as of other spring visitors—the Golden-winged Woodpecker; the Hermit Thrush; the Veery; the Red-start, the Red-eyed Flycatcher &c.

J. M. LEMOINE.

Spencer Grange, 20 May, 1882.

DEAR SIR,—In the last number of your valuable paper, I notice a letter from Mr. R. Rowe. As I take a great interest in Ornithology, and know how very important it is, that all information on this subject should be thoroughly reliable, I take the liberty of correcting an error in Mr. Rowe's notes, as I feel it a duty I owe to others interested who may be misled by it. He says a fine female Trumpeter Swan (*Cygnus buccinator*, Rich) was shot near this city; the bird referred to by Mr. Rowe was shot by Mr. Barnhill, and mounted by Mr. Carnall, and is now on exhibition for a short time, in the rooms of the Natural History Society of this city, where I have had the pleasure of examining it, and pronounce it to be the American or Whistling Swan (*C. Americanus*, Sharpless); the yellow spot showing distinctly in front of eye; tail composed of twenty feathers; nostril far forward. The interior extremity more forward than half the commissure; wing measuring twenty-one inches; bill four and a quarter. These facts I think are sufficient to convince any one who has studied the differences of the two species, of the identity of this bird, and I think Mr. Rowe will also be convinced if he will examine it again more closely. Mr. Barnhill prizes this bird very highly as it is the only instance of which I can learn of one having been captured in this Province. Can any of your readers inform me of any having been taken in New Brunswick or Nova Scotia? Would Mr. Rowe kindly inform us, in what part of the Province the flights of Cross-bills to which he refers, been seen? If in the vicinity of St. John? and during what month? I cannot learn of anyone else who has seen them near here, as I myself and several of my friends have made special excursions in search of these birds and their nests, and have not been successful in seeing more than an occasional straggler. During the winter of 1879 and 1880 the White-winged Cross-bill (*Loxia*

leucoptera) was particularly abundant; during a two hours tramp, I secured sixteen beautiful specimens and could have secured as many more had I been desirous of so doing. The common Redpoll (*Aegialos linaria*) and Pine Finch (*Corisornis Pinus*) were also very abundant during the same winter, when the woods were made quite lively by the combined songs of these birds; by the middle of April they had all disappeared, and have not been as abundant since, the Cross-bills only appearing in straggling pairs, while an occasional flock of Redpolls have put in an appearance round the farm yards. I have never observed the Red Cross-bill (*Loxia curvirostra Americana*) during the winter months; I shot a pair in July 1879, and have frequently seen them late in the fall in large flocks.

HAROLD GILBERT.

St. John, N.B., May 17, 1882.

PICKERING'S TREE FROG.

(*Hyla Pickeringii*)

This little Tree Frog is usually the first of its class to hail the coming of Spring. It sends out a peculiar crepitant sound, strongly resembling a cricket, hence it is sometimes called "Cricket Frog." It is a true Tree Frog; the extremities of its toes and fingers have round sponge-like protuberances supplied with viscid matter to help it to adhere to anything perpendicular. It is at ease on a sheet of glass, and when confined in a glass vase containing water, it can climb up and remain on the surface of the glass for a long time, perfectly motionless, as if asleep. This cannot be done by a common frog, as it is not provided with glutinous exudation. *Hyla Pickeringii* belongs to the order ANURA, or tailless batrachians. The *Hylidae* are arboreal in summer; they are small frogs having remarkable power of emitting loud and hoarse notes. The ear is fully developed and the family is represented in many portions of this earth. It is toothless; the toes are webbed; the skin more or less warty; under portions of body crowded with small papillae exuding a viscous fluid. Each toe and finger has a dilated spongy disk enabling it to cling to anything that it lays on, and it relies on the papillae to secure its position on a leaf or branch of a tree. The toes are certainly used, but not in the manner of other frogs. Its back is reddish-brown with stripes resembling St. Andrews cross. A triangular mark on the

head between the eyes. Irides golden hazel. External surface of legs and arms spotted or banded or irregularly striped. Abdomen yellowish white. A dark strip from the nostrils passes through the eye, over shoulders and half way down the side. Throat more or less brown, generally wrinkled under the tongue and funeces. Tongue bifid behind. Beneath the tongue there is a small opening at each side, and these unite at the entrance into the sublingual sack. When making its crepitant croak, this sack is distended in the shape of a small orange, and rapidly emptied, forcing the wind over the edges against the palate and through the nostrils. By this means the peculiar noise is produced. This species breeds early, depositing its spawn in water, very soon after the ice disappears. I have heard its notes at one end of a small pool when the other end was glazed over with ice, and when the temperature of the water was 33° Fahrenheit. It is a difficult matter to discover this little frog when it sounds its note and it man approaches, no matter how careful, the least motion causes it to be still. It protrudes half of its head over the surface of the water, and in calm sunshiny days, a gentle thrill of wavelets may be noticed around its tiny head. But the moment that it sees anything in motion approaching or passing, its sack suddenly collapses, the tiny head sinks, and Mr. Frog goes noiselessly to the bottom, without leaving the slightest ruffle on the surface of the water. It drops down among the mud and decayed herbage without any effort to bury its body. Its imitative powers are so great that the spot in which it hides itself cannot be seen; the colour of its body being almost like the mud, &c., and spots or stripings have a tendency to make it more obscure. Regarding its note (which is powerful in proportion to its size) it may be heard on a calm spring evening, at a distance of a mile. Its weight is about thirty grains or half a drachm, therefore an ordinary sized man of 155 lbs. weight is 32,720 times larger than this little vocalist. Now suppose a man gifted with the same proportional vocal power, stood anywhere on the equator, raising his voice aloud, the sound would go round the whole world, and lap over its point of starting 8,720 miles. This illustrates an amazing power of producing sound, and it is well that our atmosphere resists and modifies sound in accordance with natural laws, otherwise the surface of the world would become a continual

din. There is another fact that I have often observed in reference to the notes of this frog, that is, its power of reverberation, seeming as if produced by ventriloquism. I have frequently stood motionless near the edge of a pool or swamp, hidden perhaps by a root or an upturned tree, listening to a score of these vocalists in full chorus, as if each endeavoured to drown the sound of its neighbour, and although I looked with great care, I could not see one individual. I have often searched with my eye for some particular *Hyla*, as far as my vision permitted, and the sound reverberated in my ears, as if the animal was ten or fifteen yards away, while in fact it was actually at my feet. One warm day at the end of April, 1880, I was collecting on the banks of a large pool in the bush. Suddenly I heard a single *Hyla Pickeringii* several yards away, and as I was anxious for some exchanges, I went cautiously to the spot. As I arrived, the same tone of note resounded from the very spot I had left. Returning again, it sounded from an opposite quarter, and thither I followed the sound as if in mockery, in the very spot I had just left. I proceeded with more caution than before, and after a short time, the sound proceeded from a limb some distance above me. I happened to cast my eye on a fly that rested on a twig about four feet from me, thus by mere accident I discovered a *Hyla* perched on a dead branch. I stood motionless, intently watching it and presently I saw its little pouch distend, and the notes follows, but I could not tell from what quarter, had not my eye detected the musician; my ears led me astray, indeed, they failed to assist me to the true locality from which the sound proceeded. This power of reverberation or ventriloquism, call it what we may, is possessed by no other species to the same extent. It is comparatively easy to trace any other frog by its notes. I saw the spawn this season on the 5th of April, but this year has been exceptionally early. This frog seeks its food on herbage, but seldom climbs to a great distance from the earth. On opening the stomachs of several, I have found Aphides, small beetles and other insects, and on one occasion, a small earth-worm. This frog is seldom seen in daytime; it is more of a night feeder. In the nesting season, the note differs little from that of any other period, and the name given to this sound, is most admirably expressed in French by *chant amour*. The following measurements of a

dozen adult specimens taken carefully and added together, and divided by twelve, gives a very fair average of the normal size.—Length of apex of nose to end of longest toe, $2\frac{3}{4}$ inches; breadth of body, 9-16 in.; length of body from nose to tail, 1 3-16 in.; length of skull, $\frac{1}{2}$ in.; breadth of skull, 6-16 in.; length of leg from hip joint to end of longest toe, 1 10-16 in.; length of thigh, 7-16 in.; length of leg $\frac{1}{2}$ in.; length of foot 12-16 in.; length of arm to end of longest finger, 10-16 in.; length of arm, 23-16 in.; length of fore arm, 33-16 in.; length of hand, 4-16 in.; length of nostril to corner of mouth, 4-16 in.; diameter of ear, 1-16 in.; length of second finger, 3-16 in.; length of third finger, 12-16 in.; breadth of lower jaw, 63-16 in. In spring it is generally found in pools, and in the autumn it buries itself in moist or muddy localities where it hibernates, and the place may be covered with several inches or feet of water. It is frequently found under leaves in moist wooded spots, and when the leaves are removed from its back, it remains perfectly motionless, and it then represents the shape and colour of a dead birch leaf. Although numerous they are not easily captured. They are comparatively still in day-time, but as night approaches, the sounds from the numerous throats are truly deafening. In this locality it is popularly named "The Canada Band." With them are associated the Wood Frog and the *Acris gryllus* var. *crepitans*; also a Cricket Frog, which has more of a singing note, and in fact very different at times to distinguish from it; even on close inspection. The *ova* is deposited in April, and I have obtained the young in perfect form in June. This is a rapid completion of its early stages, but it is slow when compared with some species found in Arizona and New Mexico, which deposit their *ova* in pools formed by spring rains, and before these pools have had time to dry, the young come forth fully formed. *Hyla Pickeringii* has the power of mimicking colour, and it is not uncommon when first taken to be of a light yellow or slightly brownish yellow colour, and when placed in a vase with dark moss, it will, in a day or two become a deep coppery brown. I have observed this frequently and am unable to account for it. If volition has to do with it, the animal would change suddenly. But it requires several days to produce this in confinement, consequently I presume it must be as slow in freedom. In summer I have seen the young of a greenish tinge, among low

herbage, and when these are kept a few days, they become of a coppery tinge or yellowish brown. It appears to me, then, that the subcutaneous pigment may be deposited in greater quantity when surrounded by dark colours, and that light colours have the power of causing sympathy or exciting influence, either of absorption or diminishing excess of shade. The subject is too intricate to discuss at present. I have taken the measurements with care and am able to state that they approach as nearly to the exact thing as possible.

J. H. GARNIER.

Lucknow, Ont., June, 1882.

GAME LAWS FOR THE PROVINCE OF QUEBEC.

MOOSE, DEER, ELK, CARIBOU, &c.

1. The hunting or taking of moose, before the first of September in the year one thousand eight hundred and eighty-three, is forbidden, and, after the expiration of that period, between the first day of February and the first day of September in every subsequent year: the hunting, taking or killing of elk, caribou, deer or their fawn, is also prohibited between the first day of February and the first day of September in each year.

Beaver, Mink, Otter, Marten, Peka, Wild-cat, Hare, Musk-rat.

2. It is forbidden to hunt or trap:

1. Any beaver, mink, otter, marten, pekan or wild-cat between the fifteenth day of March and the first day of November, in each year;

2. Any hare, between the first day of March and the first day of November, in each year;

3. Any musk-rat, between the first day of June in each year and the first of April of the year following, in the districts of Quebec, Saguenay, Chicoutimi, Montmagny, Kamouraska, Rimouski, Gaspé, and between the first day of May in each year and the first day of April following in the remainder of the province.

Partridge, Grouse, Ptarmigan, Woodcock, Sand-lark, Wild duck, Widgeon, and Teal, &c. &c.

3. It is also forbidden to hunt or take:

a. Any partridge between the first day of January and the fifteenth of September, in each year;

b. Any grouse, ptarmigan, woodcock, snipe, or sand-lark, between the first day of February and the first day of September, in each year;

c. Any wild swan, wild goose, Canada goose, or wild duck of any kind, widgeon or teal, between the fifteenth day of April and the first day of September, in each year;

d. Any of the birds mentioned in paragraphs b and c of this section, at any time between one hour after sunset and one hour before sunrise;

2. To disturb, injure or gather or take, at any time, the eggs of any species of wild fowl mentioned in this section, and all vessels or boats employed in disturbing, gathering or taking the eggs of any species of the aforesaid wild fowl, may, as well as the eggs be confiscated and sold.

Nevertheless, in that portion of the province to the east and north of the counties of Montmorency and Montmagy, the inhabitants may, at any time, and only for the purpose of procuring food, shoot or take the birds mentioned in paragraph c of this section.

4. It is forbidden to take, at any time, by means of ropes, snares, springs, cages, nets, pits or traps of any kind, any of the animals or birds mentioned in sections 1 and 3, except partridges; and to place, construct, erect or set, either wholly or in part, any engine for such purpose, and any person finding any engine so placed, constructed, erected or set, may take possession of it or destroy the same.

INSECTIVOROUS OR OTHER BIRDS BENEFICIAL TO AGRICULTURE &c.

5. It is forbidden, between the first day of March and the first day of September, in any year, to shoot, kill or take, with the intention of killing, by means of nets, traps, springs, snares, cages or otherwise, any barn swallow, bank swallow, martin or chimney swallow, king-bird, warbler, flycatcher, woodpecker, whippoorwill, song-sparrow, titmouse, goldfinch, grive, cow-bunting, bobolink, (*dolichornis oryzivorus*), sparrow, jay, grackle, grosbeak, and all other species of birds, with respect to which no provision has been made in any of the preceding sections, or to take their nests or eggs, except eagles, falcons, hawks and other birds of the eagle kind, wild pigeons, fishers, crows and ravens, waxwings (*recollets*), and the great northern shrike (*Callypio borealis*).

This section does not, however, apply to the birds commonly known as poultry.

6. It is forbidden to take or kill migratory quail up to the thirty first of December, one thousand eight hundred and eighty-four.

GENERAL PROVISIONS.

7. It is forbidden, at all times, to use or employ strychnine or other deleterious poison, either mineral or vegetable, or any spring-gun, to hunt, take or destroy any animal what ever.

8. Every game-keeper, under the control of the Commissioner of Crown Lands, shall forthwith seize all animals or birds mentioned in the preceding sections,—except section 5,—or any portion of such animals or birds found by him in the possession or custody of any person during any forbidden period and which appear to him to have been taken or killed during such period or by any of the illegal means set forth in sections 4 and 7 of this act; and bring them before any justice of the peace who shall declare them confiscated, either in whole or in part. All animals or birds or portions of animals or birds so confiscated belong to the game-keeper.

9. It is forbidden to have in one's possession, custody or care, any animal or bird already mentioned,—except those with respect to which provision is otherwise made in section 5 of this act,—or any part of such animal or bird, with the exception of the skin, during the period in which the act of killing the same is prohibited, by this act, or which appears to have been killed or taken by any of the means forbidden by this act; but every such animal or bird, or any portion or portions thereof, may be bought or sold, when lawfully taken, during five days to be computed from the expiration of the various periods respectively fixed by this act for the taking or killing thereof.

10. Every game-keeper, under the control of the Commissioner of Crown Lands, may cause to be opened or may himself open, in case of refusal, any bag, parcel, chest, box, trunk or other receptacle, (outside the limits mentioned in the following section,) in which he has reason to believe that game, killed or taken during the close season, or peltries out of season, are hidden.

11. Every gamekeeper appointed by the Commissioner of Crown Lands, if he has reason to suspect, and if he suspects that game, killed or taken during the close season, or peltries out of season, are contained or kept in any private house, store, shed or other buildings, shall make a deposition before a justice of the peace, and demand a search warrant to search such store, private house, shed or other

building and thereupon such justice of the peace is bound to issue a warrant.

PENALTIES, PROCEEDINGS, &c.

12. Every infringement of any of the provisions of this act is punishable by fine, to be recovered summarily on information or only on a writ of summons issued by a justice of the peace.

The fines are as follows: For every infringement of

Section 1.....	\$5 to \$20
Sections 2 and 3.....	5 to 15
Section 4.....	2 to 10
Sections 5 and 6.....	2 to 6
Section 7.....	25 to 50
Section 9.....	5 to 20
Section 17 (double the fee for the game license)..	
Section 19.....	5 to 10

Such justice of the peace, shall, if he finds the proof sufficient, impose the fine with costs, which fine wholly belongs to the prosecutor, if he be a game-keeper, and one half only if he does not act in an official capacity; in the latter case the other half is paid over to the game-keeper, appointed for the division by the Commissioner of Crown Lands, to be by him forwarded to the Crown Lands' Department.

In default of immediate payment, the offender is imprisoned in the common gaol of the district within the limits of which the offence was committed, for any period of time not exceeding three months, and in cases of infringement of section seven, for a period not exceeding six months.

Every justice of the peace has power to convict on view.

Prosecutions are at the risk and costs of the complainant.

13. Suits brought in virtue of this act need not be begun by deposition, or information or oath of the plaintiff or complainant, provided that the purport of the complaint or demand is sufficiently set forth in the writ or in a declaration annexed thereto.

The evidence of the complainant alone or of any one witness is sufficient to justify a conviction.

14. No proceeding under this act shall be quashed, annulled or set aside by *certiorari*; but an appeal may be brought before the Circuit Court of the district in which the offence took place, in the same manner as appeals under the municipal code.

15. No prosecution shall be brought after

six calendar months from the day of the committing of the offence charged.

APPOINTMENTS, GAME LICENSES, &c.

16. The Commissioner of Crown Lands has the power of appointing officers to see to the observance of this act and of any other act which may hereafter be passed relating to game in this province.

17. In future, no person who has no domicile in the province of Quebec can, at any time, hunt within the meaning of this act, without being authorized thereto by a license to that effect.

18. Such permit may, upon payment of a fee of twenty dollars, be granted by the Commissioner of Crown Lands to any person, not domiciled in the province, who applies to him therefor, and shall be valid for the whole of one season's shooting. It must be countersigned by the game superintendent.

19. The Commissioner of Crown Lands may grant written permits to any person or persons who may be desirous of obtaining birds, eggs or fur-bearing animals for *bona fide* scientific purposes, to procure them for that purpose during the close season, and such permits shall be countersigned by the game superintendent; and the person, who shall have obtained such permit, shall not be liable to any penalty under this act, provided he sends in, within two months from the date at which he acted under such permit, a statement showing the species and number of the game or fur-bearing animals he so procured for scientific purposes.

20. Every wood-ranger, appointed by the Commissioner of Crown Lands, is while in office as such, *ex-officio* gamekeeper for the division under his superintendence and he is not entitled to any additional salary for such services.

21. The Commissioner of Crown Lands may also appoint as game-keepers, any other persons besides the wood-rangers and assign to them such territory or division as he may think proper under the circumstances.

22. The lieutenant-governor in council may in his discretion prohibit the hunting or killing of any game or fur-bearing animal, for a period not exceeding five years.

23. The present act shall come into force on the day of its sanction.

NOTE.—In our next issue, we will make some further comments on the above.

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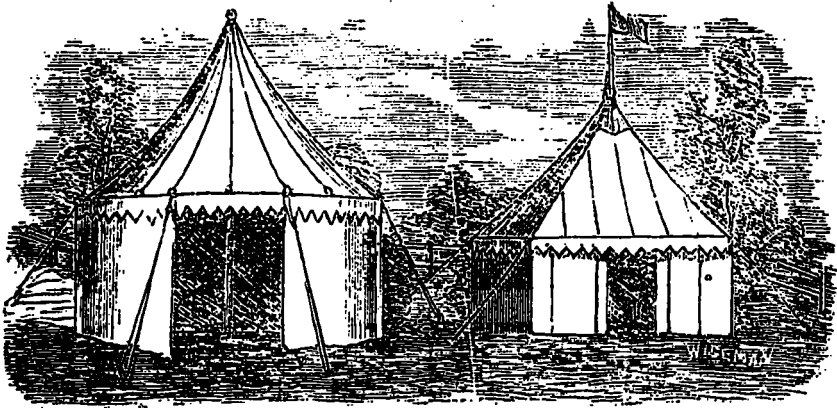
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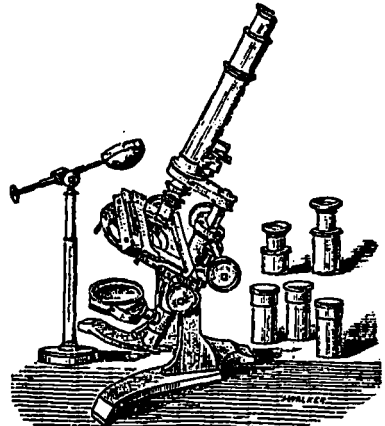
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