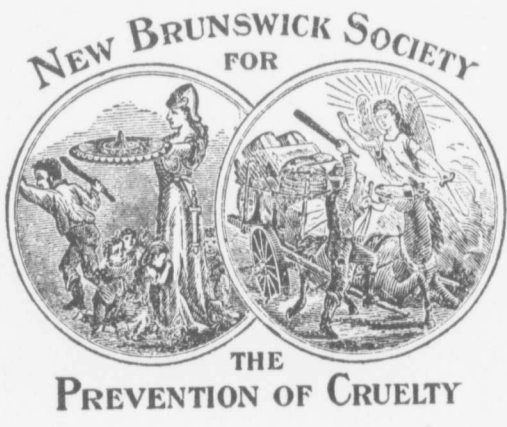
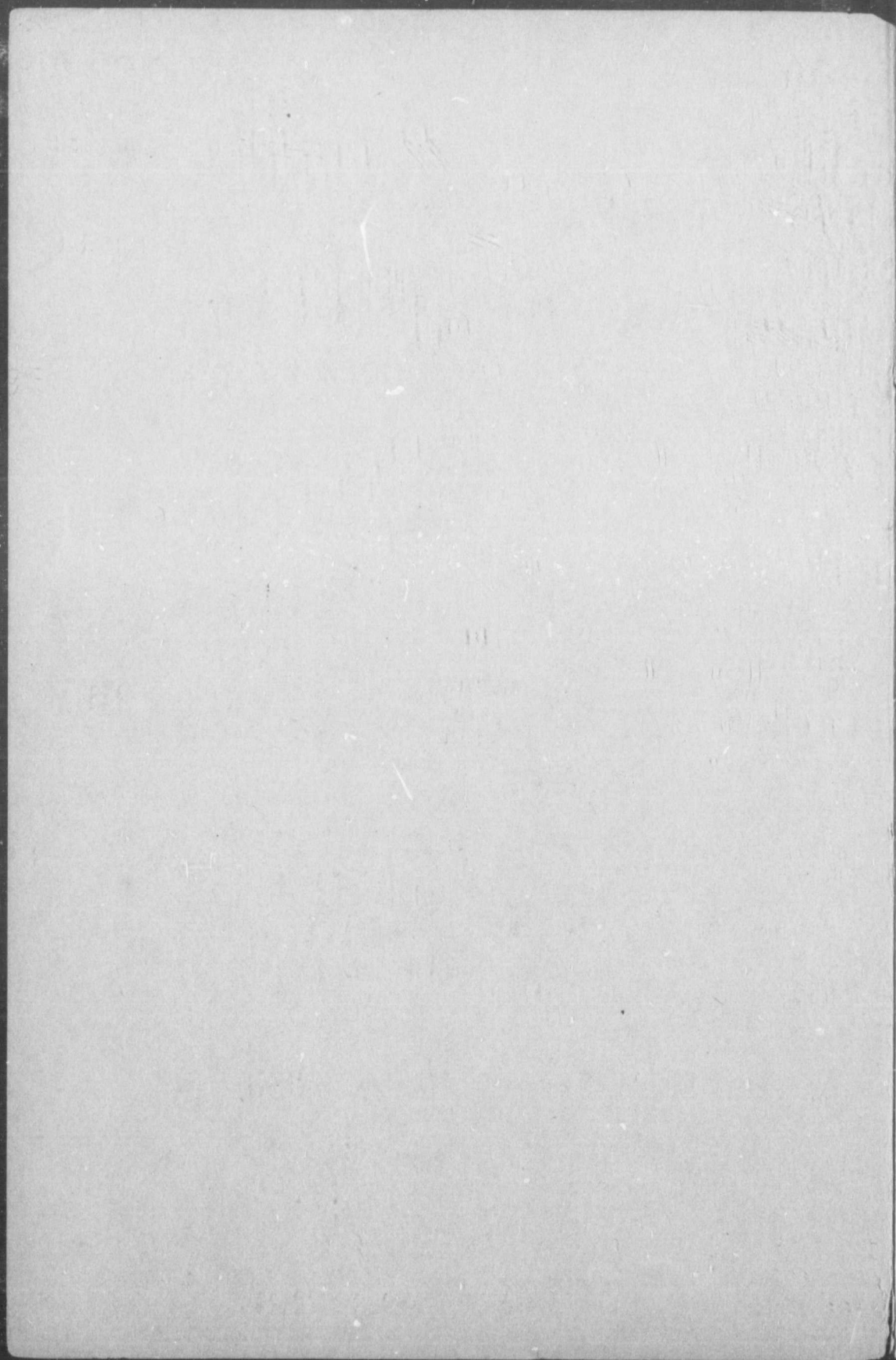


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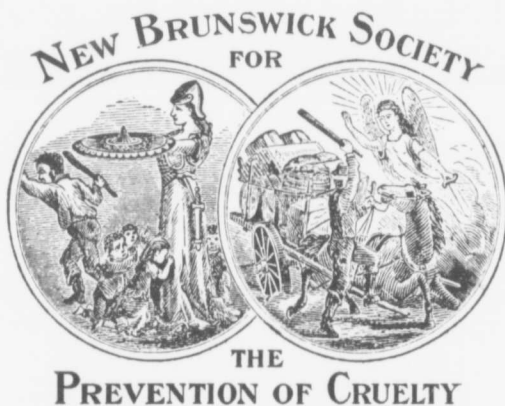




NEW BRUNSWICK SOCIETY
FOR THE
PREVENTION OF CRUELTY

Incorporated under Acts of the Legislature of New Brunswick

ACTS OF INCORPORATION
CONSTITUTION, BY-LAWS
AND THE
LAWS RELATIVE TO CRUELTY



HEADQUARTERS OF THE SOCIETY
SAINT JOHN, NEW BRUNSWICK

OFFICERS ELECTED AT ANNUAL MEETING
OF THE
New Brunswick Society for the Prevention of Cruelty

FEBRUARY 21ST, 1911.

Patrons :

HON. L. J. TWEEDIE, Lieutenant Governor.
HON. A. R. McCLELAN, Ex-Lieutenant Governor.

President :

HON. J. V. ELLIS.

Vice-Presidents :

T. B. Robinson.	James Manchester.
W. L. Hamm.	The Bishop of Fredericton.
Dr. Thomas Walker.	Geo. E. Fairweather.
W. Frank Hatheway.	O. H. Warwick.
James Ready.	Rev. C. F. Flanders.
R. W. W. Frink.	Frank B. Ellis.

Executive Committee :

T. O'Brien.	Dr. H. S. Bridges.
W. S. Fisher.	E. L. Jewett.
Geo. O. D. Otty.	Henry Gallagher.
T. H. Estabrooks.	G. Ernest Fairweather.
R. T. Worden.	A. Gordon Leavitt.

S. MERRITT WETMORE, Secretary.
LEONARD W. PETERS, Treasurer.
J. KING KELLEY, B.C.L., Counsel.
DR. JAMES H. FRINK, Veterinary Surgeon.

ANNO QUADRAGESIMO QUARTO VICTORIÆ REGINÆ

AN ACT

TO INCORPORATE THE NEW BRUNSWICK SOCIETY FOR
THE PREVENTION OF CRUELTY TO ANIMALS.

Passed 25th March, 1881.

Whereas, it is desirable to provide means to enforce the laws for the protection of and for preventing Cruelty to Animals, and to secure the prosecution of persons violating such laws; and whereas, certain persons hereinafter named have by their petition prayed to be with their associates incorporated for the purposes mentioned;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:

1. Charles R. Ray, William H. Fairall, Alfred A. Stockton, Henry W. Frith, John Magee, W. F. Best, T. Barclay Robinson, James Holly, W. Walker Clark, John Sears, the Rev. James Bennett, D.D., Sylvester Z. Earle, M.D., R. Chipman Skinner, Joseph B. Hamm, and Rowland Bunting, their associates and successors, as provided hereinafter, shall be, and they hereby are created and constituted, a body corporate in name and in deed, as "*The New Brunswick Society for the Prevention of Cruelty to Animals,*" and as such shall be entitled to and shall have and enjoy perpetual succession a corporate seal and all other the powers and privileges made common and appurtenant to corporate bodies under and by virtue of the laws of New Brunswick.

2. Any three or more of the persons in the first section named may summon the first meeting of the said Society by a public notice to be signed by them and inserted in one or more newspapers published in the City of Saint John,

and such meeting shall be held in the said City of Saint John, at such time and place as the persons signing such notice shall thereby appoint.

3. The said Society shall consist of all persons who shall contribute to the funds thereof according to the terms and conditions of such rules and regulations as the Society may adopt as and for the Constitution of the Society, and for the purpose of holding the first meeting and all other preliminary meetings prior to the adoption of a Constitution, and of all persons who shall have subscribed and paid a sum of not less than two dollars to such fund.

4. The members may adopt and ordain such rules and regulations not contrary to law as they may deem necessary for the control and management of the said Society, and among other things for fixing the terms of membership, and the appointment of officers and of a governing body, and may from time to time annul, change or modify such rules and regulations in such manner as the same shall specify and allow.

5. The said Society may receive, take, hold, enjoy and manage all bequests, legacies, subscriptions and donations, whether of real or personal estate, which may be made or given to it; and may acquire, hold, lease, sell, convey and mortgage any real estate necessary for the purpose thereof, provided always that the value of such real estate so held shall not exceed the sum of five thousand dollars.

6. The said Society may form and establish Branch Societies or Associations at or in all or any of the Cities, Towns or Parishes of the said Province, from time to time, and subject to and under such regulations as may be deemed necessary or expedient.

7. Any officer, agent or employee of the Society shall and may be invested with and exercise the powers and privileges of a constable or other peace officer, for the purposes of the Society, upon being duly sworn before any

Justice of the Peace, and may exercise such powers in any County, City, Town or Parish in this Province in and for which he shall have been so sworn.

8. All policemen, constables and other peace officers in the said Province are hereby authorized and required to aid and assist the officers of the said Society in all lawful ways for enforcing the law and carrying out the objects for which the said Society is hereby incorporated.

I. GEORGE V., CHAPTER 53.

AN ACT TO AMEND CHAPTER 105 OF THE CONSOLIDATED STATUTES, 1903, RESPECTING THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Passed 6th April, 1911.

Be it enacted by the Lieutenant Governor and Legislative Assembly, as follows:

Section 1 of Chapter 105 of the Consolidated Statutes, 1903, is hereby repealed and the following substituted in lieu thereof:

1. The Body Corporate in name and in deed created by Section 1 of Chapter 58 of the Acts of Assembly, 44 Victoria, by the corporate name of The New Brunswick Society for the Prevention of Cruelty to Animals, shall be continued under the name of The New Brunswick Society for the Prevention of Cruelty, and under the name as hereby changed such body corporate shall be entitled to, and shall have and enjoy perpetual succession, a corporate seal, and all other the powers and privileges made common and appurtenant to corporate bodies under and by virtue of the laws of New Brunswick, and the said The New Brunswick Society for the Prevention of Cruelty may change or alter its present common or corporate seal, or may adopt a new or entirely different common or corporate seal to be its common or corporate seal.

2. Chapter 105 of the Consolidated Statutes of New Brunswick is hereby amended by adding at the end thereof the following sections:

14. Any agent of the Society hereby incorporated, or of any branch thereof, may lawfully examine, seize and destroy, or cause to be destroyed, any animal found at large, abandoned or in the possession of any person who is not properly caring for said animal, and appearing in the judgment of two reputable citizens, or by a veterinary surgeon called by him to view the same in his presence, to be injured, disabled, diseased past recovery, or unfit for any useful purpose.

15. Any person who shall interfere with or obstruct any officer or agent of the Society in the discharge of his duty shall be liable, on summary conviction before two Justices of the Peace or Stipendiary Magistrate, to a penalty not exceeding One Hundred Dollars, and in default of payment to imprisonment not exceeding three months.

16. Whenever it may be necessary, in order to protect any animal from neglect, any person may take possession of the same; and whenever an animal is impounded, yarded, or confined without necessary food, water or proper attention for more than fifteen (15) consecutive hours, any person may, from time to time, and as often as it may be necessary, enter into and open any place in which such animal is impounded, yarded or confined, and supply it with necessary food, water and attention as long as it remains there, or may, if necessary or convenient, remove such animal, and shall not be liable for any action for such entry; provided, before entering he shall have declared his intention of entering for humane purposes before two reputable persons, or before a Justice of the Peace. In all cases the owner or custodian of the animal, if known, shall be immediately notified of such action by the person taking possession of such animal; if the owner or custodian be unknown, and cannot be ascertained with reasonable effort, or if such owner or custodian shall not, within five days after such notice, redeem such animal by paying all expenses incurred by such action, and thereafter supply such animal with necessary food, water and proper attention, such animal shall be held to be an stray, and shall be dealt with as such. The necessary expense for

food and attention given to any animal under the provisions of this section may be collected of the owner of the animal.

17. Any officer or agent of the said Society is hereby empowered to break and enter any building, erection or enclosure when he believes, or from reliable information has reason to believe that any man, woman, child or animal is being ill-treated or neglected, and may remove the same to such place, house, home or institution, public or private, as he may in his judgment deem proper under the circumstances, at the expense of the person deemed to be the tortfeasor. No Protestant man, woman or child shall be placed in any Roman Catholic Institution, or in any family the head of which is a Roman Catholic; and no Roman Catholic man, woman or child shall be placed in any non-Catholic Institution, or in any family the head of which is not a Roman Catholic.

18. Whenever it may be necessary in order to protect any animal from neglect or cruelty on the part of the owner thereof, any Agent of the Society may seize and take possession of the said animal in any place whatsoever for the purpose of the examination of said animal as hereinafter provided. The Agent, on seizing or taking possession of said animal, shall forthwith notify the owner of said animal, if the owner can be conveniently found, of the time and place of an examination of said animal. The said examination shall take place in the presence of the said Agent and veterinary surgeon or two other competent persons, and the owner, if present, and if in the judgment of said Agent and veterinary surgeon or said two other competent persons the said animal has been or is neglected or cruelly treated, the said Agent may place the animal under proper and sufficient care and treatment, and the said agent shall be at liberty to keep the said animal under said care and treatment for a period not exceeding thirty days thereafter, during which time the owner shall have access to, and the use of the said animal, subject to the consent and approval of the said agent and veterinary surgeon. The owner of said animal shall be held liable for the provisions, care and treatment of said animal, and the Society shall have a lien on the same for the expenses of its provisions, care and treatment. In case the owner of the said animal

shall neglect or refuse to pay for such provisions, care and treatment within five days after being notified, or if the owner, after due enquiry, cannot be found, the Society shall be at liberty to sell said animal at public auction, and out of the proceeds shall reimburse itself for the said charges and expenses, if any, and pay the balance to the owner of said animal on demand, or to the person entitled thereto.

CONSTITUTION.

ARTICLE I.—NAME.

This Society shall be called "THE NEW BRUNSWICK SOCIETY FOR THE PREVENTION OF CRUELTY."

ARTICLE II.—OBJECTS.

The objects of this Society are to provide effective means for the Prevention of Cruelty throughout the Province of New Brunswick; to enforce all laws which are now, or may hereafter be enacted for the Protection of Animals; and to secure by lawful means the arrest, conviction and punishment of all persons violating such laws.

ARTICLE III.—MEMBERS.

This Society shall consist of active, honorary and life members.

Section 1.—Any person may become a member of this Society on the annual payment of two dollars.

Section 2.—Any person may become an Honorary Member for life on payment of ten dollars; and any person may become a Life Member of the Society on a payment at one time of forty dollars or upwards, and the life members shall be entitled to the same privileges as active members, and all members shall be furnished with certificates of membership.

Section 3.—Ladies and youths under eighteen years may become members of this Society upon the annual payment of one dollar.

ARTICLE IV.—OFFICERS.

The officers of this Society shall consist of a President, twelve Vice-Presidents, Secretary, and Treasurer, an Executive or Vigilant Committee composed of ten members, a Counsel, and of such other officers as the Executive Committee may deem advisable from time to time to appoint or elect. The President, Vice-Presidents, Secretary,

Treasurer and Counsel shall, each *ex officio*, be members of the Executive or Vigilant Committee. The Executive or Vigilant Committee shall form a Board for the purpose of auditing accounts and for the general management of the Society, and five members of such Board shall form a quorum at any meeting thereof.

ARTICLE V.—MEETINGS.

The annual meeting for the election of officers and for the transaction of other business shall be held in Saint John on the third Tuesday in February. Special meetings may be called by the President (or in his absence or inability, by one of the Vice-Presidents), and shall be so called upon the written request of ten members, and notice of the time and place of holding such meetings shall be published in one newspaper in the City of Saint John for not less than five days previous thereto, and a written or printed notice thereof shall be mailed to or left at the residence or place of business of each member of the Executive or Vigilant Committee.

ARTICLE VI.—AMENDMENTS.

This Constitution may be altered or amended upon a majority vote of the members present at any annual or special meeting, one month's notice of such proposed alteration having been previously given in the manner indicated in Article V.

ARTICLE VII.—BY-LAWS.

The Society shall have power to form a code of By-Laws, and from time to time to add to, modify, alter or rescind the same, and all such By-Laws, not inconsistent with the laws of the Dominion of Canada and of the Province of New Brunswick, shall be equally binding as this Constitution upon the Society, its officers and members.

ARTICLE VIII.

At all meetings of the Society five (5) members shall constitute a quorum.

BY-LAWS.

ARTICLE I.

The officers of this Society after being nominated by a mover and seconder shall be chosen by written ballot. Any vacancies occurring during the year may be filled by the Executive Committee.

ARTICLE II.

The President, or in his absence, one of the Vice-Presidents, or in the absence of both, a chairman *pro tem*, shall take the chair and preside. Such presiding officer shall have only a casting vote.

ARTICLE III.

The Secretary, under the direction of the President, or (in the absence or inability of the President) the chairman of the Executive Committee, shall attend to the correspondence and other business of the Society; shall keep in suitable books copies of all letters written, and shall file all letters received; give notice of all meetings of the Society and of the Executive Committee, and attend the same; shall keep a record of all the proceedings thereat, and shall give notice to those affected by them.

ARTICLE IV.

The Treasurer shall receive and keep the funds of the Society deposited in one of the city banks, and be drawn out on the joint cheque of the President and Treasurer, and shall keep accurate accounts of the same; shall pay all bills certified by the President, or (in his absence or inability), the chairman of the Executive Committee; and shall present to the Executive Committee annually, at least ten days previous to the annual meeting of the Society, a full account, duly vouched and audited, of all his doings.

ARTICLE V.

1. The Counsel shall be the *legal adviser* of the Society and its officers, and shall have the general charge and conduct of all suits and proceedings instituted by or against the Society and its officers, or either of them, or in which the Society may be interested.

2. With the advice or consent of the President, or (in the absence or inability of the President), the chairman of the Executive Committee, he may compromise or settle any such suit or proceeding; and may also from time to time associate with himself and retain such other counsel or attorney as, in the judgment of the President or chairman as aforesaid, and himself, may be advisable for the best interests of the Society.

3. All disbursements made by him in the execution of his powers and duties as counsel or attorney, shall be repaid him out of the funds of the Society, where the same cannot by law, or in fact, be collected from other sources, upon his certificate in writing, specifying the amount and grounds thereof.

ARTICLE VI.— BRANCH SOCIETIES.

1. Whenever the residents of any City, Town or Parish in New Brunswick, to the number of ten or more, shall desire to form a Branch of this Society and shall make known their desire to the Executive Committee, such committee shall authorize the Vice-President of the Society residing at such place to call a meeting of the residents thereof for the purpose of forming a Branch Society. Should there be no Vice-President at such place, the Executive Committee may either send one of their numbers, or appoint some person resident there to call such meeting.

2. The meeting so called may make and adopt such regulations for the management of the Branch as they may deem requisite, subject to the approval of the Executive Committee, and may ordain such fees for membership of the Branches as they see fit. Such regulations shall always define the limits of the district for which such Branch is formed.

3. Each Branch shall take the name of the place or district in which it is formed, and shall be known as the _____ Branch of the New Brunswick Society for the Prevention of Cruelty, and each Branch shall have control of its own funds.

4. The Society shall not be responsible for any contracts, debts or liabilities made or incurred by any Branch; nor shall any Branch be so responsible for the Society at large.

5. When any Branch, so formed, shall have been approved and accepted by the Society, such Branch and its local or committee of management shall have and exercise, within the district for which it is formed, all necessary powers, rights and authority for managing its own affairs and carrying into effect the purpose of this Society.

6. Every Branch shall, at the same time, during the month of January in every year make an annual report to the Executive Committee, giving details of its work, income, officers, etc., for the year previous.

7. All members of any Branch duly constituted shall be deemed members of this Society, provided they are contributors of not less than \$2.00 annually to such Branch.

LAWS

OF THE DOMINION OF CANADA IN RESPECT TO THE PREVENTION OF CRUELTY.

CRIMINAL CODE.

Revised Statutes of Canada, Chapter 146.

536. Every one is guilty of an indictable offence and liable to two years imprisonment who wilfully (a) attempts to kill, maim, wound, poison or injure any cattle, or the young thereof; or (b) places poison in such a position as to be easily partaken of by any such animal. 55-56 Vic., c. 29, s. 500.

POISONING DOGS, ETC.

537. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars over and above the amount of injury done, or to three months imprisonment with or without hard labor, who wilfully kills, maims, wounds, poisons, or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any lawful purpose.

(2). Every one who, having been convicted of any such offence, afterwards commits any offence under this section, is guilty of an indictable offence, and liable to a fine or imprisonment, or both, in the discretion of the court. 55-56 Vic., c. 29, s. 501.

THREATENING LETTERS.

538. Every one is guilty of an indictable offence and liable to two years imprisonment who sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill, maim, wound, poison or injure any cattle. 55-56 Vic., c. 29, s. 502.

GENERAL CRUELTY.

542. Every one is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, or to three months imprisonment with or without hard labor, or to both, who,— (a) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in a state of captivity; or,— (b) while driving any cattle or other animal, is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal; or,— (c) in any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature. 55-56 Vic., c. 29, s. 512; 58-59 Vic., c. 40, s. 1.

cock ~~DOG~~ FIGHTING.

543. Every one is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, or three months imprisonment, with or without hard labor, or to both, who builds, makes, maintains, or keeps a cockpit on premises belonging to or occupied by him, or allows a cockpit to be built, made, maintained or kept on premises belonging to or occupied by him. (2) All cocks found in any such cockpit, or on the premises wherein such cockpit is, shall be confiscated and sold for the benefit of the municipality in which such cockpit is situated. 55-56 Vic., c. 29, s. 513.

CARE OF ANIMALS IN TRANSPORTATION.

544. No railway company within Canada whose railway forms any part of a line of road over which cattle are conveyed from one province to another province, or from the United States, to or through any province, or

from any part of a province to another part of the same, and no owner or master of any vessel carrying or transporting cattle from one province to another province, or within any province, or from the United States to or through or to any province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight hours without unloading the same for rest, water and feeding, for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food, by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains.

(2). In reckoning the period of confinement, the time during which the cattle have been confined without such rest, and without the furnishing of food and water, on any connecting railway or vessels from which they are received, whether in the United States or in Canada, shall be included.

(3). The foregoing provisions as to cattle being unladen shall not apply when cattle are carried in any car or vessel in which they have proper space and opportunity for rest, and proper food and water.

(4). Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or, in case of his default in so doing, by the railway company, or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and such company, owner or master shall in such case have a lien upon such cattle, for food, care and custody, furnished, and shall not be liable for any detention of such cattle.

(5). Where cattle are unladen from cars for the purpose of receiving food, water and rest, the railway company, then having charge of the cars in which they have been transported, shall, except during a period of frost, clear the floors of such cars, and litter the same properly with clean sawdust or sand, before reloading them with live stock.

(6). Every railway company, or owner, or master of a vessel, having cattle in transit, or the owner or person having the custody of such cattle, as aforesaid, who knowingly and wilfully fails to comply with the foregoing provisions of this section, is liable for every such failure on summary conviction to a penalty not exceeding one hundred dollars. 55-56 Vic., c. 29, s. 514.

545. Any peace officer or constable may, at all times, enter any premises where he has reasonable ground for supposing that any car, truck or vehicle, as to which any company or person has failed to comply with the provisions of the last preceding section, is to be found, or enter on board any vessel in respect whereof he has reasonable ground for supposing that any company or person has, on any occasion, so failed.

(2). Every one who refuses admission to such peace officer or constable is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars and not less than five dollars, and costs, and in default of payment, to thirty days imprisonment. 55-56 Vic., c. 29, s. 515.

No prosecution for any offence, under Articles 542 and 543, can be commenced after the expiration of three months from its commission. Limit of time under Section 545, is six months.

Under Section 544, prosecution must be commenced within three months.

CRIMINAL CODE.

CARE OF CHILDREN AND WIFE.

SECTION 242. Every one who as parent, guardian or head of a family is under a legal duty to provide necessaries for any child under the age of sixteen years is criminally

responsible for omitting, without lawful excuse, to do so while such child remains a member of his or her household, whether such child is helpless or not, if the death of such child is caused, or if his life is endangered, or his health is, or is likely to be, permanently injured, by such omission.

(2.) Every one who is under a legal duty to provide necessaries for his wife, is criminally responsible for omitting without lawful excuse so to do, if the death of his wife is caused, or if her life is endangered, or her health is, or is likely to be, permanently injured, by such omission. 55-56 Vic., c. 29, s. 210.

WILFUL INJURY.

SECTION 510. Every one is guilty of the indictable offence of mischief who wilfully destroys or damages any of the property in this section mentioned, and is liable to the punishment in this section specified, that is to say:—

(A) * * * * *

(B) To fourteen years imprisonment if the object damaged is,—

(a) a ship in distress or wrecked, or any goods, merchandise or articles belonging thereto; or,

(b) any cattle or the young thereof, and the damage is caused by killing, maiming, poisoning or wounding.

SECTION 1043. One moiety of every pecuniary penalty recovered with respect to any offence under section five hundred and forty-two or five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justices seems proper. R. S., c. 172, s. 7.

DECIDED CASES.

UNNECESSARILY BEATS, ETC.—“Unnecessarily” here means “Without good reason.” *Ford v. Wiley*, 23 Q. B. D. 203; *Murphy v. Manning*, 2 Ex. D. 307; *R. v. McDonagh*, 28 L. R. Ir. 204.

CRUELTY.

CRUELTY.—The use of an overdraw check rein on a horse is ordinarily not an offence under this section although it causes discomfort to the animal. *Society v. Lowery* (1894), 17 Montreal Legal News 118.

The cutting of the combs of cocks to fit them for fighting or winning prizes at exhibitions has been held to be cruelty. *Murphy v. Manning*, L. R. 2 Ex. D. 307; but as to dishorning cattle the better opinion appears to be that it is not an offence; *Callaghan v. Society*, 11 Cox C. C. 101; although it was held to be in *Ford v. Wiley*, L. R. 23, Q. B. D. 203.

The spaying of sows is not cruelty. *Lewis v. Fermor*, L. R. 18, Q. B. D. 532.

In *Benford v. Sims* (1898), 2 Q. B. 641, a person was accused under the Summary Jurisdiction Acts of cruelly ill-treating a horse by causing it to be worked while in an unfit state, and was held to be properly convicted, although the offence actually proved was that he had knowingly counselled the owner of the horse to cause the cruelty to be committed. (Code, Sec. 69).

In *King v. Cable* (1906), 1 K. B. 719, the defendant was convicted for that he did cruelly ill-treat, abuse and torture five cows by causing them to be over-stocked with milk. The defendant contended that the conviction was bad in that it was a conviction for five separate and distinct offences; but the Divisional Court affirmed the conviction on the ground that an act or omission affecting several animals may constitute a single offence. And see Code, Sec. 725.

Section 542 expressly includes birds, but apart from the statutory definition it has been held that tame linnets are within the protection of a statute punishing cruelty to "domestic animals." *Colam v. Pagett*, 12 Q. B. D. 66.

MEANING OF CATTLE.

MEANING OF CATTLE.—(5) "Cattle" includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and by whatever technical or familiar name known, and shall apply to one animal as well as to many.

DEHORNING CATTLE.

DEHORNING CATTLE.—See report of Royal Commission, Province of Ontario on dehorning cattle. See also *Ford v. Wiley*, L. R. 23, Q. B. D. 203.

INSTANTLY KILLING.

INSTANTLY KILLING.—On a charge of unlawfully and maliciously killing cattle it appeared that the animal was killed by the prisoners, when it was in a helpless and dying condition, and that the prisoners thought it was an act of mercy to kill it. It was held that the killing was not malicious; that the implication of malice was rebuttable, and had been in fact rebutted, a *mens rea* on the part of the prisoners being disproved. *The Queen v. Mennel*, 1 Terr. L. R. 487.

THE GAME ACT, 1909, NEW BRUNSWICK.

SECTION 4. Every one is guilty of an offence and liable to the penalty hereinafter provided, who, at any time or season hereafter, in any part of the Province:

(1). Hunts, takes, hurts, injures, traps, snares, shoots, wounds, kills or destroys,

(a). Any cow moose, or cow caribou, or any calf moose, or calf caribou (the term "calf" shall be construed to mean that the animal is a calf until it is at least three years old and has at least three points, or tines, not less than four inches long on each horn), or who has in his possession the carcass of any such cow moose, cow caribou, calf moose or calf caribou, or any portion thereof.

(b.) (c.)

(d.) Any seagull, pheasant or any small birds which frequent the fields and woods (except such birds as to which special provisions are made in this chapter, and excepting also blackbirds, crows, and English sparrows), or removes, damages, or destroys the nest or eggs thereof.

(e.) (f.) (g.)

(6.) Disturbs, injures, gathers, or takes at any time the eggs of any species of partridge, wild duck, wild goose, or of any other wild fowl, the hunting of which is regulated by this Act.

PENALTY.

- | | | | | |
|----|------|----|-----------------------------------|-------------------|
| 4. | (1.) | a. | \$200.00 Maximum, | \$100.00 Minimum. |
| | | | 3 Months " | 1 Month " |
| 4. | (1.) | d. | \$5.00 or five days imprisonment. | |
| 4. | (6.) | | \$25.00 Maximum, | \$5.00 Minimum |
| | | | 25 days " | 5 days " |

CONSOLIDATED STATUTES OF NEW BRUNSWICK, 1903.
VOL. I., CHAPTER 105.

SALE TO PAY EXPENSES.

SECTION 9. If any person or persons shall be found violating the laws relating to cruelty to animals, which now are or may hereafter be in force in this Province, and having in his, her or their possession at the time of his, her or their arrest, any of the animals mentioned in Section 542 of the Criminal Code, and upon which any of the offences mentioned in said section has been committed, or in case any animal shall be found at large, the person making such arrest, or finding the animal at large as aforesaid, shall use reasonable diligence to give notice to the owner of said animal, and shall take possession of and properly care and provide for such animal or animals, together with the harness and whatever vehicle that may be attached thereto, until the owner thereof shall take charge of the same, provided the owner shall take charge of the same within ten days from the date of said arrest or finding; and the person making such arrest, or finding the animal as aforesaid, shall have a lien on said animal or animals, together with the harness, vehicle, and all appurtenances thereto, if there should be any, for the expenses of such care and provision, and for any fine or costs that may be imposed upon the offender under said Code; and in case the owner thereof shall neglect or refuse to pay such charges, and the fine and costs (if any) imposed, or if the owner, after due enquiry, cannot be found within said time, the party making said arrest, or finding said animal as aforesaid, shall be at liberty to sell said animal or animals, together with the harness, vehicles, and all other appurtenances thereunto, on giving five days notice by publishing the same in a newspaper, or by handbills posted in at least three public places in the parish, city or town in which such animal has been arrested or found, and out of the

proceeds shall reimburse himself said charges and said fine and costs, if any, and pay the balance to the owner of the said animal, harness, vehicles or appurtenances. The words "owner" or "person" shall be held to include corporations as well as individuals. 45 Vic., c. 57, s. 4.

CONSOLIDATED STATUTES OF NEW BRUNSWICK, 1903.
VOL. I., CHAPTER 105.

HUMANE DESTRUCTION.

SECTION 10. In the event of it being reported to said society that any animal is at large and out of the control of its owner, and that such animal is suffering from any incurable disease, broken limb, or other cause that would incapacitate it from further use and work, or if such animal should not be worth the cost of its keep, then, upon examination by a veterinary surgeon or by any other two persons (not being officers or members of the said society) accustomed to the care and custody of animals of the same kind as that which he or they are called upon to examine, such condition or conditions of the animal as hereinbefore mentioned being ascertained and certified to in writing by the examining party, it shall be lawful for the said society, by its authorized agent or agents, at once to destroy said animal to prevent further suffering. 45 Vic., c. 57, s. 5.

CARE OF ANIMALS IN WINTER.

Do not compel domestic fowls to roost in trees. Aside from danger of being captured by owls and other enemies, the swaying of the branches upon which they are sitting will prevent them from getting rest; while in the severely cold weather, thus exposed, feet and combs are frozen and the bird is so benumbed as to make it impossible for it to be of much profit on the farm. Securely sheltered from wind and storm, and allowed to sit on a broad roost, feet are thus kept warm, refreshing rest is obtained and the fowl is much stronger, healthier and more profitable to its owner.

Do not clip horses during the winter months. With the same propriety we might cut the hair from a dog or shear a sheep at this season of the year. The argument in behalf of the practice is that the horse in perspiration will dry more quickly if the hair is short. If the animal is thoroughly blanketed and kept in a sheltered or warm place, after being driven, no danger results from perspiration, whatever the length of hair; while the horse that has been deprived of its coat in the winter time suffers perpetually while being exposed to the cold. It is cruelty inflicted upon beautiful carriage horses for the purpose of style. Happy is the ordinary work horse in the winter time, for, however much it may perspire, it is allowed to carry its full growth of hair during the cold weather.

Do not leave cattle to stand shivering, while extremities often freeze, in the snow storms and severe winds of winter, when a little time would suffice to construct of boards, rails or poles, a support upon and around which may be placed hay, straw or weeds, thus making a shelter that may comfortably protect them. Cattle kept in fairly warm condition throughout the winter will as milkers give a larger and better yield of milk, and as beeves will take on flesh much more rapidly than if left exposed to inclement weather.

Aside from a question of humanity, the more attention and care that is bestowed upon animals, with a view to their comfort, the more will they be of service and a source of profit to their owners.

CARE OF ANIMALS IN SUMMER.

Provide water—fresh, pure water. Think, reader, how you are refreshed by a drink of cool water on a hot day. The lower animals are equally in need of the means of quenching thirst.

The active dog requires drink frequently during the hot day, as does also the cat; and a dish of fresh water should stand where they can have access to it. Undoubtedly many a dog is driven to madness through lack of water; and the testimony is that hydrophobia is almost unknown in those localities where dogs can drink when they wish.

Every city, village and country town should be liberally supplied with drinking fountains for animals, and they should be so constructed that even the smallest dogs can drink from them. No gift to a people confers a greater pleasure than a fountain, and that person who turns aside a stream from the field and gives a watering trough to the roadside, or provides a fountain at which man and beast can drink pure water, is truly a public benefactor.

Give the horse frequent opportunity to quench thirst at times when not too much overheated, and before eating. To drink freely immediately after eating prevents a favorable digestion of food.

Provide shade. How instinctively we seek the shadow when the sun is pouring its hot rays on the dry and parching earth. If the pasture is not provided with shade trees, in a convenient locality, set four, six or eight supports, across which place straw or grass, and thus, in a brief time and with little labor, make a shade in which animals can rest from the heat of the sun, to the great comfort of themselves and benefit to their owners.

Remove the harness from the horses in the hot day whenever you desire to give them a full, free rest, and once during the day, preferably at night, a thorough currying and grooming will not only give rest, but will do about as much towards improving the animal's condition as will the oats.

Examine the harness on your working team, and you will discover that blinds, check-reins, and cruppers, are simply torturing contrivances, serving no useful purpose. Take them all off for the convenience of yourselves and the comfort of the horses. Keep the stable well ventilated and free from the strong ammonia, which is injurious to the eyes. Assist the animals to protect themselves against flies, feed regularly, hitch in the shade, and remember that the care which will give comfort to the lower animals, will make them doubly profitable to their owners, aside from the humane bearing upon the subject.

SUGGESTIONS

FOR THE GUIDANCE OF INDIVIDUALS WHO MAY DESIRE TO PROSECUTE PERSONS GUILTY OF CRUELTY TO ANIMALS.

The Dominion Law presents three means by which perpetrators of Cruelty to Animals may be punished:

1. By giving the offender into the custody of a policeman or a constable. 2. By the issue of a summons. 3. By the apprehension of the accused under a warrant.

1. By giving the offender into the custody of a policeman or a constable.

This is the best course to adopt within the City of Saint John, and in towns where the magistrates sit daily, as the person charged can be conveyed to a police court immediately after the commission of the offence, and punished forthwith. If a policeman or constable is not within reach when the cruelty is witnessed, or cannot be obtained soon afterwards, it will be better to proceed by summons, except in flagrant cases, exhibiting the worst features of torture; or when in consequence of the offender's refusal to discontinue his brutality it may be necessary to protect the animal by placing its tormentor in custody of a police officer.

2. By the issue of a summons.

First obtain the name and address of the offender, and lay the complaint before a justice of the peace within whose jurisdiction the offence shall have been committed. This must be done within three calendar months after the commission of the act complained of.

Should the accused be the driver or conductor of an omnibus, cab or other public vehicle, obtain his name, address, and number of badge; also the name, address, and number of said omnibus, cab, or other vehicle. Make a note of time when, and the place where, the offence

occurred. If for driving a horse or other animal with galled neck or shoulders, or other wounds, note the size, situation of such wounds, especially if raw, discharging, or in contact with the harness; if flogging or beating, note the number of blows, and on what part of the body inflicted, and the effect, if any, on the skin of the animal; if for lameness, ascertain particularly whether or not there is suffering, as lameness is not always an indication of pain; if for weakness or infirmity, take care to have a witness to speak of the bodily condition, age, and incapacity of the animal, and the labor exacted from it; if for overloading, it is indispensable to show painful distress of the animal—*e. g.*, trembling, falling, unusual perspiration, or exhaustion—or to show violence on the part of the driver; if for mutilation or any other torture under the aforesaid Acts of the Dominion of Canada, observe minutely and take down in writing the precise character of the same in detail. It is important also to remember the exact words of the accused when stopped. In every case, if possible, obtain the name and address of one or more respectable witnesses willing to give evidence. If unwilling, a witness may be subpoenaed by the magistrate to appear.

The magistrate has power upon conviction for ill-treatment to an animal which has sustained damage, to award compensation to the owner thereof, in addition to the punishment upon such conviction the said compensation to be paid by the offender.

3. By the apprehension of the accused under a warrant.

This is desirable in all cases where there is reason to believe the offender will evade a summons, or is about to abscond. All the preceding precautions of course apply to proceedings under warrant. There is another means of punishment, to which particular attention is requested, as, perhaps, in Saint John, it is by far the most successful of any plan for the repression of cruelty, *viz.*:

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4. *An application to the Secretary of this Society to prosecute in the stead of the witness.*

The Secretary of this Society may be seen at his office daily between the hours of 9 and 10 in the morning; and in the afternoon between 2 and 3 and 4 and 5 o'clock. Upon any respectable person furnishing him with the particulars of any act of cruelty, he will institute proper inquiries, and with sufficient evidence, conduct the prosecution without expense to the witness or complainant, and without his assistance, except in as far as may be necessary for the conviction of the offender. The names of persons and letters supplying information are kept strictly private and confidential when secrecy is enjoined. Information and assistance to facilitate the prosecution of persons guilty of offences in any part of the Province, will be given on application to the Secretary, it is requested that the particulars of any act of cruelty forwarded to the Secretary may be made full and precise and delivered as soon as possible after the offence; and it is earnestly hoped that the personal inconvenience arising out of proceedings to protect animals from the outrages of cruel men, will not deter men of humanity from co-operating with the officers in their efforts to promote the objects of the Society.

Anonymous letters cannot be recognized, but all communications must be duly signed and addressed to

S. MERRITT WETMORE, *Secretary.*

Office, Ferry Building, Water Street, Saint John, N. B.

THE INHUMANITY OF CLIPPING HORSES.—There is a great deal said these days by “professors,” amateurs and others about the benefit of clipping horses. They tell us the horses feel better, will “dry off” quicker, etc., to the end of a long ingenious chapter. All we have to say is, try it on, gentlemen, yourself. Strip off all your clothing but your flannel drawers and shirt, and go out for a winter’s campaign in all kinds of weather. Undoubtedly men dressed in this style will “sweat” less, and feel “freer” to do their work, but we opine a slight “chill” will now and then come over your “feeble” frames ere the winter is past and gone. As a good-natured farmer said the other day, he “thought the Lord knew whether the horses needed the warm covering of hair or not when he gave it to them,” and he did not propose to improve on the Lord’s work. But then, he was a modest man, and all are not as modest in the estimate of their own knowledge as compared with the Lord’s.—*Hampshire Gazette.*

RELATIONS BETWEEN MAN AND THE LOWER CREATION.—“After eighteen centuries of barbarity in this sphere of our relations” between man and the brute creation,—“the revelations whereof, in its actual condition, are to the last degree revolting—the civilized West is just beginning to awake to the duty of protecting our ‘dumb neighbors,’ and to ask whether the ‘beasts that perish’ do not turn the tables in the argument of immortality itself, upon the master, whose cruelties towards them mock his own special claim to be made in the image of God. We may yet appreciate Landor’s tender tribute to his dog, ‘Few saints have been so good-tempered, and not many so wise.’”

“If you must kill them, do it without cruelty. Every animal has a right to justice and protection at the hands of the superior animal, man, who, if he kills, should do so for a purpose. That purpose is not helped by cruelty.”—*Animal World.*

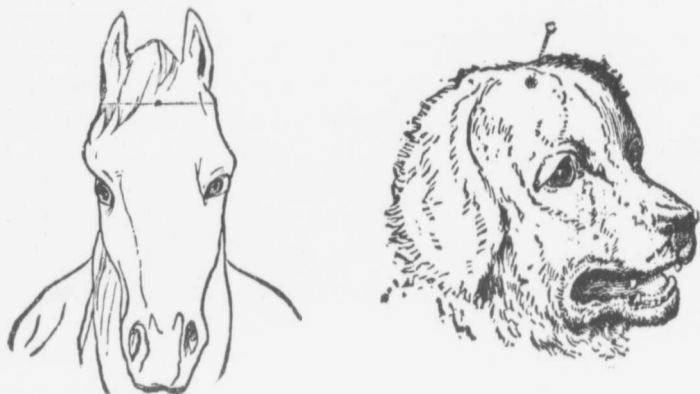


FIG. 2.

HOW TO KILL ANIMALS HUMANELY.

The horse may be destroyed by blows upon the head, by the bullet, or by chloroform.

1. *By Blows.*—Having blindfolded the horse, the operator, armed with a heavy axe or hammer, should stand upon the side and to the front of the animal, directing his blow to a point in the middle of a line drawn across the forehead, from the centre of the pit above the eye. See Fig. 2.

One vigorous and well-directed blow will fell the animal, but the blow should be repeated to make destruction sure.

2. *By the Bullet.*—The operator should stand directly in front of the animal, and place the muzzle of the rifle within a few inches of the skull, aiming at the spot indicated in Fig 2.

One shot is generally sufficient, if properly directed, in either case; if not it should be repeated after the animal falls.

In most instances, so great and instantaneous is the shock to the brain from a bullet, that death follows instantly.

A shotgun loaded with buckshot is effectual, and may be often more conveniently procured.

Small dogs, cats and other diminutive animals, particularly if sick or in any way disabled, are humanely destroyed by use of chloroform.

The substance should be administered by pouring from two to four tablespoonfuls of it upon a sponge or folded flannel, placed within a thick cloth or towel, and applied over the mouth and nostrils. If the struggling is severe at first, the administration of the chloroform may be made more gradual by removing the sponge or flannel for a moment altogether, and then reapplying it; and as the animal becomes quiet, it should be kept on closely and constantly, to the entire exclusion of the outward air, adding fresh chloroform from time to time until death occurs; the length of the operation will depend upon the size and condition of the animal, and the persistence with which the administration has been kept up.

The quickest method of terminating the existence of a large dog is, undoubtedly, to shoot him. Place the muzzle of a pistol or rifle within a few inches of the head, at the side, just over and in front of the ear — see Cut. If directed behind the ear, the ball is likely to glance and pass through the soft part of the neck, and death would neither be certain nor so instantaneous as if the brain had been pierced.

THE HORSE'S PRAYER TO ITS OWNER AND DRIVER.

To Thee, My Master, I offer my prayer: Feed me, water and care for me, and, when the day's work is done, provide me with shelter, a clean, dry bed, and a stall wide enough for me to lie down in comfort.

Always be kind to me. Talk to me. Your voice often means as much to me as the reins. Pet me sometimes, that I may serve you the more gladly and learn to love you. Do not jerk the reins, and do not whip me when going up hill. Never strike, beat or kick me when I do not understand what you want, but give me a chance to understand you. Watch me, and if I fail to do your bidding, see if something is not wrong with my harness or feet.

Do not check me so that I cannot have the free use of my head. If you insist that I wear blinders so that I cannot see behind me as it was intended I should, I pray you be careful that the blinders stand well out from my eyes.

Do not overload me, or hitch me where water will drip on me. Keep me well shod. Examine my teeth when I do not eat, I may have an ulcerated tooth, and that, you know, is very painful. Do not tie my head in an unnatural position, or take away my best defense against flies and mosquitoes by cutting off my tail.

I cannot tell you when I am thirsty, so give me clean, cool water often. Save me, by all means in your power, from that fatal disease—the glanders. I cannot tell you in words when I am sick, so watch me, and by signs you may know my condition. Give me all possible shelter from the hot sun, and put a blanket on me, not when I am working, but when I am standing in the cold. Never put a frosty bit in my mouth, first warm it by holding it a moment in your hands.

I try to carry you and your burdens without a murmur, and wait patiently for you long hours of the day or night. Without the power to choose my shoes or path I sometimes fall on the hard pavements, which I often pray might not be of wood, but of such a nature as to give me a safe and sure footing. Remember that I must be ready at any moment to lose my life in your service.

And finally, O My Master, when my useful strength is gone, do not turn me out to starve or freeze, or sell me to some human brute, to be slowly tortured and starved to death; but do thou, My Master, take my life in the kindest way and your God will reward you Here and Hereafter. You will not consider me irreverent if I ask this in the name of Him who was born in a stable. Amen.



The New Brunswick Society for the Prevention of Cruelty invites your attention to the importance and excellence of its work, as shown by the constant references to it in the press; by the Annual Reports of its doings; and by the increased regard for the comfort of the Animal Creation in the Community evinced since its establishment here. Supported by voluntary aid alone, the efforts of the Society are much impeded for want of funds, and the Executive, in bringing this to your notice, kindly invites your co-operation and assistance. Your influence as a Member would be beneficial to the Society, and your Annual Subscription, or financial assistance in any degree, would aid the Officers in the vigorous prosecution of the work.

MISS WESLEY has been appointed by the Executive Committee to procure New Subscribers, and if the Objects of the Society commend themselves to your judgment, you are courteously requested to allow your Name to be added to the roll, which can be done on an Annual Subscription of Two Dollars and upwards.

HON. JOHN V. ELLIS,
President.

AN APPEAL.

The New Brunswick Society for the Prevention of Cruelty, seeking to protect the weak from the violence of the strong, and prevent thoughtless and passionate persons from injuring those who are dependent upon them, little children, weak women, the helplessly sick, the victim of the enraged drunkard, have not unfrequently appealed for timely help and never in vain.

It is no part of the Society's work to punish crime except in so far as punishment serves to prevent and to warn. In order that the operations of the Society may be carried on more effectively, it is absolutely necessary that it should have increased funds. There is much that remains to be done, which the Society is unable to do in consequence of inadequate means. Its most costly cases are necessarily in the country, and yet the Society has up to the present time received little aid from that direction. The Society receives no grant from either our Provincial or City Governments, while the Nova Scotia Society receives annual grants from both.

Contributions to the funds of the Society may be sent to MR. LEONARD W. PETERS, the Treasurer.

“Speak kindly to thy horse and dog that serve thee well and love thee,
And bid the carman grease this wheel, or shift that galling buckle;
Spare the snail thy foot might crush, and save the drowning fly,
And show the meanest thing alive that thou art like its God.” — *Tupper*.

