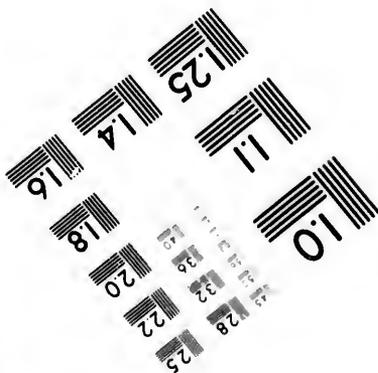
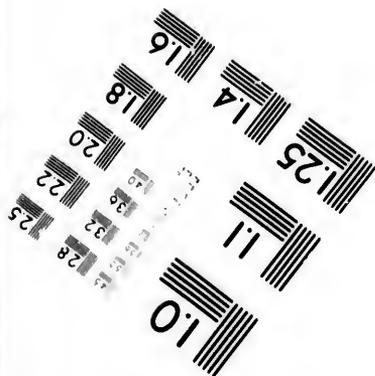
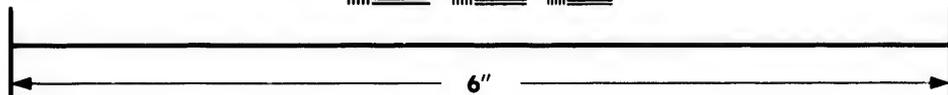
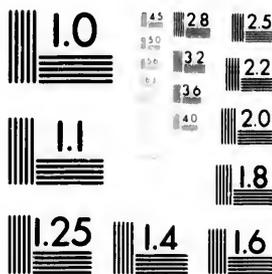


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

**© 1981**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distortion le long de la marge intérieure
- Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

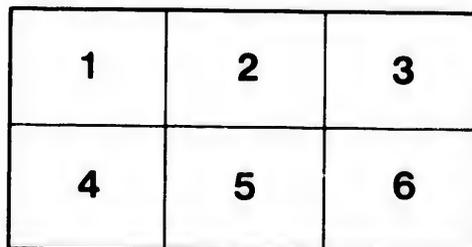
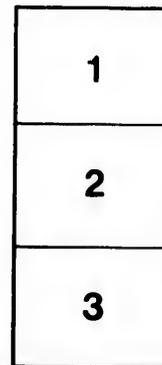
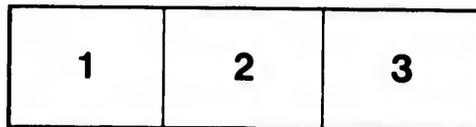
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol → (meaning "CONTINUED"), or the symbol ▼ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ▼ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

ire  
détails  
es du  
modifier  
er une  
filmage

es

errata  
to

a pelure,  
on à



O

PR

Don

Citi

MANUAL  
OF THE  
CONSTITUTION, BY-LAWS, ETC.,  
OF THE  
*METROPOLITAN SOCIETY*  
FOR THE  
**PREVENTION OF CRUELTY TO ANIMALS**  
WITH THE  
STATUTE LAW  
OF THE  
Dominion of Canada and Province of Ontario  
RELATING TO THE PREVENTION OF  
CRUELTY TO ANIMALS.



---

ORGANIZED 1882

---

Headquarters of the Society: Ottawa, Province of Ontario.

---

OTTAWA, ONT.:  
Citizen Printer and Publishing Company, Metcalfe Street.  
1882.

HV4768

M4

# Metropolitan Society

FOR THE PREVENTION OF

## CRUELTY TO ANIMALS.

---

### MEMBERSHIP.

Life - - - - - \$10.00.    Annual - - - - - \$2.00.  
Ladies - - - - - \$1.00.

---

### OFFICERS OF THE SOCIETY FOR 1882.

---

#### President.

HIS WORSHIP THE MAYOR OF OTTAWA.

#### Vice-Presidents.

W. H. WALLER,    GEO. BAPTIE, M.A.

#### Directors.

REV. J. J. BOGERT,    W. P. LETT,  
REV. A. A. CAMERON,    E. C. MALLOCH, M.D.,  
J. A. DOYON,    R. MARK, M.D.,  
F. W. HARMER,    R. NETTLE,  
ALFRED HORSEY, M.D.,    B. H. G. VICARS.

#### Legal Advisers.

R. J. WICKSTEED,    JOHN BISHOP,  
G. M. GREENE.

#### Veterinary Surgeon.

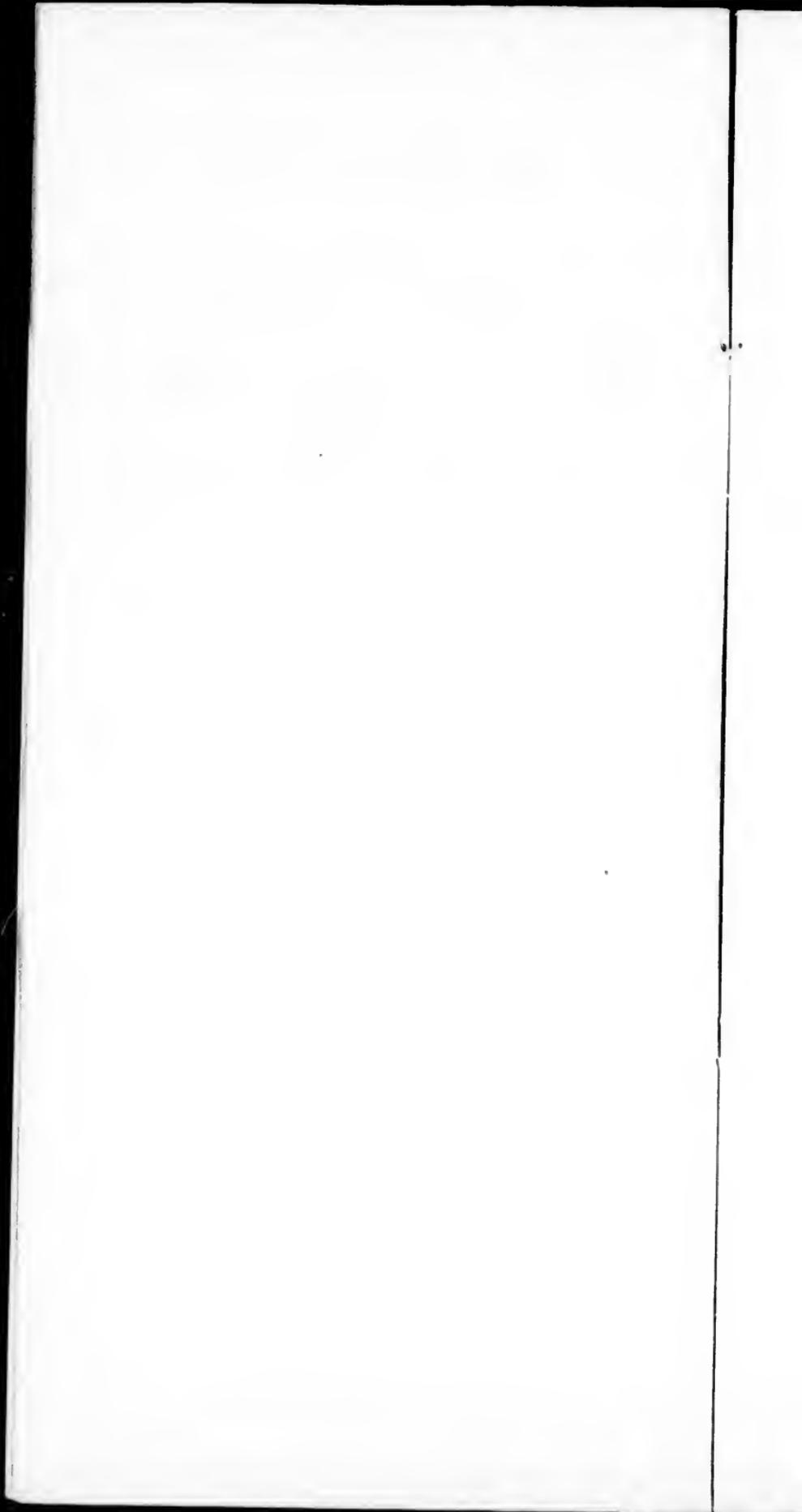
A. O. F. COLEMAN, V.S.

#### Treasurer.

F. R. E. CAMPEAU.

#### Secretary.

W. C. BAKER.



THE  
METROPOLITAN SOCIETY  
FOR THE  
PREVENTION  
OF  
CRUELTY TO ANIMALS.

---

**CONSTITUTION.**

*(Adopted 5th April, 1882.)*

**TITLE.**

*Article 1.*—The title of this Society shall be “THE METROPOLITAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.”

**OBJECTS.**

*Article 2.*—The objects of this Society are to provide effective means for the prevention of cruelty to animals throughout the City of Ottawa and County of Carleton; to enforce all laws or by-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 or by-laws.

**MEMBERSHIP.**

*Article 3.*—Any person may become a Life Member by subscribing ten dollars. Any person may become an Active Member by paying the sum of two dollars as an annual subscription. Ladies may become Active Members by subscribing one dollar each annually. All subscriptions shall be payable in advance. The

name of any member neglecting to pay his or her subscription within three months after it has become due may be erased from the Membership Roll by the Committee of Management. The Committee may from time to time elect Patrons and Honorary Members.

#### OFFICERS.

*Article 4.*—The Officers of the Society shall be a President, two Vice-Presidents, a Secretary, a Treasurer, and ten Directors, who shall together form the Committee of Management, and shall be chosen at each Annual General Meeting by the members present, from amongst the members of the Society. The Committee shall direct all the affairs of the Society, and shall appoint such permanent Officers and make such rules or by-laws as they may think fit, provided that they be consistent with this Constitution. They may also fill any vacancies that may occur in any of the offices of the Society before the Annual General Meeting. The Officers shall hold office till the next Annual General Meeting after their election, and shall be eligible for re-election.

#### ANNUAL GENERAL MEETING.

*Article 5.*—The Annual General Meeting of the Society shall be held on the first Wednesday of April in each year, when the out-going Committee of Management shall present a General Report of the proceedings of the Society and an abstract of the state of accounts and general concerns of the Society during the past year, and the Officers forming the Committee for the ensuing year shall then be elected, either by ballot or on nomination, as may be decided upon at the meeting.

#### QUORUM.

*Article 6.*—At all meetings of the Society, eleven members present (who shall have paid their subscriptions) shall constitute a quorum.

#### AMENDMENT OF THE CONSTITUTION.

*Article 7.*—Any article of this Constitution may be repealed, amended, or suspended for any length of time by consent of two-thirds of the members present at a meeting specially convened for that purpose; provided that such pro-

posed repeal, amendment, or suspension shall have been specified in the notice convening the meeting. A fortnight's notice shall be given of a meeting for any such purpose.

### SPECIAL MEETINGS.

*Article 8.*—A special meeting of the Society may be held at the call of the Committee of Management, or upon the written request of any five members of the Society who are not members of the Committee, a fortnight's notice in writing to be given to the Secretary.

### RULES TO BE BINDING.

*Article 9.*—The Constitution shall be printed and a copy thereof, with a list of the Committee of Management, shall be sent to every member, and no one shall be absolved from the effect of these rules on the allegation of not having received one.

---

## BY-LAWS.

*(Passed at a Meeting of the Committee of Management, July 14, 1882.)*

### PRESIDENT.

1. The President shall be the chief executive officer of the Society, and of the Committee of Management. On the arrival of the appointed hour the President, or in his absence one of the Vice-Presidents, or in the absence of both a chairman *pro tem.*, shall immediately take the chair, call the meeting to order, and preside. He shall only have a casting vote. He shall preserve order, and decide all questions of order, subject to an appeal to the Society or Committee of Management.

### SECRETARY.

2. It shall be the duty of the Secretary to conduct the correspondence of the Society with individuals and associate and auxiliary bodies. He shall keep, in suitable books to be provided for that purpose, copies of all letters written by him on behalf of the Society; and shall

preserve, on proper files, all letters received by him on the same account; and at each stated meeting of the Society or Executive Committee shall respectively report the correspondence and read the same or such parts thereof as may be required.

It shall be the duty of the Secretary also to give due notice of the time and place of all meetings of the Society, and to attend the same. He shall keep fair and accurate minutes of the proceedings of the Society and record the same when approved, in the Society's Journal. He shall give immediate notice to the several officers and committees of the Society of all votes and proceedings affecting them, or appertaining to their respective duties. He shall have charge of the official seal, laws, records, and general archives of the Society. He shall notify the Committee of Management of the death, resignation, or removal of any officer or member of the Society. The Secretary shall be, *ex officio*, a member of all committees, and act as Secretary thereof.

#### TREASURER.

3. The Treasurer shall collect and keep the funds of the Society, and accurate accounts of the same; shall pay all bills, the expenditure of which shall have been authorized by the Committee of Management and certified by the President, or (in his absence or inability) the chairman of the Committee; and shall present to the Committee, at least ten days previous to the annual meeting of the Society, a full account, duly vouched and audited, of all his doings.

#### LEGAL ADVISERS.

4. The Legal Advisers of the Society shall have the general charge and conduct of all suits and proceedings instituted by or against it, or in which the Society may be interested. With the advice and consent of the President they may compromise or settle any such suit or proceeding; and may from time to time associate with and retain such other counsel as in the judgment of the President and themselves may be advisable for the best interests of the Society. They shall receive for their services such pecuniary compensation and fees as shall be determined by the Committee of Management, but

shall have no vote in such Committee on any question relating to or affecting such compensation or fees. All disbursements made by them in the execution of their powers and duties shall be repaid out of the funds of the Society upon their certificate in writing that they have been made, specifying the amounts and grounds thereof.

#### INSPECTOR.

5. The Inspector, while under the general direction of the Committee of Management, shall be under the control and superintendence of the Secretary, and shall report to him in all cases. The Secretary shall, if in his opinion it is advisable so to do, lay such reports before the President and legal advisers of the Society and shall be governed by their advice as to the course to be followed with regard to the matters reported on.

The Inspector must be ready to perform duty at all reasonable hours when so directed. He is required to wear his Badge always on duty. He will be required to have a knowledge of the Statutes and By-Laws under which the Society acts or prosecutes. His reports shall include all instances in which he has remonstrated with or cautioned persons while on duty. He is required to keep private and confidential information that may be in his possession, and to abstain from expressing an opinion as to any case under his charge. He is enjoined to be discreet and temperate in all proceedings, even when provoked by abusive expressions, and to avoid altercation, particularly with offenders.

#### BADGES.

6. The Badges of this Society shall be in such form as the Committee of Management may designate.

## 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 ; I. By giving the Offender into the custody of a Policeman or Constable ; II. By the issue of a summons ; III. By the apprehension of the accused under a Warrant.

*I. By giving the Offender into the custody of a Policeman or Constable.*

This is the best course to adopt within the City of Ottawa, where the Magistrate sits daily, as the person charged can be conveyed to the 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.

*II. By the issue of a summons.*

First obtain the name and address of the offender, and lay the complaint before the Police Magistrate or 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 on said Omnibus, Cab, or other Vehicle. Make a note of the 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 and situation of such wounds, especially if raw, discharging, or in contact with the harness; if for 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 labour 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 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.

### *III. 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 Ottawa it will be by far the most successful of any plan for the repression of cruelty, viz:

### *IV. An Application to the Secretary of this Society to prosecute in the stead of the Witness.*

The Secretary may be seen at his office between the hours of 10 and 4 daily. 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 so 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 County of Carleton 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.

All communications must be addressed to

W. C. BAKER,

*Secretary.*

and  
may  
der.  
ying  
ATE  
y is  
acili-  
nces  
l be  
t is  
of  
ade  
ossi-  
ped  
of  
ges  
nity  
eir

L A W S  
OF THE  
DOMINION OF CANADA  
AND  
PROVINCE OF ONTARIO  
RESPECTING THE  
PREVENTION OF CRUELTY TO ANIMALS.

CANADA.

CRUELTY TO ANIMALS.

[32-33 Vict. (1869), chap. 27, as amended by  
43 Vict. (1880), chap. 38.]

**A.** Whosoever wantonly, cruelly or unnecessarily beats, binds, illtreats, abuses, overdrives or tortures any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, pig, or other cattle, or any poultry, or any dog or domestic animal, or bird, or whosoever 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, and any person who 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, shall, upon being convicted, on summary conviction of any or either of the said offences, before a Stipendiary Magistrate or Police Magistrate or any two Justices having jurisdiction in the district, county or place in which the offence has been committed, for every such offence be punished by imprisonment in any gaol or place of confinement other than a penitentiary, for a term

not exceeding three months, and with or without hard labour, or by a fine not exceeding fifty dollars, or by both—such fine and imprisonment being in the discretion of the convicting Magistrate or Justices.—[43 Vict., c. 38, s. 2.]

**B.** Whosoever 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, shall, upon being convicted thereof, on summary conviction before a Stipendiary Magistrate or Police Magistrate or any two Justices having jurisdiction in the district, county or place where the offence has been committed, be punished by imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding three months, and with or without hard labour, or by a fine not exceeding fifty dollars, or by both—such fine and imprisonment being in the discretion of the convicting Magistrate or Justices; and all cocks found in any such cockpit, or on the premises wherein such cockpit may be, shall be confiscated and sold for the benefit of the municipality in which such cockpit is situated.—[43 Vict., c. 38, s. 3.]

**C.** Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.—[32-33 Vict., c. 27, s. 3.]

**D.** When any offence against this Act is committed, any constable or other peace officer, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his or their name or names and place or places of abode to the said constable or other peace officer) may seize and secure by authority of this Act, and forthwith, and without any other authority or warrant, may convey any such offender before a Justice of the Peace within whose jurisdiction the offence has been committed, to be dealt with according to law.—[32-33 Vict., c. 27, s. 4.]

**E.** If any person apprehended for having committed any offence against this Act refuses to discover his name and place of abode to the Justice of the Peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall by him be conveyed to the Common Gaol or place of confinement for the district, county or place within which the offence has been com-

mitted, or in which the offender has been apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said Justice.—[32-33 Vict., c. 27, s. 5.]

**F.** The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence, and not otherwise.—[32-33 Vict., c. 27, s. 6.]

**G.** Every offence against any of the sections of this Act is a misdemeanour, and may be punished as such or may be prosecuted in the manner directed by the *Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions, in the same manner as if they were incorporated in this Act.—[32-33 Vict., c. 27, s. 7.]

**H.** The Magistrate or Magistrates before whom the proceedings are taken shall, for the purpose of the said proceedings, have all the powers of a Justice of the Peace.—[43 Vict., c. 38, s. 4.]

**I.** All pecuniary penalties recovered before any Justice of the Peace under this Act shall be divided, paid and distributed in the following manner, that is to say: *one moiety* thereof 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 such Justice seems proper.—[32-33 Vict., c. 27, s. 8.]

**J.** Every sum of money ascertained, and awarded, adjudged, by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who has sustained such damage or injury.—[32-33 Vict., c. 27, s. 9.]

**K.** The term "cattle" shall include any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as to many.—

[32-33 Vict., c. 27, s. 10; 32-33 Vict., c. 21, s. 1; and 40 Vict., c. 29, s. 1.]

INJURIES TO CATTLE AND OTHER ANIMALS.

(32-33 Vict., Chap. 22, amended by 40 Vict., Chap. 29.)

**A.** Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.— [32-33 Vict., c. 22, s. 45.]

**B.** Whosoever unlawfully and maliciously attempts to kill, maim, wound, poison or injure any cattle, or unlawfully and maliciously places poison in such a position as to be easily partaken of by any cattle, is guilty of a misdemeanour, and shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court.— [32-33 Vict., c. 22, s. 46.]

**C.** Whosoever unlawfully and maliciously 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 domestic purpose, or purpose of lawful profit or advantage or science, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding one hundred dollars as to the Justice seems meet; and whosoever, having been convicted of any such offence, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof upon indictment, is guilty of a misdemeanour, and shall be liable to be punished by fine or imprisonment, or both, in the discretion of the Court: Provided always that the prosecutor may, if he sees fit, proceed before a Justice of the Peace as for a first offence.— [32-33 Vict., c. 22, s. 47.]

**D.** The term "Cattle" shall include any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as to many.—[32-33 Vict., c. 21, s. 1, amended by 40 Vict., c. 29, s. 2.]

CRUELTY TO ANIMALS WHILE IN TRANSIT BY  
RAILWAY OR OTHER MEANS OF CONVEY-  
ANCE WITHIN THE DOMINION OF CANADA.

[38 Vict., (1875), c. 42.]

**A.** In this Act the term "Cattle" shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.—[38 Vict., c. 42, s. 1.]

**B.** No railway company within the Dominion of 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, nor the 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 through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive 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. 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 railways or vessels from which they are received, whether in the United States or in Canada, shall be included—it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.—[38 Vict., c. 42, s. 2.]

**C.** 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, then 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 the 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.—[38 Vict., c. 42, s. 3.]

**D.** Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported to clear the floors of such cars, and to litter the same properly with clean sawdust or sand before reloading them with live stock, except during a period of frost.—[38 Vict., c. 42, s. 4.]

**E.** Any railway company, owner or master of a vessel having cattle in transit as aforesaid who shall knowingly and wilfully fail to comply with the provisions contained in the second section of this Act shall for each and every such failure to comply with its provisions forfeit and pay as a penalty a sum not exceeding one hundred dollars for each case in which such provisions are disregarded: Provided, however, that when cattle are carried in any car or vessel in which they can and do have proper space and opportunity for rest, and proper food and water, the foregoing provisions in the second section contained in regard to their being unladen shall not apply.—[38 Vict., c. 42, s. 5.]

**F.** Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section such person shall be deemed guilty of an offence against this Act.—[38 Vict., c. 42, s. 6.]

**G.** If any person is guilty of any offence against this Act as in the last preceding section mentioned, he shall for every such offence forfeit and pay such a sum of money not exceeding

twenty dollars, nor less than five dollars, with costs, as to any one Justice of the Peace for the district, county or place in which the offence has been committed may seem meet.—[38 Vict., c. 42, s. 7.]

**II.** The offender shall in default of payment be committed to the common gaol or other place of confinement for the district, county or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days.—[38 Vict., c. 42, s. 8.]

**I.** Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.—[38 Vict., c. 42, s. 9.]

**J.** Every penalty recoverable under this Act shall belong to the Crown; and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.—[38 Vict., c. 42, s. 10.]

**K.** Every offence against section G of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.—[38 Vict., c. 42, s. 11.]

#### INFECTIOUS OR CONTAGIOUS DISEASES AFFECTING ANIMALS.

[42 Vict. (1879), c. 23.]

**A.** In this Act "Cattle" means bulls, cows, oxen, heifers and calves;

"Animals" means, except where it is otherwise expressed, cattle, sheep, horses, swine, goats and all other animals of whatsoever kind;

"Infectious" means communicable in any manner whatever, even at a distance;

"Contagious" means communicable by close contact or inoculation.—[42 Vict., c. 23, s. 1.]

**B.** If any person turn out, keep or graze any animal knowing such animal to be infected with or labouring under any infectious or contagious disorder, or to have been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land,

open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.—[42 Vict., c. 23, s. 3.]

**C.** Any person bringing or attempting to bring into any market, fair or other place any animal known by him to be infected with or labouring under any infectious or contagious disorder shall, upon conviction thereof, forfeit and pay for every such offence a sum not exceeding two hundred dollars.—[42 Vict., c. 23, s. 4.]

**D.** In case any animal infected with or labouring under any infectious or contagious disorder be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector, or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the Mayor or Reeve, or by any Justice of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the Mayor or Reeve, or to any Justice of the Peace having jurisdiction in the place; and it shall be lawful for such Mayor, Reeve or Justice to cause the same, together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as provided by this Act.—[42 Vict., c. 23, s. 7.]

**E.** The Governor may, by Order in Council, when the owners are reported by the Minister of Agriculture not guilty of any negligence or offence against the provisions of the first seven sections of this Act, order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act as follows: Where the animal slaughtered was affected by infectious or contagious disease, the compensation to be one-third of the value of the animal before it became so affected; but so that the compensation do not in any such case exceed twenty dollars; in every other case the compensation to be two-thirds of the value of the animal, but so that the compensation do not in any case exceed forty dollars; in all such cases the value of the animal is to be determined by the Minister of

Agriculture ; but if such owners or their representatives have been guilty of an offence against any of the first seven sections of this Act, no valuation shall be made, and no compensation shall be paid to them.—[42 Vict., c. 23, s. 14.]

## ONTARIO.

### IMPOUNDING OF ANIMALS.

(Revised Statutes, Chap. 195.)

**A.** Every Poundkeeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common Pound or in any open or close Pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water, and shelter, during the whole time that such animal continues impounded or confined.—[*R. S.*, c. 195, s. 14.]

**B.** Every such person who furnishes the animal with food, water, and shelter may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises.—[*R. S.*, c. 195, s. 15.]

**C.** The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any By-law of the Municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of Poundkeepers' fees and charges established by the By-laws of the Municipality.—[*R. S.*, c. 195, s. 16.]

**D.** The Poundkeeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned.—[*R. S.*, c. 195, s. 17.]

**E.** In case it is by affidavit proved before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times (above) prescribed, then if the owner

or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Poundkeeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any Poundkeeper but retained the same in his own possession, then, any Poundkeeper of the Municipality, may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and, after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable, not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Poundkeeper shall pay such surplus to the Treasurer of and for the use of the Municipality.

—[*R. S., c. 195, s. 18.*]

#### PROTECTION OF SHEEP.

(*Revised Statutes, c. 194.*)

**A.** Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb.—[*R. S., c. 194, s. 10.*]

**B.** The defendant in any action of damages for killing a dog under the circumstances in the preceding section mentioned may plead the general issue and give this Act and the special matter in evidence.—[*R. S., c. 194, s. 11.*]

**C.** On complaint made in writing on oath before any Justice of the Peace for any City, Town or County, or Union of Counties, that any person residing in such City, Town or County, or Union of Counties, owns or has in his possession a dog which has within six months previous worried and injured or destroyed any sheep, such Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of such complaint, and requiring such person to appear before him, at a certain time and place therein stated, to

answer to such complaint, and to be further dealt with according to law.—[*R. S., c. 194, s. 12.*]

**D.** The proceedings on such complaint and summons shall be regulated by the *Act respecting Summary Convictions before Justices of the Peace*, which shall apply to cases under this Act.—[*R. S., c. 194, s. 13.*]

**E.** In case any person is convicted, on the oath of a credible witness, of owning or having in his possession a dog which has worried and injured or destroyed any sheep, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof may in his discretion impose a fine upon such person, not exceeding twenty dollars, with costs; and all penalties imposed under this section shall be applied to the use of the Municipality in which the defendant resides.—[*R. S., c. 194, s. 14.*]

**F.** No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep for the recovery of damages for the injury done to such sheep in respect of which such conviction is had.—[*R. S., c. 194, s. 15.*]

**G.** The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by the *Act respecting Summary Convictions before Justices of the Peace*, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover on such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep.—[*R. S., c. 194, s. 16.*]

**H.** The owner or keeper of any dog or dogs to whom notice is given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do he shall forfeit a sum of two dollars and fifty cents for every such dog, and a further sum of one dollar and twenty-five

cents for each such dog for every forty-eight hours thereafter, until the same is killed, if it is proved to the satisfaction of the Justice of the Peace before whom proceedings are taken for the recovery of such penalties that such dog or dogs has or have worried or otherwise injured such sheep or lamb; but no such penalties shall be enforced in case it appears to the satisfaction of such Justice of the Peace that it was not in the power of such owner or keeper to kill such dog or dogs.—[*R. S., c. 194, s. 17.*]

**I.** In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the Council of the Municipality in which the offender resided at the time of the injury shall order their Treasurer to pay to the aggrieved party the amount ordered to be paid by the Justice under such conviction, saving and excepting the costs of the proceedings before such Justice and before the Council.—[*R. S., c. 194, s. 18.*]

**J.** The owner of any sheep or lamb killed or injured by any dog the owner or keeper of which is not known may, within three months, apply to the Council of the Municipality in which such sheep or lamb was so killed or injured for compensation for the injury; and if such Council (any member of which shall be competent to administer an oath or oaths in examining parties in the premises) is satisfied that the aggrieved party has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the Treasurer of such Municipality shall pay over to him the amount so awarded.—[*R. S., c. 194, s. 19.*]

**K.** After the owner of such sheep or lamb has received from the Municipality any money under either of the preceding sections, his claim shall thenceforth belong to such Municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding that the aggrieved party was entitled to take for that purpose, but

in case such Municipality recovers from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to such aggrieved party for his own use.—[*R. S., c. 194, s. 20.*]

**L.** The owner of any sheep or lamb killed or injured while running at large upon any highway or unenclosed land shall have no claim under this Act to obtain compensation from any Municipality.—[*R. S., c. 194, s. 21.*]

**M.** If the Council of any County or Union of Counties by By-law decides to dispense with the levy of the aforesaid tax in the Municipalities within its jurisdiction, the owner of any sheep or lamb to the contrary may notwithstanding sue the owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep or lamb; and the same shall be recovered in the way and manner provided by section **G** of this Act.—[*R. S., c. 194, s. 22.*]

**N.** Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions or orders under this Act as it is lawful for him to charge in other cases within his jurisdiction; and he shall make the returns usual in cases of conviction, and also a return in each case to the Clerk of the Municipality, whose duty it shall be to enter the same in a book to be kept for that purpose.—[*R. S., c. 194, s. 23.*]

#### PROTECTION OF GAME AND FUR BEARING ANIMALS.

[43 *Vict.* (1880), *Chap.* 31.]

**A.** None of the animals or birds hereinafter mentioned shall be hunted, taken or killed within the periods hereinafter limited:

Deer, Elk, Moose, Reindeer or Cariboo, between the fifteenth day of December and the first day of October.

Grouse, Pheasants, Prairie Fowl or Partridge, between the first day of January and the first day of September.

Wild Turkeys or Quail, between the first day of January and the first day of October.

Woodcock, between the first day of January and the first day of August.

Snipe, between the first day of January and the fifteenth day of August.

Waterfowl, known as Mallard, Grey Duck, Black Duck, Wood or Summer Duck, between

the first day of January and the fifteenth day of August.

Other Ducks, Swans or Geese, between the first day of May and the fifteenth day of August.

Hares between the first day of March and the first day of September.—[43 *Vict.*, c. 31, s. 2.]

**B.** No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, during the periods in which they are so protected. Provided that they may be exposed for sale for twenty days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time; but in all cases the proof of the time of killing, taking or purchasing shall be upon the person so in possession.—[43 *Vict.*, c. 31, s. 3.]

**C.** No eggs of any of the birds above mentioned shall be taken destroyed, or had in possession by any person at any time.—[43. *Vict.*, c. 31, s. 4.]

**D.** None of the said animals or birds, except the animals mentioned in section **F** of this Act, shall be trapped or taken, by means of traps, nets, snares, gins, baited lines or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person, without such person thereby incurring any liability therefor.—[43 *Vict.*, c. 31, s. 5.]

**E.** None of the contrivances for taking or killing the wild fowl known as Swans, Geese or Ducks, which are described or known as batteries, swivel guns, sunken punts or night lights, shall be used at any time.—[43. *Vict.*, c. 31, s. 6.]

**F.** No Beaver, Muskrat, Sable, Martin, Otter or Fisher, shall be hunted, taken, or killed, or had in the possession of any person between the first day of May and the first day of November; and no Mink between the first day of April and the first day of November, nor shall any traps, snares, gins or other contrivances be set for them during such period; nor shall any Muskrat house be cut, broken or destroyed at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed, by any person without such person thereby incurring any liability therefor; provided that this section shall not apply to any person de-

destroying any of the said animals in defence or preservation of his property.—[43 *Vict.*, c. 31, s. 7.]

**G.** Offences against this Act shall be punished, on information or complaint before a Justice of the Peace, as follows:—

1. In case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars, with costs, for each offence.

2. In the case of birds or eggs, by a fine not exceeding twenty-five dollars nor less than five dollars, with costs for each bird or egg.

3. In the case of the fur bearing animals mentioned in the section **F** of this Act, by a fine not exceeding twenty-five dollars nor less than five dollars, with costs for each offence.

4. In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars nor less than five dollars, with costs.—[43 *Vict.*, c. 31, s. 8.]

**H.** The whole of such fine to be paid to the prosecutor, unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases.—[43 *Vict.*, c. 31, s. 9.]

**I.** In all cases, confiscation of the game shall follow conviction; and the game so confiscated shall be given, to some charitable institution or purpose, at the discretion of the convicting Justice.—[43 *Vict.*, c. 31, s. 10.]

**J.** In order to encourage persons who have heretofore imported, or hereafter import, different kinds of game with a desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property, wherever the same may be bred.—[43 *Vict.*, c. 31, s. 11.]

**K.** It shall not be lawful for any person to kill or take any animal protected by this Act by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.—[43 *Vict.*, c. 31, s. 12.]

**L.** No person shall at any time hunt, take, or kill any deer, elk, moose, reindeer, or cariboo, for the purpose of exporting the same out of Ontario, and in all cases the onus of prov-

ing that any such deer, elk, moose, reindeer, or cariboo so hunted, taken or killed, is not intended to be exported as aforesaid shall be upon the person hunting, killing or taking the same. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars, for each animal.—[43 *Vict.*, c. 31, s. 13.]

**M.** No owner of any dog trained or accustomed to hunt deer shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner, or any of his family, or other person) during the period from the 15th day of November to the 1st day of October, under a penalty, on conviction, of not more than twenty-five dollars, nor less than five dollars, for each offence. Any person harbouring or claiming to be the owner of any such dog shall be deemed to be the owner thereof.—[43 *Vict.*, c. 31, s. 14.]

**N.** It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game inspector for such county, city, town, township, or incorporated village, and who shall perform such duties in enforcing the provisions of this Act and be paid such salary as may be mutually agreed upon.—[43 *Vict.*, c. 31, s. 15.]

#### PROTECTION OF INSECTIVOROUS AND OTHER BIRDS BENEFICIAL TO AGRICULTURE.

(*Revised Statutes, Chap. 291, Amended by 44 Vict., Chap. 29.*)

**A.** Nothing in this Act contained shall be held to affect *The Act for the Protection of Game and Fur Bearing Animals*, or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry. [*R. S.*, c. 201, s. 1.]

**B.** It shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure, any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens, and the birds especially mentioned in *The Act for the Protection of Game and Fur Bearing Animals*.—[*R. S.*, c. 201, s. 2.]

**C.** It shall not be lawful to take, capture, buy, sell, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, trap, spring, snare, cage or other machine or engine by which any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens, might be killed and captured; and any net, trap, spring, snare, cage or other machine or engine set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, crows, jays and ravens, may be destroyed by any person without such person incurring any liability therefor.—[*R. S., c. 201, s. 3.*]

**D.** It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens.—[*R. S., c. 201, s. 4.*]

**E.** Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all Market Clerks and Policemen or Constables on the spot to seize and confiscate, and, if alive, to liberate such birds.—[*R. S., c. 201, s. 5.*]

**F.** The Commissioner of Agriculture, and all persons authorized by him to that effect, may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bonâ fide* scientific purposes to procure them for that purpose, and such person or persons shall not be liable to any penalty under this Act.—[*R. S., c. 201, s. 6.*]

**G.** The violation of any provision of this Act shall subject the offender to the payment of not less than one dollar and not more than twenty dollars, with costs, on summary conviction, on information or complaint before one or more Justices of the Peace;

2. The whole of such fine shall be paid to the prosecutor, unless the convicting Justice or Justices have reason to believe that the prosecutor is in collusion with and for the purpose of benefitting the accused, in which case the said Justice or Justices may order the disposal of the fine as in ordinary cases;

3. In default of payment of such fine and costs, the offender shall be imprisoned in the nearest Common Gaol for a period of not less than two and not more than twenty days, at the discretion of such Justice or Justices of the Peace.—[*R. S., c. 201, s. 7.*]

**H.** No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom.—[*R. S., c. 201, s. 8.*]

[44 *Vict.* (1881), *Chap.* 29.]

**I.** Notwithstanding anything contained in the Revised Statutes respecting the Protection of Insectivorous and other Birds beneficial to Agriculture, Chapter two hundred and one, any person may, during the fruit season, for the purpose of protecting his fruit from the attacks of such birds, shoot or destroy on his OWN PREMISES, the birds known as the Robin and Cherry bird, without being liable to any penalty under the said Act.—[44 *Vict.*, c. 29, s. 1.]

#### HORSE RACING.

(*Revised Statutes, Chapter 35.*)

**A.** It shall not be lawful to carry on any horse racing during the days appointed for holding any Exhibition by the Agricultural and Arts Association or by any Electoral District Society, within five miles of the place of holding the same.

2. Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding fifty dollars, or imprisonment in the Common Gaol of the County for a period not exceeding thirty days.—[*R. S., c. 35, s. 117.*]

fine and  
ed in the  
not less  
y days, at  
ces of the

t shall be  
the form  
ormality in  
nder this  
ce results

ntained in  
Protection  
eneficial to  
d one, any  
n, for the  
ne attacks  
OWN PRE-  
nd Cherry  
ulty under

6.)  
ry on any  
ointed for  
ultural and  
al District  
of holding

violation of  
mary con-  
to a fine  
onment in  
or a period  
35, s. 117.]

