

CHAPTER 69.

Of Cruelty to Animals.

SECTION

- 1.—Penalty for Cruelty to Animals.
- 2.—Penalty in cases of cruelty, where damage occasioned.
- 3.—Penalty for carrying, &c., animals so as to cause suffering.
- 4.—Penalty for failure to provide pritchets or support.
- 5.—Constable on view may arrest offender.

SECTION

- 6.—Constable to deposit vehicle in safe place in event of arrest of an offender.
- 7.—Complaint to be made within one calendar month.
- 8.—After certain time penalties may be recovered by distress; power to commit offender to prison.
- 9.—Interpretation clause.

1. If any person shall

- (1.) Cruelly beat, bind, ill-treat, over-load, over-drive, over-ride, abuse, neglect, expose, torture; or

- (2.) Cause to be cruelly beaten, bound, ill-treated, over-laden, over-driven, over-ridden, abused, neglected, exposed or tortured, any animal, such offender shall, for every such offence, forfeit and pay a penalty not exceeding twenty-five dollars.

2. If any person by cruelly beating, binding, ill-treating, over-loading, over-driving, over-riding, abusing, neglecting, exposing or torturing any animal, do any damage or injury to any animal, or shall thereby cause any damage or injury to be done to any person or to any property, every such offender shall, on conviction of such offence, pay to the owner of such animal, (if the offender shall not be the owner thereof), or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation not exceeding twenty-five dollars, as shall be ascertained by the Justice of the Peace by whom such person shall have been convicted: Provided always, that the payment of such compensation or any imprisonment for the non-payment thereof, shall not prevent or in any manner affect the punishment to which such person or the owner of such animal may be liable for or in respect of the ill-treating or abusing of the said animal: Provided also that nothing herein contained shall prevent any proceedings by action against such offender, or the employer of such offender, where the amount of damages or injury is not sought to be recovered under this chapter.

3. If any person shall convey, or carry, or cause to be conveyed, or carried in or upon any vehicle, or permits, or allows to remain in or upon any vessel, wharf or premises, any animal, in such a manner or position as to subject such animal to unnecessary pain or suffering, every such person shall forfeit and pay a penalty not exceeding twenty-five dollars.

4. Every cart or other vehicle, with shafts used for draft purposes, shall be provided with a sufficient pritchett or support, which shall be placed, when the vehicle is stationary, under the shafts thereof, in such a manner as to leave the animal tackled to such vehicle free from the weight of the load thereon. Any person driving any cart or vehicle not provided with such pritchett or support, or neglecting to use the same when necessary, shall be liable to a penalty not exceeding ten dollars.

5. When, and so often as any of the offences against the provisions of this chapter shall happen, it shall and may be lawful for any constable, upon his own view thereof, or upon the complaint and information of any other person who shall declare his or her name and place of abode to the said constable, without further authority or warrant, to arrest such offender and provide for his appearance before a Justice of the Peace, to be dealt with by such Justice under the authority of this chapter.

6. Whenever any person having charge of any vehicle or any animal, shall be taken into custody by any constable for any offence against the provisions of this chapter, it shall be lawful for such constable to take

charge of such vehicle or animal, and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof, or the owner thereof, may become liable, and for payment of any expenses which may have been or may be necessarily incurred for taking charge of, and keeping the same, and it shall be lawful for any Justice of the Peace before whom the same shall have been heard, to order such vehicle or such animal to be sold for the purpose of satisfying such penalty and reasonable expenses, and in default of payment thereof, in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and expenses.

7. Every complaint under the provisions of this chapter shall be made within one calendar month after the cause of such complaint shall arise, and every offence committed against this chapter may be heard and determined by any Justice of the Peace within whose jurisdiction such offence shall be committed, in a summary way, upon the complaint of any person, and without any information in writing, and if the party accused shall be convicted of having committed the offence charged or complained of, the party so convicted shall pay such penalty, damage or compensation as the said Justice shall, according to the provisions of this chapter, adjudge, order, or award, together with the costs of conviction to be settled by such Justice.

8. In every case of a conviction under this chapter, where the sum imposed as a penalty or the amount awarded for compensation or damages, together with costs, (if any), by any Justice of the Peace, for or in respect of any offence against the provisions of this chapter, shall not be paid immediately upon the conviction or within such time as the convicting Justice shall, in the exercise of his discretion, appoint and limit in that behalf, the same may be recovered by distress upon the offender's goods and chattels, or the Justice may commit the offender to prison, with or without hard labor, for any time not exceeding one calendar month, unless payment be sooner made.

9. The word "animal" under this chapter shall be taken to mean any horse, mare, gelding, bull, ox, cow, heifer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal