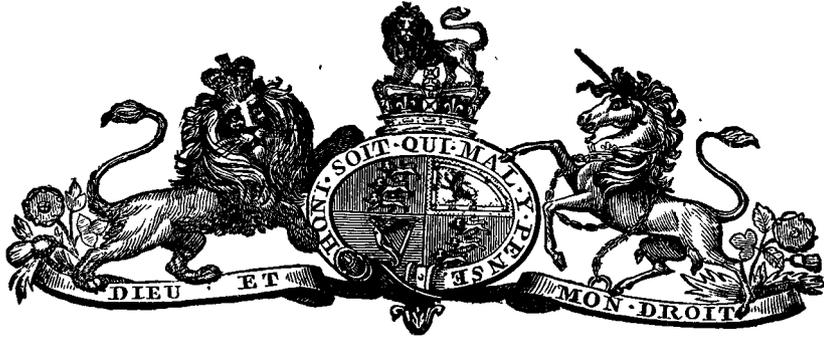


NEW ZEALAND.



QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 7.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal. 3. Interpretation. 4. Fine for cruelty to animals. 5. Improperly slaughtering or carrying animals. 6. As to damage done by persons guilty of cruelty. 7. Vehicles, &c., may be detained. | <ol style="list-style-type: none"> 8. Bull-baiting, dog-fighting, &c., prohibited. 9. Apprehension of offenders. 10. Summary jurisdiction by one Justice. 11. Warrant may be issued forthwith. 12. Imprisonment may be ordered without option of fine. <p>Schedule.</p> |
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AN ACT for the Prevention of Cruelty to Animals. Title.
[31st August, 1878.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be “The Cruelty to Animals Act, 1878.” Short Title.
2. The enactments cited in the Schedule hereto are hereby repealed, save as to any offences committed against the provisions of any of the said enactments before the passing of this Act, which offences shall and may be dealt with, and the offenders proceeded against and punished, as if this Act had not passed. Repeal.
3. For the purposes of this Act, the word “animal” shall be taken to mean any beast or bird of any kind or species whatever, and whether of domestic or wild nature, and whether indigenous or imported into the colony. Interpretation.
4. Any person cruelly beating, ill-treating, over-driving, over-riding, abusing, or torturing any animal, or causing or procuring any animal to be cruelly beaten, ill-treated, over-driven, over-ridden, abused, or tortured, shall be guilty of an offence, and shall for every such offence forfeit and pay a penalty not exceeding twenty pounds. Fine for cruelty to animals.

Cruelty to Animals.

Improperly
slaughtering or
carrying animals

5. Any person slaughtering, branding, conveying, or carrying, or causing or procuring to be slaughtered, branded, conveyed, or carried, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering, shall be held to be ill-treating, abusing, and torturing such animal within the meaning of this Act.

As to damage done
by persons guilty of
cruelty.

6. If any person shall, by cruelly beating, ill-treating, over-driving, over-riding, abusing, or torturing any animal, do any damage or injury to such 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 the sum of twenty pounds, as shall be ascertained and determined by the Justice of the Peace by whom such person is 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 beating, ill-treating, or abusing of the said animal.

Provided also that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Act.

Vehicles, &c., may be
detained.

7. 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 Act, such constable may take charge of such vehicle or animal, and deposit the same in some place of safe custody as a security for the payment of any penalty to which any person having had charge thereof, or the owner thereof, may become liable, and for the payment of any expenses which may have been or may be necessarily incurred for taking charge of and keeping the same.

Any Justice of the Peace before whom the case is heard may order such vehicle or such animal to be sold for the purpose of satisfying such penalty and reasonable expenses, 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.

Bull-baiting, dog-
fighting, &c., pro-
hibited.

8. Every person who shall keep or use or act in the management of any place for the purpose of fighting or baiting any bull, dog, cock, or other kind of animal, whether of domestic or wild nature, or shall permit or suffer any place to be so used, shall be liable to a penalty not exceeding five pounds for every day he shall so keep or use or act in the management of any such place, or permit or suffer any place to be used as aforesaid :

And every person who shall in any manner encourage, aid, or assist at the fighting of any bull, dog, cock, or other animal as aforesaid, shall forfeit and pay a penalty not exceeding five pounds for every such offence.

Every person who shall receive money for the admission of any other person to any place kept or used for any of the purposes aforesaid shall be deemed to be the keeper thereof.

Provided always that no person shall be adjudged to pay a penalty exceeding the sum of one hundred pounds for any single offence against the provisions of this section.

Apprehension of
offenders.

9. When and so often as any of the offences against any of the provisions of this Act shall happen, any constable, upon his own view

Cruelty to Animals.

thereof, shall, 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, may, by the authority of this Act, take any such offender into custody, and forthwith, without any other authority or warrant, convey him before a Justice of the Peace, to be dealt with by such Justice for such offence according to law.

10. Every complaint under the provisions of this Act shall be made within one month after the cause of complaint shall arise; and every offence committed against this Act may be heard and determined by any Justice of the Peace in a summary way, upon the complaint of any person, and without any information in writing.

Summary jurisdiction
by one Justice.

11. Any Justice of the Peace may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence against the provisions of this Act, whenever good grounds for so doing shall be stated on oath before such Justice.

Warrant may be
issued forthwith.

12. In every case of a conviction under this Act, if such conviction shall take place before two Justices of the Peace or a Resident Magistrate, it shall be lawful for such Justices or such Resident Magistrate, if they or he shall think fit, instead of imposing a pecuniary penalty, forthwith to sentence the offender to be imprisoned, with or without hard labour, for any time not exceeding six calendar months.

Imprisonment may
be ordered without
option of fine.

SCHEDULE.

Schedule.

ACTS AND ORDINANCES REPEALED.

1. Act of the Provincial Legislature of Nelson—
Session XXV., No. 5.—The Cruelty to Animals Act, 1874.
2. Ordinances of the Provincial Legislature of Otago—
Session XIV., No. 65.—An Ordinance for the Prevention of Cruelty to Animals.
Session XV., No. 78.—An Ordinance to amend an Ordinance intituled “An Ordinance for the Prevention of Cruelty to Animals.”

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