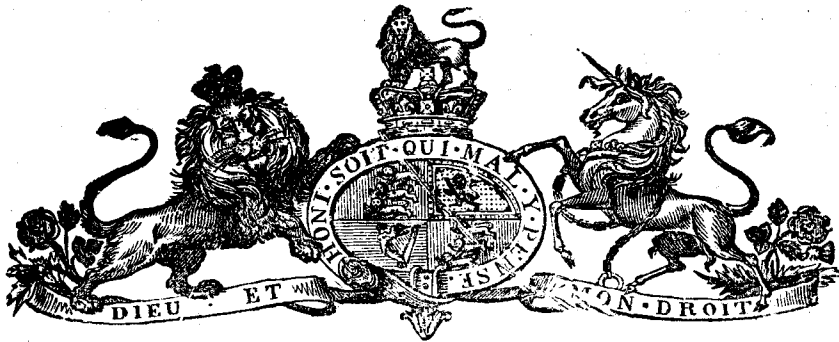


T A S M A N I A.



1 8 7 7.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 17.



AN ACT for the more effectual Prevention of Cruelty to Animals. [11 December, 1877.] A.D. 1877.

WHEREAS it is desirable to amend the law for the prevention of cruelty to animals: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 For the purposes of this Act "animal" shall mean any horse, mare, gelding, colt or filly, any bull, ox, cow, heifer, steer or calf, any mule or ass, any ram, ewe, wether or lamb, any hog, pig or sow, any goat or other quadruped, and any dog, cat, or other domestic animal. Interpretation.

2 If any person shall, after the passing of this Act, cruelly and unnecessarily flog, or cruelly beat, ill-treat, over-drive, over-ride, or overload, abuse, or torture any animal, or cause or procure to be cruelly beaten, ill-used, over-driven, or over-ridden, abused or tortured, any animal, every such offender shall for every such offence forfeit and pay a penalty not exceeding Ten Pounds. Cruelty to animals.

3 If any person shall, by cruelly beating, ill-treating, over-driving, over-riding, over-loading, abusing, or torturing any animal, do any injury or damage 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 Damage done by persons guilty of cruelty to animals.

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conviction of such offence, pay to the owner of such animal (if the offender is not the owner thereof), or to the person who shall sustain damage or injury as aforesaid, such sum of money as compensation (not exceeding Twenty Pounds) as shall be ascertained and determined 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 beating, ill-treating, or abusing of such animal: Provided also that nothing herein contained shall prevent any proceedings by action against such offender where the amount of damage or injury is not sought to be recovered under this Act.

Improperly conveying or carrying animals.

4 If any person shall convey or carry, or cause to be conveyed or carried, in or upon any vehicle 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 Ten Pounds for every such offence.

Offences to be prosecuted within One month.

5 No person shall be liable to be proceeded against for any offence against this Act unless an information is laid in respect thereof within One month after the offence committed.

Offences to be dealt with summarily.

19 Vict. No. 8.

6 All offences against this Act, and all penalties and sums of money imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by and before any Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Proprietors of vehicles to produce their servants.

7 When any information shall be laid before any Justice against any driver or conductor of any stage-coach, or the driver of any cart, cab, waggon, van, or other vehicle, for any offence committed by him against the provisions of this Act, it shall be lawful for such Justice, if he shall think fit, forthwith to summon the proprietor of such stage-coach, or the owner of such cart, cab, waggon, van, or other vehicle, to produce before him the driver, conductor, or other servant by whom such offence was committed to answer to the said information; and in case such proprietor or owner shall fail to produce such driver, conductor, or servant, it shall be lawful for the Justice, if he shall think fit, to proceed, in the absence of such driver, conductor, or servant, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor or owner of any sum or penalty and costs in which such driver, conductor, or servant shall be convicted; and any sum of money which shall be so paid by the proprietor or owner may be recovered by him in a summary way from the driver, conductor, or servant, through whose fault such sum shall have been paid, upon proof of payment thereof, and of such servant's refusing or neglecting to be produced pursuant to the order of the Justice, in the same manner as penalties are to be recovered under the provisions of this Act. Provided always that if the said Justice of the Peace shall deem it proper, it shall be lawful for him, when such proprietor or owner shall fail to produce his driver, conductor, or servant, without any satisfactory excuse, to be allowed by such Justice, to impose a fine of *Forty* Shillings upon such proprietor or owner, and so from time to time, as often as he shall be summoned in respect of such complaint, until he shall produce the said driver, conductor, or servant.

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8 Any person who thinks himself aggrieved by any conviction, order, or judgment under the authority of this Act may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

A.D. 1877.
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Appeal.
19 Vict. No. 10.

9 One half of every penalty received by virtue of this Act for any offence committed within any Municipality shall be paid to the Treasurer of such Municipality and form part of the Municipal Fund ; and in case of offences committed within any Police District, such half of every penalty shall be paid into the Colonial Treasury and form part of the Consolidated Revenue Fund, and the other half to the use of the informer or party prosecuting.

Appropriation of penalties.

10 No conviction made under the authority of this Act, nor any order, judgment, or proceeding relating thereto, shall be quashed for want of form, or be removed by *certiorari* or otherwise into the Supreme Court ; and no warrant of commitment under the provisions of this Act shall be held void by reason of any defect therein, provided it be therein alleged that the party committed has been convicted, and there be a good and valid conviction to sustain the same.

Want of form cured.

11 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued ; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence ; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time ; and if a verdict passes for the defendant, or the plaintiff become nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases ; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the case is tried certifies his approbation of the action, and the verdict obtained thereupon.

Persons acting under this Act entitled to notice of action, &c.

12 The Act of Council of the 8th *William* the Fourth, No. 3, shall be and the same is hereby repealed ; but all offences committed and penalties and sums of money incurred or made payable under the said Act before the commencement of this Act may be prosecuted, enforced, and recovered as if this Act had not been passed.

Act repealed.

13 This Act may be cited as "The Cruelty to Animals Act, 1877." Short title.

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