

**LEGISLATION FOR THE
PROTECTION OF ANIMALS
AND CHILDREN. BULLETIN OF
SOCIAL LEGISLATION, NO. 2**

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SAMUEL MCCUNE LINDSAY

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BULLETIN OF SOCIAL LEGISLATION

ON THE HENRY BERGH FOUNDATION FOR THE
PROMOTION OF HUMANE EDUCATION

No. 2

EDITED BY

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LEGISLATION FOR THE PROTECTION OF ANIMALS AND CHILDREN



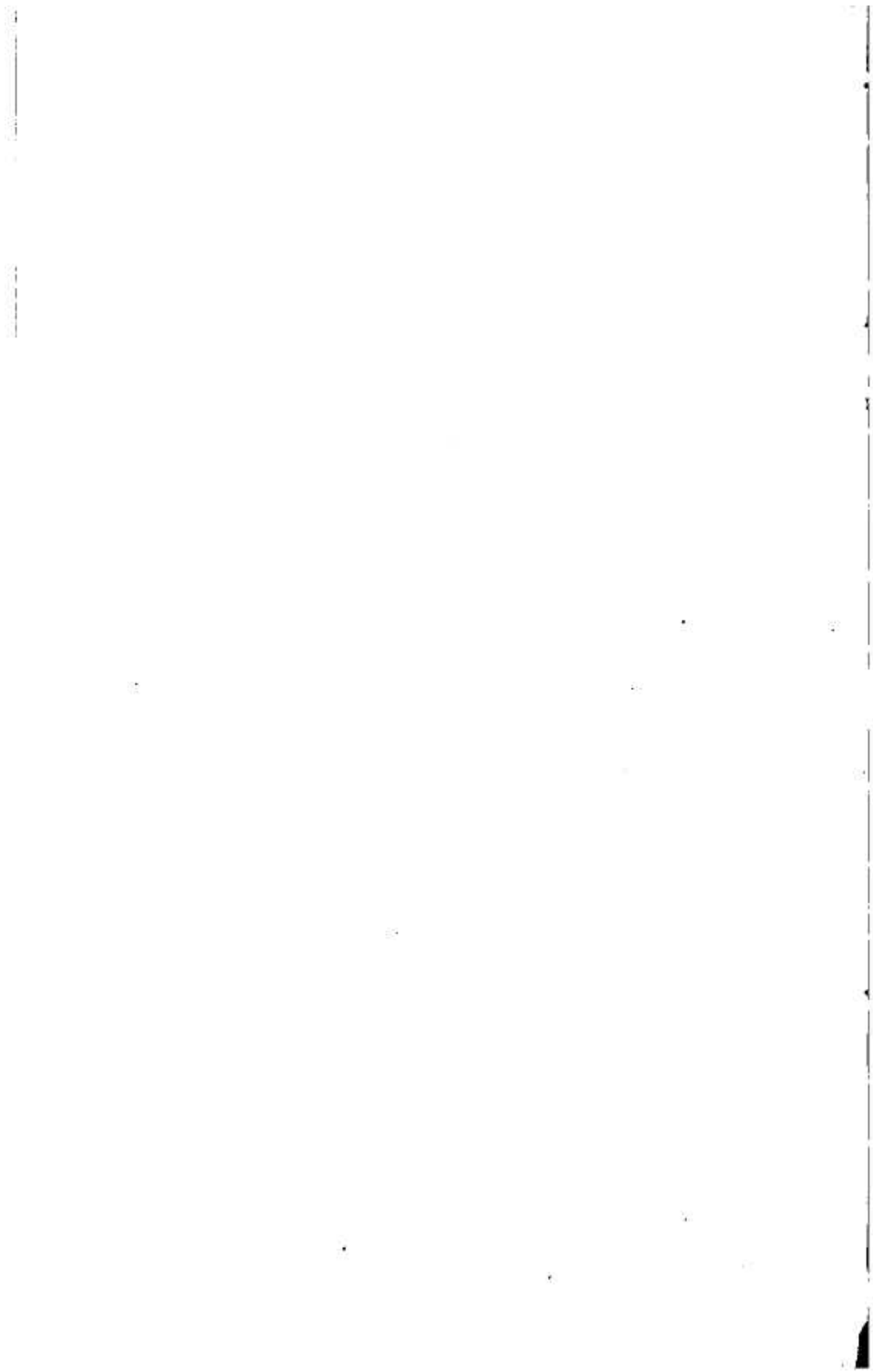
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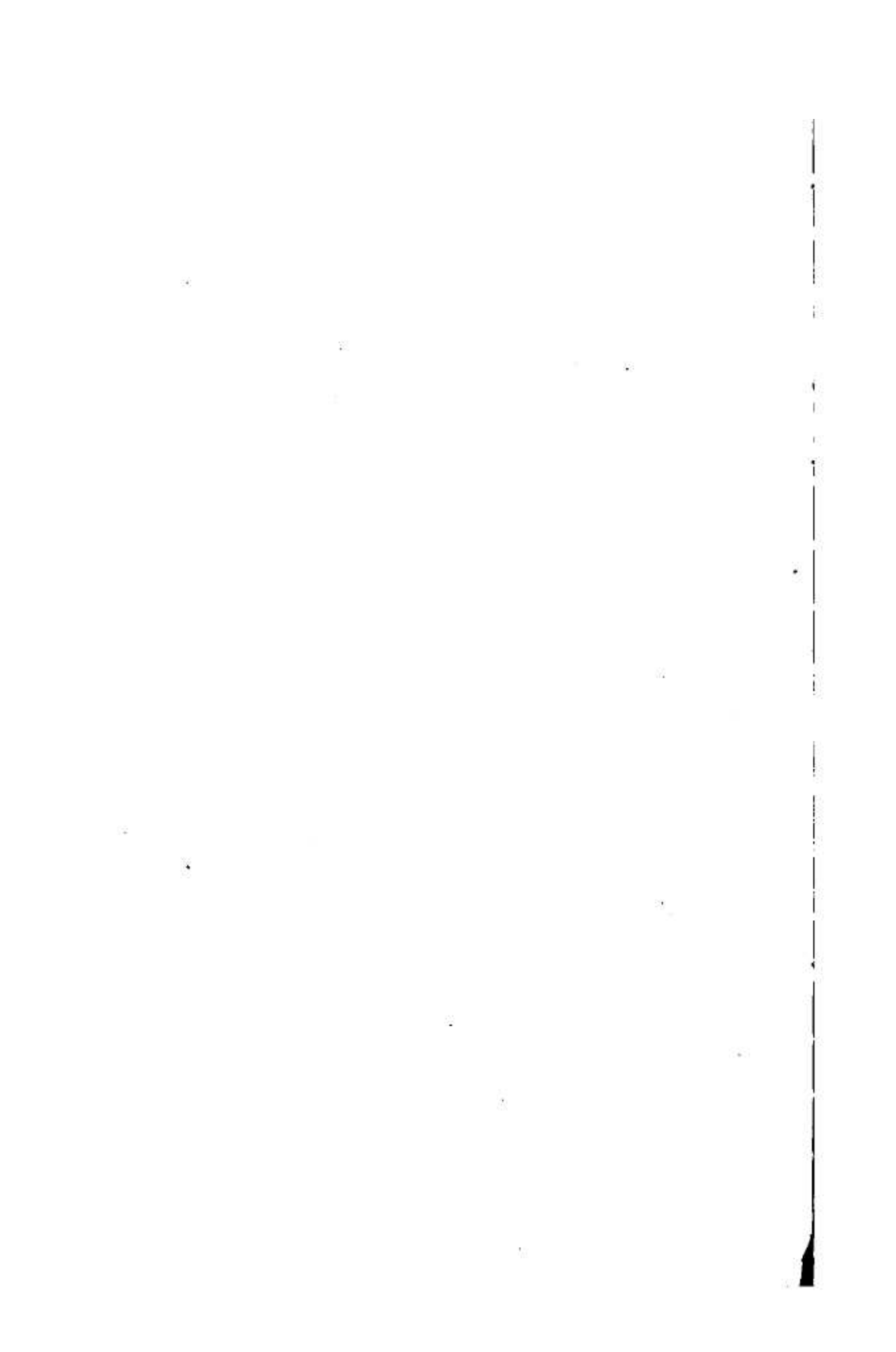


PREFATORY NOTE

IN 1910, under the auspices of the Henry Bergh Foundation, R. C. McCrea's "The Humane Movement" was published.* Among other things this book summarized legislation in the United States for the protection of animals and children. It is the purpose of the present bulletin to bring the summary down to date. This has been accomplished so as to include legislation for 1913. In interpreting this briefly summarized matter it would be helpful to refer to pages 56-58, 146 and 320 of "The Humane Movement," as well as to other portions of that work.

The labor of preparing the present bulletin has been much divided. The summary of legislation to 1913 was prepared by F. B. Williams, Esq., who also wrote the articles interpreting administration and recent legislation for animal protection. Dr. C. C. Carstens, General Agent and Secretary, Massachusetts Society for the Prevention of Cruelty to Children, and Lecturer in Harvard University, prepared the corresponding interpretation of child protective legislation. The added material, bringing the summary down to 1914, was prepared and incorporated by Professor R. C. McCrea of the University of Pennsylvania.

*Columbia University Press.



THE ADMINISTRATION OF THE LAW FOR THE PREVENTION OF CRUELTY TO ANIMALS

FRANK BACKUS WILLIAMS, A.M. LL.B.

FROM the beginning of the movement for the protection of animals, the enforcement of the law was, to a considerable extent, delegated to private societies.

At common law, and in the absence of statute, mere cruelty to animals was not a crime. Prior to the first law against it such cruelty was common and there was no adverse public sentiment. The first statute was passed in England in 1822. It protected only cattle and was so general as many times to be difficult to carry out. Worst of all, there was no public demand for its enforcement, and it was not enforced.

The first Society for the Prevention of Cruelty to Animals was formed in England in 1824. Its objects were the spread of humane education, law reform, and the enforcement of the existing law. At its request the Society was given the right and the machinery to make the Statute of 1822 effective.¹

Today most if not all forms of abuse of animals are definitely

General Note.—In most cases where the reference to the humane statutes are not given, they will easily be found, if desired, by the use of the tables of laws on p. 320, and ff. of *The Humane Movement* referred to in note two below. References to humane statutes of 1909, 1910, 1911, 1912 and 1913, will be found in the summary, pp. 41-46. In more incidental matters it has not been thought possible, or necessary, to give citations.

¹Through inspectors and so-called constables, who were practically inspectors—the Society has never had the actual police, or any semi-police power. It also acted as informer and prosecutor, and as such was soon given, in fact, an interest in fines. The Society does not now accept any part of the fines. See n. 37 below, p. 23.

and clearly covered by statute, and societies for their prevention are working in every part of England.¹

The first society in this country was the American Society for the Prevention of Cruelty to Animals, chartered by the State of New York in 1866.²

In the United States too, there had been some general legislation against cruelty to animals; but it was not enforced. It was therefore under much the same conditions as in England, that the enforcement of the law was at once delegated to these societies, and even more fully.³ They also sought to spread the humane sentiment and to secure more adequate legislation.

The subsequent progress and success of the movement here is well known and need not be re-stated.⁴ Today there is not a state in this country in which animals are not protected from cruelty; hardly one, if any, in which there are not humane societies or other organized methods of accomplishing the same results. In almost all of them, too, the societies have police or other special powers for the enforcement of the laws for the Prevention of Cruelty to Animals, or other special machinery has been created;⁵ and in almost all, the societies receive a portion of the fines, an appropriation, or other financial aid, such as the employment of humane officers by the State or some of its subdivisions, or exemption from taxation.⁶

But the administration of the Statutes for the protection of animals, although it is generally a special one, different from that of the rest of the criminal law, is not the same in all our States. In some the agents, and even the members,⁷ of the

¹ See *The Humane Movement*, Roswell C. McCrea, Columbia University Press, New York, 1910.

² Laws 1866, chapter 469.

³ The American Society of New York was given the police power and an interest in the fines in its original charter,—an example generally followed in other States.

⁴ All except Ariz., Mo., Neb., N. M., N. C., Okl., Or. and Tex.

⁵ In all except Id. and N. C. See also n. 7.

⁷ See n. 8, Table I.

In some States the powers given the members are really only those that any citizen has without statute. Thus in Ohio the statute provides that a member may require the authorities to arrest for cruelty to animals observed by him, and may prevent its perpetration.