

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 93.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

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AN ACT for the more effectual prevention of cruelty to animals.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. Whoever shall overdrive, overload, over-  
2 work, torture, torment, deprive of necessary suste-  
3 nance, cruelly beat, mutilate or kill, or cause or pro-  
4 cure to be so overdriven, overloaded, overworked,  
5 tortured, tormented, deprived of sustenance, cruelly  
6 beaten, mutilated or killed, any horse, ox, or other  
7 animal, and whoever having the charge or custody of  
8 any such animal, either as owner or otherwise, shall  
9 unnecessarily fail to provide such animal with proper  
10 food, drink and shelter or protection from the weather,  
11 shall for every such offence be punished by imprison-  
12 ment in the jail not exceeding one year, or by fine

13 not exceeding two hundred dollars, or by both such  
14 fine and imprisonment.

SECT. 2. Every owner of or person having the  
2 charge or custody of any horse, ox, or other animal,  
3 who shall knowingly and wilfully authorize or permit  
4 the same to be subjected to or suffer unnecessary tor-  
5 ture or cruelty, shall be punished for every such  
6 offence in the manner provided in section one.

SECT. 3 Every owner, driver, possessor, or person  
2 having the charge or custody of an old, maimed, or  
3 disabled or diseased horse, mule, or other animal, who  
4 shall cruelly work the same when unfit for work,  
5 or cruelly abandon the same, shall be punished for  
6 every such offence in the same manner provided in  
7 section one.

SECT. 4. Any person who shall carry or cause to  
2 be carried in or upon any vehicle or otherwise, any  
3 animal in an unnecessarily cruel or inhuman manner,  
4 shall be punished in the same manner provided in  
5 section one.

SECT. 5. No railroad company in this state, in the  
2 carrying or transportation of cattle, sheep, swine, or  
3 other animals, shall confine the same in cars for a  
4 longer period than twenty-eight consecutive hours,  
5 unless delayed by storm or other accidental cause,  
6 without unloading for rest, water, and feeding for a

7 period of at least five consecutive hours. In estimat-  
8 ing such confinement, the time the animals have been  
9 confined without such rest, on connecting roads from  
10 which they are received, shall be computed, it being  
11 the intention of this act to prevent their continuous  
12 confinement beyond twenty-eight hours, except upon  
13 contingencies herein before stated; and animals un-  
14 loaded for rest, water, and feeding under the provis-  
15 ions of this act, shall be properly fed, watered, and  
16 sheltered during such rest by the owners or persons in  
17 custody thereof, or in case of their default in so doing,  
18 then by the railroad company transporting them, at  
19 the expense of said owners or persons in custody  
20 thereof.

SECT. 6. If any owner or person in charge of said  
2 animals refuses or neglects to pay for the care and  
3 feed of animals so rested, the railroad company may  
4 charge such expense to the owner or consignee, and  
5 retain a lien upon the animals until the same is paid;  
6 and no claim for damages for detention shall be re-  
7 covered by the owner or shipper of any animals for  
8 the time they are detained under the provisions of  
9 this act.

SECT. 7. Any railroad company, owner, consignee,  
2 or person in charge of such cattle, sheep or other ani-  
3 mals, who shall violate any provisions of the fifth or

4 sixth sections of this act, shall for each and every such  
5 violation, forfeit and pay a penalty of one hundred  
6 dollars.

SECT. 8. Any person may take charge of any ani-  
2 mal whose owner has abandoned it, or is failing to  
3 properly take care and provide for it, and may fur-  
4 nish the same with proper shelter, nourishment and  
5 care at the owner's expense, and shall have a lien on  
6 such animal for the same.

SECT. 9. In all cases where a lien is given under  
2 this act, the person or corporation having such lien,  
3 may sell such animal or animals at public auction, in  
4 the town or city where such animal was found or is  
5 detained, after giving the party claiming or owning  
6 such animal three days' notice in writing ; or in case  
7 such party cannot be found, then by publishing notice  
8 of the time and place of sale, three times in any news-  
9 paper printed in the county where such animal was  
10 found or detained ; and from the proceeds of such sale,  
11 may deduct all costs, charges and expenses, and a  
12 reasonable compensation for trouble in the matter, and  
13 hold the balance, if any, for and pay over the same,  
14 on demand, to the party or parties owning the said  
15 animals.

SECT. 10. It shall be the duty of all sheriffs, depu-  
2 ty sheriffs, police officers and constables, to prosecute

3 all violations of the provisions of this act, which shall  
4 come to their notice or knowledge ; and all fines col-  
5 lected under this act, shall be paid over to the treas-  
6 urer of the city or town where the offence, for which  
7 the fine is imposed, was committed ; and in case a  
8 society should be formed in such city or town for the  
9 “ prevention of cruelty to animals,” then such fines  
10 shall inure and be paid over to such society, in aid of  
11 the benevolent objects for which it shall have been  
12 formed.

SECT. 11. The several municipal and police courts  
2 and trial justices in this state shall have concurrent  
3 jurisdiction with the supreme judicial court of all  
4 offences under this act.

SECT. 12. Section twenty-eight, chapter one hun-  
2 dred twenty-four of the revised statutes is hereby  
3 repealed.

SECT. 13. This act shall take effect when approved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
March 10, 1869. }

Reported from the Committee on the Judiciary, and printed under Joint Rule.

S. J. CHADBOURNE, *Clerk.*