



ANNO OCTAVO

# Gulielmi IV. Regis.

No. 3.

*By His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer and a Captain in His Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.*

*An Act for the better prevention of Cruelty to Animals.*

**W**HEREAS an Act was passed in England in the fifth and sixth year of the reign of His Majesty intituled "*An Act to consolidate and amend the several Laws relating to cruel and improper treatment of Animals, and the mischiefs arising from the driving of Cattle, and to make other provisions in regard thereto,*" and it is expedient to extend certain of the provisions of the said Act to this Colony:—

Recites 5 and 6 Will. 4  
c. 59, passed 1835.

**BE IT THEREFORE ENACTED** by His Excellency Sir John Franklin Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that if after the first day of September next any person shall wantonly torture or cruelly beat ill-treat or abuse any Horse Bull Ox Cow Calf Mule Ass Sheep Pig Goat Dog or other Domestic Animal or shall by negligence or ill-usage in the driving of any such Animal be the means of any mischief injury or damage being done by such Animal every such offender shall for every such offence forfeit and pay (over and above any amount of

Persons wantonly ill-  
treating Cattle.

damage thereby done or occasioned to be paid to the owner or party injured and to be ascertained by the convicting Justice) not less than twenty shillings nor more than ten pounds or at the discretion of such Justice be committed to some House of Correction there to be kept to hard labour for any term not exceeding fourteen days. *Provided* that nothing herein shall prevent or abridge any remedy by Action against the Employer of any such Offender where the amount of the damage is not sought to be recovered by virtue of this Act.

Proceedings under this Act for Penalties.

II.—AND BE IT ENACTED that every such offence may be heard and determined and every such Fine Penalty or punishment be awarded and inflicted in a summary way before and by any one Justice in the manner provided by the Act intituled “*An Act to regulate Summary Proceedings before Justices of the Peace,*” and any person feeling aggrieved by any judgment or conviction under this Act imposing any such pecuniary fine or Penalty shall be entitled to appeal therefrom in the manner by the said Act provided. *And* in every Information and Conviction under this Act the word Horse shall be understood equally to apply to any Mare or Gelding and the word Ox to apply equally to any Steer the word Cow to apply equally to any Heifer and the word Sheep to apply equally to any Lamb and the words Pig and Dog shall be understood respectively to apply indifferently to either Sex of those Animals.

Apprehension of Offenders; and Limitation of Prosecutions.

III.—AND BE IT ENACTED that upon view of any such offence as aforesaid it shall be lawful for any Constable or other person to seize the offender and forthwith to convey him before some Justice to be held to Bail to answer for such Offence or to be otherwise dealt with according to law. *Provided* that no person shall be liable to prosecution under this Act except within one month next after commission of the offence.

JOHN FRANKLIN.

Passed the Legislative Council  
this Nineteenth day of July One  
thousand eight hundred and thirty  
seven.

ADAM TURNBULL,

*Clerk of the Councils.*