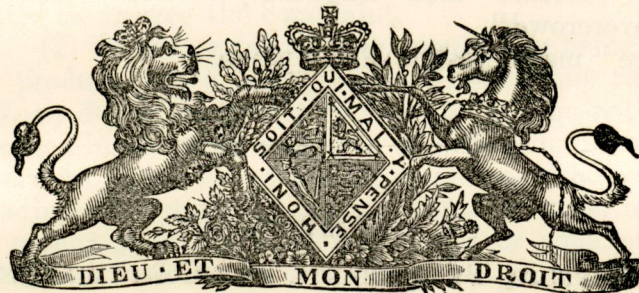


New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 64, 1901.

An Act to consolidate the Acts for the Prevention of Cruelty to Animals. [Assented to, 24th December, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Prevention of Cruelty to Short title. Animals Act, 1901," and is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1-3.

PART II.—OFFENCES, PUNISHMENTS, AND COMPENSATION—
ss. 4-7.

PART III.—PROCEDURE—ss. 8-12.

Prevention of Cruelty to Animals.

- Repeal. **2.** The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.
- Interpretation. **3.** In this Act unless the context or subject matter otherwise indicates or requires—
- No. 11, 1899, s. 1. “Animal” means and includes every species of quadruped and every species of bird whether in a natural or domestic state and all other animals dependent upon man for their care or sustenance or in a state of captivity.
- 55 Vic. No. 5, s. 35.
- 14 Vic. No. 40 s. 1. “Illtreat” includes “beat” “overdrive” “override” “abuse” and “torture” also “knowingly overload” and “knowingly overcrowd”
- No. 11, 1899, s. 3. “Justice” means justice of the peace.

PART II.

OFFENCES, PUNISHMENTS, AND COMPENSATION.

- Illtreating animals. **4. (1)** Whosoever
- 14 Vic. No. 40 s. 1. **(a)** cruelly illtreats or causes or procures to be cruelly illtreated any animal or
- No. 11, 1899, s. 1. **(b)** keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal or permits or suffers any place to be so used or
- Baiting animal. **(c)** receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal or
- 14 Vic. No. 40, s. 2. **(d)** encourages aids or assists at the fighting or baiting of any animal or
- Receiving money to witness baiting. **(e)** conveys or carries or causes to be conveyed or carried whether in or upon any vehicle or not any animal in such a manner as to subject such animal to unnecessary pain or suffering
- Ibid.*
- Encouraging baiting. shall on conviction before any one justice be liable to a penalty not exceeding five pounds or shall on conviction before two justices be liable either to the said penalty or if such justices think fit to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.
- Ibid.*
- Carrying animals so as to cause pain. **(2)** A penalty of five pounds may be imposed for every day on which an offence is committed under clause (b) or (c) of the last subsection.
- Ibid.* s. 4.
- No. 11, 1899, s. 2. **5.** Whosoever at any time or in any manner unlawfully obstructs hinders molests or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall on conviction before any one justice be liable to a penalty
- Fine by one justice. penalty
- Imprisonment or fine by two justices.
- 14 Vic. No. 40 ss. 1, 2, 4, 10, proviso.
- No. 11, 1899, ss. 2, 3, 5.
- Separate fine for each day offence is committed.
- 14 Vic. No. 40, s. 2.
- Obstructing constable.
- 14 Vic. No. 40, s. 10, proviso.
- No. 11, 1899, s. 4.

Prevention of Cruelty to Animals.

penalty not exceeding ten pounds or shall on conviction before two justices be liable either to the said penalty or if such justices think fit to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.

6. (1) Whenever a complaint is made against the driver or conductor of any hackney or stage carriage or the driver of any other vehicle for any offence committed by him against the provisions of this Act the justice to whom the complaint is made may forthwith summon the owner of such carriage or vehicle to produce before him the driver conductor or other servant by whom the offence was committed to answer the complaint.

Offences committed by drivers or conductors of hackney carriages &c.
14 Vic. No. 40, s. 14.

(2) If such proprietor or owner after being duly summoned fails to produce the driver conductor or servant the justice before whom such driver conductor or servant is required to be produced may 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 penalty or sum of money and costs in which the driver conductor or servant is convicted.

Proprietors of vehicles to be summoned to produce their servants.

Ibid.

(3) Any sum of money so paid by the proprietor or owner may upon proof of payment thereof and of such servant's refusing or neglecting to be produced pursuant to the order of the justice be recovered in a summary way from the driver conductor or servant through whose default such sum has been paid in the same manner as a penalty.

Recovery from servant of sum paid.
Ibid.

(4) The justice may if such proprietor or owner fails to produce his driver conductor or servant without satisfactory excuse impose a penalty of forty shillings upon such proprietor or owner as often as he is summoned in respect of the complaint until he produces the driver conductor or servant.

Penalty on proprietor or owner for not producing his servant.
Ibid.

7. (1) Every person who by cruelly illtreating any animal does damage or injury to such animal or thereby causes damage or injury to be done to any person or property shall on conviction of such offence pay to the owner of such animal (if the offender be not the owner thereof) or to the person who or whose property has been damaged or injured a sum of money not exceeding ten pounds by way of compensation to be ascertained and determined by the convicting Justice.

Compensation to be paid by offender for injury caused to animal person or property.
Ibid. s. 3.

(2) The convicting justice shall order the amount so ascertained and determined to be paid forthwith by the person convicted to the person who or whose property is injured and such amount shall be added to the penalty (if any) imposed upon and the costs (if any) adjudged against the person convicted and the provisions of section seven of the Justices Acts Amendment Act of 1900 shall apply as if such amount and penalty and costs were payable under one order.

Recovery of compensation.
Ibid. s. 3, 10.

Prevention of Cruelty to Animals.

Compensation not
to affect punishment.
14 Vic. No. 40, s. 3.

(3) 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 illtreating of the said animal.

Actions in other
courts not restrained.
Ibid.

(4) Nothing in this section contained shall prevent any proceeding by action against such offender or his employer where the amount of damage or injury is not sought to be recovered under this Act.

PART III.

PROCEDURE.

Constable may arrest
at sight or upon
information.
Ibid. s. 5.

8. (1) Any constable may upon his own view of the commission of an offence under this Act or upon the complaint of any other person seize and secure the offender and forthwith and without any other warrant or authority convey him before a justice.

Informer to give his
name and abode.
Ibid.

(2) Every person making a complaint to a constable shall declare his name and place of abode to the constable.

Complaint within one
month.
Ibid. s. 6.

9. Every complaint under this Act shall be made within one month after the cause of complaint arose.

Constable may
detain vehicle or
animal as security
for penalty.
Ibid. s. 11.

10. (1) Whenever a constable arrests any person having charge of any vehicle or animal for an offence against the provisions of this Act he may take charge of such vehicle or animal and deposit the same in some place of safe custody as security for payment of any penalty to which such person or the owner of such vehicle or animal may become liable and the expenses which have been or may be necessarily incurred for taking charge of and keeping the same.

Vehicle or animal
may be sold.
Ibid.

(2) The justice who hears the case may in default of payment order such vehicle or animal to be sold for the purpose of satisfying such penalty and reasonable expenses in like manner as if the said vehicle or animal had been subject to be distrained and had been distrained upon for the payment of such penalty and expenses.

Justices may allow
certain premises to
be inspected.
No. 11, 1899, s. 4.

11. Whenever it is by the oath of any credible person made to appear to the satisfaction of a police or stipendiary magistrate or two justices that an offence against this Act has been or is about to be committed on or in certain premises such magistrate or justices may by writing under his or their hand authorise such person or some constable named therein to enter upon or into such premises and inspect any animal confined or kept there.

Actions against
justices and others.

Application of provisions
of Justices (Protection)
Act.
14 Vic. No. 40 ss. 19, 20.

12. (1) Whenever an action is brought against any person for anything done in pursuance or under the authority of this Act the provisions of sections eight to fourteen inclusive of the Imperial Act eleven and twelve Victoria chapter forty-four as adopted by the Act
fourteen

Prevention of Cruelty to Animals.

fourteen Victoria number forty-three shall apply as though such person were a justice of the peace except that the time limited for commencing any such action shall be three months next after the act complained of was committed.

(2) The defendant shall in all cases where he obtains judgment upon verdict or otherwise be entitled to his full costs in that behalf to be taxed as between attorney and client.

SCHEDULE.

Number of Act.	Title.	Extent of repeal.
14 Vic. No. 40	An Act for the more effectual prevention of Cruelty to Animals.	The whole Act.
55 Vic. No. 5 ...	The Criminal Law and Evidence Amendment Act of 1891.	The unrepealed portion of section 35.
No. 11, 1899 ...	An Act to amend the law respecting Cruelty to Animals.	The whole Act.

By Authority: WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1902.

[6d.]

B

[10]

II

1. Name	2. Address	3. City
4. State	5. Zip	6. Telephone
7. Occupation	8. Education	9. Age
10. Sex	11. Marital Status	12. Religion

APPENDIX

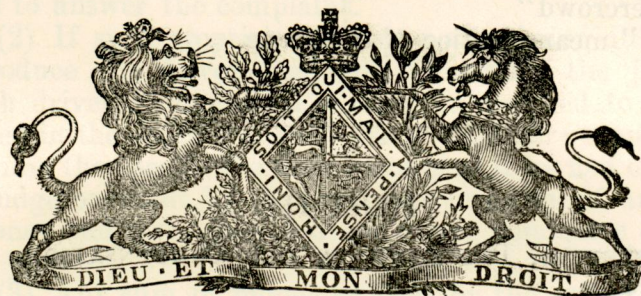
This appendix contains a list of names and addresses of persons who have been identified as having been in contact with the subject of this report. The information was obtained from a review of the files of the Federal Bureau of Investigation, and is being furnished to you for your information. It is not to be used for any other purpose.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 5th December, 1901. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 64, 1901.

An Act to consolidate the Acts for the Prevention of Cruelty to Animals. [Assented to, 24th December, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Prevention of Cruelty to Animals Act, 1901," and is divided into Parts, as follows:—

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Prevention of Cruelty to Animals.

- Repeal. **2.** The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.
- Interpretation. **3.** In this Act unless the context or subject matter otherwise indicates or requires—
- No. 11, 1899, s. 1. “Animal” means and includes every species of quadruped and every species of bird whether in a natural or domestic state and all other animals dependent upon man for their care or sustenance or in a state of captivity.
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OFFENCES, PUNISHMENTS, AND COMPENSATION.

- 4.** (1) Whosoever
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- (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal or permits or suffers any place to be so used or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal or
- (d) encourages aids or assists at the fighting or baiting of any animal or
- (e) conveys or carries or causes to be conveyed or carried whether in or upon any vehicle or not any animal in such a manner as to subject such animal to unnecessary pain or suffering shall on conviction before any one justice be liable to a penalty not exceeding five pounds or shall on conviction before two justices be liable either to the said penalty or if such justices think fit to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.
- (2) A penalty of five pounds may be imposed for every day on which an offence is committed under clause (b) or (c) of the last subsection.
- 5.** Whosoever at any time or in any manner unlawfully obstructs hinders molests or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall on conviction before any one justice be liable to a penalty
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No. 11, 1899, s. 1.
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14 Vic. No. 40, s. 2.
- Receiving money to witness baiting.
Ibid.
- Encouraging baiting.
Ibid.
- Carrying animals so as to cause pain.
Ibid. s. 4.
No. 11, 1899, s. 2.
- Fine by one justice.
Imprisonment or fine by two justices.
14 Vic. No. 40 ss. 1, 2, 4, 10, proviso.
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Prevention of Cruelty to Animals.

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6. (1) Whenever a complaint is made against the driver or conductor of any hackney or stage carriage or the driver of any other vehicle for any offence committed by him against the provisions of this Act the justice to whom the complaint is made may forthwith summon the owner of such carriage or vehicle to produce before him the driver conductor or other servant by whom the offence was committed to answer the complaint.

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Proprietors of vehicles to be summoned to produce their servants.

Ibid.

(3) Any sum of money so paid by the proprietor or owner may upon proof of payment thereof and of such servant's refusing or neglecting to be produced pursuant to the order of the justice be recovered in a summary way from the driver conductor or servant through whose default such sum has been paid in the same manner as a penalty.

Recovery from servant of sum paid.

Ibid.

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Prevention of Cruelty to Animals.

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Actions in other
courts not restrained.
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(4) Nothing in this section contained shall prevent any proceeding by action against such offender or his employer where the amount of damage or injury is not sought to be recovered under this Act.

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PROCEDURE.

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information.
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8. (1) Any constable may upon his own view of the commission of an offence under this Act or upon the complaint of any other person seize and secure the offender and forthwith and without any other warrant or authority convey him before a justice.

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name and abode.
Ibid.

(2) Every person making a complaint to a constable shall declare his name and place of abode to the constable.

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month.
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9. Every complaint under this Act shall be made within one month after the cause of complaint arose.

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detain vehicle or
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Vehicle or animal
may be sold.
Ibid.

(2) The justice who hears the case may in default of payment order such vehicle or animal to be sold for the purpose of satisfying such penalty and reasonable expenses in like manner as if the said vehicle or animal had been subject to be distrained and had been distrained upon for the payment of such penalty and expenses.

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be inspected.
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Actions against
justices and others.

Application of provisions
of Justices (Protection)
Act.
14 Vic. No. 40 ss. 19, 20.

12. (1) Whenever an action is brought against any person for anything done in pursuance or under the authority of this Act the provisions of sections eight to fourteen inclusive of the Imperial Act eleven and twelve Victoria chapter forty-four as adopted by the Act fourteen

Prevention of Cruelty to Animals.

fourteen Victoria number forty-three shall apply as though such person were a justice of the peace except that the time limited for commencing any such action shall be three months next after the act complained of was committed.

(2) The defendant shall in all cases where he obtains judgment upon verdict or otherwise be entitled to his full costs in that behalf to be taxed as between attorney and client.

SCHEDULE.

Number of Act.	Title.	Extent of repeal.
14 Vic. No. 40	An Act for the more effectual prevention of Cruelty to Animals.	The whole Act.
55 Vic. No. 5 ...	The Criminal Law and Evidence Amendment Act of 1891.	The unrepealed portion of section 35.
No. 11, 1899 ...	An Act to amend the law respecting Cruelty to Animals.	The whole Act.

In the name and on the behalf of His Majesty I assent to this Act.

*State Government House,
Sydney, 24th December, 1901.*

FREDK. M. DARLEY,
Lieutenant-Governor.

1901

FREDERICK M. DUBBER

No.	Description	Amount
1	To Balance	100.00
2	By Cash	50.00
3	By Cash	50.00
4	By Cash	50.00
5	By Cash	50.00
Total		250.00

SCHEDULE

This schedule is prepared in accordance with the provisions of the Act of March 3, 1901, and is intended to show the assets and liabilities of the estate of the deceased, as of the date of his death, and as of the date of the settlement of his estate.

Memo. and Certificate to accompany the Prevention of Cruelty to Animals Bill.

THIS Bill consolidates the Acts 14 Vic. No. 40 and No. 11, 1899, and portion of section 35 of 55 Vic. No. 5.

Clauses 5 and 6 (4). Section 10 of 14 Vic. No. 40 has been treated as applying to the former of these clauses, but not to the latter.

Clause 7. (2) Some difficulties have suggested themselves as to whether the "compensation or damages" are "sums of money adjudged to be paid by a conviction or order" within the meaning of No. 71, 1900, and whether that Act was intended to apply to imprisonments imposed to compel payment of compensation rather than to punish in default of payment of a fine. The clause as drawn is thought to give the proper result of the various sections.

Clauses 9 and 12. The provisions as to procedure before justices and on appeal are no longer necessary since the passing of the Justices Acts Amendment Act, 1900. The provision for protection of persons acting under the Act, have been assimilated to the general law on these subjects in Jervis's Acts, and by very trifling changes much verbiage has been thus saved.

I certify that save as aforesaid, this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Provision of Funds to ... Bill

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Prevention of Cruelty to Animals Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

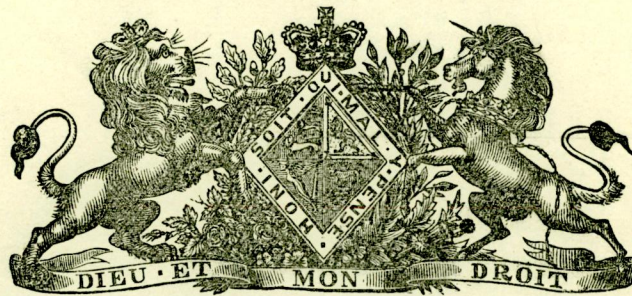
Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
14 VICTORIA NO. 40.		
Preamble.	.....
1	3, 4 (1) (a)	
2	4 (1), (b), (c), (d), (2)	
3	7	
4	4 (1)	
5	8	
6	9	} Part only of s. 6 of 14 Vic. No. 40 is here consolidated. The remainder of s. 6 and ss. 7, 8, and 9 are unnecessary since the passing of the Act No. 71, 1900.
7	.....
8	.....
9	.....
10	4 (1), 5, 7	The provision that an informer shall be a competent witness is omitted, being covered by s. 15 of the Justices of the Peace (Summary Proceedings) Act.
11	10	
12	.....	Repealed by s. 4 of Act No. 11, 1899.
13	.....	Provided for by 16 Vic. No. 1 s. 15 and Interpretation Act, 1897, s. 2 (1).
14	6	
15	.....	} Unnecessary since the passing of the Act No. 71, 1900.
16	.....
17	.....	Appeals are now in all cases regulated by the Act No. 71, 1900.
18	.....	Provided for by the Act No. 71, 1900.
19	} 12	} The effect of ss. 19 and 20 of the repealed Act has been preserved by providing in s. 12 of the Consolidated Act that actions must be brought according to the provisions of the Justices of the Peace (Protection) Act.
20		
21	.....	Part superseded by s. 1 of Act No. 11, 1899; the remainder unnecessary.
22	.....	Provided for by Interpretation Act, 1897, s. 10.
55 VICTORIA NO. 5.		
35	3	
No. 11, 1899.		
Preamble.	.....
1	3, 4	
2	4 (1), (e)	
3	3, 4	
4	5, 11	
5	.....	} Embodied in the consolidation. - See ss. 4, 5 of Consolidated Act particularly.
6	.....
Title.		

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 27th November, 1901. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. , 1901.

An Act to consolidate the Acts for the prevention of Cruelty to Animals.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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PART III.—PROCEDURE—*ss.* 8-12.

Prevention of Cruelty to Animals.

2. The Acts mentioned in the Schedule to this Act are to the Repeal. extent therein expressed hereby repealed.

3. In this Act unless the context or subject matter otherwise Interpretation. indicates or requires—

“Animal” means and includes every species of quadruped and No. 11, 1899, s. 1. every species of bird whether in a natural or domestic state 55 Vic No. 5, s. 35. and all other animals dependent upon man for their care or sustenance or in a state of captivity.

“Illtreat” includes “beat” “overdrive” “override” “abuse” 14 Vic. No. 40 s. 1. and “torture” also “knowingly overload” and “knowingly No. 11, 1899, s. 3. “overcrowd”

“Justice” means justice of the peace.

PART II.

OFFENCES, PUNISHMENTS, AND COMPENSATION.

4. (1) Whosoever
- (a) cruelly illtreats or causes or procures to be cruelly illtreated any animal or
- (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal or permits or suffers any place to be so used or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal or
- (d) encourages aids or assists at the fighting or baiting of any animal or
- (e) conveys or carries or causes to be conveyed or carried whether in or upon any vehicle or not any animal in such a manner as to subject such animal to unnecessary pain or suffering
- shall on conviction before any one justice be liable to a penalty not exceeding five pounds or shall on conviction before two justices be liable either to the said penalty or if such justices think fit to imprison-ment with or without hard labour for a term not exceeding three months without the option of a fine.
- (2) A penalty of five pounds may be imposed for every day on which an offence is committed under clause (b) or (c) of the last subsection.
5. Whosoever at any time or in any manner unlawfully obstructs hinders molests or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall on conviction before any one justice be liable to a penalty
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No. 11, 1899, s. 1.
- Baiting animal.
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- Receiving money to witness baiting.
Ibid.
- Encouraging baiting.
Ibid.
- Carrying animals so as to cause pain.
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No. 11, 1899, ss. 2, 3, 5.
- Separate fine for each day offence is committed.
14 Vic. No. 40, s. 2.
- Obstructing constable.
14 Vic. No. 40, s. 10, proviso.
No. 11, 1899, s. 4.

Prevention of Cruelty to Animals.

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Offences committed by drivers or conductors of hackney carriages &c.
14 Vic. No. 40, s. 14.

(2) If such proprietor or owner after being duly summoned fails to produce the driver conductor or servant the justice before whom such driver conductor or servant is required to be produced may 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 penalty or sum of money and costs in which the driver conductor or servant is convicted.

Proprietors of vehicles to be summoned to produce their servants.
Ibid.

(3) Any sum of money so paid by the proprietor or owner may upon proof of payment thereof and of such servant's refusing or neglecting to be produced pursuant to the order of the justice be recovered in a summary way from the driver conductor or servant through whose default such sum has been paid in the same manner as a penalty.

Recovery from servant of sum paid.
Ibid.

(4) The justice may if such proprietor or owner fails to produce his driver conductor or servant without satisfactory excuse impose a penalty of forty shillings upon such proprietor or owner as often as he is summoned in respect of the complaint until he produces the driver conductor or servant.

Penalty on proprietor or owner for not producing his servant.
Ibid.

7. (1) Every person who by cruelly illtreating any animal does damage or injury to such animal or thereby causes damage or injury to be done to any person or property shall on conviction of such offence pay to the owner of such animal (if the offender be not the owner thereof) or to the person who or whose property has been damaged or injured a sum of money not exceeding ten pounds by way of compensation to be ascertained and determined by the convicting Justice.

Compensation to be paid by offender for injury caused to animal person or property.
Ibid. s. 3.

(2) The convicting justice shall order the amount so ascertained and determined to be paid forthwith by the person convicted to the person who or whose property is injured and such amount shall be added to the penalty (if any) imposed upon and the costs (if any) adjudged against the person convicted and the provisions of section seven of the Justices Acts Amendment Act of 1900 shall apply as if such amount and penalty and costs were payable under one order.

Recovery of compensation.
Ibid. s. 3, 10.

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(3) 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 illtreating of the said animal. Compensation not to affect punishment. 14 Vic. No. 40, s. 3.

(4) Nothing in this section contained shall prevent any proceeding by action against such offender or his employer where the amount of damage or injury is not sought to be recovered under this Act. Actions in other courts not restrained. *Ibid.*

PART III.

PROCEDURE.

8. (1) Any constable may upon his own view of the commission of an offence under this Act or upon the complaint of any other person seize and secure the offender and forthwith and without any other warrant or authority convey him before a justice. Constable may arrest at sight or upon information. *Ibid.* s. 5.

(2) Every person making a complaint to a constable shall declare his name and place of abode to the constable. Informers to give his name and abode. *Ibid.*

9. Every complaint under this Act shall be made within one month after the cause of complaint arose. Complaint within one month. *Ibid.* s. 6.

10. (1) Whenever a constable arrests any person having charge of any vehicle or animal for an offence against the provisions of this Act he may take charge of such vehicle or animal and deposit the same in some place of safe custody as security for payment of any penalty to which such person or the owner of such vehicle or animal may become liable and the expenses which have been or may be necessarily incurred for taking charge of and keeping the same. Constable may detain vehicle or animal as security for penalty. *Ibid.* s. 11.

(2) The justice who hears the case may in default of payment order such vehicle or animal to be sold for the purpose of satisfying such penalty and reasonable expenses in like manner as if the said vehicle or animal had been subject to be distrained and had been distrained upon for the payment of such penalty and expenses. Vehicle or animal may be sold. *Ibid.*

11. Whenever it is by the oath of any credible person made to appear to the satisfaction of a police or stipendiary magistrate or two justices that an offence against this Act has been or is being or is about to be committed on or in certain premises such magistrate or justices may by writing under his or their hand authorise such person or some constable named therein to enter upon or into such premises and inspect any animal confined or kept there. Justices may allow certain premises to be inspected. No. 11, 1899, s. 4.

12. (1) Whenever an action is brought against any person for anything done in pursuance or under the authority of this Act the provisions of sections eight to fourteen inclusive of the Imperial Act eleven and twelve Victoria chapter forty-four as adopted by the Act Actions against justices and others. Application of provisions of Justices (Protection) Act. 14 Vic. No. 40, ss. 19, 20.
fourteen

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fourteen Victoria number forty-three shall apply as though such person were a justice of the peace except that the time limited for commencing any such action shall be three months next after the act complained of was committed.

(2) The defendant shall in all cases where he obtains judgment upon verdict or otherwise be entitled to his full costs in that behalf to be taxed as between attorney and client.

SCHEDULE.

Number of Act.	Title.	Extent of repeal.
14 Vic. No. 40	An Act for the more effectual prevention of Cruelty to Animals.	The whole Act.
55 Vic. No. 5 ...	The Criminal Law and Evidence Amendment Act of 1891.	The unrepealed portion of section 35.
No. 11, 1899 ...	An Act to amend the law respecting Cruelty to Animals.	The whole Act.

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[9d.]

