

ton, be amended so as to read as follows: Section 2748. If no exception be made to the claim of any creditor, or if the same has been adjudicated, the court shall order the assignee to make from time to time fair and equal dividends among the creditors of the assets in his hands, in proportion to their claims, and as soon as may be to render a final account of said trust to said court, which may allow such commissions to said assignee in the final settlement as may be considered right and just, not exceeding, however, the fees and compensation allowed by law to administrators and executors.

SEC. 2. That section two thousand and thirty-two (2032) of the Code of Washington Territory of A. D. 1881, the same being section 2774 of volume 1 of Hill's Statutes and Codes of the State of Washington, be and is hereby repealed.

Approved February 21, 1893.

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## CHAPTER XXVII.

[S. B. No. 85.]

### TO PREVENT CRUELTY TO CHILDREN, ANIMALS, FOWLS AND BIRDS.

AN ACT for the prevention of cruelty to children, animals, fowls and birds, and providing punishment therefor.

*Be it enacted by the Legislature of the State of Washington:*

Cruelty to children.

SECTION 1. Whosoever shall torture, maim, cruelly beat, whip or punish, deprive of necessary food or clothing, or compel to labor an unreasonable length of time without proper rest and nourishment, or otherwise cruelly treat any minor, or being the parent or guardian, or having the charge of such minor, shall do, cause or permit to be done any of the acts above mentioned, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one hundred dollars, or impris-

Penalty.

oned in the county jail any length of time not exceeding three months.

SEC. 2. Whosoever shall overdrive, overload, or drive <sup>Cruelty to animals.</sup> when overloaded, overwork, cruelly beat, mutilate, torture, torment or deprive of necessary sustenance, cruelly abandon or neglect, or cause the same to be done, any animal, or being the owner or custodian thereof, shall inflict unnecessary cruelty, or fails to provide it with proper food, drink, or who cruelly works such animals when unfit for labor, carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner, shall be punished by fine not exceeding one <sup>Penalty.</sup> hundred dollars, or by imprisonment in the county jail not exceeding three months.

SEC. 3. A corporation violating any of the provisions <sup>Liability of corporation.</sup> of either of the two preceding sections shall be punished by fine, as therein provided; and corporations in regard to animals transported, owned or used by them, or in their custody, shall be responsible for the knowledge and the <sup>Penalty.</sup> acts of their agents and servants.

SEC. 4. Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water and feeding for a period of at least two consecutive hours, unless prevented from so unloading them by unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or in case of his default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being <sup>Stock in transit.</sup>

Penalty.

unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one hundred dollars.

Exhibition of fighting animals.

SEC. 5. When a complaint is made to a court or magistrate authorized to issue warrants in criminal causes, that complainant has good reason to believe that preparations are making for an exhibition of the fighting of fowls, birds, dogs or other animals at or in any place, building or tenement, or that such an exhibition is in progress, such court or magistrate, if satisfied that there is good cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such place, building or tenement, at any hour of the day or night, and take possession of all such fowls, birds, dogs or other animals there found, and to arrest all persons there present at any such exhibition, or knowingly present when preparations are making for such an exhibition.

Penalty.

SEC. 6. All persons arrested under the provisions of the preceding section shall be kept in jail or other convenient place not more than twenty-four hours, exclusive of Sundays and legal holidays, at or before the expiration of which time they shall be brought before a trial justice, or a police or municipal court and tried, unless such trial be continued for cause, and if found guilty, punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding one month.

Forfeiture of animals.

SEC. 7. After such seizure of said fowls, birds, dogs or other animals as provided for in section five of this act, application shall be made to a trial justice or municipal court for an order of forfeiture of the same, and if upon the hearing of the same, such notice having been given of the hearing as the court shall order, it shall be found that such fowls, birds, dogs or other animals, or any of them, at the time of such seizure, were engaged in fighting at an exhibition thereof, or were owned, kept, possessed or trained by any person with intent that they should be so engaged, all such fowls, birds, dogs or other animals shall be adjudged forfeit, and such justice or court shall thereupon issue an order for selling the same at auction to the highest bidder within twenty-four hours, the proceeds to be paid into the common school fund of the county where such seizure is

Sale by auction.

made. Any fowls, birds, dogs or other animals seized as hereinbefore provided which are not adjudged forfeit, shall be delivered to the owner or the person entitled to the possession thereof. The necessary costs in the aforesaid proceedings shall be allowed and paid as costs in criminal prosecutions are paid. Costs.

SEC. 8. Whosoever shall wantonly or cruelly pluck, maim, torture, deprive of necessary food or drink, or wantonly kill any fowl or insectivorous bird, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding twenty dollars. Penalty.

SEC. 9. Any judge, justice of the peace, police judge, sheriff, constable or police officer may arrest any person found committing any of the cruelties hereinbefore enumerated, without a warrant for such arrest, and any officer or member of any humane society, or society for the prevention of cruelty to animals, may cause the immediate arrest of any person engaged in, or who shall have committed such cruelties, upon making oral complaint to any sheriff, constable or police officer, or such officer or member of such society may himself arrest any person found perpetrating any of the cruelties herein enumerated: *Provided*, That said person making such oral complaint or making such arrest shall file with a proper officer a written complaint, stating the act or acts complained of, within twenty-four hours, excluding Sundays and legal holidays, after such arrest shall have been made. Who make arrests.

SEC. 10. All fines herein provided for shall be paid into the common school fund of the county in which such fine shall be imposed. Disposition of fines.

Approved February 23, 1893.