

CHAPTER CXLVI.

[H. B. No. 51.]

PREVENTION OF CRUELTY TO ANIMALS.

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

*Be it enacted by the Legislature of the State of Washington :*Future
corporations.

SECTION 1. Any citizens of the State of Washington who have heretofore, or who shall hereafter, incorporate as a body corporate, under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may avail themselves of the privileges of this act: *Provided*, That the corporate body existing at any given time and first incorporated as aforesaid in any county, shall be the only one entitled to the benefits and privileges of this act in such county.

Proviso.

Powers of
officers, etc.

SEC. 2. All members and agents, and all officers of any society so incorporated, as shall by the trustees of such society be duly authorized in writing, approved by any judge of the Superior Court of the county, and sworn in the same manner as are constables and peace officers, shall have power lawfully to interfere to prevent the perpetration [perpetration] of any act of cruelty upon any animal and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of this act in the same manner as herein provided for other officers; and may carry the same weapons that such officers are authorized to carry: *Provided*, That all such members and agents shall, when making such arrests, exhibit and expose a suitable badge to be adopted by such society. All persons resisting such specially authorized, approved and sworn officers, agents or members shall be guilty of a misdemeanor.

Proviso—must
wear badge.Resistance,
etc.Sheriffs, etc.,
empowered to
make arrests.

SEC. 3. All sheriffs, constables, police and peace officers are empowered to make arrests for the violation of any provisions of this act, as in other cases of misdemeanor.

SEC. 4. Every person who cruelly overdrives, over-^{Cruelty defined.} loads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light,^{Failure to properly care for, feed, etc.} space, shelter or protection from the weather, or who willfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or^{Harness.} check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours^{Abandonment.} without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor.

SEC. 5. If any person shall carry, transport, or confine, or cause to be carried, transported or confined^{Transportation in cruel manner, penalty.} upon any wagon, railway, car, vehicle, boat, vessel or otherwise, any domestic animal, in a cruel or unnecessarily [unnecessarily] painful manner, posture or confinement, he shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody therefor by any officer or authorized person, such officer or person may take charge of such car, wagon, vehicle, boat or vessel and its contents together with the horse or team attached to any such wagon or vehicle, and place or leave the same in some reasonably safe place of custody; and any necessary expense which may be incurred for taking care of and keeping the same, shall be a lien thereon, to be paid before the same can be lawfully recovered; and if the said expenses, or any part thereof, remain unpaid, they may be recovered, by the person incurring the same, of the owner of such domestic animal, or of the person guilty, as aforesaid, in any action therefor.^{Duty of officer making arrest.}

Unlawful to
"dock" the
tail of any
horse.

SEC. 6. Every person who shall cut or cause to be cut, or assist in cutting the solid part of the tail of any horse in the operation known as "docking," or in any other operation for the purpose of shortening the tail or changing the carriage thereof, shall be guilty of a misdemeanor.

Unlawful to
cause animals
to fight.

SEC. 7. Every person who wantonly or for the amusement of himself or others, or for gain, shall cause any bull, bear, cock, dog, or other animal to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any man or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a misdemeanor.

Owners of
birds or
animals, when
guilty of
misdemeanor.

SEC. 8. Every person who owns, possesses, keeps, or trains any bird or other animal with the intent that such bird or other animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds or other animals, with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 9. Every person who shall attempt to do any act or thing which by this act is made a misdemeanor shall be guilty of a misdemeanor.

Complaints, on
oath.

SEC. 10. When complaint is made on oath, to any magistrate authorized to issue warrants in criminal cases that the complainant believes that any of the provisions of law relating to or in any way affecting animals, are being or are about to be violated in any particular building or place, such magistrates shall issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated society qualified as provided in the second section of this act, authorizing him to enter and search such building or place, and to arrest any person or persons there present violating or attempting

Issuance of
warrants.

to violate any law relating to or in any way affecting animals, and to bring such person or persons before some court or magistrate of competent jurisdiction within the city or county within which such offense has been committed or attempted to be committed, to be dealt with according to law.

SEC. 11. Any person qualified under section 2 of this act and any sheriff, constable, police or peace officer may enter any place, building or tenement, where there is an exhibition of the fighting of birds or animals or where preparations are being made or training had for such exhibition, and without a warrant arrest all or any persons there present and bring them before some court or magistrate of competent jurisdiction to be dealt with according to law.

Power to arrest without warrant, when.

SEC. 12. Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than twenty-four consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water so long as it shall be confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Confinement of animals.

More than 24 hours without food and drink.

Persons may enter pound and feed such animal.

Attachment.

SEC. 13. Every owner, driver, or possessor of any old, maimed or diseased horse, cow, mule, or other domestic animal, who shall permit the same to go loose in any lane, street, square, or lot or place of any city or town-

Old, maimed or diseased animals not to run at large.

ship, without proper care and attention, for more than three hours after knowledge thereof, shall be guilty of a misdemeanor: *Provided*, That this shall not apply to any such owner keeping any old or diseased animal belonging to him on his own premises with proper care. Every sick, disabled, infirm or crippled horse, ox, mule, cow or other domestic animal, which shall be abandoned on the public highway, or in any open or enclosed space in any city or township, may, if, after search by a peace officer or officer of such society no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace and public officers to cause the same to be killed on information of such abandonment.

Proviso.

Abandoned animals may be killed — by whom.

Prosecutions.

SEC. 14. Any member of such society authorized as provided in section 2 of this act, may appear and prosecute in any court of competent jurisdiction for any violation of any of the provisions of this act, whether or not he be an attorney or counsellor at law: *Provided*, That all such prosecution shall be conducted in the name of the people of the State of Washington.

Proviso.

Convicted persons.

Fines collected.

SEC. 15. Every person convicted of any misdemeanor under this act, shall be punished as is by law provided for the punishment of misdemeanors and all fines imposed or collected in any county under the provisions of this act, shall inure to the society in said county, organized and incorporated as in the first section of this act provided, in aid of the benevolent object for which it is incorporated, and shall be paid out of the county treasury to such society and the county auditor shall draw warrants in favor of such society upon the county treasurer therefor.

Fine and term of imprisonment.

SEC. 16. Every person convicted of any misdemeanor under this act, shall be punished by a fine of not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution.

Definitions of animal, etc.

SEC. 17. In this act the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words "torture,"

"torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; Persons and corporations. and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees.

SEC. 18. No part of this act shall be deemed to interfere with any of the laws of this state known as the "Game Laws," nor shall this act be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the State of Washington. This act not to interfere with the game law.

SEC. 19. All acts and parts of acts inconsistent with Inconsistent acts repealed. the provisions of this act are hereby repealed.

Passed the House February 27, 1901.

Passed the Senate March 4, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLVII.

[H. B. No. 417.]

RELATING TO CEMETERIES.

AN ACT relating to cemeteries and burial places.

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

SECTION 1. Any person owning any land, exclusive of encumbrances of any kind, situate two miles outside of Reservation of land. the corporate limits of any incorporated city or town, may have the same reserved exclusively for burial and