

Cruelty to Animals.

An. Code, 1924, sec. 69. 1912, sec. 63. 1904, sec. 57. 1890, ch. 198, sec. 1.

70. Any person who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, or by any act, conduct, neglect or omission wilfully causes, permits or suffers any animal to undergo any species of torture or cruelty, shall be deemed guilty of a misdemeanor.

Act of 1890, ch. 198, superseded act of 1880, ch. 129, applicable to Baltimore City. Indictment under this section held sufficient. When the means and instruments made use of to accomplish the criminal act are matters of pleading, and when they are matters of proof. *State v. Falkenham*, 73 Md. 465.

As to "Live Stock" and offenses in connection therewith, see art. 58.

Re. "Sheep and Dogs" and offenses in connection therewith, see art. 86.

1937, ch. 11.

71. Every person who wilfully and maliciously interferes with, injures, destroys or tampers with, or who wilfully sets on foot, instigates, engages in or in any way furthers any act by which any horse used for the purposes of racing, breeding or competitive exhibition of skill, breed or stamina, is interfered with, injured, destroyed or tampered with, or any act tending to produce such interference, injury, destruction or tampering, whether such horse be the property of himself or another, shall be deemed guilty of a felony, punishable by imprisonment in the Maryland Penitentiary for a term of not less than one year nor more than three years.

An. Code, 1924, sec. 70. 1912, sec. 64. 1904, sec. 58. 1890, ch. 198, sec. 2.

72. The words "torture or cruelty" shall be held to include everything whereby unjustifiable physical pain, suffering or death is caused or permitted, and the word animal shall be held to include every living creature except men.

An. Code, 1924, sec. 71. 1912, sec. 65. 1904, sec. 59. 1892, ch. 340, sec. 1.

73. Justices of the peace shall have jurisdiction concurrent with that of the courts of criminal jurisdiction to try and determine all cases in relation to cruelty to animals and to pronounce sentence of fine and imprisonment, or either, in the same manner as said courts; but if either the parties accused or the State's attorney shall elect to have the case tried before court, it shall be the duty of the justice of the peace to give a preliminary hearing, except in cases where such hearing is waived by the accused, and if there be a probable cause of guilt, to commit or bail the accused for the action of the court having jurisdiction.

An. Code, 1924, sec. 72. 1912, sec. 66. 1904, sec. 60. 1892, ch. 340, sec. 2. 1900, ch. 462.

74. Whenever a fine is imposed in any such case by any court or justice of the peace, one-half thereof shall be paid to the Maryland Society for the Prevention of Cruelty to Animals of Baltimore City; in case there shall be no society of similar character in the county, city or town where the offense shall have been committed, in which latter event the said one-half of the fine shall be paid to the said local society; and any officer of said society, or any society or association incorporated for the prevention of cruelty to animals, duly incorporated under the laws of this State, shall upon his own view of any misdemeanor in relation to cruelty to animals make arrests and bring before any magistrate or justice of the peace offenders found violating the laws of this State in relation to cruelty to animals.