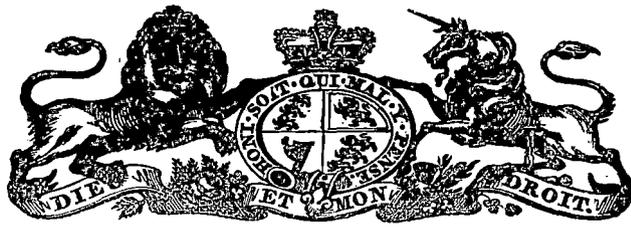


(No. 85.)



1885.

PARLIAMENT OF TASMANIA.

DUGGAN v. IKIN:

DEPOSITIONS.

Return to an Order of the House of Assembly. (Mr. Guesdon.)

Laid upon the Table by the Attorney-General, August 4, 1885; and ordered by the House to be printed, August 11, 1885.

HOBART.

TASMANIA }
(TO WIT.) }

POLICE



OFFICE.

INFORMATION.

BE IT REMEMBERED that on this first day of May, one thousand eight hundred and eighty-five, at Hobart, in Tasmania, Patrick Duggan, of the same place, Inspector under the Society for the Prevention of Cruelty to Animals, personally came before me, William Tarleton, Esquire, one of Her Majesty's Justices of the Peace for Tasmania, and gave me to understand and be informed that William Ikin the younger, of Hobart, in Tasmania, did, on the thirtieth day of April, 1885, on the Argyle-street Pier, at Hobart, in Tasmania aforesaid, cruelly ill-treat a certain horse by causing such horse to be worked,—harnessed to a laden spring dray,—whilst suffering from a large wound on the off hind leg, contrary to the provisions of the Act of Parliament of this Colony intituled "The Cruelty to Animals Act, 1877:" whereby the said William Ikin the younger hath, under and by virtue of the said Act of Parliament, become liable to forfeit and pay a penalty not exceeding Ten pounds, together with the costs and charges of and attending the conviction for the said offence; and the said Patrick Duggan prayeth that the said William Ikin the younger may be summoned to answer the premises.

P. DUGGAN.

Taken the day and year first above written,
before me the said Justice,

W. TARLETON, J.P.

Ex parte.

PATRICK DUGGAN, sworn, saith :

I am the Inspector of the Society for the Prevention of Cruelty to Animals in this City of Hobart. On the day named in the information I saw Mr. Ikin, junior, on the Old Wharf. He had a horse harnessed to a spring dray. I looked at the horse [defendant now appeared] and found his off hock very much swollen. Underneath the hock and on the fore part of the leg he had a large sore about the size of my hand. I told Mr. Ikin that the horse was not in a fit state to work. He said that he should work, and asked what I knew about it. I said that the horse's leg was in a fearful state. He said that I must go to Mr. Park. I said that he had nothing to do with me or the society I represented. There were 40 cases of fruit on the dray. I observed the horse going away, and he dragged the injured leg after him; that appeared to me to be from the effects of the injury to the leg. I called Constable Ellis's attention to the horse. The horse has been worked since without a rest. Defendant said that he should work. The horse appeared to suffer pain, as he dragged his leg along. I saw that it was an act of cruelty to work him in the condition he was. This occurred within this city of Hobart.

By Defendant—I did not get into a passion when you told me to go to Mr. Park. From the appearance of the horse he was in pain. You told me some days before not to notice the horse. You did not then refer me to Mr. Park. You told me that Mr. Park had the horse in hand. A boy had charge of the horse; you were loading the dray. I am not prepared to say if any other person was assisting you or not.

P. DUGGAN.

WILLIAM ELLIS, sworn, saith :

I am a Constable in the City of Hobart Police. I know this defendant and also the horse he was working on the 30th April last. My attention was then called to the horse by the last witness. This was in Hunter-street. I saw a very large sore on the inside of the off hind leg just below the joint, and all the joint was swollen. I saw the horse ten minutes afterwards in Argyle-street with the same load. I saw the horse in motion; the sore then appeared to give the horse pain; he dragged his leg after him. There were 40 cases of fruit on the dray. Duggan told defendant that the horse was not in a fit state to work, and defendant replied that the horse must work. I do think it was an act of cruelty to work the horse in that state. I saw the horse at work on the evening of the 4th instant. He was in the same state then. The rain had washed the old sore off then, and it was quite raw. You were not in a passion when you were spoken to by defendant.

I swear the horse was lame. I have had eighteen years' experience of horses. I do not know who it was who had charge of the horse; a boy was driving it. I won't swear that the horse is yours. You were loading it at the time. I did not see you near the horse in Argyle-street. I saw you with it in Hunter-street, Old Wharf. You did not speak to me in Hunter-street; you told Duggan to go to Mr. Park. The horse appeared to be suffering pain as he went along; he could not walk. Defendant did not attempt to deny the horse was his. He said positively that the horse should work. Hunter-street is in this City of Hobart.

W. ELLIS.

JOSEPH CHAPLIN, sworn, saith:

I am a Constable in the City of Hobart Force. I know the defendant's horse; I saw it on the 30th April last, near the Argyle-street pier. I noticed a large sore on his off hind leg, just between the joint and the inside of the leg. The dray in which he was was loaded with fruit. The joint of his leg was very much swollen, and he dragged his leg along. There were 30 or 40 bushels of apples on the dray. I should say that the horse was suffering pain from the sore; it could not be otherwise. I did not see the defendant at all. A lad was driving it. I did not see whose name was on the dray. I do not swear the horse is yours. I swear he was lame. His leg was stiff; he could not bend it.

J. CHAPLIN.

Defence.

ARCHIBALD PARK, sworn, saith:

I am a Veterinary Surgeon. That horse never went lame since I have been attending him. I am speaking of Mr. Ikin, senior's, horse on the wharf. He has never been in pain or lame since the 14th March. I saw him on the wharf on the 30th April; he did not seem in pain. I have had charge of him since the 14th March. We tried to heal up the wound on the horse's leg in the stable. It was the off hind leg. The wound had been done some time before it was brought under my notice. I treated the horse for some time, but he received no beneficial advantage from treatment in the stable and paddock, and I then ordered him to be put to gentle work. Since then the horse has very much improved in condition, and does his work well; he suffers no pain from the wound. He will have a large cicatrix and swelling on the leg for all the days of his life. It is to the horse's advantage to be worked. I consider the horse drawing 25 cwt. along the level wharf gentle work.

ARCHIBALD PARK.

Taken and sworn before me, at Hobart,
this 6th May, 1885.

W. TARLETON, J.P.

H O B A R T.

TASMANIA }
(TO WIT.) }

P O L I C E



O F F I C E.

I N F O R M A T I O N.

BE IT REMEMBERED that on this twenty-sixth day of May, one thousand eight hundred and eighty-five, at Hobart, in Tasmania, Patrick Duggan, of the same place, Inspector under the Society for Prevention of Cruelty to Animals, personally came before me, William Tarleton, Esquire, one of Her Majesty's Justices of the Peace for Tasmania, and gave me to understand and be informed that William Ikin the younger, of Hobart, in Tasmania, did, on the seventh day of May, 1885, in Argyle-street, Hobart, in Tasmania, cruelly ill-treat a certain animal, to wit, a horse, by then and there working the said horse whilst in an unfit state, and suffering from an extensive sore on the hind leg, contrary to the provisions of the Act of Parliament of this Colony intituled "The Cruelty to Animals Act, 1877:" whereby the said William Ikin, the younger, hath under and by virtue of

the said Act of Parliament, become liable to forfeit and pay a penalty not exceeding Ten Pounds, together with the costs and charges of and attending the conviction for the said offence; and the said Patrick Duggan prayeth that the said William Ikin the younger may be summoned to answer the premises.

P. DUGGAN.

Taken the day and year first above written,
before me the said Justice.

W. TARLETON, J.P.

TASMANIA }
(TO WIT.) }

This Deponent, EDWARD PLANE, being duly sworn, says:

I am a Sergeant in the City Police. I saw a horse of Mr. Ikin's in Argyle-street, in this town, on the 6th and on the 7th of the last month, but I took particular notice of him on the 7th. He was driven by a boy, and led by Mr. Ikin. He was attached to a chaise cart containing some barrels of oysters, as I believe. In company with another constable I examined the horse, and found a very large sore on the hind leg beneath the bend of the hough, about two inches below it. The sore was about four inches long, partly covered with a dry scab and partly red raw. The horse went lame. It had a very swollen leg. The leg being so much swollen seemed to crack the sore. There were six barrels in the cart. It was swollen up to the joint, and very much below it. It was swollen all round the sore, and the horse had to lift its leg in a very peculiar manner to get it along. I have a lot of experience with horses, and I do not think that horse was in a fit state to work, on account of its leg, which seemed to be callous. The wound was partly healed. It was not injured by the harness touching it, but merely by making use of its leg.

To Bench—Horses' legs swell sometimes standing in the stable, but this was a lumpy swelling above the sore and below it. A little exercise would be beneficial, but not any straining work.

In my opinion it would be an act of cruelty to put him to drag 40 cases of fruit; the heavy strain on the leg would cause the flesh to drag the sore, and would cause punishment. If it needed light exercise it should have been turned out in a paddock. I consider the wound on this horse would be worse than a broken knee, depending on the severity of the injury. I think the wound was very deep; it had proud flesh, and matter was exuding from it.

By Mr. Clark.—I do not believe the swelling will ever be properly cured; the leg seems to have been thoroughly neglected. There are legs with neglected wounds on horses which cease to give pain. I felt the wound,—I simply touched it to see if there was matter under the skin. I did not see the horse draw 40 cases of fruit. It was not string halt which the horse had. My examination took place on the seventh of last month.

E. B. PLANE.

Sworn before us at Hobart, this
23rd day of June, 1885.

EDWARD CARR SHAW, J.P.
JAMES ROBERTSON, J.P.

And this Deponent, WILLIAM WILLIAMS, on his oath, says:

I am Constable in the City Police. I saw the defendant with a boy who was driving a horse, on the 7th of last month. On one occasion he was in a dray loaded with fruit, and on another occasion, the following day, with a load of oysters. The horse had a very large scar on the off hind leg, about the size of my hand, two or three inches below the knee on the front of the leg; round the edges of the wound there was a dry scab; in the centre there was a raw patch about the size of two fingers; on the lower side of the wound spots of dry blood which had run from it; the hough was very much swollen and very stiff; the horse could not have the proper use of his leg; he seemed to be lame; he had a sort of drag with his leg, on account of its being swollen so. I consider it an act of cruelty to work the horse in that state.

By the Bench.—I should say the wound was in process of healing, but far off; the wound seemed to be dusty and dirty when I saw it. This was in Argyle-street, in the City of Hobart, at the Customs Receiving Shed.

W. WILLIAMS.

Sworn before me at Hobart, this
23rd day of June, 1885.

EDWARD CARR SHAW, J.P.
JAMES ROBERTSON, J.P.

Sergeant PLANE recalled, sworn :

The other hind leg was not swollen.

And this Deponent, JOHN HENRY INNES, being sworn, says :

I am an Officer of Customs in Hobart. On the 6th or 7th of last month I saw a horse worked by the defendant. It had a very nasty sore on the off hind leg. It had a dragging manner with the off hind leg. I cannot positively say it would be cruelty to work the horse, as possibly it might have a natural halt. I do not think the wound affected the joint.

Examined by Mr. Clark.—The horse had a drag with the leg. I saw nothing else to indicate that the horse was in pain.

By the Bench.—If he had been my own horse I would have given him rest. I believe that gentle exercise would be beneficial, but a heavy load would be cruelty, as it would strain the muscles.

J. H. INNES.

Sworn before me at Hobart, this
23rd day of June, 1885.

And this Deponent, SAMUEL WESTON, on his oath, says:

I am a Constable in the Territorial Police Force. On the 7th of last month I saw a horse, which, I was informed, belonged to Mr. Ikin. It was in a spring dray, empty, when I first saw it. I saw it afterwards, laden with cases of fruit. I saw the horse being loaded, and also after it was loaded. It was lame. I saw a sore on it—on the off hind leg. It was a sore the size of my hand. I certainly think it would be an act of cruelty to work the horse with that sore. Pulling a heavy load would cause pain to the horse. The hough was very much swollen. The sore was below the second joint, above the fetlock. It was six or eight inches from the knee, in front of the leg.

I have had a certain amount of experience with horses, and have owned them myself. I think it would be cruelty to work it, because of the wound and the swelling.

S. WESTON.

Sworn before us this 23rd day of
June, 1885, at Hobart.

EDWARD CARR SHAW, J.P.
JAMES ROBERTSON, J.P.

And this Deponent, FREDERICK PEDDER, on his oath, says :

I am Superintendent of Police, Hobart. I have seen Mr. Ikin's horse, the subject of this information. I have had a good deal of experience with horses. On the afternoon of the 7th of last month I was round the wharf. Mr. Ikin asked me to look at his horse. He brought it out of his stable. Called my attention to a wound on the off hind leg below the hough. The wound seemed to have been caused about a month previously by some sharp nail or wire separating the skin. It was red raw for about an inch and a half, and open. The leg was swollen from the hough down to the fetlock, caused, I should say, by the wound. My impression then was that the horse required light exercise, but, in his condition, trotting on a hard road or dragging a heavy load was work which he should not be subjected to. He was lame; the leg was stiff, and with a view of removing the stiffness he should have exercise. I think he should have been turned into a paddock. I thought then the horse would not live. His skin was dull, and he required attention. He was a young horse. If he had been mine I should have taken off the shoes and turned him out. It had the appearance of having proud flesh. It was on the front of the leg on the shin. If the injury were confined to the wound alone it would not have pained him to work, but the hock had become in a chronic state of swelling and would be painful. It would take some time to cure; at all events, if cured, the swelling would depart.

By Mr. Clark.—I have seen the horse since that time, and he has improved. I thought the horse would not live if not properly attended to, but he appears to have received attention.

F. PEDDER.

Sworn before us at Hobart, this
23rd day of June, 1885.

Defence.

This Deponent, ARCHIBALD PARK, on his oath, says :

I am a duly qualified Veterinary Surgeon, and acting for the Government of Tasmania. The horse now outside this Court has been under my supervision since the 11th of last March. I am of opinion that the owner has carried out my instructions as far as he could. In the first place the horse was treated in the stable for several weeks; the fungus could not be kept down; the horse got worse by stable treatment. We then turned him into a lucerne paddock, where he had plenty of feed. He there wasted away. He was worse in the paddock than in the stable. I then ordered him to be put to light work, and ever since then the horse has improved and gained flesh as he is to-day. There was no pain, only a stiffness, and exercise was necessary. The wound is permanent, and will never be got rid of. Work is the treatment the horse required.

Mr. Duggan.—I consider 40 cases would be only work for two men.

ARCHIBALD PARK.

Sworn before us at Hobart, this
23rd day of June, 1885.

EDWARD CARR SHAW, *J.P.*
JAMES ROBERTSON, *J.P.*