

법 해석에 있어 미흡함이 있을 수 있습니다. 이 부분 참조해 주시면 감사드리겠습니다.^^;;

최초의 동물학대는 런던의 스미스필드 시장에서 일어나게 되는데요, 이 시장은 10세기부터 동물들을 살 수 있는 곳으로 알려져왔습니다. 이 시장에서 두명의 남성이 말을 구타, 학대하는 것이 알려지게 되고, 그 두 남성은 각각 20 실링을 내라는 명령을 받게 되면서, 실질적인 동물학대 법이 적용되기 시작합니다.

19th century: Emergence of *jus animalium*



The first known prosecution for cruelty to animals was brought in 1822 against two men found beating horses in London's Smithfield Market, where livestock had been sold since the 10th century. They were fined 20 shillings each.

Legislation

Further information: Cruel Treatment of Cattle Act 1822, Cruelty to Animals Act 1835, Cruelty to Animals Act 1849, and Cruelty to Animals Act 1876



Badger baiting was outlawed in England by the Cruelty to Animals Act 1835. Painting by Henry Thomas Alken, 1824

“ What could be more innocent than bull baiting, boxing, or dancing? — George Canning, British Foreign Secretary in April 1800 in response to a bill to ban bull baiting.[31] ”

The 19th century saw an explosion of interest in animal protection, particularly in England. Debbie Legge and Simon Brooman of Liverpool John Moores University wrote that the educated classes became concerned about attitudes toward the old, the needy, children, and the insane, and that this concern was extended to non-humans. Before the 19th century, there had been prosecutions for poor treatment of animals, but only because of the damage to the animal as property. In 1793, for example, John Cornish was found not guilty of maiming a

horse after pulling its tongue out, the judge ruling that he could be found guilty only if there was evidence of malice toward the owner.

19 세기의 영국에선 동물 보호에 대한 엄청난 관심을 불러일으키게 되는데요, 비버폴 존 무얼스 (Liverpool Jon Moores) 대학의 교수인 데이비 리쥬(Debbie Legge)와 사이먼 브루맨 (Simon Brroman)교수는 노인, 어린이 및 정신이상자를 향한 태도에 대한 우려를 표시하면서, 동물들(Non-Humans)에 대한 인간들의 태도에 우려 섞인 관심을 표현하기 시작합니다.

From 1800 onwards, there were several attempts in England to introduce animal welfare or rights legislation. The first was a bill in 1800 against bull baiting, introduced by Sir William Pulteney, and opposed by the Secretary of War, William Windham, on the grounds that it was anti-working class. Another attempt was made in 1802 by William Wilberforce, again opposed by Windham, who said that bulls enjoyed being baited. In 1811, Lord Erskine introduced a bill to protect cattle and horses from malicious wounding, wanton cruelty, and beating, this one opposed by Windham because it would prejudice property rights. Judge Edward Abbott Parry writes that the House of Lords found the proposal so sentimental that they drowned Erskine out with cat calls and cock crowing.

18 세기 초반부터 쪽 영국에선 동물복지법을 소개하기 위한 법제정에 안간힘을 쓰게 됩니다. 1800 년대 초 처음으로 윌리엄 폴트니경은 Bull baiting 을 금지하는 법제정에 힘쓰지만 결국 실패하고 마는데요, 그 이유가 반대파에 있던 윈드햄 (Windham)이 황소를 미끼로 하는 게임(bull baiting; bull baiting 은 개가 소를 공격해서 코를 물어 소를 쓰러뜨리도록 만드는 게임으로 시민들은 어느 동물이 살아남을지에 돈을 거는 내기 게임이었습니다. 너무 잔인합니다. --;;)을 무척이나 즐겨했다고 합니다.

1822: Martin's Act

In 1821, the Treatment of Horses bill was introduced by Colonel Richard Martin, MP for Galway in Ireland, but it was lost among laughter in the House of Commons that the next thing would be rights for asses, dogs, and cats.

Martin — nicknamed "Humanity Dick" by George IV — finally succeeded in 1822 with his Ill Treatment of Horses and Cattle Bill, or "Martin's Act", as it became known, the world's first major piece of animal protection legislation. It was given royal assent on June 22 that year as An Act to prevent the cruel and improper Treatment of Cattle, and made it an offence, punishable by fines up to five pounds or two months imprisonment, to "beat, abuse, or ill-treat any horse, mare, gelding, mule, ass, ox, cow, heifer, steer, sheep or other cattle." Any citizen was entitled to bring charges under the Act.

1821 년 말 말 취급법에 대한 법률이 아일랜드 (ireland)겔웨이(Galway) 의 코롤넬 리처드마틴(Colonel Richard Martin)이라는상원의원인 의해 소개 되나, 비웃음만 사게 됩니다. 마틴은 그후 (그 당시 별명이 ‘인간애에 미친 머저리’ --;; 그당시 인간적인 비난을 심하게 받으신듯 합니다. 정말 훌륭하신 마틴 의원인데 말이죠..) 마침내 말과 가축을 보호하는 법인 마틴법 (Martin Act)을 성공적으로 제정하는데 결정적인 기여를 하게 됩니다. 이 마틴법은 세계 최초의 괄목할만한 동물 보호법으로 알려져 있습니다.



A painting of the Trial of Bill Burns, showing Richard Martin with the donkey in an astonished courtroom, leading to the world's first known conviction for animal cruelty, a story that delighted London's newspapers and music halls.

Legge and Brooman argue that the success of the Bill lay in the personality of "Humanity Dick," who was able to shrug off the ridicule from the House of Commons, and whose own sense of humour managed to capture its attention. It was Martin himself who brought the first prosecution under the Act, when he had Bill Burns, a costermonger — a street seller of fruit — arrested for beating a donkey. Seeing in court that the magistrates seemed bored and didn't much care about the donkey, he sent for it, parading its injuries before a reportedly astonished court. Burns was fined, becoming the first person in the world known to have been convicted of animal cruelty. Newspapers and music halls were full of jokes about the "Trial of Bill Burns," as it became known, and how Martin had relied on the testimony of a donkey, giving Martin's Act some welcome publicity. The trial became the subject of a painting (right), which hangs in the headquarters of the RSPCA in London.

Other countries followed suit in passing legislation or making decisions that favoured animals. In 1882, the courts in New York ruled that wanton cruelty to animals was a misdemeanor at common law. In France in 1850, Jacques Philippe Delmas de Grammont succeeded in having the Loi Grammont passed, outlawing cruelty against domestic animals, and leading to years of arguments about whether bulls could be classed as domestic in order to ban bullfighting. The state of Washington followed in 1859, New York in 1866, California in 1868, Florida in 1889.[40] In England, a series of amendments extended the reach of the 1822 Act, which became the Cruelty to Animals Act 1835, outlawing cockfighting, baiting, and dog fighting, followed by another amendment in 1849, and again in 1876.

Martin Act 1822 전문입니다.

COPY
OF AN
ACT OF PARLIAMENT
FOR PREVENTING
CLANDESTINE MARRIAGES ;

TOGETHER WITH
AN ACT
TO PREVENT
CRUELTY TO ANIMALS,
PASSED
IN THE THIRD YEAR OF THE REIGN OF KING GEORGE THE FOURTH
ALSO, AN APPENDIX
CONTAINING
SIR CHRISTOPHER ROBINSON, THE KING'S ADVOCATE,
DR. PHILLIMORE'S OPINIONS ON CERTAIN QUERIES IN THE
MARRIAGE ACT.
LEEDS ;
PRINTED BY JOHN BARR, BRIGGATE.
1822

Marginal notes have been included within brackets [] preceeding the paragraph to note identifies.

[1822] United Kingdom Parliament [Richard Martin](#), Act to Prevent the Cruel and Improper Treatment of Cattle, 1822 July 22.

ANNO TERTIO GEORGII IV. REGIS. CAP LXXI.
An Act to prevent the cruel and improper
Treatment of Cattle. 22d July, 1822.

[Magistrates empowered to inflict a Penalty on Persons convicted of cruel Treatment of Cattle.]

어떤것이 동물 학대인지, 예를 들어 과도하게 때리거나, 괴롭히거나, 학대하거나 하는 식으로 학대에 대한 실질적인 설명을 덧붙이고 있으며, 동물종류에 대한 열거도 되어 있습니다. 말,황소,양 다른 가축들 식으로 이 마틴법에 보호를 받을 수 있는 동물들을 설명하고 있네요. 그리고 학대를 목격한 사람들은 법정에 출두해, 그 가해자에 대한 서술을 할 수 있겠끔 하므로써, 목격자의 진술을 증거로 제출할 수 있도록 정해놓았습니다.

Whereas it is expedient to prevent the cruel and improper Treatment of Horses, Mares, Geldings, Mules, Asses, Cows, Heifers, Steers, Oxen, Sheep, and other Cattle : May it therefore please Your Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any person or persons shall wantonly and cruelly beat, abuse, or ill-treat any Horse, Mare, Gelding, Mule, Ass, Ox, Cow, Heifer, Steer, Sheep, or other Cattle, and Complaint on Oath thereof be made to any Justice of the Peace or other Magistrate within whose Jurisdiction such Offence shall be committed, it shall be lawful for such Justice of the Peace or other Magistrate to issue his Summons or Warrant, at his Discretion, to bring the party or parties so complained of before him, or any other Justice of the Peace or other Magistrate of the County, City, or place within which such Justice of the Peace or other Magistrate has Jurisdiction, who shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence, (which Oath the said

Justice of the Peace or other Magistrate is hereby authorized and required to administer) ; and if the party or parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted shall forfeit and pay any Sum not exceeding Five Pounds, not less than Ten Shillings, to His Majesty, His Heirs and Successors ; and if the person or persons so convicted shall refuse or not be able forthwith to pay the Sum forfeited, every such Offender shall, by Warrant under the Hand and Seal of some Justice or Justices of the Peace or other Magistrate within whose Jurisdiction the person offending shall be Convicted, be committed to the House of Correction or some other Prison within the Jurisdiction within which the Offence shall have been committed, there to be kept without Bail or Mainprize for any Time not exceeding Three Months.

[No Persons to be punished, unless Complaint made within Ten Days after the Offence.]

처벌은 법정출두를 하고, 죄가 일정될시 최대 10 일의 감옥살이를 할 수 있으며 벌금징수에 관한 설명을 하고 있습니다.

II. Provided always, and be it enacted by the Authority aforesaid, That no Person shall suffer any Punishment for any Offence committed against this Act, unless the Prosecution for the same be commenced within Ten Days after the Offence shall be committed ; and that when any Person shall suffer Imprisonment pursuant to this Act, for any Offence contrary thereto, in Default of Payment of any Penalty hereby imposed, such Person shall not be liable afterwards to any such Penalty.

[Proceedings not to be quashed for want of Form.]

III. Provided also, and be it further enacted, that not Order or Proceedings to be made or had by or before any Justice of the Peace or other Magistrate by virtue of this Act shall be quashed or vacated for want of Form, and that the Order of such Justice or other Magistrate shall be final ; and that no proceedings of any such Justice or other Magistrate in pursuance of this Act shall be removeable by Certiorari or otherwise.

10

[Form of Conviction]

IV. And for the more easy and speedy Conviction of Offenders under this Act, be it further enacted, That all and every the Justice and Justices of the Peace or other Magistrate or Magistrates, before whom any Person or Persons shall be convicted of any offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words to the same effect as the Case shall happen ; (videlicet)

"Be it remembered, That on the day of in they year of our Lord, A. B. is convicted before me, One of His Majesty's Justices of the Peace for or Mayor or other Magistrate of [as the case may be] either by his own Confession, or on the Oath of One or more credible witness or Witnesses [as the case may be] by virtue of an Act made in the Third Year of the Reign of his Majesty King George the Fourth, intituled An Act to prevent the cruel and improper Treatment of Cattle, [specifying the Offence, and Time and Place where the same was committed, as the Case may be.] Given under my Hand and Seal, the Day and Year above written."

[Justices to Order Compensation to Persons vexatiously complained against.]

V. And be it further enacted, That if on hearing any such Complaint as is herein-before mentioned, the Justice of the Peace or other Magistrate who shall hear the same shall be of opinion that such Complaint was frivolous or vexatious then and in every such Case it shall be lawful for such Justice of the Peace or other Magistrate to order, adjudge, and direct the Person or Persons making such Complaint, to pay the Party complained of, any Sum of Money not exceeding the Sum of Twenty Shillings, as Compensation for the Trouble and Expense to which such Party may have been put to by such Complaint ; such Order or Adjudgment to be final between the said Parties, and the Sum thereby ordered or adjudged to be paid and levied in manner as is herein before provided for enforcing Payment of the Sums of Money to be forfeited by the person convicted of the Offence herein-before mentioned.

[Limitation of Actions.]

VI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, it shall be brought or commenced within Six Calender Months next after ever such Case of Action shall have accrued, and not afterwards, and shall be brought, laid, and tried in the County, City, or place in which such Offence shall have been committed, and not elsewhere ; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereon, and that the same was done in pursuance and by authority of this Act ; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other Country, City, or place than where the Offence shall have been committed, than and in any such Case the Jury or Juries shall find for the Defendant or Defendants ; of if the Plaintiff or Plaintiffs shall become nonsuit, or shall discontinue his Action or Actions, or if Judgement shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant of Defendants hath or may have for his, her, or their Costs in any other Cases by Law.

1824: Society for the Prevention of Cruelty to Animals

It soon became clear to Richard Martin that magistrates were not taking the Martin Act seriously, and that it was not being reliably enforced. A number of MPs decided to form a society with a view to bringing prosecutions under the Act. A meeting was arranged in Old Slaughter's Coffee House in St. Martin's Lane — a London café frequented by artists and actors — by the Reverend Arthur Broome, a Balliol man originally from Devonshire, who had recently become the vicar of Bromley-by-Bow.

”

The men met on June 16, 1824, and included a number of MPs: Richard Martin, Sir James Mackintosh, Sir Thomas Buxton, William Wilberforce, and Sir James Graham, who had been an MP, and who became one again in 1826. They decided to form a "Society instituted for the purpose of preventing cruelty to animals," or the Society for the Prevention of Cruelty to Animals, as it became known. It determined to send men to inspect the Smithfield Market in the City, where livestock had been sold since the 10th century, as well as slaughterhouses,

and the practices of coachmen toward their horses. The Society became the Royal Society in 1840, when it was granted a royal charter by Queen Victoria, herself strongly opposed to vivisection.

An early example of direct action

마틴법이후, 1824 년 노예해방운동가인 노엘 몰랜드 (Noel Molland)이라는 분이 초창기 SPCA 로 불릴 수 있는 조직인 밴드 어브 멀시(Bands of Mercy)라는 단체를 조직하게 됩니다. 이 단체는 어린이 단체로 아이들에게 담배와 도박에 대항해 맞설 수 있는 용기를 북돋아주겠끔 교육하는 단체로서, 동물 사랑을 교육 증진시키기 위해 노력을 기울였다고 하네요.

Noel Molland writes that, in 1824, Catherine Smithies, an anti-slavery activist, set up an SPCA youth wing called the Bands of Mercy. It was a children's club modeled on the Temperance Society's Bands of Hope, which were intended to encourage children to campaign against drinking and gambling. The Bands of Mercy were similarly meant to encourage a love of animals.[43]

Molland writes that some of its members responded with more enthusiasm than Smithies intended, and became known for engaging in direct action against hunters by sabotaging their rifles, although Kim Stallwood of the Animal Rights Network writes he has often heard these stories but has never been able to find solid evidence to support them.

Whether the story is true or apocryphal, the idea of the youth group was revived by Ronnie Lee in 1972, when he and Cliff Goodman set up the Band of Mercy as a militant, anti-hunting guerrilla group, which slashed hunters' vehicles' tires and smashed their windows. In 1976, some of the same activists, sensing that the Band of Mercy name sounded too accommodating, founded the Animal Liberation Front.



Frances Power Cobbe founded two of the world's first anti-vivisection societies.

프랑스 파워 콕(Frances Power Cobbe) (Irish writer who is known today as a social reformer, feminist theorist and pioneer animal rights activist- 아일랜드 작가이며, 사회개혁자, 여성해방 운동가 및 동물권리 운동가로 알려져 있다.)은 최초로 동물생체실험에 반대하는 두 그룹을 창설하는데 이바지 합니다.

1866: American SPCA

1866 년 최초의 동물 보호 그룹인 SPCA (Society for the Prevention of Cruelty to Animals)가 창설 본격적인 활동에 돌입하게 됩니다.

The first animal protection group in the United States was the American Society for the Prevention of Cruelty to Animals (ASPCA), founded by Henry Bergh in April 1866. Bergh had been appointed by President Abraham Lincoln to a diplomatic post in Russia, and had been disturbed by the treatment of animals there. He consulted with the president of the RSPCA in London, the Earl of Harrowby, and returned to the U.S. to speak out against bullfights, cockfights, and the beating of horses. He created a "Declaration of the Rights of Animals," and in 1866, persuaded the New York state legislature to pass anti-cruelty legislation and to grant the ASPCA the authority to enforce it.

“ At a meeting of the Society instituted for the purpose of preventing cruelty to animals, on the 16th day of June 1824, at Old Slaughter's Coffee House, St. Martin's Lane: T F Buxton Esqr, MP, in the Chair,

It was resolved:

That a committee be appointed to superintend the Publication of Tracts, Sermons, and similar modes of influencing public opinion, to consist of the following Gentlemen:

Sir Jas. Mackintosh MP, A Warre Esqr. MP, Wm. Wilberforce Esqr. MP, Basil Montagu Esqr., Revd. A Broome, Revd. G Bonner, Revd G A Hatch, A E Kendal Esqr., Lewis Gompertz Esqr., Wm. Mudford Esqr., Dr. Henderson.

Resolved also:

That a Committee be appointed to adopt measures for Inspecting the Markets and Streets of the Metropolis, the Slaughter Houses, the conduct of Coachmen, etc.- etc, consisting of the following Gentlemen:

T F Buxton Esqr. MP, Richard Martin Esqr., MP, Sir James Graham, L B Allen Esqr., C C Wilson Esqr., Jno. Brogden Esqr., Alderman Brydges, A E Kendal Esqr., E Lodge Esqr., J Martin Esqr. T G Meymott Esqr.

요 밑에 글들은요, 마티법이 탄생하기전, 동물법의 정의및 동물법 역사에 관한 글입니다. 고대의 사람들도 동물법에 대한 인식이 있었다는게 참 경이롭네요. 13-18 세기의 역사도 흥미롭습니다. 그리고 제일 밑에는..비록 제정되진 못했으나, 동물법을 통과시키기 위한 노력들이 년도 순대로 나열되어 있습니다.

Explore the History of Animal Rights & the Humane Movement against Cruelty to Animals—Laws, Acts and other Legislation enacted for the protection of animals as well as literature remarking on the history of the humane movement highlight animal rights activists, animal welfare advocates, and authors accomplishments for animal rights, animal welfare and the protection of animals.

*Legislation is the record, the register, of the moral sense of the community; it follows, not precedes, the development of that moral sense, but nevertheless in its turn reacts on it, strengthens it, and secures it against the danger of retrocession. It is well that society should proclaim, formally and decisively, its abhorrence of certain practices; and I do not think it can be doubted, by those who have studied the history of the movement, that...animals would be infinitely worse at this day but for...progressive and punitive legislation (Henry Salt, *Animals' Rights* [1892], "The Principle of Animals' Rights")*

Thomas Wentworth's Act of 1635 in Ireland, as well as Nathaniel Ward's contribution to the Massachusetts Body of Liberties of 1641 establishes law against cruelty to animals almost 200 years prior to the passage of Richard Martin's Act of 1822, a Bill to Prevent the Cruel and Improper Treatment of Cattle. Since these contributions were largely unknown until the late 20th century, the modern era of anti-cruelty legislation is usually traced back to the precedence set by "Martin's Act" and the amendments and legislative enactments against cruelty to animals that followed. However, it is King Asoka, in the 3rd century BCE that we must honor as being the first to decree law not only for the protection of animals, creating the first list of "protected" species but, progressive even by today's standards, proclaiming the slaughter of animals as food or for sacrifice unlawful.

Ancient Laws for the Protection of Animals

The mythical figure of **Triptolemus**, "the most ancient of the Athenian legislators...established laws for the Athenians...Honour your parents; Sacrifice to the Gods from the fruits of the earth; Injure not animals.

274-232 BCE | "Here (in my domain) no living beings are to be slaughtered or offered in sacrifice" (*The Fourteen Rock Edicts*, 1) proclaims **Asoka**, as emperor of India who "became a Buddhist and a vegetarian and, in accordance with the doctrine of 'ahimsa' (nonviolence), suppressed the royal hunts and ordered the curtailment of the slaughter of animals throughout his empire" (Ryder, 21). He "made provision for medical treatment...and had wells dug and trees planted for the benefit of humans and animals" (*The Fourteen Rock Edicts*, 2). His edicts promoted "kindness to living beings" (*The Fourteen Rock Edicts*, 11) and "not killing living beings" (*Minor Rock Edicts*, 2) and in stating that "animals were to be protected"(*The Seven Pillar Edicts*, 7) provides us with perhaps "the earliest known list of protected species" (Guruge, "Emperor Asoka's Place in History," 202). Asoka's edicts "were recorded on on a large stone pillars and rocks found scattered in more than thirty places throughout India, Nepal, Pakistan and Afghanistan" (*The Edicts of Asoka*).

Early Prohibitions Against Bear-Baiting, Bull-Baiting, Cock-Fighting, Fishing, Fowling, Hawking, Horse-Racing and Hunting

13th-18th Century | Although these acts, bills, charters, letters, orders, ordinances, statues and the like, did not either seek to, or prohibit bear-baiting, bull-baiting, cock-fighting, fishing, fowling, hawking, horse-racing or hunting because of cruelty toward animals, they did discourage or suppress these cruelties, even if only for a limited time—and at times led to permanent acts of parliament banning these pastimes. Arguments both for and against amendments to the acts, as well as newer legislation prohibiting these and other cruelties, often referenced these Early Acts, Bills, Charters, Letters, Orders, Ordinances, Statutes and

the like against Bear-Baiting, Bull-Baiting, Cock-Fighting, Fishing, Fowling, Hawking, Horse-Racing and Hunting

Early Anti-Cruelty Legislation

1635 | Ireland Parliament [**Thomas Wentworth**], *Act against Plowing by the Tayle, and Pulling the Wooll off Living Sheep*,

1641 | Massachusetts Bay Colony [**Nathaniel Ward**], "Off the Bruite Creatures" Liberty 92 and 93 in the *Massachusetts Body of Liberties of 1641*

Pleas for Legislation

1737-1799 | Pleas for Legislation—Anonymous articles on cock-throwing in the *Gentleman's Magazine* as early as 1737 pleaded for "governors and magistrates to exert their authority utterly to abolish so dishonourable, so mischievous, so barbarous and Immoral a custom" and hoped that "the legislature may not think it beneath them to take their sad case into consideration." "But that [cock-fighting and bull-baiting] should not have entirely yielded to the improved state of manners, or the interference of the laws," Samuel Argent Bardsley observed in 1781, is a subject of just reproach to us by foreigners, and of deserved reprobation by the humane and reflecting of our countrymen." Jeremy Bentham in 1789 asked "Why ought they not?...be given those rights which could never have been withheld from them but by the hand of tyranny". Benjamin Rush, a signer of the Declaration of Independence declared he would "find it difficult to restrain my idolatry for that legislature that shall first establish a system of laws, to defend [animals] from outrage and oppression. John Lawrence, proposed in 1796, "that the Rights of Beasts be formally acknowledged by the state, and that a law be framed upon that principle, to guard and protect them from acts of flagrant and wanton cruelty, whether committed by their owners or others. Thomas Young, observed in 1798 that "the law labours under some imperfection, which may deserve the notice of those able to apply a remedy and the Rev. Charles Daubeney, in 1799 despaired, "for alas! there is no human law to prevent such savage practices."

Early Attempts at Legislation

1800 | Great Britain Parliament, Bill to Prevent Bull-baiting

1802 | Great Britain Parliament, Bill to Prevent Bull-Baiting

1809 & 1810 | Great Britain Parliament-Lord Erskine, Bill to Prevent Wanton and Malicious Cruelty to Animals

Modern Legislative Beginnings

Thomas Wentworth's Act of 1635 in Ireland, as well as Nathaniel Ward's contribution to the Massachusetts Body of Liberties of 1641 establishes American and English law against cruelty to animals almost 200 years prior to the passage of Richard Martin's 1822 Bill to Prevent the Cruel and Improper Treatment of Cattle. However, since these contributions were

largely unknown until the late 20th century, the modern era of anti-cruelty legislation is usually traced back to the precedence set by "Martin's Act" and the amendments and legislative enactments against cruelty to animals that followed. However, it is King Asoka, in the 3rd century BCE that we must honor as being the first to decree law not only for the protection of animals, creating the first list of "protected" species but, progressive even by today's standards, proclaiming the slaughter of animals as food or for sacrifice unlawful.

1822-Jul-22 | Great Britain Parliament [Richard Martin], Act to Prevent the Cruelty and Improper Treatment of Cattle, 1822, July 22.

Explore the History of Animal Rights & the Humane Movement against Cruelty to Animals—Laws, Acts and other Legislation enacted for the protection of animals as well as literature remarking on the history of the humane movement highlight animal rights activists, animal welfare advocates, and authors accomplishments for animal rights, animal welfare and the protection of animals.

*Legislation is the record, the register, of the moral sense of the community; it follows, not precedes, the development of that moral sense, but nevertheless in its turn reacts on it, strengthens it, and secures it against the danger of retrocession. It is well that society should proclaim, formally and decisively, its abhorrence of certain practices; and I do not think it can be doubted, by those who have studied the history of the movement, that...animals would be infinitely worse at this day but for...progressive and punitive legislation (Henry Salt, *Animals' Rights* [1892], "The Principle of Animals' Rights")*

Thomas Wentworth's Act of 1635 in Ireland, as well as Nathaniel Ward's contribution to the Massachusetts Body of Liberties of 1641 establishes law against cruelty to animals almost 200 years prior to the passage of Richard Martin's Act of 1822, a Bill to Prevent the Cruel and Improper Treatment of Cattle. Since these contributions were largely unknown until the late 20th century, the modern era of anti-cruelty legislation is usually traced back to the precedence set by "Martin's Act" and the amendments and legislative enactments against cruelty to animals that followed. However, it is King Asoka, in the 3rd century BCE that we must honor as being the first to decree law not only for the protection of animals, creating the first list of "protected" species but, progressive even by today's standards, proclaiming the slaughter of animals as food or for sacrifice unlawful.

Ancient Laws for the Protection of Animals

The mythical figure of **Triptolemus**, "the most ancient of the Athenian legislators...established laws for the Athenians...Honour your parents; Sacrifice to the Gods from the fruits of the earth; Injure not animals.

274-232 BCE | "Here (in my domain) no living beings are to be slaughtered or offered in sacrifice" (*The Fourteen Rock Edicts*, 1) proclaims **Asoka**, as emperor of India who "became a Buddhist and a vegetarian and, in accordance with the doctrine of 'ahimsa' (nonviolence), suppressed the royal hunts and ordered the curtailment of the slaughter of animals throughout his empire" (Ryder, 21). He "made provision for medical treatment...and had wells dug and

trees planted for the benefit of humans and animals" (*The Fourteen Rock Edicts*, 2). His edicts promoted "kindness to living beings" (*The Fourteen Rock Edicts*, 11) and "not killing living beings" (*Minor Rock Edicts*, 2) and in stating that "animals were to be protected" (*The Seven Pillar Edicts*, 7) provides us with perhaps "the earliest known list of protected species" (Guruge, "Emperor Asoka's Place in History," 202). Asoka's edicts "were recorded on on a large stone pillars and rocks found scattered in more than thirty places throughout India, Nepal, Pakistan and Afghanistan" (*The Edicts of Asoka*).

Early Prohibitions Against Bear-Baiting, Bull-Baiting, Cock-Fighting, Fishing, Fowling, Hawking, Horse-Racing and Hunting

13th-18th Century | Although these acts, bills, charters, letters, orders, ordinances, statues and the like, did not either seek to, or prohibit bear-baiting, bull-baiting, cock-fighting, fishing, fowling, hawking, horse-racing or hunting because of cruelty toward animals, they did discourage or suppress these cruelties, even if only for a limited time—and at times led to permanent acts of parliament banning these pastimes. Arguments both for and against amendments to the acts, as well as newer legislation prohibiting these and other cruelties, often referenced these Early Acts, Bills, Charters, Letters, Orders, Ordinances, Statutes and the like against Bear-Baiting, Bull-Baiting, Cock-Fighting, Fishing, Fowling, Hawking, Horse-Racing and Hunting

Early Anti-Cruelty Legislation

1635 | Ireland Parliament [**Thomas Wentworth**], *Act against Plowing by the Tayle, and Pulling the Wooll off Living Sheep*,

1641 | Massachusetts Bay Colony [**Nathaniel Ward**], "Off the Bruite Creatures" Liberty 92 and 93 in the *Massachusetts Body of Liberties of 1641*

Pleas for Legislation

1737-1799 | Pleas for Legislation—Anonymous articles on cock-throwing in the *Gentleman's Magazine* as early as 1737 pleaded for "governors and magistrates to exert their authority utterly to abolish so dishonourable, so mischievous, so barbarous and Immoral a custom" and hoped that "the legislature may not think it beneath them to take their sad case into consideration." "But that [cock-fighting and bull-baiting] should not have entirely yielded to the improved state of manners, or the interference of the laws," Samuel Argent Bardsley observed in 1781, is a subject of just reproach to us by foreigners, and of deserved reprobation by the humane and reflecting of our countrymen." Jeremy Bentham in 1789 asked "Why ought they not?...be given those rights which could never have been withholden from them but by the hand of tyranny". Benjamin Rush, a signer of the Declaration of Independence declared he would "find it difficult to restrain my idolatry for that legislature that shall first establish a system of laws, to defend [animals] from outrage and oppression. John Lawrence, proposed in 1796, "that the Rights of Beasts be formally acknowledged by the state, and that a law be framed upon that principle, to guard and protect them from acts of

flagrant and wanton cruelty, whether committed by their owners or others. Thomas Young, observed in 1798 that "the law labours under some imperfection, which may deserve the notice of those able to apply a remedy and the Rev. Charles Daubeny, in 1799 despaired, "for alas! there is no human law to prevent such savage practices."

Early Attempts at Legislation

1800 | Great Britain Paliament, Bill to Prevent Bull-baiting

1802 | Great Britain Parliament, Bill to Prevent Bull-Baiting

1809 & 1810 | Great Britain Paliament-Lord Erskine, Bill to Prevent Wanton and Malicious Cruelty to Animals

Modern Legislative Beginnings

Thomas Wentworth's Act of 1635 in Ireland, as well as Nathaniel Ward's contribution to the Massachusetts Body of Liberties of 1641 establishes American and English law against cruelty to animals almost 200 years prior to the passage of Richard Martin's 1822 Bill to Prevent the Cruel and Improper Treatment of Cattle. However, since these contributions were largely unknown until the late 20th century, the modern era of anti-cruelty legislation is usually traced back to the precedence set by "Martin's Act" and the amendments and legislative enactments against cruelty to animals that followed. However, it is King Asoka, in the 3rd century BCE that we must honor as being the first to decree law not only for the protection of animals, creating the first list of "protected" species but, progressive even by today's standards, proclaiming the slaughter of animals as food or for sacrifice unlawful.

1822-Jul-22 | Great Britain Parliament [**Richard Martin**], **Act to Prevent the Cruelty and Improper Treatment of Cattle**, 1822, July 22.

1826 | Great Britiain Parliament-Richard Martin, Bill to Prevent the Cruel and Improper Treatment of Dogs Motion introduced and withdrawn.

Literature remarking on the

Legislative History of the Humane Movement

1796 | John Lawrence, "'Rights of Beasts'" and "'The Animal-Question'" Annotated Extracts in the Appendix of *Rights of an Animal* by Edward Byron Nicholson.

1875 | Dr. James A. Macaulay, "Means of Prevention, Legal and Educational" Chap. 3 in *A Plea for Mercy to Animals*

1879 | Edward Byron Nicholson, "Conscience and Animal-Rights," Chap. 3 in *The Rights of an Animal: A New Essay in Ethics*

1892 | Henry Salt, "The Principle of Animals' Rights" Chap. 1 in *Animals' Rights*

1924 | Edward G Fairholme and Wellesly Pain, *A Century of Work for the Animals: The History of the R.S.P.C.A., 1824-1924* (New York: E. P. Dutton, 1924).

1965 | E.S. Turner, *All Heaven in a Rage* (New York: St. Martin's Press, 1965).

1968 | Emily Stewart Leavitt, "The Evolution of Anti-Cruelty Laws in the United States." Chap. 1 in *Animals and Their Legal Rights: A Survey of American Laws from 1641 to 1968* (New York: Animal Welfare Institute, 1968).

1975 | Peter Singer, "Man's Dominion...A Short History of Specieism," Chap 5 in *Animal Liberation*, (London: Jonathan Cape, 1975).

1979 | Richard D. Ryder, "The Struggle Against Speciesism," Chap 1 in *Animals' Rights—A Symposium*, Edited by D. Paterson and Richard D. Ryder (London: Centaur Press Ltd, 1979).

2000 | Aaron Garrett, Introduction to *Animal Rights and Souls in the Eighteenth Century* (England: Thoemmes Press, 2000)

사진출처: <http://www.wikipedia.org/>

자료출처:

- 1) <http://www.wikipedia.org/>
- 2) http://books.google.co.nz/books?id=f9tJZz6jDUIC&pg=PA25&lpg=PA25&dq=Martin%27s++Act+1822&source=bl&ots=iZrtoXtVRz&sig=A-cNmr0pkELhh-kLBVS0Aonx6sg&hl=en&ei=MkQJSsGxPIza6gPA6rC2CQ&sa=X&oi=book_result&ct=result&resnum=2#PPA24,M1
- 3) <http://www.animalrightshistory.org/timeline/animal-rights-law.htm>
- 4) http://www.legalaffairs.org/issues/May-June-2004/feature_thompson_mayjun04.msp
- 5) http://www.google.co.nz/archivesearch?hl=en&q=Martin+Act&um=1&ie=UTF-8&scoring=t&ei=KlAJStKoB8mJkQWG-KWuCW&sa=X&oi=timeline_result&ct=title&resnum=11
- 6) <http://learningtogive.org/papers/paper360.html>