

Case No. 15,453. UNITED STATES v. JACKSON.
[4 Cranch, C. C. 483.]¹

Circuit Court, District of Columbia.

Nov. Term, 1834.

CRUELTY TO ANIMALS.

Public cruelty to a cow, and beating her to death in or near a public street in Washington, is an indictable offence at common law, as a public nuisance.

The indictment averred that the defendant [Daniel Jackson], “unlawfully, wantonly, and cruelly, in the public street in the city of Washington, in the same county, and in a public place in the city of Washington in said county, and near the public streets of said city, and dwellings of the citizens thereof, and in view of the said streets and dwellings and said citizens, in said county, did cruelly with clubs and stones, beat, strike, and grievously wound and kill a certain cow, then and there being, the property of a certain Charles A. Howe, of the value of twenty dollars, to the terror and disturbance of the said citizens, and to the common nuisance of the citizens of said county, to the evil example of all others, and against the peace and government of the United States.”

Mr. Morfit, for defendant, moved the court to quash the indictment. The Maryland act of 1809 (chapter 138, § 4) shows that at common law, cruelty to brutes was not punishable. The Virginia cases are founded upon the peculiar qualities of slavery. 3 Chit Cr. Law, 1087; 4 Bl. Comm. 19.

THE COURT (THRUSTON, Circuit Judge, absent) refused to quash the indictment

Upon the trial, the defendant’s counsel contended that it was necessary to prove that the cow died of that beating.

But THE COURT refused to give the instruction; and, at the prayer of the attorney of the United States, instructed the jury that the gist of the offence was the public cruelty to the common nuisance, and it was not necessary for the United States to prove that the cow died of the beating.

¹ [Reported by Hon. William Cranch, Chief Judge.]