

September 2021

# The ACO Voice

A Monthly Magazine from the Animal Control & Care Academy  
The Only National Monthly Magazine Dedicated to Animal Control

## *Origins of Laws Regarding Animals* *- Part 3 -*



[Photo]

IN THE FAR EAST,

[Fall,

An interesting study of His Highness Pratap Singh, the Maharajah of Nabha, with "Sun Chi of Greystones", a true to the old type specimen of the breed. Note the well defined over-nose wrinkle.

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# Origins of Laws Regarding Animals

By Peter Paul

*This is Part 3 of a 3-part series.*

Historically, Asians have not shared Anglo-Saxon sentiment for animals.

Throughout Asian history, emperors, potentates, concubines and aristocracy enjoyed many of the same privileges and prerogatives as their occidental counterparts.

One of the earliest recorded Chinese dynasties was the "Chin" (221-07 B.C.). After the "Chin" destroyed the estates of the vanquished lords and their families, Emperor Chin walled off a vast hunting preserve in which he domiciled the rare beasts and birds that were tributes from the vassal states in the Chinese empire; these animals represented a "microcosm of his vast empire."

In the Sung dynasty (960-1279) the domestication of goldfish and planned inbreeding of this breed was started. In 1780, the imperial concubines promoted the popularity of goldfish. The Japanese also favored goldfish as pets.

Dogs were the favored animal of many emperors in China's history. The ownership of fine breeds symbolized social worth just as it had in Europe.

Animals also became associated with religion. The Pekingese dog came to be associated with Buddhism, the religion of Kublai Khan. Pekingese were considered "Buddha's lion" and represented "subdued passion."

In Imperial China (1700-1905) wild and exotic animals were an important part of society. Ownership of such animals was thought to deify and to place the owner in tune with nature.

"Elysium" for the Chinese meant gardens filled with beautiful plants and flowers, bubbling fountains of water and the warbling of songbirds such as the nightingale. This "lower kingdom" was protected by stone animals in ferocious poses oozing bellicosity.

The Chinese shared many legal concepts with Europeans. Laws were selectively enforced with consideration of the social status of the offender.

In the Yuan dynasty (1208-1368) the Mongol emperors who ruled China at that time utilized the same legal principle of noxal dedito as the ancient Romans. That concept states that if an owner of an object or an animal was responsible for an injury or a death, the owner had to give up the object or the animal or pay damages to the injured party.

If a male or female slave stole an animal such as an ox or a horse, when they were caught, convicted and punished, they could be given to the owner of the stolen property. Similar to Babylonian, Chinese law also provided multiple repayment for theft.

Chinese law could be vague. Their legal rationale revolved as it did in Europe around

"who and what" was involved. Chinese judges were expected to ad lib the legal gaps in their codes by using analogies and applying "catchalls".

The Wu-pa-wa case illustrated this attitude of "ad lib". The accused was the owner of a charcoal business who also owned a mule. While traveling along a narrow mountain road, Wu-pa-wa encountered a person of higher social standing than he coming along the road from the opposite direction.

As a charcoal maker, Wu-pa-wa was of lower caste and was expected to defer to the higher caste person by backing down the road in the direction from which he came. He refused, and in the ensuing struggle, he pressed his mule forward and the higher caste person was killed.

Wu-pa-wa was tried, convicted and sentenced to 100 blows with a heavy bamboo rod and was exiled a thousand miles away.

The Chinese also had laws covering the imperial

*Continued on Page 5*





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stud horses as well as laws covering the care for all domestic animals.

During the Mongol rule of China, Marco Polo made his epic journeys overland from Italy. The Chinese taught him advanced veterinary techniques for treating horse ailments and how to make pasta. It must have been a surprise to Polo that people could be poles apart geographically, never have contact, and yet share similar laws.

Around 1150 B.D., Emperor Wu of the Chan dynasty laid out what is thought to be one of the first zoological gardens in history. Wu named his garden "the park of intelligence".

Kublai Khan, one of the greatest Chinese rulers, owned all of the zoos in China. These were considered his personal property and could only be viewed by privileged groups on special occasions. This restriction remained in force until the end of Imperial China at the conclusion of the Boxer Rebellion in 1905.

During the Meiji era of modern Japan in the late 1800's, the Japanese formulated laws regarding animals. Japanese law addressed harm to people and property rather than the harm done to animals.

Some interesting Japanese laws were: "Forbidden is to tie-up a horse or cattle to a marker or to damage the stone marker" (signpost or geographic marker). "Forbidden is to fail to provide a dog with a tag that indicates its owner's name or to keep a dog without treatment that is sick with rabies so that it harms men and animals."

The Japanese had laws similar to the Visigoths' laws on hunting: "Forbidden is to interfere with another person's hunting grounds. Forbidden is to dig pits on mountain sides for trapping animals."

Many Japanese are Buddhists. This religion predominates in some parts of Asia. Theologically Buddhism prohibits animal sacrifice but doesn't impose its doctrine. One of the interesting contradictions in Buddhism is that according to the scriptures of the Theravada school, the Buddha allowed his followers to eat flesh if they did not slaughter the animal. Muslim or Christian butchers slaughtered for them.

In the Northern Luzon province of the Philippine Islands, the Ifugao tribe law stated that, "animals are attributed with legal personalities. It is an assault of a personal nature to maliciously kill an animal."

The Spanish, who discovered the Philippines, were also the first people to ship food animals on ocean voyages. After the first trips of Columbus to the New

*Continued on Page 6*



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World, the Spanish began shipping horses and cows to South America.

It took two months to cover the 2,500 miles from the Canary Islands to Santo Domingo. Because water was short and most captains didn't know how to conserve fodder and water, many horses were dumped overboard in an area of the Atlantic where winds were scarce and the ship was becalmed. This area became known as the "Horse Latitudes."

Cattle brought to the Americas flourished except in the high altitude area around Bogota, Columbia. Around 1550, the Spanish passed laws forbidding the movement of cattle out of certain areas and also restricted which kind of cattle could be slaughtered.

Francisco Pizzaro, a former swineherder in Spain, conquered Peru and paved the way for the great cattle industry in the Pampas. The cattle industry grew because it supported the mining industry. After gold and silver, the miners preferred beef.

In 1776, the Spanish viceroy, in a primitive animal control policy, included in his land grants the right to appropriate wild cattle and horses in the areas the land

grant covered.

In 1519 at Tenochitlan, Mexico, the Spanish discovered the richest zoo in the world. That zoo contained jaguars, pumas, the finest plumed birds, rare fish in aquariums, large raptors and even a buffalo " ... which came from the country to the north".

Diaz Del Castillo, one of Cortez's captains, wrote that Lord Montezuma loved to display his zoo which also had several veterinarians and over 300 keepers who tended his "birds of prey". These predators were fed poultry and the flesh of sacrificial victims.

Human dwarves were also kept in cages along with bearded women. Food was thrown to them just as it was thrown to the animals.

In 1756 at the first General Hospital in Pennsylvania, the " ... mentally ill were also treated like animals." These unfortunate discards of colonial society were often denied food, kept naked in their cells and the same methods were used on them as were used on breaking wild horses.

In 1521, the Spanish Conquistadores decided to break Aztec resistance. The Spanish artillery destroyed

*Continued on Page 7*

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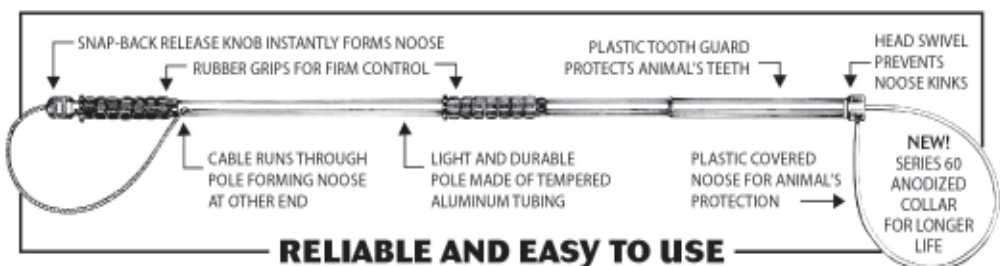
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one of history's greatest zoos during the siege, whereupon the starving people killed and ate all of the zoo animals.

The two strongest culinary taboos in Anglo-Saxon culture are eating horse and dog meat.

The horse meat taboo dates from 732 A.D. At the Battle of Tours in France, Charles Martel defeated the Arab invasion of Western Europe. The victory was attributed to the use of heavier horses of Belgian, Friesian, and Rhineland stock, which proved superior against the light cavalry of the Arabs.

For nearly 800 years, Europe was saved from Mohammedanism, which the Roman Catholic church considered to be heathen.

For centuries the Germanic and French tribes considered horse meat a delicacy. Germanic custom dictated that horses were dedicated to the pagan gods before they were killed and eaten at tribal feasts.

About this time, Pope Gregory II dispatched St. Boniface to "Christianize" the Germanic tribes. Boniface had no personal objection to the local custom of eating horse meat or any other domestic flesh except that of dogs and cats. Gregory II shared this sentiment.

But Pope Gregory III didn't agree with this benign theological neglect. He imposed a ban on the eating of horse meat. His rationale was that the ban would then reinforce Christian doctrine since the Germans hadn't entirely rejected heathen ways.

The Germans defied Gregory's ban. St. Boniface resigned from his post and was later martyred by the Friesians, who were also opposed to Christian pacification.

But the ban endured. Horse meat was considered inferior to beef or pork. Horse meat was eaten only in times of famine, or in France, where it is sold in special shops designated "Cheval".

The English have a particular aversion to horse meat, yet during World War I, at the Battles of the Somme 1915-16, Colonel Trevor Hodges, the last British survivor of Gallipoli, observed the British cavalry charge the German machine guns repeatedly. Naturally, the Germans made mincemeat out of the horses, " ... and for a whole month

the entire British army ate horse meat . . . all those beautiful horses."

Otherwise, throughout history horses were the supreme animal status symbol ... to be shown, raced and ridden, but not to be eaten.

The cultural taboo on eating dog did not extend to Asians. Dog has always been a culinary delight, and even suckled as puppies by native mothers on certain Polynesian islands.

In the United States during World War I, and to an extent during World War II, meat was rationed. In some

rural southern areas stray dogs substituted for beef in many a stewpot.

Rattlesnake is also a culinary taboo except to the sagebrush gourmets and Texans. But during the early colonial days rattlesnakes flavored hams. John Bernard, a writer of the period, called "Virginia hams



the finest I have ever eaten," and attributed their virtues to the great numbers of rattlesnakes that hogs ate in the wild. New York City was so unsanitary at the time that even the hogs refused to eat the garbage. The city was further described as "pestilential," and had one of the largest animal dumps for dead animals in the U.S.

Such unsanitary conditions did not deter food and beverage manufacturers. In 1835, a case was tried in Albany, New York, over the "libeling" of a product. At the trial it was proven that the "local brewery that was famous for the rich flavor of its beer and ale had drawn its water from a pond into which drained the debris from a slaughterhouse, a glueworks, the effuse of flora, local privies, and the disintegrated corpses of stray dogs and cats."

During this period, New York City also went to the hogs. Or so observed Charles Dickens over here on a literary tour. "Take care of the pigs. Two portly sows are rolling behind this carriage, and a select party of half a dozen gentlemen hogs have just now turned the corner ... ugly brutes."

Long after New York City corralled its hogs, instead of going to the dogs, Cincinnati went to the hogs. Hogs

*Continued on Page 8*



roamed at large, but once a month were rounded up to be sold at auction. The proceeds went into the municipal treasury.

But between auctions, anyone who wanted some ham on the hoof could chase down a porker and kill it for his own use.

Cincinnati became known by the pet name, "Porkopolis".

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## **Basic Animal Control Officer Certification**

**Hosted by Animal Control of Cusseta-Chattahoochee County**

**September 13-16, 2021 - Cusseta, Georgia**

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

## **Chemical Immobilization Certification**

**Hosted by Animal Control of Cusseta-Chattahoochee County**

**September 17, 2021 - Cusseta, Georgia**

Schedule of Training: Chemical Immobilization Certification

## **Chemical Immobilization Certification**

**Hosted by the Elgin Police Department - Animal Control Division**

**October 4, 2021 - Elgin, Illinois**

Schedule of Training: Chemical Immobilization Certification

## **Advanced ACO/HLEO Certification Course**

**Hosted by Animal Control of Cusseta-Chattahoochee County**

**October 18-22, 2021 - Cusseta, Georgia**

Schedule of Training: Animal Control and the Criminal Justice System; Proactive Animal Control; Animal Attack Investigation and Reporting; Officer Safety in the Field; Animal Crime Scene Photography, Videography and Sketching; Animal Hoarding Investigations; Using Forensics in Animal Cruelty Investigations; Obtaining and Executing Search Warrants; Illegal Animal Fighting; Livestock and Exotic Animal Investigations

## **Shelter Technician Certification**

**Hosted by the Alabama Animal Control Association**

**October 23-25, 2021 (Saturday-Sunday-Monday) - Mobile, Alabama**

Schedule of Training: Animal Care in a Sheltering Environment; Animal Disposition Options; Animal Identification: Breed and Description; Animal Shelter Maintenance; Animal Shelter Record-Keeping; Canine and Feline Behaviors and Assessments; Disease Exposures in a Sheltering Environment; Emergency Animal Sheltering; Proactive Animal Sheltering

## **Shelter Technician Certification**

**Hosted by Animal Control of Cusseta-Chattahoochee County**

**November 8-10, 2021 - Cusseta, Georgia**

Schedule of Training: Animal Care in a Sheltering Environment; Animal Disposition Options; Animal Identification: Breed and Description; Animal Shelter Maintenance; Animal Shelter Record-Keeping; Canine and Feline Behaviors and Assessments; Disease Exposures in a Sheltering Environment; Emergency Animal Sheltering; Proactive Animal Sheltering