

## CHAPTER V

### STATE ACTIVITIES FOR ANIMAL WELFARE

SEVEN states—Colorado, Minnesota, Montana, Washington, West Virginia, Wisconsin and Wyoming—have state agencies for the enforcement of anti-cruelty laws and the protection of animals and children. Of these, the Colorado State Bureau of Child and Animal Protection formed in 1901,<sup>1</sup> has achieved the best organization.

Before 1901 there had been a state humane society with powers to establish branch organizations throughout the state. Lack of necessary means, however, confined its activities entirely to the city of Denver. It was felt by the officers and directors of this society that it was not a charitable or benevolent organization but an arm of the law, and as such, should be supported by general taxation. Accordingly, bills were introduced in the legislatures of 1897 and 1899, designed to make the Society an official state agency supported by legislative appropriation. Because of apathy rather than active opposition, both bills failed to pass. Finally, in 1901, after considerable agitation, sufficient interest was aroused to secure the passage of a law constituting the Colorado Humane Society a State Bureau of Child and Animal Protection.<sup>2</sup>

The act did not change the society's organization, nor

<sup>1</sup>Cf. McCrea, *op. cit.*, pp. 216-217.

<sup>2</sup>Except where otherwise indicated this account of the Colorado Bureau is drawn from F. Morse Hubbard, *Prevention of Cruelty to Animals in the States of Ill., Col. and Cal.*, p. 37, *et seq.*

did it in any way interfere with its internal affairs. Those were still controlled by its by-laws. It did, however, provide that the governor, the superintendent of public instruction and the attorney general, should be ex-officio members of the Bureau's board of directors. It also provided that the Bureau should hold annual meetings at the state capital for the transaction of its business and the election of its officers, and for the consideration of questions relating to child and animal protection; and that the Bureau should make annual reports to the secretary of state in regard to its work, which the secretary of state should publish in pamphlet form and distribute to certain of the state and county officers, newspapers, and state and educational institutions. The law was accepted by the Society and straightway went into effect.

Under the present organization of the Bureau, the board of directors consists of eighteen members, three of whom are the state officers mentioned in the act creating the Bureau. The policy has been to divide the other fifteen members as equally as possible between the two leading political parties. The officers and employees are selected with a view to fitness and experience and not because of political affiliations. They are subject to recall and to civil service rules as are other officers and employees of the state. The salaried officers are a secretary, a clerk and three state officers. Two of the state officers are occupied for the most part with work in the city of Denver, and the other devotes his entire time to traveling about the state. As occasion demands, he is assisted in this state-wide work by one or both of the other officers.

Naturally this small force is not adequate to meet the needs of the state. Consequently, great dependence is placed upon the system of volunteer officers which was inaugurated by the Colorado Humane Society. Any person

of good standing and judgment may be appointed a volunteer officer after making a sworn application to the Bureau and obtaining the endorsement of at least four reputable citizens of his town or county, one of whom must be an official.<sup>1</sup>

According to its act of incorporation,<sup>2</sup> the duties of the Bureau are; (1) to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals; (2) to assist in organizing branch societies and to appoint local and state humane agents; (3) to assist such societies and agents in the enforcement of anti-cruelty laws; (4) to promote the growth of education and sentiment favorable to the protection of children and dumb animals. Before its incorporation as a state bureau, the Colorado Humane Society had organized five branch societies. After 1901 this branch organization collapsed and the sole remaining branch located at Colorado Springs incorporated itself in 1906 as the El Paso County Humane Society. Since 1910 two new societies have been formed at Boulder and Leadville under the auspices of the State Bureau.

From the time of its founding, the Bureau has not always maintained friendly relations with the state administration, and the resulting unpleasantness amounted to open conflict in 1903, in 1906, and again in 1915.<sup>3</sup> This last disagreement, arising out of a controversy between the Bureau and Judge Lindsay of the Denver Juvenile Court dating back to 1911, had most serious consequences for the Bureau. In May 1915, Governor Carlson vetoed the appropriation made by the legislature for the work of the Bureau, suggesting that the Bureau's work for children

<sup>1</sup> Manuscript letter of July 1923.

<sup>2</sup> *Col. Sess. Laws*, 1901, pp. 191-192, sec. 3.

<sup>3</sup> Hubbard, *op. cit.*, pp. 61-64.

could well be taken over by the State Home for Dependent Children, and its animal work by the game wardens.<sup>1</sup>

The Bureau was faced with two alternatives—either to discontinue its activities until Governor Carlson's term should end and so lose its prestige, or else to appeal to the public for its entire financial support and so run the risk of dissociating itself from the state government. It denied the governor's charge of duplication of activities and made a direct appeal to the citizens of Colorado for private support to carry its work over until 1917, when Governor Carlson's term would end. As part of this program of appeal, pamphlets were issued, explaining in vivid terms the work of the Bureau to the citizens of the state, and it is believed by the officers of the Bureau that this type of publicity brought the work of the Bureau to the attention of many people in Colorado for perhaps the first time.<sup>2</sup>

The Bureau weathered this crisis by radically curtailing several departments of its work, and since 1917 has experienced no further trouble. Moreover, whereas before 1915 it received an annual appropriation of only \$7,800, since 1917 it has received \$10,500 each year. In addition, it has been able to count on varying contributions from private sources, resulting from the appeal made from 1915 to 1917; during 1921 and 1922 these contributions amounted to \$2,662.50.

The Colorado Bureau has always prided itself on being an efficient organization. Its secretary writes, "The system of a State Board of Child and Animal Protection, free from political influence but responsible to the State, is so far superior to any other system of child and animal protection yet tried, that there is in many important ways but little ground for comparison. The per capita cost of

<sup>1</sup> Pamphlet, *To the Fathers and Mothers of Colorado*, issued by the Colorado State Bureau of Child and Animal Protection in 1915.

<sup>2</sup> Manuscript letter of July 1923.

dealing with our cases is the lowest known." Several authorities corroborate the Bureau's estimate of itself.<sup>1</sup>

In 1907 the Wyoming Humane Society was constituted a State Board of Child and Animal Protection.<sup>2</sup> In 1910 it was still in the stage of development, and spoke of its work as "just getting under way". It operated through a state agent, a special officer, and a force of eighty-five volunteer officers to cover the state. During the year it handled cases involving five hundred and sixty-eight children and four thousand three hundred and thirty-three animals.<sup>3</sup>

During the following year it followed a double program. On the one hand it began a campaign to force the attention of the school authorities to the statute providing for humane education; in this it had the cooperation of the Colorado Bureau. It also endeavored to prevent as much as possible the cruelties then practiced in sheep-shearing.<sup>4</sup> The sheepmen's and rangers' associations of the state lent it all assistance.

In 1913 a reorganization of the Board was effected. It now became known as the Wyoming Humane Society and State Board of Child and Animal Protection. Its government was now vested in a board of nine directors, a majority of whom had to be appointed by the governor of the state; they controlled the election of the president, vice-president, state humane officer and secretary. Three members of this Board were designated an executive committee to transact the current business of the Board when the

<sup>1</sup> Cf. William Henry Slingerland, "Child Welfare Work in Colorado", in the University of Colorado Bulletin, vol. xx, no. 10, p. 75, *et seq.*

<sup>2</sup> *Wyo. Sess. Laws*, 1907, ch. 82.

<sup>3</sup> *Wyoming State Board of Child and Animal Protection, Biennial Report for 1911 and 1912.*

<sup>4</sup> Cf. *infra*, p. 120.

Board was not in session. It was expected that the state humane officer and the secretary would organize local auxiliary societies throughout the state.<sup>1</sup>

The governing board of nine directors proved to be an unwieldy institution, as in practice it was found difficult to obtain a quorum at regular intervals. On the suggestion of the governor of Wyoming, it was decided in 1919 to free the Wyoming Humane Society from state ties, and in its place to create the office of Commissioner of Child and Animal Protection. Legislation to this effect was passed.<sup>2</sup> The term of the Commissioner's office is two years, and his salary \$2500 a year. He is expected to cooperate with the Wyoming Humane Society. Recently a new Commissioner, formerly with the Salvation Army, and very much interested in child welfare, has been appointed, and it is to be expected that in the future, more emphasis will be placed on child rather than animal protection.<sup>3</sup>

The Montana Bureau of Child and Animal Protection is similar in organization to that of Colorado.<sup>4</sup> However, because of insufficient appropriations during recent years, it has not been able to accomplish its work effectively. In Washington the state humane society was likewise constituted a state bureau in 1913.<sup>5</sup> It too has languished through insufficient appropriations.

In West Virginia a state board was organized in 1899 to be known as the "West Virginia Humane Society".

<sup>1</sup>*Wyoming Humane Society and State Board of Child and Animal Protection, Biennial Report for 1917 and 1918*, p. 5.

<sup>2</sup>*Wyo. Sess. Laws*, 1919, ch. 32.

<sup>3</sup>*Wyoming Commissioner of Child and Animal Protection, Biennial Report for 1921 and 1922*.

<sup>4</sup>By *Sess. Laws of 1903*, ch. 115, the state humane society was constituted a state bureau.

<sup>5</sup>*Wash. Sess. Laws*, 1913, ch. 107.

It had the same duties as the Colorado Bureau, but its annual appropriations were much smaller.<sup>1</sup> In 1919 its child work was taken over by the State Board of Children's Guardians. The Minnesota Society for the Prevention of Cruelty was constituted a state bureau in 1905.<sup>2</sup> It has a board of directors consisting of thirty members, the governor of the state, the attorney-general and the superintendent of public instruction being ex-officio. Current business is transacted by an executive committee of seven. The Society receives a biennial appropriation of \$13,000.<sup>3</sup>

In 1919 the Wisconsin legislature passed an act providing for a State Humane Officer with powers of a police officer and constable, who should superintend and assist in the organization of humane societies in the counties of the state and who should administer and enforce the humane laws and promote humane education.<sup>4</sup> Wisconsin differs from the other states thus far noted which participate in humane work by not providing a bureau or state board to cooperate with the officer, although in many ways the arrangement is similar to the provision for a Commissioner in Wyoming.

The object of the legislation was to localize humane work and make it a distinct activity of each county. In this way it was expected that humane work would be made more effective through gaining the interest and support of members of the organized local humane societies; immediate relief in cases of cruelty would thus be provided locally, and the expense would be saved to the state which would have been incurred in attending to details which might be performed by county organizations.

<sup>1</sup> McCrea, *op. cit.*, p. 19; *cf. W. Va. Code of 1906*, sec. 15J, amended by *Sess. Laws*, 1907, ch. 40.

<sup>2</sup> *Minn. Sess. Laws*, 1905, ch. 274.

<sup>3</sup> Manuscript letter of May 26, 1923.

<sup>4</sup> *Wis. Sess. Laws*, 1919, ch. 359.

By means of personal visitation, correspondence, newspaper publicity and other public notices, a public meeting is arranged for within the county to be organized, generally at the county seat. At this meeting, which is usually under the direction of the State Humane Officer, the purpose and plan of a county humane society is explained, a society is organized, officers and a board of directors elected, by-laws adopted, and plans made for the incorporation of the society. These county humane societies are formed either as independent organizations or as branches of the Wisconsin Humane Society.<sup>1</sup> Seven were formed or reorganized during the first year of the Officer's activity.<sup>2</sup>

Where county societies do not at present exist, the State Humane Officer undertakes the enforcement of the anti-cruelty laws through county humane agents, and in his own words, "wherever practicable, a policy of admonishment rather than a policy of arrest of the offender" is adopted.<sup>3</sup> As rapidly as county humane societies are organized and county humane officers are appointed, local humane law enforcement is turned over to them.<sup>3</sup>

In 1921 the biennial appropriation was increased from \$6,000 to \$10,000.<sup>4</sup>

The taking over by the states of functions usually exercised by private societies has been looked upon with mixed feelings by humanitarians. There are many who have denounced it on the ground that it tied humane activities to party politics, and that the impersonal administration of animal protective and animal welfare activities by the States could never be as keen as when these activities were in the

<sup>1</sup> *Wisconsin Department of Humane Work, Report for 1920*, p. 8.

<sup>2</sup> *Ibid.*, p. 9.

<sup>3</sup> For chart of the activities of the State Humane Officer, *vide* appendix v.

<sup>4</sup> *Wis. Sess. Laws, 1921*, ch. 157.

hands of interested humanitarians. It should also be noted that many of the most progressive humane workers favor it greatly.

The history of the Colorado Bureau, and particularly its controversy with Governor Carlson, lend support to the arguments of those who object to state participation in humane work. Nevertheless the Colorado Bureau can point to a satisfactory record of accomplishment. It is by no means certain that the "bureau" or "state board" is the best organization for state humane administration. Wyoming experimented with it under various forms and eventually rejected it. Wisconsin's "state agent" is considered by many a distinct advance along this line.

The period since 1910 has been one of experimentation, so far as concerns state humane activities.